

Council Member
Councillor Martin

Public

Contact Officer:
Iliia Houridis, Director City
Shaping

MOTION ON NOTICE

Councillor Martin will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council

Noting the success of the program to encourage hospitality businesses to increase their outdoor offering in response to dining preference changes during the Covid pandemic, asks the Administration to work with businesses to solve problems related to the overnight storage of such furniture for a period of one year to enable the transition to pre Covid dining preferences.'

ADMINISTRATION COMMENT

1. The proposed motion is largely in line with our current approach to activating the city and supporting businesses to offer a range of outdoor dining options.
2. Following the adoption of the revised Outdoor Dining Guidelines in September 2014 (Link 1 view [here](#)) which supported a position of no fixed furniture, the majority of outdoor dining furniture is now removeable, with businesses required to take it in and out each day.
3. Our approach to ensuring furniture is removed from the footpath after-hours is guided by our City Safety Enforcement Guidelines (Link 2 view [here](#)), which take an educative approach to addressing such issues.
4. The intention of the motion - to support solutions that enable businesses to continue offering outdoor dining as part of managing capacity during times of restrictions and transitioning back to pre-COVID operation and related storage challenges - is allowed for in our current approach.
5. Virtually all businesses with outdoor dining achieve this. For some smaller venues this has required innovative thinking, and we work collaboratively during the permit application process and when engaging with businesses on-site during our monitoring activities to achieve compliance.
6. For existing permit holders, new applicants and those who have engaged with us through Council's Reignite Adelaide initiatives, we are clear at the outset that outdoor dining furniture needs to be removeable, and that it must not remain in the public realm when the business is closed. Exceptions to this are greening items such as planter boxes, which we clearly communicate to customers can be left out after-hours.
7. We do have an obligation for consistency, safety, accessibility and the aesthetics of the city to enforce compliance for items repeatedly left in the public realm without permission. This includes outdoor dining furniture, A-Frames and display tables among other items.
8. We understand some businesses would prefer to leave furniture out in the public realm for ease and resource savings. To date we are not aware of many complaints with our current approach and are able and keen to work with the few businesses that may need support.

9. If supported, in implementing this motion we will continue to collaborate with businesses and stakeholders to seek solutions that meet the guidelines set by Council.
10. We understand that this motion does not seek that outdoor dining furniture remain on the footpath or in the public realm.
11. A focussed approach would be to deal with businesses with current challenges in meeting reasonable timeframes so that we can continue to manage via our existing guidelines and approach.
12. To this end we would recommend consideration of the following key points:
 - 12.1. a focus on dealing with identified businesses, noting the high level of compliance that does exist;
 - 12.2. a more concise and defined time frame to assist the few businesses identified to manage their outdoor furniture;
 - 12.3. acknowledge the changing environment of COVID restrictions that continues to be addressed and relaxed by the State Government.
13. If the motion is supported in principle, consideration of an amendment to the motion to remove the phrase 'for a period of one year' would provide the desired flexibility within our current approach to working with businesses on solutions to a return to pre-COVID dining preferences, without limiting our ability to achieve compliance with our guidelines.
14. Should the desired outcome be that outdoor dining furniture remaining on the footpath is considered a viable solution for a one year period or otherwise, we anticipate it would lead to substantially more furniture being left out at all times due to the ease and resource savings it could provide, with consequences for the consistency, safety, accessibility and the aesthetics of the city.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

- END OF REPORT -