



# Alfresco Dining Guidelines

(Also known as a Licence to Establish and Conduct an Eating Area in Streets and Other Public Places)

## What is Alfresco Dining?

Alfresco Dining (also known as a Licence to Establish and Conduct an Eating Area in Streets and Other Public Places) is an area designed to be used by the general public for dining purposes on a street verge or in a public place, immediately adjacent to a food premises.

These guidelines seek to provide consistency in the City of Mandurah's approach in dealing with proposals for alfresco dining.

**Please note: An Alfresco Dining Licence is separate from an Eating House Licence (which is assessed by the City's Environmental Health Services section).**

## Objectives of the Alfresco Dining Guidelines

To ensure that footpath and public alfresco activities are carried out in a way that promotes a healthy, safe and comfortable environment for the community, while adding vibrancy and character to public streets/areas.

Utilising the footpath or public area for alfresco dining is an opportunity, not a right. Council and the community expect all proprietors to abide by best practice and certain common principles on which the local law and the objectives listed below are based.

The objectives are to ensure and maintain:

- A) Licence Compliance
- B) Community Amenity
- C) Hygiene and Cleanliness
- D) Safety and Accessibility



A single row of table & chairs contained within the approved area, leaving a clear and safe access-way for pedestrians

### A) Licence Compliance

- Proprietors to ensure compliance with all relevant Health Legislation prescribed in the Health Act 1911 and associated regulations and Local Laws.
- Dining furniture to remain within the approved alfresco area at all times.
- Failure to comply with licence conditions can result in penalties ranging from infringements to revoking the licence.
- Non-licence holders who engage in alfresco dining can face legal action.
- It is a condition of approval that a current alfresco dining licence is displayed in a conspicuous place within the food premises.

## B) Community Amenity

The provision of alfresco dining boosts trade for other retailers, as well as enhancing and enriching the City's image and lifestyle. It also increases social interaction, community trust and creates opportunities for informal surveillance that assists in the reduction of street crime.

## C) Hygiene and Cleanliness

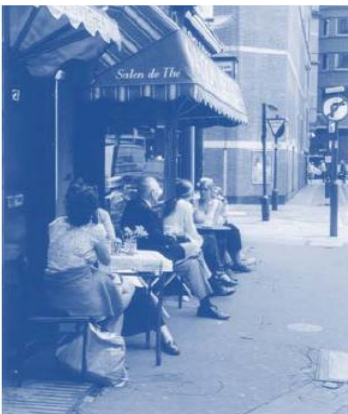
- As soon as patrons leave, tables, chairs and the immediate area should be thoroughly cleaned and made free from food scraps and litter. This assists in reducing opportunities for bird life becoming accustomed to scavenging.
- Dining furniture should be easily moveable to allow for footpath cleaning.
- Dining furniture (tables, chairs and other structures) should be maintained in a good and serviceable condition at all times.
- Dining furniture should not be in the alfresco area outside the times stipulated on the licence, again to allow for cleaning and to reduce any potential hazards.
- Council's Environmental Health Services section will carry out inspections of the alfresco dining area as well as the food premises.

## D) Safety and Accessibility

- Pedestrian movement on the footpath and in the public area should be free moving, safe and unobstructed.
- Dining furniture should be well constructed and not a hazard. It should be able to withstand windy conditions and positioned only within areas allowed in the licence.

### What Requires Approval

A food premises needs to obtain approval from the City to provide an alfresco dining area designed to be used by the general public for dining purposes on a street verge or in a public place, immediately adjacent to a food premises.



A food premises is generally *not required* to obtain approval from the City to conduct an alfresco area which is on private property or for tables/chairs under the food premises canopy/verandah ensuring the dining furniture does not exceed the shop front.

Any variation to an existing alfresco dining area requires approval.

Use of the alfresco dining area for the consumption of alcohol will require a licence from the Department of Racing, Gaming and Liquor (contact details below), in addition to obtaining Section 39 & 40 Certificates from the City of Mandurah.

Web: [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au)

Phone: (08) 9425 1888

Location: Level 1, Hyatt Centre  
87 Adelaide Terrace  
EAST PERTH WA 6004

Mail: PO Box 6119  
EAST PERTH WA 6892

## **Obtaining Approval**

An alfresco licence is required under the City of Mandurah's Consolidated Local Laws (Part XII - Eating Area in Streets and Other Public Places) prior to operating an alfresco/outdoor dining area. If the application is approved, an alfresco licence will be issued and this is reviewed and renewed annually before 1<sup>st</sup> July each year.

An application form is required to be completed and submitted to the City of Mandurah and **must be** accompanied by the information listed below (as a minimum).

- two copies of a plan and specifications of the proposed eating area at a scale of 1:50 showing -
  - the location and dimensions of the proposed eating area and the means by which the eating areas are to be separated from the balance of the street or public place; and
  - the provision of all tables, chairs and other structures proposed to be provided in the eating area and which of such items, if any, are to be retained within the eating area at all times;
- details of the eating house name;
- written particulars of arrangements made in respect of public liability insurance of not less than \$10 million;
- a colour photograph or manufacturers colour brochures of the tables, chairs and other structures to be set up in the eating area;
- days and hours of operation;
- a written statement of the manner in which foodstuffs and other dining accessories are to be conveyed to, and protected from contamination within, the eating area; and
- payment of appropriate fee (\$100 for initial application/\$50 for renewal) *There is no fee charged for transfer at this current stage.*

Where the City of Mandurah approves an application it shall issue a licence outlining:

- Conditions to be complied with;
- Maximum number of tables allowed;
- Approved alfresco dining area;
- Validation dates (a licence is valid until 30<sup>th</sup> of June of each year); and
- Stamped plan showing the approved alfresco area and table locations in relation to the food premises.

## **Renewal of Current licences**

Alfresco Dining Licences are required to be renewed by **July each year**.

The City of Mandurah will send renewal advice to each licence holder by the middle of May each year, which shall include (other information may be requested as deemed necessary):

- ⑩ Covering Letter advising of date to return renewal form and required information (generally the date to return this information is mid June to allow time to process renewal and issue advice by 1 July);
- ⑩ Renewal Form; and
- ⑩ Copy of previously approved alfresco plan.

Licence holders are required to return the renewal form by the return date listed on the covering letter and include the following items with the renewal form:

- ⑩ Renewal Fee - \$50;
- ⑩ Copy of current public liability insurance to the value of \$10 million; and
- ⑩ Outline any proposed alterations/change sought to existing approval.

***Licence holders must ensure that the renewal form is completed correctly. I.E. Name, Postal Address, Food Premises Name, Details of the Eating Area (Q1 to Q8) and submitted to the City of Mandurah by the nominated return date.***

Under Part XII - Eating Area in Streets and Other Public Places (City of Mandurah's Consolidated Local Laws) the Council under subsection 13.7.3, may

- ⑩ Refuse the application; or
- ⑩ Approve the application on such terms and conditions, if any, as it sees fit.

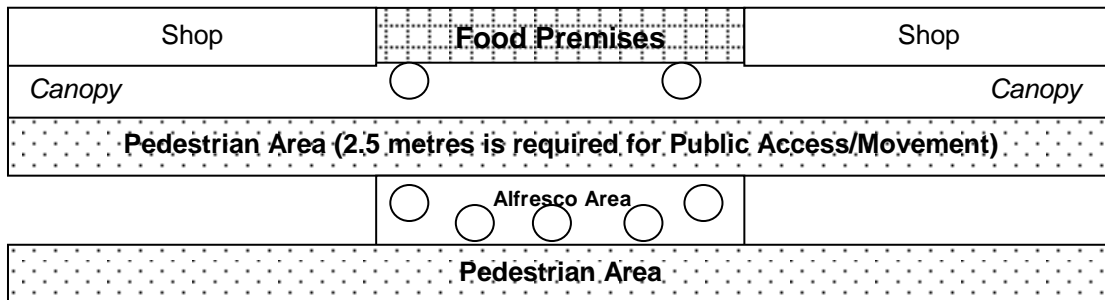
Subsection 13.7.3 (Part XII - Eating Area in Streets and Other Public Places) states that:

*"If an application for a renewal of a licence is not received by the Council by the 1<sup>st</sup> of July, Council may refuse to consider the application".*

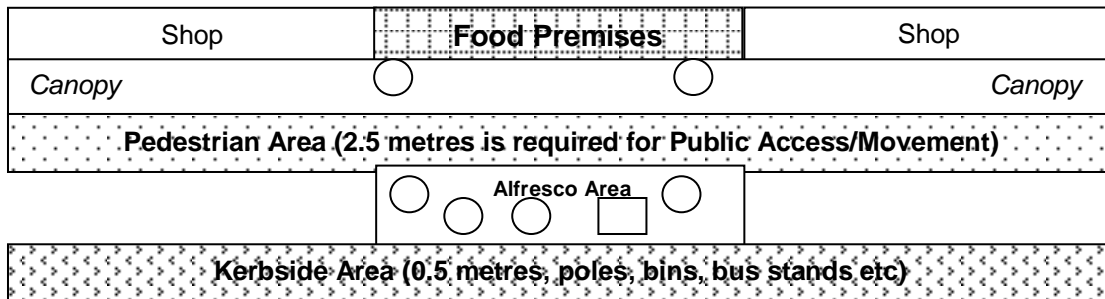


## Examples of Alfresco Arrangements

### Public Area Dining



### Street/Footpath Dining

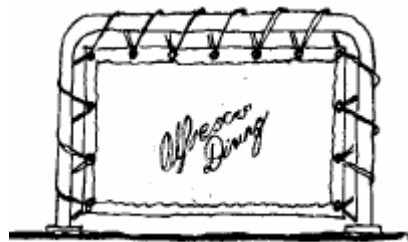


- Table
- Planter Box

Remember that dining furniture needs to be within the alfresco area at all times which may restrict the number of chairs and tables the alfresco area can contain.

It is desirable that all alfresco areas should be contained within a clearly outlined/physically demarcated area and the City of Mandurah suggests utilising temporary barriers to facilitate this. If temporary barriers are used they are considered dining furniture and should be removed at the end of day the same as tables/chairs/signs.

### Example



## **Signage**

- ❶ One portable sign of dimensions outlined below is permitted per food premises.
- ❶ The portable sign must be located within the approved alfresco area, must not impede pedestrian traffic and is to be removed at the close of each trading day.
- ❶ A portable sign is a free standing portable advertising device not permanently attached to a structure or fixed to the ground or pavement and includes an "A" frame sign.

### Sign Specifications:

- ❶ Not to exceed 1.2 metres in height above the finished ground or pavement level.
- ❶ Not to contain more than two sign faces.
- ❶ Not to exceed 1 square metre total area on any single sign face.
- ❶ Not to be illuminated, incorporate reflective or fluorescent materials.
- ❶ Not to have moving parts.



Example Only

## **Infringements/Cancellation of Licence**

Under Part XII - Eating Area in Streets and Other Public Places (City of Mandurah's Consolidated Local Laws) the City of Mandurah is able to cancel a licence where the licence holder has not complied with their approval, the Health Act and/or the Local Law.

Some examples of non-compliance are:

- ❶ Tables and chairs outside of the approved alfresco area;
- ❶ Additional tables/chairs (over the approved amount) within the approved alfresco area;
- ❶ Additional signage;
- ❶ Alfresco area not kept in clean and tidy manner;
- ❶ Unsafe dining furniture;
- ❶ Provision of alcohol without an approved Section 39 or Section 40; or
- ❶ Tables and Chairs impeding the safe pedestrian/traffic flow.

## **Dining Furniture Suggestions**

When applying for an alfresco dining area you will need to send in details of the furniture you intend to use. The City needs to know the sizes, materials used and the manufacturer details. You must, therefore, submit the manufacturers' brochures for this purpose.

### Suggestions

- A) As all furniture and equipment must be removed and stored at night, use furniture that is easily stacked or folded.
- B) Avoid plastic garden furniture as it is inconsistent with promoting a positive image, is unlikely to be strong enough for constant use and can be hazardous in windy weather. It also ages badly and soon looks dirty.
- C) Choose furniture which is strong, stable and durable enough for heavy use and is easily wiped down and dried after rain or clearing.
- D) Umbrellas should be capable of being folded down and removed when weather permits and stable enough to withstand strong winds. They should not overhang footways or interfere with pedestrian traffic or vehicle sight lines.

## **Transfer of an approved Alfresco Licence**

When a food premises has changed proprietors, a transfer of the approved alfresco licence is required. This is done by:

- Completing the required transfer form (ensuring it is signed by the former licensee and the proposed transferee of the licence), submitting to the City of Mandurah for approval; and
- Including any information that the City of Mandurah may require to enable the application to be determined.

There is no applicable fee for the Transfer of an approved Alfresco Licence at this point of time.

Where the City approves the transfer of a licence it is not required to refund any part of licence fee paid by the former licensee.

***Please note: This procedure is separate from a Transfer of an Eating House Licence (which is assessed by the City's Environmental Health Services section).***

### **Applicable Forms**

- Application for a Licence to Establish an Eating Area in Streets and other Public Places (used for renewals as well)
- Application to Transfer a Licence Establish an Eating Area

### **Further Information**

Part XII - Eating Area in Streets and Other Public Places (City of Mandurah's Consolidated Local Laws);

Local Planning Policy No 9 – Advertising Devices; or

Alternatively contact the City of Mandurah on 9550 3777.

### **Please Note**

These Guidelines are a working document and can be reviewed and upgraded at any time, as the need arises.

Administration Centre: 3 Peel Street, Mandurah WA 6210  
Postal Address: PO Box 210, Mandurah WA 6210  
Tel: 08 9550 3777 Fax: 08 9550 3888  
Email: [council@mandurah.wa.gov.au](mailto:council@mandurah.wa.gov.au) Website: [www.mandurah.wa.gov.au](http://www.mandurah.wa.gov.au)