

Management Report to Council

Agenda item 6.9a
Council
30 October 2018

Place of Public Entertainment (POPE) fee waiver request

Presenter: Katrina McKenzie, Director City Economy and Activation
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Purpose and background

1. The purpose of this report is to seek Council approval to waive the Place of Public Entertainment permit fees under the circumstances outlined below for the remainder of the 2018-19 financial year.
2. The *Building Act 1993* requires that a person must not organise, carry out or cause public entertainment to be carried out unless an Occupancy Permit for a Place of Public Entertainment (POPE) has been obtained from the Municipal Building Surveyor (MBS). Council charges fees for a POPE Occupancy Permit (POPE Permit) based on the size of the event, the time taken for inspections, and the number of structures (e.g. stages, marquees and seating stands).
3. Many event operators are unaware of the requirement to obtain a POPE Permit. Further, due to a perceived change in the definition of a temporary structure within a POPE site and an increase in Melbourne City Council (Council) POPE fees, a number of established events have been identified by management as requiring a POPE Permit for the first time and are facing significant and unexpected costs as a result.
4. In addition to POPE Permit fees, event organisers are being impacted by the logistical requirements stipulated in their POPE permit. These requirements are having resourcing and financial implications that organisers have not budgeted for and have the potential to prevent some events from occurring.
5. The legal requirements of POPE Permits are resulting in higher and unexpected costs for event organisers, creating barriers to running events within the City of Melbourne, and may result in damage to Melbourne's reputation as an Events City if not adequately managed.
6. Management intends to approach this work in two stages. Stage one: resolve the immediate issue of unexpected POPE Permit fees for established events through an interim fee waiver process. Stage two: consider how Council can assist event organisers to meet the legal obligations of the POPE process while protecting Melbourne's reputation as an Events City.

Key issues

7. POPE fees are set by Council each year via the annual budget process, and there is no established fee waiver process currently in place at Council for POPE Permits. So far this year four events (Mother's Day Classic, Melbourne Russian Festival, MS Melbourne Cycle and Half Marathon, and the Royal Melbourne Show) have sought POPE Permit fee waivers on the basis they were not aware of the magnitude of the cost. Waivers were approved by Council for each of these events as a one-off occurrence.
8. POPE Permit applicants have been grouped into four categories to streamline the proposed interim fee waiver process for the remainder of the 2018-19 financial year:
 - 8.1. Established events that have not previously had to apply for a POPE Permit but will be required to in 2018-19.
 - 8.2. Established events that have previously applied for a POPE Permit but will be significantly impacted by the new fee schedule and/or logistical requirements in 2018-19.
 - 8.3. New events applying to Council for a POPE Permit for the first time.
 - 8.4. Event organisers responsible for multiple events falling across the three categories above.
9. Management will commence development of a communication plan to inform event organisers of the POPE Permit application process, compliance requirements and fee charges.

Attachments:

1. Supporting Attachment (Page 3 of 3)

Recommendation from management

10. That Council approves:
 - 10.1. the full waiver of POPE Permit fees for established events through to 30 June 2019 that have not applied for a POPE Permit in the past (and the event size hasn't changed);
 - 10.2. the partial waiver of POPE Permit fees by up to 50 percent through to 30 June 2019 for established events that have been charged a POPE Permit fee in the past but are now being charged a significantly higher fee compared to previous years;
 - 10.3. delegated authority to the CEO to 30 June 2019 to waive POPE Permit fees in part or in full for new or established events where Management has identified POPE Permit fees to be greater than expected and potentially prohibitive to an event taking place.

Attachments:

1. Supporting Attachment (Page 3 of 3)

Supporting Attachment

Legal

1. The report accurately identifies the relevant legal issues.

Finance

2. The fee waiver is not predicted to impact upon the Planning and Building income for 2018/2019.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Occupational Health and Safety

4. A Permit for a Place of Public Entertainment (POPE) is required to ensure that events can occur without risk to public safety. The waiving or reducing of fees in the circumstances noted above will ensure that the required permits for POPEs are obtained.

Stakeholder consultation

5. Management will commence development of a communication plan to inform event organisers of the POPE Permit application process, compliance requirements and fee charges.

Relation to Council policy (if applicable)

6. N/A

Environmental sustainability

7. In developing this proposal, no environmental sustainability issues or opportunities have been considered as they are not relevant to the proposal.