

GUIDELINES

Outdoor Eating and Entertainment Package – Business Grants

Program summary

On 14 September 2020, the Victorian Government announced its *Outdoor Eating and Entertainment Package* that will provide \$87.5 million to local councils and businesses to make widespread outdoor dining safe and practical as the community recovers from COVID-19.

As part of the package, funding of \$58 million is available to hospitality businesses both unlicensed and licensed, such as restaurants, cafés, pubs/taverns, bars, clubs and takeaway food venues to help them adapt their trading operations to focus on outdoor dining.

Eligible businesses can apply for a grant of \$5,000 under the *Outdoor Eating and Entertainment Package*.

All businesses wishing to apply for a grant under the assistance package must submit an online application, provide information demonstrating that the business meets the eligibility criteria and commit to spending at least \$5,000 (exclusive of GST) to activate outdoor dining at their premises.

1 Eligibility criteria

1.1 To be eligible for a grant under the *Outdoor Eating and Entertainment Package* businesses must:¹

- a) operate a business with premises located in Victoria, but not located in the City of Melbourne (NB – businesses within the City of Melbourne should apply to the Melbourne City Recovery Fund and other business support programs)²
- b) operate from commercial premises (NB – residential and mobile premises are not eligible)
- c) be an employing business registered with WorkSafe³
- d) operate a licensed or unlicensed restaurant, café, pub/tavern, bar, club, and/or takeaway food venue
- e) provide details of relevant permits and licences, including:
 - a valid Class 2 or 3 Service Sector Certificate of Registration under the *Food Act 1984 (Vic)* issued by a local council and valid in 2020 if the business serves food to patrons, or

¹ Non-for-profit entities registered with the Australian Charities and Not-for-Profit Commission are eligible to apply.

² Business location is confirmed using workplace addresses registered with WorkSafe Victoria.

³ A business is assessed as having no employees if it is not registered with WorkSafe Victoria for WorkCover insurance and has an annual payroll of less than \$7,500 for any person other than the business owner.

- a relevant Liquor Licence if a business serves alcohol without food service (e.g. a cellar door or wine bar),⁴ or
 - a Class 2 or 3 Service Sector Certificate of Registration under the *Food Act 1984 (Vic)* and the relevant Liquor Licence if the business serves both food and alcohol to patrons⁵
- f) operate a designated space on premises for customers to consume food or alcohol service as at 13 September 2020
 - g) have access to outdoor areas that the business proposes to use for new, expanded or enhanced outdoor dining and food service
 - h) hold or have applied for the relevant permits for expanded or enhanced outdoor dining and food service
 - i) obtain all relevant permits and licences before starting or expanding its outdoor dining and entertainment operations
 - j) have an annual payroll of up to \$3 million in 2019-20 on an ungrouped basis⁶
 - k) be registered for Goods and Services Tax (GST) on 13 September 2020
 - l) hold an Australian Business Number (ABN) and have held that ABN as at 13 September 2020
 - m) be registered with the responsible Federal or State regulator⁷
 - n) commit to spending at least \$5,000 (exclusive of GST) to activate outdoor dining at their premises.

2 Demonstration of eligibility

- 2.1 Applicants must attest that they meet the eligibility criteria and intend to adapt their business for new, expanded or enhanced outdoor dining and food service.
- 2.2 Food Certificate of Registration: applicants must provide details (i.e. the registration number) of their current Certificate of Registration for the premises issued by the local council under the Victorian *Food Act 1984*.
- 2.3 Liquor Licence: if an applicant serves alcohol to patrons, the business must provide details (i.e. the licence type and number) of the relevant Liquor Licence.
- 2.4 WorkSafe Number: applicants must provide their WorkCover Employer Number.

3 Available funding

- 3.1 Grants of \$5,000 per eligible business are available.
- 3.2 An eligible business as defined by its ABN can only receive one grant per Premises. Where a business operates more than one Premises under its ABN, the business must

⁴ Hold a General, Full Club, Late Night (General), Late Night (On-Premises), Restaurant and Cafe, On-Premises or **Producer's** Liquor Licence issued by the Victorian Commission for Gambling and Liquor Regulation.

⁵ The Department of Jobs, Precincts and Regions reserves the right to cross-reference premises details against a Liquor Licence and Class 2 or 3 Service Sector Certificate of Registration.

⁶ Where a business is in a payroll group, the payroll eligibility criteria applies to each business in the payroll group. That is, any member of a group with an annual payroll of up to \$3 million in 2019-20 can apply.

⁷ Where required by relevant and applicable legislation. Responsible regulators are the Australian Securities and Investment Commission (ASIC), the ACNC for charities and not-for-profits, and Consumer Affairs Victoria (CAV) for incorporated associations and partnerships.

make a separate application for each individual Premises to be considered for support under this Program.

3.3 Only one grant per hospitality business premises will be awarded. ⁸

4 Eligible Funding Items

4.1 Grant funds under the *Outdoor Eating and Entertainment Package* may be used to assist the business with purchase or hire directly related to safe outdoor dining including, but not limited to, the following:

- a) equipment to enable outdoor dining, including –
 - new and/or replacement tables and chairs
 - safety barriers and screens
 - safety bollards
 - outdoor umbrellas
 - advertising hoardings and A-frames
 - gas or electric heaters
 - retractable blinds and awnings
 - sanitising equipment
 - digital technology to support COVIDSafe operations
- b) minor electrical upgrades (i.e. installation of outdoor power points)
- c) installation of outdoor lighting
- d) minor works such as improving access to an outdoor seating area or installing in ground sleeves to lock down/secure barriers, umbrellas and advertising hoardings
- e) costs associated with obtaining necessary permits for outdoor dining, including obtaining or extending liquor licences
- f) costs associated with obtaining or extending insurances to enable outdoor dining
- g) training of owners and staff to adapt to a COVIDSafe operating environment
- h) marketing to promote outdoor dining
- i) other costs associated with adapting to new or expanded outdoor dining.

4.2 Applicants may seek funding for several items to facilitate safe outdoor dining. For example, businesses may need to acquire new equipment, undertake minor works, train staff, undertake promotion and defray the cost of permits and insurance.

4.3 The **total expenditure of each application must be at least \$5,000 (exclusive of GST)** and applicants must retain receipts for the purchase of equipment, goods and services through the grant for at least two years from the time of purchase.

5 Compliance with laws and regulations

⁸ Where more than one eligible hospitality business operates from the same premises, the applicant will be asked to provide evidence that only one business will apply for this Program. Should more than one application relating to a premises be received, the grant will be awarded in the first instance to the business which holds a relevant food certificate. If no eligible business at the premises holds a relevant food certificate, the grant will be awarded to the Liquor Licensee with the larger patronage number.

- 5.1 Applicants for a grant under the *Outdoor Eating and Entertainment Package* must comply with all local council and Victorian laws and regulations with respect to:
- a) COVIDSafe Principles for Business⁹
 - b) Liquor Licensing
 - c) the *Food Act 1984* (Vic)
 - d) the *Tobacco Amendment Act 2016* (Vic)
 - e) Local council street trading regulations and commercial street furniture guidelines (NB – these regulations and guidelines may differ from one local council to another. Please check with your local council for applicable regulations and guidelines).

5.2 Applicants must hold all relevant insurances, including public liability insurance.

6 Commencement of new, expanded or enhanced outdoor dining

- 6.1 Businesses must obtain all relevant permits and licences prior to commencing or extending outdoor eating and/or trading operations.
- 6.2 Businesses receiving a grant through the *Outdoor Eating and Entertainment Package* are expected to commence their proposed project as soon as possible and within three months of the receipt of the grant.

7 Assessment process

- 7.1 Funding will be allocated through a grant process. Businesses can apply for a grant through the Business Victoria website.
- 7.2 As part of the assessment process, information provided by applicants will be subject to a crosscheck with other government agencies such as the Australian Business Register, Australian Securities and Investments Commission, Consumer Affairs Victoria, State Revenue Office and Worksafe.
- 7.3 Any of the following circumstances may be taken into consideration in any decision whether to award a grant:
- a) any adverse findings by a government agency or local council regarding a business
 - b) a business is placed under external administration
 - c) there is a petition to wind up or deregister a company or business
 - d) the business is or becomes deregistered or unregistered (including cancellation or lapse in registration).
- 7.4 Businesses that have received assistance through the initial Business Support Fund, the Business Support Fund expansion, third round of the Business Support Fund, payroll tax rebate/waiver, or other COVID-19 programs (including hospitality programs) can apply for support under this program in addition to assistance received.

8 Post project evaluation

By making an application, all grant recipients agree to comply with the Department of Jobs, Precincts and Regions' performance monitoring and evaluation regime. The

⁹ COVIDSafe Principles for Business are listed on the Business Victoria website at <https://www.business.vic.gov.au/coronavirus-covid-19/covid-safe-business/creating-a-covid-safe-workplace>

Recipient may receive an evaluation survey from the Department of Jobs Precincts and Regions and may be required to participate in program evaluation activities.

The evaluation surveys may be required for up to one year following the issue of the grant. This is a non-negotiable requirement for all grant recipients in the program. Non-compliance could impact future applications to the Department of Jobs Precincts and Regions' programs. Successful program outcomes may be used in program evaluation reviews and Departmental marketing material.

9 Compliance and audit

- 9.1 Applicants are subject to a risk assessment, which verifies business details provided with the Australian Securities and Investment Commission, Australian Charities and Not-for-profits Commissioner, Consumer Affairs Victoria and/or other applicable regulator.
- 9.2 Applicants will be subject to audit by the Victorian Government or its representatives and may be required to produce evidence of how the grant funding was expended (e.g. invoices for equipment purchased or leased, costs associated with permits and compliance, costs associated with staff training, marketing expenditure, promotional expenditure, etc.) at the request of the Victorian Government for a period of two years after the grant has been approved.
- 9.3 If any information in the application is found to be false or misleading, or grants are not applied for the purposes of the business in accordance with the terms of funding as set out in these guidelines and the application, the grant will be repayable on demand.

10 Other information about this program

- 10.1 The Department of Jobs, Precincts and Regions reserves the right to amend these guidelines and application terms at any time as it deems appropriate.
- 10.2 The Department of Jobs, Precincts and Regions will endeavour to notify all applicants of the outcome of their submitted application within 10 business days.

11 Closing date and how to apply

- 11.1 The Program will be open for applications until funds are exhausted or until 11.59 pm on 11 December 2020, whichever is earlier.
- 11.2 Applicants are required to submit an application online via the Business Victoria website (business.vic.gov.au). All questions in the application need to be completed to ensure timely assessment and grant payment.
- 11.3 Applicants are required to create a COVIDSafe¹⁰ Plan and operate a COVIDSafe workplace and also to read and agree to the Industry Restart Guidelines - Hospitality¹¹.
- 11.4 Further information may be found at business.vic.gov.au or through the Business Victoria Hotline at 13 22 15.

¹⁰ COVIDSafe information and resources are available on COVIDSafe Plan page of the Business Victoria website at <https://www.business.vic.gov.au/coronavirus-covid-19/covid-safe-business/covid-safe-plan>

¹¹ Industry Restart Guidelines-Hospitality are available on the Accommodation and Food Services sector guidance page of the Business Victoria website <https://www.business.vic.gov.au/coronavirus-covid-19/covid-safe-business/accommodation-and-food-services-sector-guidance>