

## 8.7 Stall Holder and Street Trading

### Objective

1. To provide for the orderly operation of temporary trading activities within the Shire of East Pilbara and compliance with the requirements of Council's Local Laws.
2. To ensure that temporary trading activities are carried out in a manner so as not to detract and or cause harm to the amenity of public places and safety of pedestrians and residents.
3. To provide a service or commodity to the community without undue disruption to traffic or pedestrians.
4. To provide clarity and guidance with regards to the preparation and assessment of Stallholder and Trader's Permits.

### Application

1. This policy is to be read in conjunction with Council's Local Law relating to "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law".
2. Where there is a discrepancy between this Policy and the Local Law, the Local Law shall prevail for the extent of such discrepancy.
3. Shire employees shall have due regard to both Local Law and this Policy when assessing such application(s) made under the Local Law.

#### Application to conduct a stall or trade in a public place

All applications to conduct a Stall or Trade in a public place should be lodged with the Shire at least 10 days prior to the first day of intended trading with the exception of those applications to cater at Public Events which must be lodged at least 4 weeks before the event. (Late fees may apply to late applications).

All applications must be made on the prescribed form as prepared by the Shire's Environmental Health section and shall include all details as stated on the form including:

1. The appropriate application fees as periodically adopted in the Shire of East Pilbara's Fees and Charges Schedule and/or any applicable legislative provision.
2. Full Name and address of the applicant/s.
3. Specify location(s) in and/or on which the applicant wishes to conduct their business activity and is to include a site plan.
4. Full details of the goods or services to be traded.
5. Proposed days and hours of operation.
6. Evidence of appropriate levels of public liability insurance.
7. Construction details of the proposed stall and other items such as furniture, lighting provision of power that is proposed to be used in conjunction with such stall. The stall must comply with the attached pictorial presentation of a stall attached to the end of this policy.
8. Where a fixed stall is proposed, the applicant must detail by way of a plan the position of such stall in

relation to property boundaries, roads, footpaths, buildings and any other such structure.

9. Where the stall is a vehicle, trailer or similar, details of such vehicle, trailer or similar in addition to a current copy of the Third Party Motor Vehicle Insurance.
10. Where it is proposed to operate a stall or trade on land which is privately owned but considered a public place (e.g. Shopping Centre), the applicant must include a letter signed by the owner and/or occupier of such land granting the applicant to conduct such stall or trade from such premises.
11. Where it is proposed to operate a stall or trade on land which is a public place though owned by the State (not including the Local Government), the applicant must also include a letter signed by the relevant State department/agency in control of such land granting the applicant to conduct such stall or trade from such land.

#### Additional requirements for those handling (supply and sale) food products

1. A copy of a valid Food Business Notification/Registration certificate issued in accordance with the requirements of the *Food Act 2008* (the Act) by the Shire of East Pilbara or any other Enforcement Agency as described in Section 8 of the Act.
2. Documentary evidence of the completion of an approved Food Safety Course by each food handler/s intending to handle food during the event/s. A free online Food Safety Course **"I'M ALERT"** can be accessed on the Shire's website. *'NB. Approved means approved by the Shire's Environmental Health Officer'.*

Once granted, the trading Permit must be conspicuously displayed in/at the stall at all times during trading.

#### Additional requirements for applicants intending to give away food at community and public events

1. Any applicant intending to handle and give away food at community and public events are required by this Policy to inform the Shire **at least four (4) days before the event**, clearly stating the food products they intend to handle as well as arrangements made for the safe handling of the food so as to enable the Shire Environmental Health Officer to make an assessment of the food risk involved and advise of appropriate food handling requirements. This is a precautionary measure and is in the interest of all concerned. It is not intended to inhibit activity.
2. Any food stall used for the handling of food is required by this policy to comply with the minimum standards of a food stall as presented in the Shire of East Pilbara Temporary Food Stall Trading Conditions. Standards may vary according to the "Risk" level of the food.

#### Locations from which a stall or trading may be permitted

The following locations within the Newman town site are the preferred locations from which stalls and traders may conduct business:

1. The open parking area at the Capricorn Oval entrance west of the water storage tanks.
2. The Newman Visitors Centre Parking area; - subject to approval from the Manager of the Visitors Centre.
3. Boomerang Oval Parking area (Paved area scheduled to be completed by July 2012).

Where an applicant seeks permission to conduct a stall or trade other than at the designated sites within

Newman listed above, the applicant shall provide written justification and reasons for such request.

## Applications in respect to the town sites of Marble Bar and Nullagine

Any applications for Trading Approvals for the above town sites will be at the discretion of the Shire's Health and Planning staff and are subject to the applicant providing the relevant details as required as part of the normal application process.

## Conducting a stall or trading at a public event

Stalls and/or trading at a public event will only be approved where the applicant has received written permission from the event organiser and such permission is supplied with the application. For the purposes of an event organised by the Shire, approval is to be sought from the Shire's Community Wellbeing Department.

For large community events such as the Fortescue Festival and annual Race Days, it is preferable that all applications shall be coordinated, collated and submitted to the Shire by the event organiser at least **four (4) weeks prior to the event**. The event organiser may also choose to cover such stalls and traders under their public liability insurance as required for the entire event. Additionally, all event organisers are still expected to meet their Duty of Care obligations in ensuring the food safety of people attending the event.

## Grounds on which applications may be refused

1. The applicant is deemed not a fit or proper person to hold a permit. An applicant will be deemed not a fit and proper person where they have committed a breach of the Shire's Local Law or any other legislation considered pertinent to conduct their proposed business.
2. The applicant proposes to conduct a stall in an area where stalls and trading is not permitted.
3. The proposed stall or trading business may result in compromised traffic and pedestrian safety.
4. The nature and/or conduct of a proposed stall or trader is not in keeping with the amenity or not conducive to proper and orderly planning.
5. Any other ground(s) that the Shire of East Pilbara deems relevant.

## Advisory Notes

1. Applicants must consider access for the disabled.
2. Applicants must not inhibit the usual flow of traffic or pedestrian movement.
3. Any applications involving animals will need approval from the Shire's Rangers Department.
4. The use of flashing lights is discouraged.

## **Authorisation Details**

<b>References:</b>			
<b>Authorised by:</b>	Council		
<b>Date:</b>	27 April 2012	<b>Item No.</b>	9.1.6
<b>Review/Amendment Date</b>		<b>Item No.</b>	
<b>Next Review</b>			

# Policy Manual

<b>Responsible Directorate</b>	
<b>Responsible Officer</b>	
<b>File No.</b>	