STREET STALLS AND VENDORS POLICY

Policy, procedure protocol	Policy
Document version	3
Policy number	EHB4/5
Obsolete Number	
Keyword classification	
Adoption date	25 March 2013
Resolution	42/13
Review due date	
Date revoked	

Documents superseded	Street Stalls 2/2.10/2 Licensing of Itinerant Traders EHB2/1
Related Documents	
Relevant delegations	
Responsible Directorate	
Responsible officer	

Council Policy Manual

Street Stalls and Vendors

Contents

1. Aim 3
2. Definition 3
3. Policy Principles 3
4. Section 68 Certificate 3
5. Application for Permit for Street Stall 4
6. Stalls on Footpaths 4
7. Stalls on Roadsides 4
8. Grievances 5
9. General Conditions 5

Appendix 1- Application For Vendor / Stall Permit 2

Appendix 2 – Activities Requiring Approval Under Section 68 8

Appendix 3- Application for Activity Approval Other Activities 10

1. Aim

1.1 To protect local business from unfair competition by vendors operating on minimal overheads without a commitment to providing regular service to the local community.

2.1 To detail and regulate appropriate safety and health conditions for itinerant vendors and stalls operating in Brewarrina Shire.

2. Definition

2.1 Regular service – service to the community provided on each business day on a regular basis

2.2 Vendor – a travelling merchant who offers goods for sale, whether such goods are carried about in any vehicle or vessel, in any basket or other receptacle or on the person, upon any road or land under the control of the Council and any water way within Brewarrina Shire, not standing for any time other than the executing of the sale

2.3 Stall – any stall, whether mobile or not, on a footpath, road or land under the control of the Council and any waterway where goods including foods, are sold thereon. The term includes street stalls, caravan stalls, raffle sales and building site goods and food stalls but does not include street furniture being used in conjunction with permanent operating business.

3. Policy Principles

3.1 Section 68, Local Government Act 1993 describes activities which require approval by Council.

3.2 Council will not provide approval for the purpose of street trading for personal gain by vendors who seek to sell produce already available from established businesses within the town areas of Brewarrina or Goodooga.

3.3 This policy does not apply to non-profit organisations engaged in fund raising activities when represented by a branch, chapter, or group at the local level.

3.3 Only two (2) street stalls will be allowed in one (1) week.

3.4 No organisation / person are to have more than two (2) stalls per month.

3.5 Authority is delegated to the General Manager to determine and authorise applications in accordance with this policy.

4. Section 68 Certificate

4.1 A person may carry out an activity specified under Section 69 Local Government Act 1993 only with the prior approval of Council.

4.2 A person who fails to obtain an approval or who carries out an activity otherwise than in accordance with an approval is guilty of an offence.

4.3 Activities which require a Section 68 Certificate are listed in Appendix 2.

4.4 Applications for activities must be completed on the approved Application for Activity Approval Other Activities form – Appendix 3.

5. Application for Permit for Street Stall

5.1 Applications for street stalls shall be in writing, on Council approved form (see Appendix 1), stating the type of product to be sold, the location of the proposed stall, hours of operations and any other relevant information required.

5.2 Approval given to one person / organisation shall not be transferrable to another without further application.

5.3 The vendor has no right to vend upon any land under the control of Council unless with prior approval by Council.

5.4 The vendor must operate in compliance with any conditions imposed by Council and have current at all times a permit to operate.

6. Stalls on Footpaths

6.1 Standing stalls on footpaths must be located either:
a) Against the building; or
b) Against the kerb
AND must not be so located as to allow a minimum 2 metres clear footpath for pedestrian use.

6.2 Notwithstanding this clause, stalls must not obstruct the free passage of pedestrians, especially children, people with prams, the elderly and people with disabilities, including wheelchair users.

6.3 Stall will not be longer than 5 metres.

6.4 Stall must not be located where they would breach regulatory or signposted parking / standing restrictions.

6.5 Stalls must not be located in front of driveways or entrances to properties.

6.6 Stalls must be carried out from a safe structure if a structure is used.

7. Stalls on Roadsides

7.1 Stalls must not be located where the speed limit is 80 km/h or higher unless safety and efficiency of road use by both vehicles and pedestrians is not compromised.

7.2 Stalls must not be located on a hill or bend where sight distance is limited.

7.3 Stalls must not be located in front of driveways or entrances to properties.

7.4 Stalls must not be located where motorists are forced to park in the kerbside lane or where parking / standing restrictions apply. Where no kerb exits, they must stand clear of the travel lands and shoulders.

7.5 Stalls must have sufficient parking near site.

7.6 Stalls must provide sufficient traffic warning signs in advance of the stall (signs should only be placed during periods of selling activity).

7.7 Stalls must not operate during hours of darkness.

8. Grievances

8.1 If a supplier has concerns with the application of this Policy it should be taken up in writing with the General Manager.

9. General Conditions

9.1 Council reserves the right to refuse permission to operate as an itinerant vendor or operate a stall where:

a) It is unsafe or unhealthy to operate; and / or
b) It is not in the best interests of the residents or general public to give permission.

9.2 The above limitations apply to Council controlled land. Private land owners may permit vendor or stalls to operate on their land however it is strongly recommended that the venders or stall operators contact Council prior to commencing trading to avoid any unforseen issues that may occur.

Appendix 1- APPLICATION FOR VENDOR / STALL PERMIT

NAME OF APPLICANT:
.....

NAME OF ORGANISATION:
.....

ADDRESS:
.....
..

TELEPHONE NO.: ..... **SIGNATURE:**
.....

Vehicle Registration No. (Where applicable):
.....

Description of Activity:
.....

Description of Goods to be Sold:
.....

Period of Approval: From..... **To**.....

Hours of Operation:
.....

Signposting Details:
.....

Proposed Location:
.....

Locality Sketch:

Note: (Please indicate road names, sight distances, north point, sign location/s and any other information considered relevant)

FOOD SALE DECLARATION (To be completed where selling food)

I have obtained a copy of Council's requirements for Food Stalls and have made myself familiar with these. The equipment provided, food preparation, storage, packaging and labelling will be in accordance with these requirements.

....

..... Signature Name (please print)
Date

Payment Details (*Official Use Only)*

Amount Paid:	Receipt No:	Date Paid:

Appendix 2 – Activities Requiring Approval Under Section 68

Part A: Buildings, temporary structures or moveable dwellings

1 Install a manufactured home, moveable dwelling or associated structure on land

Part B: Water Supply, sewerage and stormwater drainage work

1 Carry out water supply work
2 Draw water from a Council water supply or a standpipe or sell water so drawn
3 Install, alter, disconnect or remove a meter connected to a service pipe
4 Carry out sewerage work
5 Carry out stormwater drainage work
6 Connect a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer, which connects which such a public drain, or sewer with a drain or sewer, which connects which such a public drain, or sewer

Part C: Management of waste

1 For fee or reward, transport waste over or under a public place
2 Place waste in a public place
3 Place a waste storage container in a public place
4 Dispose of waste into a sewer of the Council
5 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
6 Operate a system of sewage management (within the meaning of section 68A)

Part D: Community Land

1 Engage in a trade or business
2 Direct or procure a theatrical, musical or other entertainment for the public
3 Construct a temporary enclosure for the purpose of entertainment
4 For fee or reward, play a musical instrument or sing
5 Set up, operate or use a loudspeaker or sound amplifying device
6 Deliver a public address or hold a religious service or public meeting

Part E: Public roads

1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road

Part F: Other Activities

1 Operate a public car park
2 Operate a caravan park or camping ground
3 Operate a manufactured home estate

4	Install a domestic oil or solid fuel heating appliance, other than a portable appliance
5	Install or operate amusement devices (within the meaning of the Construction Safety Act 1912)
6	(Repealed)
7	**Use a standing vehicle or any article for the purpose of selling any article in a public place**
8	(Repealed)
9	(Repealed)
10	Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

Appendix 3- Application for Activity Approval Other Activities

Provided separately