

# STALLHOLDER & STREET TRADING

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## 1. OBJECTIVE

- To ensure that the operation of temporary trading activities within the Council are done so in accordance with the Council's Local Laws.
- To ensure that temporary trading activities do not jeopardise the safety of residents or the amenity of the area.

## 2. PRINCIPLES

### 2.1 Policy Provisions

This Policy has been developed to provide clarity and guidance on the preparation and assessment of stallholder applications. The Policy must take into account the provisions of the City of Karratha Trading in Public Places Local Law and the National Competition Principles Agreement.

With the introduction of the *Food Act 2008* and associated legislation, all regulation of Itinerant Vendors (e.g. ice cream vans) was repealed, necessitating these businesses being considered "traders" and therefore captured by the Trading in Public Places Local Law.

This Policy will apply to all stall holders and street traders currently captured by the Council's Local Laws relating to Trading in Public Places. Where there is discrepancy between this Policy and the Local Law, the Local Law will take precedence. This does not include trading of pre-ordered goods and services.

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

Application to conduct a stall or trade in a public place shall be in the form prescribed by the Council's Environmental Health Service and will include all details requested within the said form including:

- The full name and address of the applicant.
- Specify the location, or locations in which the applicant wishes to conduct their business (including provision of a site plan), as per the approved list of designated sites.
- Specify the period of time that the applicant intends to conduct their business, together with the days and times of operation.
- Specify the proposed goods or services to be traded.
- For a fixed stall, the applicant is to provide a plan detailing the position of the stall in relation to the property, roadways, footpath, buildings and other structure/facility. Selling of products out of a car boot, or other method which does not present a professional image will not be permitted.
- Be accompanied by a copy of the public and product liability insurance to the minimum value of \$10,000,000. This insurance must be obtained before formal approval will be granted, and where the insurance period lapses during the proposed license period, any approval be conditional on such insurance cover being maintained.
- Where the applicant intends to employ assistants, a current copy of the business Workers Compensation Insurance.
- Where the stall is a vehicle, trailer or similar apparatus, a current copy of the Third Party Motor Vehicle Insurance.

### **2.3 Lands on which stallholders may operate**

Any stallholder who wishes to operate their stall will only be permitted to conduct at the following locations:

1. Lot 619 Balmoral Rd (rear of Kevin Richards Oval/Millars Well)
2. Lot 4613 Bathgate Rd (Dreamers Hill)
3. Lot 4211 Searipple Rd, (Front area of Country Club/Camping Overflow)
4. Lot 501 Cleaverville Rd, Roebourne (Basketball Court Carpark – when no organised sporting event is on)
5. Lot 289 Miller Close, Point Samson (carpark at the front of the Community Hall)
6. Wickham Community Hall Car Park (adjacent to Lot 782 Carse Street, with stall subject to approval from Rio Tinto)
7. Lot 3525 Central Ave Dampier (Lions Park)

Applications to use any other Council owned/managed property, or private property which is accessible to the public will not be supported and will not receive approval. This includes land within the Karratha and Gap Ridge Industrial Estates.

This provision does not apply to businesses which are not fixed and operate as itinerant vendors or similar operators who travel along the road looking for customers and who sells food from their vehicle parked temporarily on the road to customers who stop the operator or come to them while parked.

### **2.4 Environmental Health and Town Planning considerations when determining an application to conduct a stall or trade in a public place**

Any application to operate a stall or to trade in a public place is to be assessed by Council's Environmental Health Service and Town Planning Service to ensure that the business presents a minimal risk to public health and is compliant with the proper and orderly planning of the Council.

In assessing the application, Environmental Health and Town Planning will consider:

1. Any relevant policies of the Council.
2. Compliance with applicable legislation, including but not limited to, Environmental Health or Town Planning.
3. Where the stall will be preparing or selling food, the ability of the stallholder to maintain good food hygiene techniques and minimise any contamination of the food products
4. Where the stall will be preparing or selling food, the ability of the stallholder to retain and dispose of waste water, and retain and dispose of solid waste.
5. Where an existing stall is approved at a site, whether the site has the ability to accommodate multiple stalls (ie impingement on carparking etc.
6. The principles set out in the Competition Principles Agreement.
7. Any other matters that the Council considers relevant to the application.

### **2.5 Areas where conducting a stall or trading in a public place is not permitted**

Unless formal approval has been granted by the City of Karratha to utilise an approved site as listed in this policy, conducting a stall or trading in a public place is not permitted.

This will include:

1. The Karratha City Centre, being the area bound by Searipple Road, Dampier Hwy and Balmoral Road Either on or adjacent to the Karratha Tavern, Bond Place, Pegs Creek.
2. Either on or adjacent to Caltex Service Station, Bathgate Road, Nickol.

Trading in these areas is prohibited as these are high traffic areas; whereby temporary trading may create both traffic and pedestrian safety issues. Provision of either a fixed stall or mobile vehicle will negatively impact on the availability of car parking in this area, therefore detracting from the proper and orderly planning of the City Centre.

### **Exemptions:**

- Existing legal business placing stalls on public land adjacent to their premises provided that adequate access is afforded to pedestrians and public safety is maintained to the satisfaction of the Council.
- Community groups conducting car washes where they have the premises owner permission, and the safety of persons involved in the stall and traffic flow is not jeopardised.
- Community groups operating a Market Day or Swap Meet will be exempt provided that they have the landowner's permission and the operation of the Market Day or Swap Meet is seen as a benefit to the community.

## **2.6 Conducting a stall or trading at a public event**

Trading at a public event (e.g. FeNaCING festival, outdoor movies, night markets etc.) will only be approved where the applicant has received written permission from the organiser of the event. For the purposes of events arranged by the Council's Community Services Division, approval must be granted by a Community Services Officer.

For larger community events such as the FeNaCING festival, the event organiser may apply for a permit on behalf of all the stalls that are at the event and also provide public liability insurance for all stalls taking part in the event. If the event organiser is not providing public and product liability for all stalls partaking in the event, then each stall is to submit proof of its own public liability insurance prior to an approval being granted.

Irrespective of the above, each stall operator is to provide the Council with a current copy of their worker's compensation and third party insurance if applicable.

## **2.7 Grounds on which an application may be refused**

An application submitted to the City of Karratha may be refused where one or more of the following applies:

1. The applicant is not deemed a fit and proper person to hold a trading permit. An applicant will be deemed not a fit and proper person where they have committed a breach of the Council's Local Laws, or any other legislation pertinent to the conduct of their business.
2. The applicant intends to trade in an area where conducting a stall or trading is not permitted.
3. The conduct of a stall or trading may potentially result traffic and pedestrian safety being compromised.
4. The conduct of a stall does not conform with the proper and orderly planning of the area.
5. Any other ground that the Council of the City of Karratha deems relevant to the application.

## **3. CONSEQUENCES**

This policy represents the formal policy and expected standards of the Council. Appropriate approvals need to be obtained prior to any deviation from the policy. It is imperative that Councillors and Officers retain appropriate documentation to substantiate their expenditure. Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.

## **4. ROLES AND RESPONSIBILITIES**

All staff approving stall holder and trading permits are to be aware of this policy and apply the provisions of the policy to all new or amended applications.

## 5. REFERENCES TO RELATED DOCUMENTS

- *Health (Miscellaneous Provisions) Act 1911* and subsidiary legislation
- *Public Health Act 2016* and subsidiary legislation
- City of Karratha Trading in Public Places Local Law
- *Food Act 2008* and subsidiary legislation
- *Local Government Act 1995* and subsidiary legislation
- Shire of Roebourne No. 8 Town Planning Scheme
- Local Planning Policy DP1 Crane Circle Development Requirements
- Local Planning Policy DP 8 Roebourne and Wickham Mixed Business Zone
- Local Planning Policy DP13 Tourism Zone Development Requirements
- Local Planning Policy DP14 Point Samson Development Requirements

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*This Policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.*