

HEALTH

H 6.9 Trading on Thoroughfares & Public Places

<i>Responsible Department</i>	Development Services
<i>Resolution Number</i>	C.2877
<i>Resolution Date</i>	16/11/2016
<i>Next Scheduled Review</i>	2018
<i>Related Shire Documents</i>	N/A
<i>Related Legislation</i>	Thoroughfares and Public Places and Trading Local Law 2008

OBJECTIVE

To provide guidance to Shire Officers and the Community in interpretation of the local law for determining applications for a permit to conduct a stall or trade in thoroughfares and public places.

SCOPE

This policy applies to all stallholders and traders in a public place within the Shire of Northam. This policy does not include delivery of pre-ordered goods and services.

The Shire supports stalls and trading as an enterprising activity that contributes to the wellbeing and benefit of residents and experience of visitors to the region. The Shire encourages a high standard of service delivery whilst also supporting local economic development and commercial viability.

POLICY

STALLHOLDERS

Definitions

Stall: As defined by the Local Law

Stallholder: As defined by the Local Law

Community: As defined as “charitable organisation” by the local law –
Footnote :For the purposes of this policy a Community Organisation is required to be based primarily or have local representation within the Shire of Northam.

Commercial: As defined as a “commercial participant” by the local law –

Public Place: As defined by the Local Law

Local Government Property: As defined by the Local Law

General Stall: Is any stall other than a Food Stall.

Types of Stalls

A stall is operated either for COMMUNITY or COMMERCIAL purposes.
A stall is defined as either a FOOD or GENERAL STALL.

Location of Stalls

A COMMERCIAL FOOD OR GENERAL STALL permit will be issued only if the stall is part of a registered event, approved markets or at a sporting event that the organisers have agreed upon the applicant’s inclusion.

Areas where a commercial stall is not permitted:-

- on or adjoining (50m of) the following roads: Great Eastern Highway, Great Southern Highway;
- within the view of road users from any Highway or Freeway;
- no closer than 300 metres of any shop or permanent place of business that has for sale the same kind of goods or merchandise being offered for sale;
- within 300 metres of schools between the hours of 8:00am to 9:00am and 3:00pm to 4.00pm when schools are operating;
- in road reserves unless the site has a formal parking area (such as rest areas);

A COMMUNITY FOOD OR GENERAL STALL permit will be issued if the stall is part of a registered event, approved community markets or a sporting event. Consideration will also be given to flexible locations outside of the permitted events if raising funds for the community organisation through a sausage sizzle, sale of pre-packaged drinks or a wood raffle or the like. Location considerations include access, authorisation of land owner and public safety.

STREET TRADING

Definitions

Street Trading: Includes a trader going from place to place, conducting a sale or offering for sale or hire or the soliciting of goods or services, whether or not in a public place.

Street trading does not include the delivery of pre-ordered goods or services to the purchaser.

Public Place: As defined by the Local Law

Street Trader: Is a person who carries on street trading from a vehicle whether itinerant or regular.

Itinerant Trader: An itinerant trader is a street trader who trades from a vehicle on public roads, stopping in various locations only long enough to conduct a sale. An itinerant trader may be a food or non-food trader. (An example is a mobile ice cream van)

Regular Trader: A regular trader is a street trader who trades from a vehicle which accesses various private commercial or industrial properties on a regular basis in an attempt to obtain a sale. A regular trader may be a food or non-food trader. Food on the Move, which is a mobile food business selling food for morning tea & lunch in the Industrial Areas in Northam is an example as well as Snap-on-Tools selling tools from a mobile showroom in Commercial and Industrial areas.

Types of Street Traders

A street trader is either an ITINERANT or REGULAR trader.

A street trader may be a FOOD or NON FOOD trader.

Location of Traders

Itinerant Food Trader

Areas where an itinerant food trader is not permitted:-

- on or adjoining (50m of) the following roads: Great Eastern Highway, Great Southern Highway;
- within the view of road users from any Highway or Freeway;
- no closer than 300 metres of any shop or permanent place of business that has for sale the same kind of goods or merchandise being offered for sale;
- within 300 metres of schools between the hours of 8:00am to 9:00am and 3:00pm to 4:00pm when schools are operating;

- in road reserves unless the site has a formal parking area (such as rest areas);

Itinerant Non-Food Trader

Only permitted if the stall is part of a registered event, approved markets or at a sporting event that the organisers have agreed upon the applicant's inclusion

Regular Food Trader

Only permitted if operating out of an approved commercial kitchen within the Shire of Northam

Regular Non-Food Trader

No restriction

Consideration of Application

Generally street trading is not supported by the Shire where there are potential conflicts with existing businesses. However if you believe there are extenuating or compelling circumstances that the Council should be made aware of the Council will consider an application and make a determination by resolution at a Council Meeting. In determining an application the Shire will take into consideration, the following:

- Compliance with this policy;
- The desirability of the proposed activity;
- The location of the proposed activity;
- Such other matters as considered relevant.

It is therefore important that your application addresses all these matters.