

Council Policy

Trading and Operating a Stall in Public Places

Introduction

This policy sets out Council's conditions of approval for food vehicles, stall holders and traders (both Fixed and Roaming) in accordance with Part 6 of the 'Activities in Thoroughfares and Public Places and Trading Local Law-2017'. It also identifies areas within the Shire of Capel where trading is permitted in accordance with the permit conditions.

Purpose

1. This policy is to provide the Council with consistent framework comprising a set of conditions for the approval and issue of permits for trading and operating a stall.
2. To improve transparency to applicants and the community about what conditions are imposed on trading and stall holder permits.

Policy statement

This policy applies to all applications for a Stallholder's Permit and Trader's Permit (fixed and roaming) offering food for sale in a public place pursuant to the Shire's "Activities in Thoroughfares and Public Places and Trading Local Law 2017". Not applicable and is exempt for the following:

- a. An event, trading authorised by the local government or via an agreement
- b. A person (or a charitable organisation) trading in a market or event authorised by the local government.

Trading licences are determined at the discretion of the Shire on their individual merit and against the following criteria:

- (i) The type and regularity of the activity that is to operate from the location/s
- (ii) The impact the operation will have on the surrounding amenity including access
- (iii) The strategic implications and impact the location may have on the local economy.
- (iv) Trading options are in keeping with public health plan outcomes including encouraging active lifestyle and healthy food options.

Application

Applications to be offered up on an annual basis or (pro-rata) when a site becomes available with respondents to apply for the type of approval appropriate to their operations ie Fixed Trader, Roaming Trader, Stallholder and their preferred Approved Trading location. Application to comprise:

- Completed application form and payment details;

- Copy of current public liability insurance;
- If stall applicant, a detailed plan or image of stall setup; and
- If food applicant, copy of Food Act 2008 Certificate of Registration.

Approval

Applications will be assessed prior to annual licences issued by the Shires Development Control Unit (DCU) Internal referral system, to determine appropriate conditions and to ensure the applications are in keeping with the objectives of Council and those activities at each Approved Trading Location are complimentary to the location and other operators.

Assessment to give consideration to other relevant legislation or standards including but (not) limited to aspects such as noise, lighting, accessibility, parking, use of gas bottles, electrical and water/ wastewater.

Following the licence being issued the locations are to be booked in the Shire electronic booking system SpacetoCo.

Fees

In accordance with the Shire's Fees and schedules.

General Conditions

1. Trading or operating a stall is permitted only in Approved Trading locations as depicted in Attachment 1 of this Policy and in any other location with the permission in writing of the landowner and on Shire land, authorised by CEO.
2. Roaming trader allows the licence holder to trade whilst moving around eg ice cream van. The licence holder is permitted to stop in one place for a period of no more than fifteen (15) minutes at any one time.
3. Trading or operating a stall is permitted on the condition this occurs a minimum of 150 metres away from any shop or other permit holder, who is trading at the time and offering a similar product for sale, except when the Trader has been invited onto a property by the property owner/occupier and/or is participating in a special/community event such as weekend market or sporting event.
4. Individual traders and stallholders may operate only for the maximum hours approved.
5. Trading and operating a stall is only permitted between the hours approved.
6. A maximum number of permit holders may be permitted at any location at any time.
7. The trader or stallholder must not extend outside the area approved including tables and chairs unless otherwise approved.
8. Traders and stallholders must ensure that trading location is kept clean and tidy at all times. The permit holder is responsible for disposal of all litter associated with the provision of goods or services and the cleaning of the permit location.
9. Trading to be suspended for Shire approved events, maintenance, or emergency repairs. If suspended, traders shall not have claim for compensation or damages as a result of any disruption to business or loss incurred. The Shire is under no obligation to relocate the trader or stallholder however an alternative location may be offered if appropriate.
10. Advertising signs to be restricted to the vehicle/stall from which the business is conducted.

- The requirement to apply for and pay fees for obtaining a permit by a charitable organisation or any other business operating under the co-ordination and control of a charitable organisation, at an approved market or event location only, shall be waived.

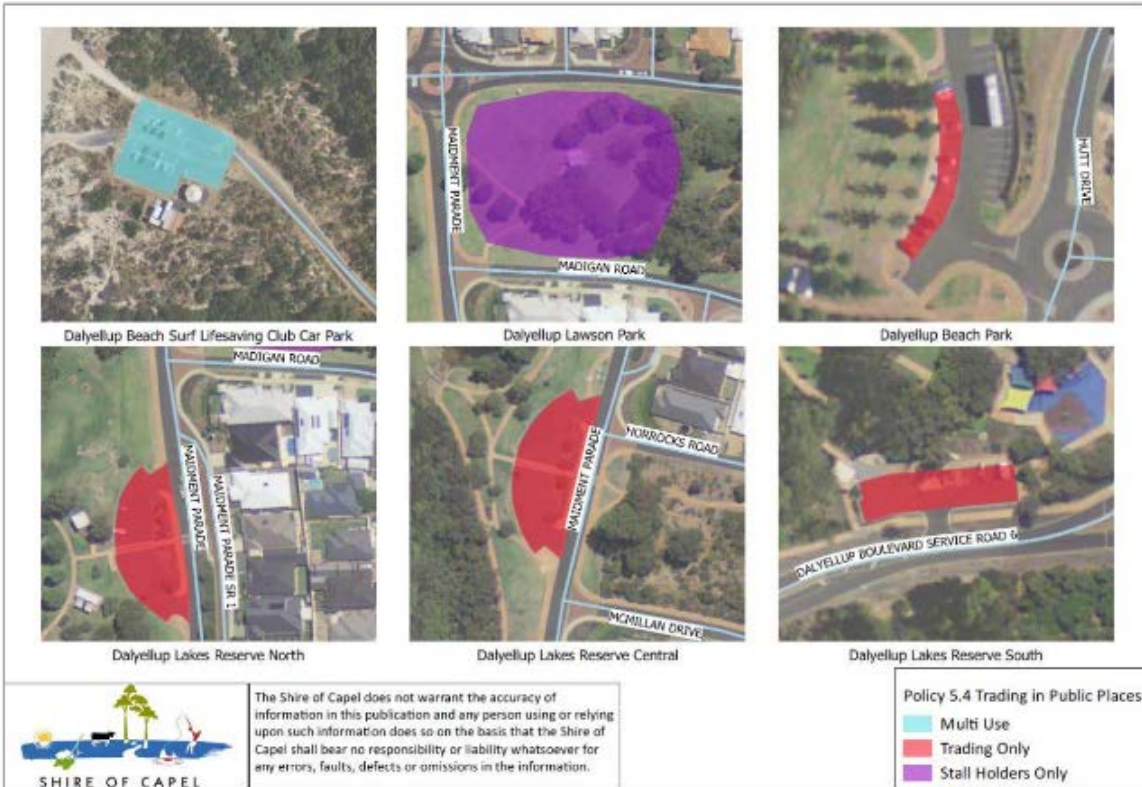
Revocation of Permits and Enforcement

Permits may be revoked if the following occurs:

- Breach of the general conditions of the trading permit
- Conducted the business in an offensive manner
- Breached any of the provisions of the 'Activities in Thoroughfares and Public Places and Trading Local Law 2017'.

Trading locations



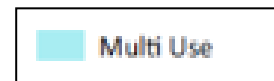
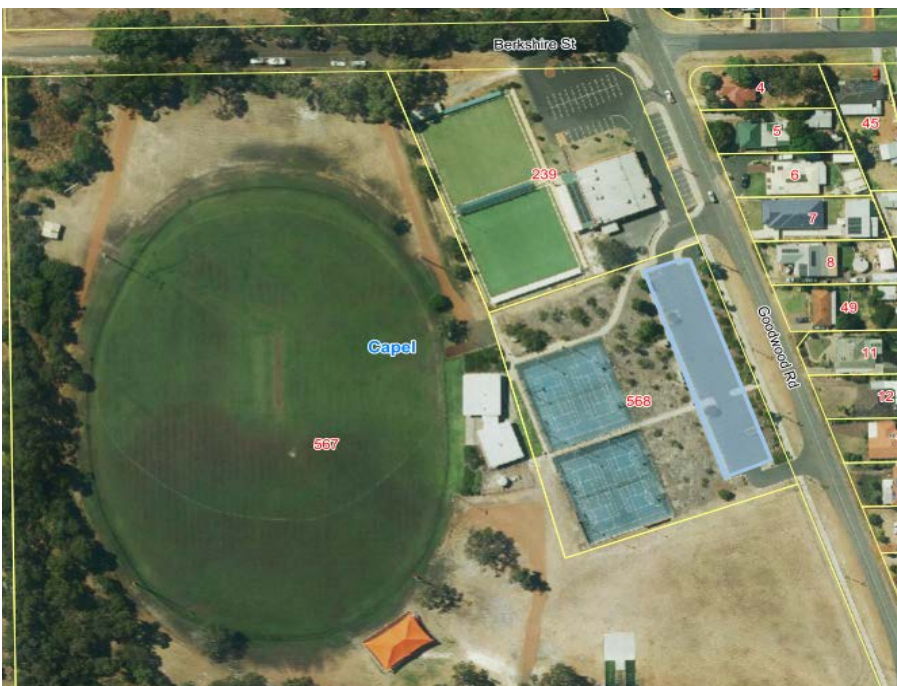


Propose New sites:

Dalyellup skate park



Capel Sports Ground (Carpark near tennis courts)



Capel Anglican Church carpark (carpark opposite to the church)



Trading Only

Ferndale Park Dalyellup



Multi Use

Boyanup Lions Park



Department: Health	Next review: April 2026
Reviewer: Coordinator Environmental Health	Legislation: Activities in Thoroughfares and Public Places and Trading Local Law–2017
Adopted: OC/2023/73, 26.04.2023	Delegation: 127
Amended:	Risk: Medium
Policy ref #: 5.4	Version: 2