



## 020 Trading in Public Places – Standard Conditions of Approval Version 2

### 1. PURPOSE

This policy will be used to set standard conditions of approval for licences issued in accordance with the “City of Busselton Local Law Relating to Trading in Public Places”.

### 2. SCOPE

This policy applies to all applications for Trading in Public Place licences in the City of Busselton.

### 3. POLICY CONTENT

#### 3.1 Objective

The purpose of this policy is to provide the Council with a consistent framework to encourage, control and regulate the location of mobile food vehicles and placement of goods and articles in public places across the City of Busselton.

This policy further aims to encourage a high standard of service delivery to our local community and visitors whilst supporting local economic development and commercial viability.

#### 3.2 Definitions

*Community Association* means an institution, association, club, society or body, whether incorporated or not, the objects which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the transactions thereof.

*Council* means the Council of the Municipality of the City of Busselton. *Event* means an occurrence approved to be held within the City of Busselton on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation or community purposes. *Facility or Reserve* means any property owned by the City of Busselton and includes buildings, recreation centres, community centres, halls, reserves (passive and active).

*Public Place* means any street, way or place which the public are allowed to use, whether street, way or place is or is not on private land.

*Trading* means selling or hiring of goods, wares, merchandise or services, or offering of goods, wares merchandise or services for sale or hire in a street or other public place and includes displaying goods, wares or merchandise for the purpose of offering them for sale or hire, inviting offers for sale or hire, soliciting orders or carrying out of any other transaction therein, it includes the setting up of a stall, or the conducting of business at a stall.

### 3.3 Standard Conditions of Approval for Location of Mobile Food Vehicles/Stalls/ Goods

- a) Mobile food vehicles/vendors are not permitted to operate in the business district of Busselton or Dunsborough as defined by the 'business' zoning in the current Town Planning Scheme except where approved at events.
- b) Mobile food vehicles/vendors are only permitted to operate in locations preapproved by the City.
- c) Mobile food vehicles/vendors are not be permitted to operate within 300m of any retail premises or permanent place of business that has for sale any goods or services of the kind being offered for sale by the mobile trader;
  - 1) without prior approval to operate in such locations being sought,
  - 2) submitting a written letter of support from the proprietor(s) of such retail premises or permanent place(s) of business.
- d) Mobile food vehicles/vendors are not approved to park in a public area, reserve, facility or space unless it can be demonstrated to the satisfaction of the City that the location of the vehicle will not pose a traffic impediment or danger to the safety of the general public.
- e) Trading is permitted for a maximum of 4 hours per day in any approved location.
- f) Displayed goods on footpaths must be at least 2 metres away from a truncation, crossover or street corner.
- g) Goods will not be permitted on footpaths where access to a loading zone or disabled parking bay may be impeded.
- h) The licensee must not deposit or store any container, vehicle or structure containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles.

### 3.4 Special Conditions of Approval for Location of mobile Food Vehicles/Stalls/Goods at Yallingup

- a) Trading will only be permitted for a maximum of 2 hours per day between 1 May and 30 November in any year with condition 3.3e) above applying at other times.
- b) Trading will not be permitted in the Torpedo Rocks car park illustrated in Appendix A.

### 3.5 General Standard Conditions

- a) The licensee is responsible for compliance with the Environment Protection (Noise) Regulations 1997.
- b) Food vehicles and food operations must comply with the Food Act 2008, Food Regulations 2009 and the Food Safety Standards.
- c) Food vehicles are not permitted to set up or provide external tables or chairs for customers.
- d) The licensee must maintain a minimum of \$10 million Public Liability insurance. The policy must be able to meet any possible claim which may be sustained against the licensee or

the City in relation to the death or injury to any person or property arising out of anything authorised by the licence.

- e) Solicitation of customers by touting or the use of public address systems is prohibited.

- f) The licensee must ensure that the area is kept clean and tidy at all times. The permit holder is responsible for the disposal of litter and cleaning of footpaths.
- g) The licensee must ensure that no debris or litter is swept into the street gutter and/or subsequently washed down the storm water drainage system. No detergents and cleaning agents shall be washed into the street, gutter or drainage system.
- h) The licensee is responsible for the maintenance of the permit area and shall maintain all display stands/equipment to a high standard.
- i) The licensee must not display or allow to be displayed any advertisement, placard, poster, streamer, sign or signboard other than attached to and forming part of the vendor's vehicle or display stand.
- j) A trading in public places licence is not transferable.

### 3.6 Policy Provisions for Events

- a) Traders may be approved to operate for the duration of an event/festival during the hours it is open to the public.
- b) Food vehicles garaged or located within the City of Busselton seeking approval to operate at events will be required to demonstrate registration under the Food Act 2008 prior to being approved. An application for temporary food stalls/vans will not be required for those businesses registered by the City of Busselton.
- c) Food businesses registered by a municipality other than the City of Busselton seeking approval to operate at events will be required to provide a copy of their Food Act 2008 registration and complete and submit a complete application for temporary Food Stalls/Vans associated with events and tender the appropriate fee prior to being approved.

### 3.7 Policy Provisions for Community Associations

- a) Community associations are entitled to a fifty percent fee reduction for trading in public place applications.

### 3.8 Enforcement

In the event that the licence conditions are breached, and in accordance with the Local Law provisions;

a) a licence may be revoked, or

b) compliance action taken.

### 3.9 Administration of this Policy

The Chief Executive Officer (CEO) has the authority to administer the requirements of the Trading in Public Places Policy on behalf of Council.

Policy Background

Policy Reference No. – 020

Owner Unit – Environmental Health

Originator – Coordinator Environmental Health

Policy approved by – Council

Review Frequency – As required

Related Documents – Local Law relating to Trading in Public Places