

6.9 – Itinerant Trading

Adoption		
Date	Meeting	Council Decision
28/05/2020	OCM	09-0520
Review Details		
Date	Meeting	Council Decision
25/06/20	OCM	02-0620
26/11/20	OCM	03-1120
Delegation		
No.	Title	

POLICY STATEMENT

The Shire of Exmouth encourages improved retail and hospitality vibrancy that reinforces the positioning of Exmouth as the State’s premier tourism town.

The Shire values its local business community and recognises that there are business opportunities that can occur on a temporary basis. It is recognised that Itinerant Traders can:

1. Contribute to the vitality of the town,
2. Provide a safe, efficient and accessible food service at peak times to service increased customer demand beyond the supply capabilities and/or outside operating hours of permanent food outlets,
3. Provide products and services on a temporary basis not currently on offer,
4. Provide an opportunity for seasonal products to be provided, and
5. Activate a particular location or precinct that meets the objectives of the local government.

This Policy is a tool that will provide Council with a framework for the operation and management of itinerant traders within the Shire of Exmouth.

POLICY OBJECTIVES

The objectives of this policy are:

1. To facilitate the opportunities for itinerant traders that adds to the public enjoyment and use of the local government area, while not reducing safety or access to publicland;
2. To ensure existing local businesses are not significantly disadvantaged through the approving of itinerant traders; and
3. To provide a consistent and coordinated process for the assessment of applications for itinerant traders within the municipality.

SCOPE

The Itinerant Traders Policy is applicable in instances where businesses and/or individuals seek to use public land to operate a business for financial gain where land is owned or controlled by the local government.

This Policy does not apply to the following:

1. Where a vendor is part of an event, carnival, market, fete or the like (this would require an event permit);

2. Where the activity is a one-off occurrence such as an opening or open day for a business/premises (this would require an event permit);
3. Trading from private property strictly under consent of the land owner (food permit still required if selling food and beverage products);
4. Community health mobile clinics and other government/community like uses; and
5. A 'produce stall' within private property.

DEFINITIONS

Approved Location - The Shire has identified locations from which an Itinerant Trader may trade with appropriate approvals. Trading from these locations may occur independently of a Council approved market, festival or event. The Approved Locations are described within this Policy and potential traders are to consider these locations in first instance.

Food Van - Any vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any food and or drink (excluding alcoholic beverages).

Itinerant Trader – A person or persons, engaged in providing goods and/or services on a temporary basis.

Moveable Advertising Sign – Any moveable board, notice, structure, banner or similar device used for the purposes of notifying of a sale, soliciting sales or notifying people of the presence of an adjacent property where goods and services may be obtained. Includes A-Frame signs. This excludes commercial signage mounted on vehicles and/or trailers.

Public Place – Includes a reserve, public highway, mall, road street, bridge, footway, footpath, court, alley, passage or thoroughfare, notwithstanding that it may be formed on private property and any other place to which the public may resort.

GENERAL PROVISIONS

1. All itinerant traders are required to apply for the following permits;
 - Activities on Local Government Property, and
 - Food Business Registration Application (if food vendor).
2. Approvals to trade can be granted for periods ranging from 1 day up to 12 months with terms greater than 12 months to be considered via a licensing arrangement and requiring Council approval on a case by case basis. In order to qualify for a licence a trader must demonstrate that they have a proven trading history of at least 12 months (or one full tourism season ie April – September) within the Shire of Exmouth area.
3. All Itinerant Traders operating within the Shire must hold a public liability policy of insurance in respect of the activities being undertaken, providing cover of at least \$20,000,000.
4. No permanent signage may be erected. A Moveable Advertising Sign may only be displayed during the operating times of the business.
5. As per the local law permits and licences will not be issued for itinerant trading within 300m of a competing static business (does not include other itinerant traders) at the same opening times and trading in predominantly similar products unless it is in association with an approved event. For clarity, types of food e.g. pizza, hamburgers, fish and chips are not considered similar products.
6. The trader is responsible for containment and removal of all waste arising from their operations. The site and surrounds must be maintained in a clean manner with all waste removed and legally disposed of.

7. Traders may apply for multiple locations however are required to nominate all approved locations, operating days and times and pay for these locations in advance. Multiple bookings that in the opinion of the Shire are designed to exclude other traders can be cancelled at the Shire's absolute discretion.
8. There are no stipulations on type of food service to be approved at each location however in order to reduce potential conflict the numbers of permitted traders at each approved location will be limited as stipulated for each location in these attachments (excludes one off events).
9. The Shire will allocate each booking its own space on a first come first served basis and only confirmed once payment has been received. The Shire will maintain a booking sheet for all approved locations.
10. A licence booking will take precedence over a permit booking however the Shire reserves the right to issue a permit for an itinerant trader to replace a licensee where the licensee has failed to operate at its approved location for more than 6 continuous weeks.
11. Food Vans wishing to operate at specific locations on a more permanent approach greater than 12 months will be considered as per point 5.2 above. A license approach is to provide greater tenure with terms and conditions negotiated on a case by case basis. A licence approach will be subject to Policy 2.4 Leases and Licences however any itinerant trader licence will require and be subject to Council review and approval. Traders will still be required to secure all required trading permits.

APPLICATION PROCESS

- Applications are to be lodged with the Shire a minimum of 28 days prior to the proposed trading commencement date.
- Applications must be submitted on the form provided for this purpose and provide all information necessary for officers to determine whether or not to issue a permit and apply appropriate conditions to the permit.
- Shire may request additional information in support of the application.
- Incomplete applications or delays in providing additional information upon request, may result in delays in the application being processed. This includes failure to pay the required permit application fee or provide evidence of adequate public liability insurance.
- Trading may not commence until all required fees are paid in full and the permits are issued.

WHERE FOOD VANS MAY OPERATE

Approved Locations

Where a person wishes to operate as an Itinerant Trader in an approved location within a public place as identified in this policy. Locations outside of those described will generally not be permitted however additional locations can be approved by a decision of Council.

Itinerant Traders at Markets, Events and Festivals

Itinerant Traders may only operate at a Market, Event or Festival when they have received the prior consent of the organiser of the Market, Event or Festival. In seeking the prior consent, the Itinerant Trader should provide evidence of current public liability insurance and Food Act Registration (as

appropriate).

When a pre-existing booking between the Shire and the itinerant trader conflicts with a festival or one-off event the event will take precedence. In these circumstances if the trader chooses to trade during the event the trader must abide by the event organiser terms and conditions and the agreement between the Shire and trader will be suspended for the period of the event. The Shire will refund or credit to the trader any pre-paid booking fees for the period affected at the end of the booking period.

APPROVED LOCATIONS

A. Federation Park (maximum 4 spaces)



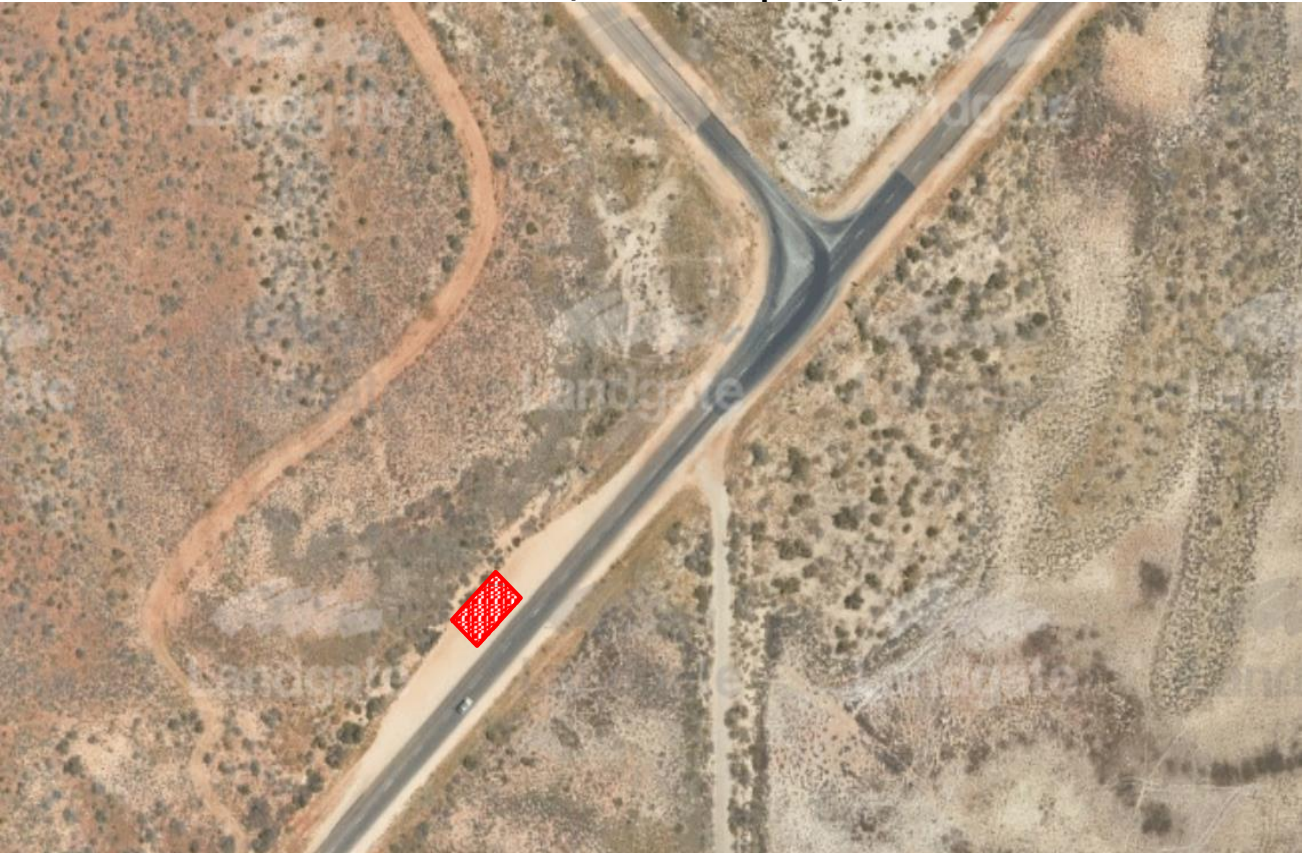
B. Town Beach (maximum 2 spaces)



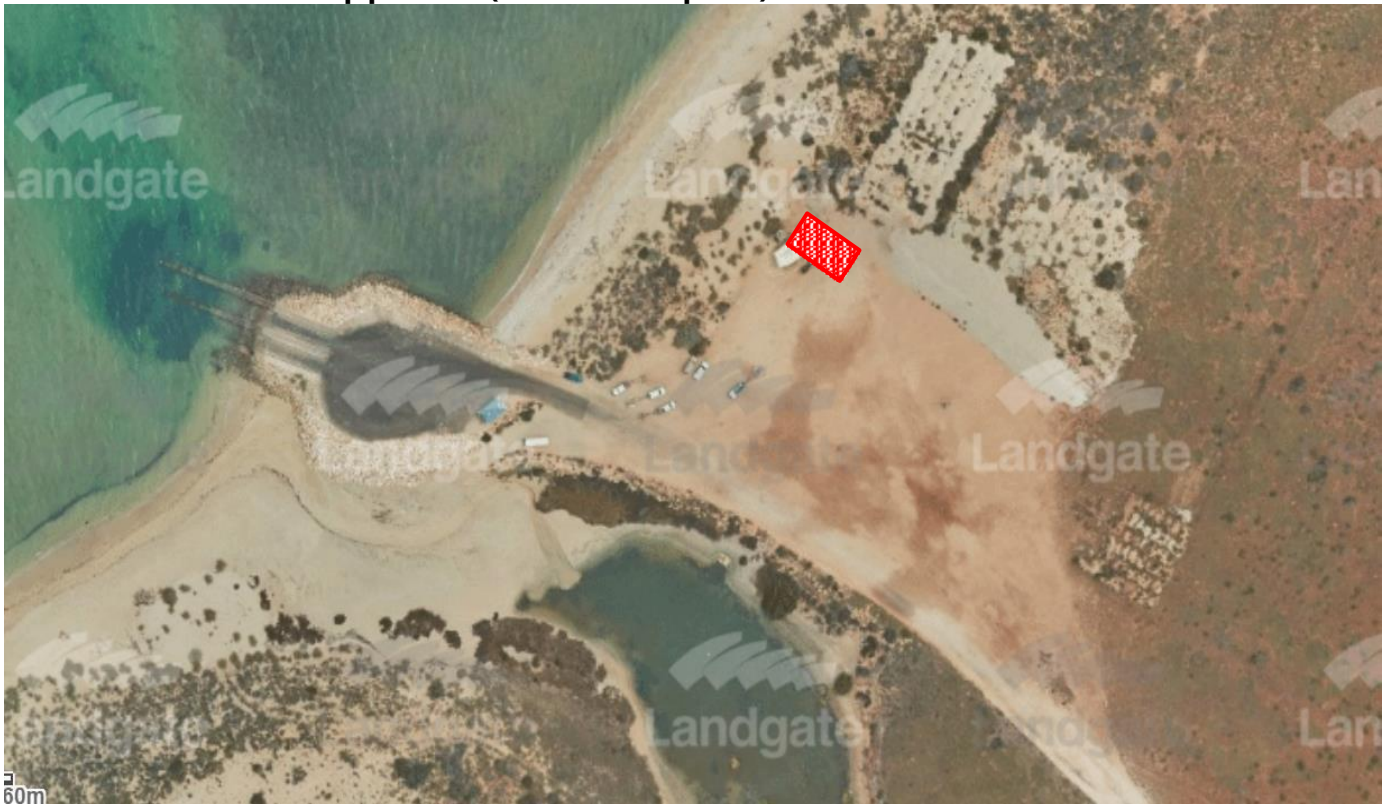
C. Payne Street (maximum 3 spaces)



D. Murat and Yardie Creek Road turnoff (maximum 2 spaces)



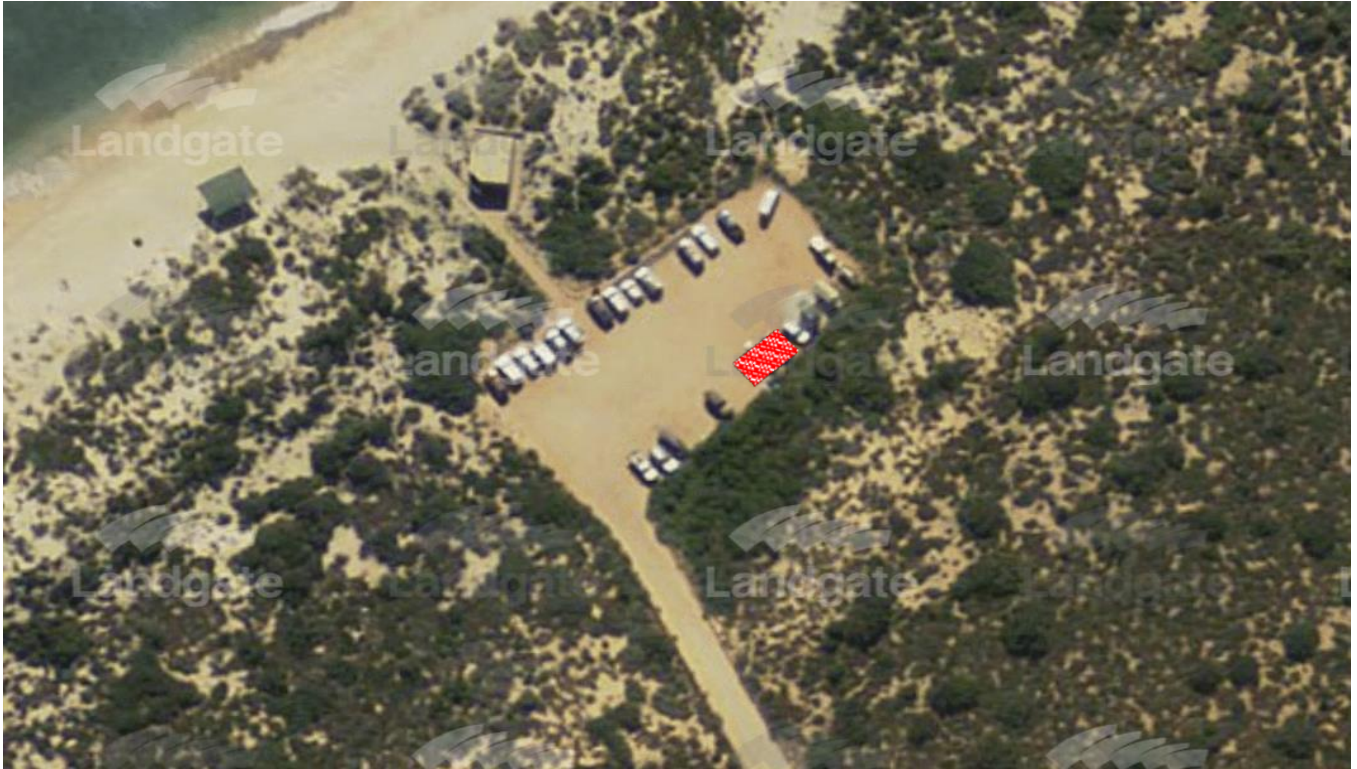
E. Tantabiddi Boat Ramp precinct (maximum 2 spaces)



F. Lighthouse precinct (maximum 2 spaces)



G. Dunes carpark (maximum 1 space)



H. Hunters carpark (maximum 21 space)

