



WARRNAMBOOL  
CITY COUNCIL

# **Itinerant Trading Policy**

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DOCUMENT CONTROL

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## 1. INTRODUCTION

### 1.1 Purpose

To provide a clear, equitable and consistent process for the operation of itinerant trading within the Municipality.

### 1.2 Scope

This Policy applies to all mobile trading on Council owned and managed land within the Municipality. The Policy does not cover events, free community services, promotional activities and trading under a Council Lease or Licence.

### 1.3 Definitions

Term	Definition
“Events”	One off or temporary events involving the sale of goods, services and or activities, as determined by Council.
“Free Community Services”	Delivery of information or services free of charge, conducted on public land.
“Fundraising”	Raising money with all profits for the benefit of a registered charity.
“Itinerant Trading”	Itinerant trading is defined as the mobile and temporary use of public land for the sale and delivery of goods and services.
“Market Organiser	The organiser of a market with multiple stallholders within a designated location.
“Market Stallholders	A trader operating within the confines of an organised, Council approved market.
“Seasonal Markets”	Held for a limited period of time at a specified time of year.
“One Off Markets”	A market on a single occasion.
“Ongoing Markets”	A market held on multiple occasions throughout the year.

### 1.4 References

<b>Acts</b>	<ul style="list-style-type: none"> <li>• Planning &amp; Environment Act 1987</li> <li>• Road Management Act 2004</li> <li>• Local Government Act 1989</li> <li>• Food Act 2001 and Food Safety Standards</li> </ul>
<b>Regulations</b>	<ul style="list-style-type: none"> <li>• Warrnambool City Council Local Laws</li> </ul>
<b>Related Policies/Procedures</b>	<ul style="list-style-type: none"> <li>• Footpath Trading Policy 2018</li> <li>• Warrnambool City Council Community Engagement Policy</li> <li>• Lake Pertobe Masterplan 2019</li> </ul>

## 2. POLICY

### 2.1 Policy Objectives

- To allow for the operation of itinerant trading activities in a manner that does not interfere or conflict with the City's established fixed retail and services.
- To ensure that the operation of itinerant trading activities are appropriate for the area and do not cause unreasonable nuisance to the surrounding residents or businesses.
- To ensure the amenity of the area is protected whilst enhancing the area's vibrancy and encouraging patrons to the area.
- The proposed itinerant trading provides a net benefit to the community.
- To ensure itinerant traders and licensees contribute to the cost of maintaining open space, Council assets and extra Council services required as a result of itinerant trading in a designated area.

### 2.2 Policy Principles

- Itinerant trading cannot occur in any public place until a permit has been issued by Council. The issue of a permit is not as of right and the issue of a permit will be at Council's discretion subject to application which will be assessed on its merits.
- In assessing applications for itinerant trading Council will consider:
  - a. Location;
  - b. The impact upon permanent retail and service traders;
  - c. Benefit to the community;
  - d. Ambience created by the trader;
  - e. Safety;
  - f. Amenity;
  - g. The impact upon existing infrastructure and facilities.
  - h. The number of other itinerant traders operating in the surrounding precinct.
- No permanently fixed infrastructure, tables, chairs or excessive amplified sound are permitted.
- All advertising must be fixed to the itinerant trading vehicles unless otherwise approved by Council.
- The itinerant trading area must be maintained at a high level of cleanliness.
- Where Council has to undertake any additional cleaning or tidying of the area, the itinerant trader will be liable to reimburse the Council for costs incurred.
- The permit holder takes full responsibility for the cleanliness, care, appearance, maintenance and operation of their activity area and is responsible for abiding by all legislative requirements and Local Laws relating to the activity.
- Council will monitor the itinerant trading to ensure the amenity, and character of the area is protected and permit conditions are adhered to.
- Itinerant traders must maintain public liability insurance of \$20M.

- All itinerant food traders must comply with all health and food safety aspects as contained within the Food Act 2001 and Food Safety Standards. All itinerant food traders must be registered and be registered on the “Streatrader” website and will also be subject to an inspection from the Environmental Health team.
- Safety of the public must be the primary consideration. Itinerant traders must not compromise the safety of pedestrians or any other road users or any other users of the space.
- Council will encourage itinerant trading to utilise sustainable energy and use of resources.
- Council may refuse, modify or revoke an itinerant trading permit as required.
- The itinerant trading permit is to be carried at all times while trading and produced upon request by an authorised Council representative or Police Officer.
- Applicants for itinerant trading will be required to nominate the trading locations through the application process. The application form is available on Councils website.
- A fee will be charged to conduct itinerant trading as prescribed in Councils fees and charges.
- All applications will be assessed on their merits for consistency with this Policy.
- This Policy does not apply to private property, fundraising for registered charities and market stall holders as part of a Council approved market.
- Market organisers who operate regular ongoing or seasonal markets are required to enter into a licence or lease with Council and pay a licence fee based on patronage and turnover.
- Market organisers of one off markets are required to obtain Council consent and are exempt from itinerant trading fees.

### 3. GOVERNANCE

#### 3.1 Owner

The Director of City Infrastructure is responsible for monitoring the relevance and currency of this policy and for updating it when required.

#### 3.2 Review

The Director of City Infrastructure will review the policy for any necessary amendments no later than three years after its adoption or after the last review.

#### 3.3 Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).