

P22 STALLHOLDER PERMITS

PURPOSE

The purpose of this Policy is to ensure stallholder permits are correctly determined under the provisions of the *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.

The Policy aims to ensure that there is no conflict with applications that may have its determination impacted by other legislation, such as Food Businesses. The Policy also defines the classes of person to whom a stallholder permit is not required to be obtained and where a fee for an application is not required to be paid.

POLICY

Stallholder Permit Application Forms

An application for a stallholder permit may only be accepted if made on one of the forms endorsed by the Shire.

Stallholder Application Form - Non Food

This form relates to those activities that do not include the sale of food i.e. – items of fabric, wood, jewellery and other similar items.

Stallholder Application Form – Food

This form relates to those activities that involve the sale of food and includes Food Businesses registered under the *Food Act 2008* and also those activities exempted by the *Food Regulations 2009* from Food Business registration that involve the sale of food from the stallholder.

Determination of a Stallholder Permit Application

The officer determining a stallholder application is to have regard to:

- Council Policies – this and any other relevant Policies
- Desirability of the proposed activity – appropriateness and benefit to the community.
- A stallholder cannot sell goods/services within 300m of another premises that sells the same good/services, unless it is a temporary food stall taking part in an event approved by the Shire.
- The location – suitability of the physical site and compatibility with the surrounding area.
- In keeping with the Competition Principles Agreement.
- Evidence of compliance with other relevant laws – includes *Food Act 2008* where applicable.

Exemption to Classes of Persons to Obtain a Stallholder Permit

The Shire exempts a person or class of person who meets the following criteria:

- Persons that have written permission from a private land owner to conduct activities on

a public place that is privately owned land and that activity complies with any other relevant written law. This may include private car parks or thoroughfares situated on privately owned land.

Waiving of Application Fees for Stallholder Permits

The Shire waives the requirement to pay a fee or part of a fee by a charitable organisation and any other class of organisation not specified within its adopted fee schedule.

STATUTORY REFERENCE

Clause 6.5 (1) and Clause 6.7 of the Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000

<i>Date of Adoption – 27 June 2017</i>	<i>Minute No 140617</i>
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