

5. DEVELOPMENT AND REGULATION POLICIES

5.1 HEALTH

5.1.10 Exemption to the Requirement to obtain a Traders/Stallholders Permit

Policy Objective

To provide clarity in applying the requirement to apply for Stallholders & Traders permits to:

1. Charitable/Community Groups or not for profit organisations; and
2. Commercial operators.

Area of Application

- Shire approved events and markets;
- Shire land; and
- Private land.

Key Documents

- Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law – Part 5 Division 1 - Section 5.7 Exemptions from requirement to pay fee or to obtain permit:
 - ❖ Section 5.7(3) - The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.
- *Food Act 2008*;
- *Health (Public Buildings) Regulations 1992*.

Definition

- Stall - means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;
- Trader - means a person who carries on trading;
 - (a) Trading includes - the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
 - (b) displaying goods in any public place for the purpose of –
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them; and
 - (c) the going from place to place, whether or not public places, and –

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- (i) offering goods or services for sale or hire;
 - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services;
or
 - (iii) carrying out any other transaction in relation to goods or services.
- Charitable/Community Groups or not for profit organisations are defined as an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium.
 - Commercial participant/operator means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.
 - Preferred venue is a location or building that satisfies conditions in relation to the holding of an event as determined by the Shire's 'Event Pack'.

Policy Measures

1. Shire approved events and markets:

- (a) All events including markets are subject to requirements contained within the Shire's 'Event Pack' and booking conditions associated with 'preferred venues';
- (b) As a means to support Shire approved events or markets whether it is a charitable/community or commercial enterprise, it is not necessary for participants to apply for a Traders/Stallholders permit if they are based within the Shire of Manjimup;
- (c) The event or market manager however, must apply, pay the prescribed fee, demonstrate public liability insurance to cover the event/market and be in possession of a Shire issued 'overarching' Traders permit prior to operating;
- (d) Traders based outside of the Shire of Manjimup must apply for a Traders/Stallholders permit and pay the applicable fee as determined by the Shire's Schedule of Fees and Charges.
- (e) The structure or type of a stall must comply with Shire event/market requirements;
- (f) Traders in food must display their *Food Act 2008* Registration/Notification Certificate.

2. Operating a Stall or Trading other than at Shire approved events and markets:

- (a) Charitable/Community Groups or not for profit organisations must make application for a permit but payment of fee is not required;
- (b) Commercial operators must make application for a permit and pay the prescribed fee;
- (c) Commercial operators trading on a portion of a public place adjoining their normal place of business do not need to apply for a permit as long as the trading



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area does not exceed 1.5 metres immediately adjoining the premises (this excludes alfresco dining). At all times clear passage for pedestrian traffic must remain at a ratio of 2/3 to 1/3 trading area from the curb.

3. Raffles operated by Charitable/Community groups on Shire land:

Raffles may be operated without a Traders/Stallholders permit at the following location:

(a) On the footpath immediately outside the Manjimup Newsagency and subject to:

- (i) An approved booking in advance recorded by the Shire of Manjimup;
- (ii) Only one booking permitted per day.

Should demand be expressed for similar sites at other townsites, arrangements will be undertaken in consultation with the proponents and business operators adjoining those locations.

- 4. Electrical power usage – discretion will be used in applying charges. Should it be established that usage is high, charges may apply in accordance with the Shire's fees and charges schedule.
- 5. Public Liability Insurance – at all times the Shire reserves the right to require appropriate public liability insurance in relation to all stalls/ traders.

Administration

This policy is to be administered by the Development and Regulation Directorate.

Adoption and Date Due for Revision

**ADOPTED 26 APRIL 2007
REVIEWED 11 APRIL 2024
NEXT REVIEW DUE APRIL 2028**

The Administration of this Policy is by the Development and Regulation Directorate.