

 GLAMORGAN SPRING BAY COUNCIL	POLICY - REGULATION OF STALLS AND KERBSIDE VENDORS	1.1	
		Version 3	Date 24/02/15
Minutes Dated 24 February 15	Approved By: Council Decision No. 21/15	Review Date As required but no later than 2018	

1. OBJECTIVE

To regulate the sale and display of goods and food from temporary premises.

2. SCOPE

This policy incorporates all areas of the Glamorgan Spring Bay Municipal Area.

3. DEFINITIONS

- (i) 'authorised officer' means the Environmental Health Officer, and any other person appointed by the Council as an officer for the purposes of this policy;
- (ii) 'kerbside vendor' means any person who in the course of business, profession, trade or calling, sets up a stall in or on any highway, public reserve or private land in the municipal area for the purpose of carrying on trading activities involving the sale or display of food or wares to the public;
- (iii) 'stall' includes any vehicle, caravan, trailer, stand, trestle, structure or article in, on or under where food is kept for sale;
- (iv) 'stall holder' means any person other than a kerbside vendor who sets up a stall in the municipal area for the purpose of any activity involving the sale of food or wares to the public. This definition includes the person or organisation responsible for the management of a recognised community event (school fete, fair or other similar event).
- (v) 'recognised community event' means an event that is recognised by the Council as being for genuine community benefit, is not-for-profit and does not extend beyond a single day, unless approved by the General Manager;
- (vi) 'temporary stall' means stalls used by or on behalf of recognised non profit charities and community groups, school fairs and the like for the sale of food during a recognised community event. The determination of this definition shall be at the sole discretion of the General Manager.

4. PROCEDURE

- (a) Any person seeking licence as a kerbside vendor or stall holder shall make application to the Council in the form appearing as Form 1 in this Policy, furnishing amongst other things:-
 - (i) a statement in writing as to the food or wares proposed by the applicant to be sold or exposed for sale or display;
 - (ii) a statement as to the location of the stall within the Glamorgan Spring Bay municipal area, within which the applicant proposes to operate;
 - (iii) the required licence period;
 - (iv) a description of the stall/vehicle and display/activity;
 - (v) in the case of a kerbside vendor or stall holder proposing to sell foodstuffs a Certificate from the Environmental Health Officer certifying that the method and manner of trading is to the satisfaction of the Environmental Health Officer.
- (b)
 - (i) The General Manager is empowered to approve, approve conditionally or refuse such an application and in the case of approval or approval conditionally, and subject to the payment of the fees prescribed, to issue on behalf of the Council a kerbside vendor's or stall holder's licence on the form appearing as Form 2 in this Policy. The applicant will be notified of the decision within two weeks of the application being received by the Council in writing.
 - (ii) If the General Manager refuses such an application the applicant is to be advised in writing of the grounds of refusal.
 - (iii) The applicant who has been refused a kerbside vendor's or stall holder's licence or who has been granted a kerbside vendor's or stall holder's licence with conditions endorsed thereon may appeal against such refusal or conditions or any of them to the Council in writing and this will be considered at the next Council meeting.
- (c) Every licence so issued shall be numbered consecutively and shall bear the date of the day it is issued and shall remain in force until 31 December next after the date thereof, unless previously cancelled and shall be in the form set forth as Form 2 in this Policy.
- (d)
 - (i) Each application for a licence or its renewal shall be accompanied by payment of such licence fee as prescribed by this clause or as may be changed from time to time by resolution of Council.
 - (ii) Licence Fees are set by Council annually and shown in the Fees and Charges Schedule.

- (e) Every licence issued pursuant to this Policy shall be subject to the following conditions:-
- (i) any vehicle to be used for the sale or carriage or delivery of food for sale must be presented to the Environmental Health Officer for inspection and shall not be used for the purposes aforesaid unless the Environmental Health Officer has certified that the method and manner of usage proposed is to his satisfaction;
 - (ii) any such vehicle or stall shall at all times during the currency of the licence issued under this Policy be maintained to the satisfaction of the Environmental Health Officer;
 - (iii) kerbside vending or setting up of stalls (other than temporary stalls) is not permitted within the boundary of a town or otherwise within two hundred and fifty (250) metres of the town boundary or any shop, except with the prior written consent of the General Manager;
 - (iv) such other conditions as may be reasonably imposed.

5. DELEGATION

This policy delegates to the General Manager the authority to issue or refuse an application for a licence in accordance with this policy.

6. RESPONSIBILITY

The compliance of this policy is the responsibility of the General Manager.

7. REPORTING

A register of licences issued is to be maintained at the Council offices.

8. STATUTORY REQUIREMENTS

1. Local Government Act 1993
2. Public Health Act 2003
3. Food Act 1997

9. REFERENCES

Nil

10. ATTACHMENTS

1. Temporary Business Application Form
2. Kerbside Vendor or Stallholder Licence