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|  <p>DISTRICT COUNCIL of TUMBY BAY</p> | <p><b>POLICY# 1.06</b></p> <p><b>Itinerant Traders</b></p> <p><b>POLICY AREA</b></p> <p><b>Administration</b></p> | Version No:                 | 2 |
|  | Issued:   | June 2012                   |   |
|  | Next Review:  | 2018<br>After Next Election |   |

### Aims & Objectives

To provide direction and clarification to staff on the procedure, conditions and specific locations that apply to any person conducting business as an itinerant trader within the Council area.

### Policy Detail

Section 200 of the Local Government Act 1999 (“the Act”) states that a person must not use community land for a business purpose unless the use is approved by the Council. Similarly, Section 222 of the Act provides that a person must not use a public road for a business purpose unless authorised to do so by a permit.

The approval or permit given under the Act may be given on conditions the Council considers appropriate. The Council hereby attaches the following conditions to either an approval or permit:

1. A permit granted pursuant to Section 222 may, but will not necessarily, grant exclusive rights in relation to part of a road and may be issued for a particular event or for a fixed term.
2. A permit may not be issued for a term exceeding 1 year.
3. A permit is not required for persons who are simply travelling along a road (e.g. delivery of pre-purchased goods).

Council will consider each application on its individual merits with the following guidelines for applicants.

1. Section 7 of the Act provides that the functions of Council include:
  - 1.1 to provide for the well being and interests of individuals and groups within its community;
  - 1.2 to establish or support organisations or programs that benefit people in its area or Local Government generally.
2. Itinerant businesses should not supplicate the service of existing fixed premises.
3. Itinerant businesses should not operate within 100m, of any existing fixed retail premises within the district, or, any larger distance that Council deems appropriate in the particular circumstances.
4. That Council believes that the encouragement of the use of Council facilities for the benefit of the local business community, and the generation of employment and investment opportunities within the district, justifies charging an appropriate monetary fee for Council’s permission to use such land for business purposes.

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*Before using a printed copy, verify that it is the current version*

## **Approval Terms and Conditions**

1. Approval or permit fees are set at **\*X\*** per day for itinerant traders. An annual licence is available in lieu of a daily licence. The annual licence allows for a maximum of 30 days operation in any one year and the annual approval or permit fee is set at **\*X\*** (note; annual permits can only be granted if the itinerant trader is operating from the same location on each occasion) or other such fee equivalent to the minimum rates for an annual approval or permit to operate for more than 30 day per annum.  
**\*X\* Note: As fees are subject to change, please check Council current Fees and Charges for applicable fees.**
2. If the applicant is a not for profit community organisation conducting an event or activity of community benefit, the requirement to complete the Itinerant traders application may be waived.
3. Council may rebate approval or permit fees in certain circumstances upon written request e.g. non-profit organisations, community events.
4. Any advertising signs must be located in the area that the business is approved to operate from and must not exceed one sign per business. Prior approval for signage colours dimensions and materials must be obtained from Council Officers prior to displaying signs.
5. Approval or permit holders must provide to Council a copy of certificate of currency for public liability insurance to the value of at least \$10,000,000 that has 'District Council of Tumbay Bay' registered as an interested party.

## **Review and Evaluation of Policy**

1. This policy has been reviewed in light of the National Competition Policy. The objectives of the issuing of approvals and permits, is to provide a framework for permitting certain activities within the Council area. The Council believes that there is no potential to restrict competition within the provisions of this Mobile Vendors – Public Property Policy, taking into account any likely benefit or detriment to the Community.

The effectiveness of this Policy shall be reviewed at least once every four years, being the term of the Council. The Chief Executive Officer of the Council will report to Council on the outcome of the evaluation and make recommendations for amendment, alteration or a substitution of a new policy.

## **Availability of the Policy**

1. This Policy will be available for inspection at the Council's principal office during ordinary business hours. Copies will also be provided to interested members of the community upon request, and upon payment of such fee set by Council.

**Authority:**

Adopted by Council: 12/06/2012  
Reviewed by Council: 10/11/2015

{Motion No 19c/062012}  
{Motion 7c/112015}

SIGNED: .....

Responsible Officer

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_