

PRINCIPLES SUPPORTING THE SHIRE OF DENMARK ACTIVITIES ON THOROUGHFARES & TRADING IN THOROUGHFARES & PUBLIC PLACES LOCAL LAW

Objectives

1. To facilitate approval of Trading Licences using public places, as defined below and therefore reducing administrative matters being placed on Council.
2. To protect existing levels of public amenity and safety from the impact of trading activities by adequately addressing potential risk management issues.
3. Maintain equity in the regulation of trading in public places by promoting fairness and certainty to traders and the community.
4. Protect the financial interest of ratepayers through appropriate management of traders in public places and to support the development and retention of local small business within the Shire of Denmark.

Policy

Trading in public places allows for a variety of activities to either sell, offering for sale or hire goods and wares to the public. Before a licence can be considered, it is necessary to assess the proposed location and the impact it may have on other traders, traffic flow, pedestrians, the community and also if the proposal is likely to have a detrimental effect on established businesses currently selling the same or similar produce or services close by.

Given the many unique forms and locations of products for trade proposed to the Shire of Denmark, all applications for a Trading Licence are to be lodged and will be assessed in conjunction with the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law. In addition to this, the application will be assessed on their individual merits and the information supplied in the application, in line with but not limited to the following:

1. Applications for general Trading at an eligible trading location will be widely advertised in the local media at least three months prior to the renewal of a license based on the following principles;
 - A trading location is defined in the attached table.
 - Trading Licences will be limited to a period of no more than two (2) years.
 - The Shire will assess applications for Trading Licences for commercial activities with reference to the Local Law and the criteria set out in this Policy.
2. Applications for trading are to be accompanied by a supporting statement of the land owner and/or occupier on which the trading activity is to occur (unless the landowner is the Shire of Denmark).
3. The Shire of Denmark will assess the suitability of proposed Trading activities utilising local government owned or management land. This assessment will consider the consistency of the proposed activity with the land use and vesting of the parcel of land or any management order that is attached to the parcel of land.
4. Except in the case of an event approved in accordance with the Shire of Denmark Events, Concerts & Other Organised Gatherings Policy, events held on Local Government property and public places, only one Trading Licence will be approved for a trading location at any one time.

5. A Trader must not attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the Trader. In determining an application, Officers of the Council may contact the Denmark Chamber of Commerce (Inc.) and / or identified nearby business proprietors to ascertain whether goods offered for sale may compete with existing nearby businesses and / or whether they wish to object to the proposal.
6. Traders are not permitted to sell offensive, illegal, prohibited, counterfeit or unauthorised goods including goods bearing trademarks for which the Trader does not have a license to sell.
7. Where a time restriction will be specified, the Trader must be removed from the prescribed locations within 15 minutes of closure and the area surrounding the Trader must be left in a clean and litter free condition.
8. Traders must comply with any lawful direction given by a Shire of Denmark Authorised Officer.
9. Subject to approval from the land owner and existing business, trading may be undertaken in car parking areas outside hours of operation of the existing business. Should the use of the premises and hours of trade alter, the Trading Licensee will be required to notify the Shire of Denmark and apply for an amendment to the Trading Licence.
10. All Trading Licence applications and renewals will be considered by the Shire of Denmark in accordance with, but not limited to, the following -
 - Stationary trading must only occur on a hard stand areas;
 - Except in the case of mobile traders, for example, ice cream vans, the use of Shire of Denmark road reserves will not be permitted for trading unless it can be shown not to adversely impact on traffic movement.
 - The licensee will be responsible for any damage to Shire property from the trading activity or customers of the trading activity.
 - Trading must not impede traffic flow or cause a traffic hazard or pose a danger to the safety of the general public.
 - Trading must not prevent access to pedestrian foot paths.
 - Reference to complaints of performance from previous years at the site or other sites.
 - No tables, chairs or the like are to be provided by the licensee that impede or block footpaths or car park bays.
 - Where food is proposed to be sold, the vehicle, stall or place of trading must notify/register in accordance with the Food Act 2008 and associated Regulations;
 - Operators of mobile trading vehicles shall not create any noise or disturbance that is likely to cause a nuisance to any person in the vicinity of the mobile trader.
 - Applicant must provide written approval from the relevant event organiser when submitting an application for a Trading Licence in relation to an event.
 - Traders must obtain their own public liability insurance to the minimum value of \$10,000,000 as they will not be covered by the Shire of Denmark's insurance policy.
 - Traders must not connect to or utilise any Shire of Denmark utilities without prior approval and an additional charge.

Should the application for trading be considered unsuitable by the officers of the Shire of Denmark in accordance with legislation and the above conditions, or any other condition applicable to the application, the application will be

referred to Council for their consideration as to the suitability of the activity in the community.

All applicants for Trading Licences are to be advised of their right to object to a decision of Local Government. In accordance with section 9.4 of the Local Government Act 1995, such a person may object to a decision of local government and lodge an appeal to the decision by lodging an objection within 28 days of the decision.”

Itinerant Trading Locations in the Shire of Denmark					
Potential Itinerant Trading (Annual or Biennial) Sites	Proximity to Existing Shop (that may sell a similar product)	Comments	Current Approvals / Conditions	Predicted or Likely Usage	Suitability / Opportunity for Number of Trading Bays
Berridge Park	Less than 300m	Immediately adjacent the CBD	Ice creams and cool drinks	Market Days, identified event days and summer / seasonal	Single car plus trailer or van or utility
Visitors Centre Car park	Less than 300m	Immediately adjacent the CBD and future Supermarket	Seasonal fresh produce & Fish Van	Summer / seasonal	Up to three (3) single car plus trailer or van or utilities
Rivermouth (Smith Bros Park)	Less than 300m		Bike Hire, Canoe and Kayak hire allied to adjoining leased property	Throughout the year	Limited access to grass areas – suitable whilst allied to existing adjoining Shop
Lights Beach	Greater than 300m	Lights Beach Tearooms have closed down but are greater than 300m	Nil	Summer / seasonal	Single car plus trailer or van or utility
Parry Beach	Greater than 300m	No perceived conflict	Fish Van	Summer / seasonal	Single car plus trailer or van or utility
Nornalup (Settlers Park)	Greater than 300m	Nornalup Tearooms has closed down but does not normally	Nil	Summer / seasonal	Single car plus trailer or van or utility

		provide takeaways			
William Bay Car Park	Greater than 300m	No perceived conflict	Ice creams and cool drinks	Summer / seasonal	Single car plus trailer or van or utility
Other Areas not being within a Road Reserve (and greater than 300m from a Shop offering food or drink)	Greater than 300m ?	As requested and considered in context of the Local Law and any governing Policies of Council			

ADDED by Res: 141114 / 11 November 2014