



## **13/014 Trading in Public Places**

### Objective

The objective of this policy is to provide guidance to event organisers, mobile and temporary food vendors about the processes required for the assessment and licensing of applications to trade in streets and public places and provide goods and services to the public.

### Content

#### *1. Approval of Trading in Public Places (TPP) Applications*

Applications for a 12 month TPPs Licence may be assessed at any time during the financial year.

New applications for annual and temporary TPPs Licences are to be processed by authorised officers.

Licences are subject to conditions, including compliance with requirements of this Policy, the Town's *Public Places and Local Government Property Local Law 2016*, the *Food Act 2008* and the *Food Regulations 2009*.

#### *2. Registration under the Food Act 2008*

In order to trade within the Town under this Policy, all food vendors, including mobile and temporary food premises, must be registered with the Town under the *Food Act 2008*, unless eligible for an exemption under the *Food Regulations 2009*.

Where food is provided or sold to the public, including at local events, the TPPs application form must be submitted and approved in addition to the registration certificate where required.

#### *3. Temporary food premises (i.e. stalls)*

Due to the potential for environmental contamination of food within a temporary food premises, they are not permitted to trade roadside under an annual TPPs licence at the locations listed in section 6. The trading locations create potential for food contamination from environmental contaminants including dust, smoke and flying insects. However, temporary applications may be considered separately, according to the proposed location of trading and the physical set-up of the temporary premises.

Temporary food premises must comply with requirements of the Town's Guidelines for Temporary Food Stalls, in addition to this Policy at all times.

#### *4. Food vendors that are not registered with the Town*

Prior to approving any TPPs applications from food vendors that are not registered with the Town, copies of the following documentation may be requested by an authorised officer:

- Certificate of Registration under the *Food Act 2008* with local government authority;
- Evidence of public liability insurance (minimum value of \$20 million); and
- Evidence of electrical compliance.



## 5. *Events*

*Special considerations for registered charities, not-for-profit organisations, community groups and free community events*

Any individual applicant that represents a not-for-profit, community group may seek a waiver of TPPs fees as per the Delegated Authority Register. Any other applicant may be eligible for a waiver of fees and charges associated with Trading in Public Places (TPPs), where it can be demonstrated that they are operating under a 'blanket' food licence held by the organiser of a free community event; or a registered charity, not-for-profit (NFP) organisation, or community group that is organising the event.

When applying for the 'blanket' licence, the Town must be provided with the following:

- A compilation of all TPPs applications that detail all relevant information about the stallholders and food vendors that are proposed to trade at the event at least 2 weeks prior to the event; and
- Evidence of public liability insurance of a minimum value of \$20 million that is current for the event.

Where the purpose of a private food vendor trading is to raise funds for a charitable cause, or are of a fundraising nature, a waiver of fees may be sought provided that all proceeds are donated and written evidence is received from the recipient of funds during the application process.

For any free community event, a blanket food licence may be issued to the event organiser and all fees associated with vendors trading under this Policy may be waived as per the Delegation Register.

Traders holding an Annual License are not to trade at an event unless they have the permission of the event organiser. No additional fees will be charged by the Town for traders holding a valid Annual License who are invited to trade at events.

### *Private events*

Private events held on private or local government property that are have no public access are exempt from requiring TPPs approval.

## 6. *Roadside trading*

Mobile vendors must only trade between 5.00am and 10.00pm at the following locations:

- Don Rhodes Museum – Wilson Street Port Hedland;
- Dreamers Corner – Hamilton Road South Hedland;
- Marapikurrinya Park, Port Hedland;
- Port Hedland Boat Ramp – Richardson Street Port Hedland;
- Yikara Park, Port Hedland; and
- Wheelbarrow entrance of Wedgefield.

Where food vendors intend to trade at a location that is not listed above, a separate application must be submitted to the Town of Port Hedland (Town) for assessment. Each application will be considered separately according to the suitability of the proposed location and the proposed duration of trading. Successful applicants that



hold an annual food registration with the Town will not be charged application and licensing fees for the temporary location.

The maximum number of mobile food vendors that are permitted to be located at an approved trading location at any one time is at the discretion of the CEO.

Any vendors identified to be trading in the absence of a TPPs Licence may be required by to cease trading and submit an application form with payment of prescribed fees before a Licence is granted.

#### 7. *Renewal of 12-month Trading in Public Places licences*

All 12 month TPPs Licences expire at the end of each financial year and are to be renewed before 30 June. The licence renewals are processed by authorised officers. Payment of the annual licensing fee prescribed under the financial budget of that year must be paid prior to a new TPPs Licence certificate being issued. Where provided in the annual budget, pro-rata charges for annual TPP Licenses will be considered for the initial license issued, thereafter annual TPPs Licences expire at the end of each financial year (30 June) and the trader charged the annual rate.

#### Definitions

Nil.

Relevant legislation	<i>Food Act 2008</i> <i>Food Regulations 2009</i> <i>Town of Port Hedland Public Places &amp; Local Government</i> <i>Property Local Law 2016</i>
Delegated authority	Nil
Business unit	Environmental Health
Directorate	Regulatory Services



Governance to complete this section			
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