



## 4.07 Trading in Public Places Policy

### Objective / Purpose

The objective of this policy is to establish the Town's framework for assessing and licensing applications to trade in streets and public places within the Town of Port Hedland.

This includes mobile food vendors, temporary food stalls and event-based trading activities.

The policy outlines application processes, licensing requirements, permitted trading locations, renewal arrangements, fee waivers and compliance obligations for Trading in Public Places licences.

### Policy Statement

#### 1. Legislative Compliance Requirements

All trading in public places within the Town must comply with applicable legislation and local laws, including:

- Food Act 2008 (WA) and Food Regulations 2009 (WA) where food is prepared, handled or sold;
- Town of Port Hedland Public Places and Local Government Property Local Law 2016; and
- any other relevant written law governing food safety, public liability and trading activities.

Where required, traders must provide evidence of compliance with statutory requirements prior to approval being granted, including:

- registration under the Food Act 2008 with the relevant local government authority;
- evidence of public liability insurance (minimum value of \$20 million); and
- evidence of electrical safety compliance where applicable.

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

#### Town Assessment Considerations

In addition to legislative compliance, the Town will assess Trading in Public Places applications having regard to:

- suitability of the proposed trading location
- public safety and pedestrian access
- environmental and amenity considerations
- operational suitability of the proposed activity

Licences may be issued subject to conditions necessary to ensure safe and orderly trading within the Town's district.

## **2. Approval of Trading in Public Places Applications**

Applications for Trading in Public Places (TPPs) licences may be assessed at any time during the financial year.

Applications for annual and temporary licences will be processed by authorised officers in accordance with the Town's Delegations Register.

In assessing applications under this policy, the Town may have regard to:

- suitability of the proposed trading location;
- public safety and pedestrian access considerations;
- environmental and amenity impacts;
- operational suitability of the proposed activity; and
- compliance with relevant legislation, local laws and Town policies.

Licences may be issued subject to conditions necessary to ensure safe, orderly and lawful trading within the Town's district.

## **3. 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, a Trading in Public Places application must be submitted and approved in addition to the registration certificate where required.

## **4. Temporary Food Premises**

Due to the potential for environmental contamination of food within temporary food premises, roadside trading under an annual Trading in Public Places licence may not be suitable at certain locations.

Temporary applications may be considered separately having regard to the proposed location of trading and the physical set-up of the temporary premises.

Temporary food premises must comply with the Town's Guidelines for Temporary Food Stalls in addition to this Policy.

## **5. Events**

Special considerations may apply for registered charities, not-for-profit organisations, community groups and free community events.

Where permitted under the Delegations Register, applicants representing registered charities, community groups or not-for-profit organisations may seek a waiver of Trading in Public Places licence fees.

For free community events, a blanket food licence may be issued to the event organiser subject to the Town receiving:

- details of stallholders and food vendors participating in the event; and
- evidence of public liability insurance with a minimum value of \$20 million.

Private events held on private or local government property that are not open to the public are exempt from requiring a Trading in Public Places licence.

## 6. Fee Waiver Principles

Where permitted under the Delegations Register, consideration of fee waivers for Trading in Public Places applications may have regard to the following principles:

- whether the activity provides a community or charitable benefit
- whether the applicant is a registered charity, community organisation or not-for-profit entity
- alignment with the Town's community objectives
- consistency with the Town's adopted Schedule of Fees and Charges

## 7. Location-Based Trading Controls

### 7.1 Approved Roadside Trading Locations

Mobile vendors may trade between 5.00am and 10.00pm at the following approved 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
- Wheelbarrow entrance – Wedgefield

Trading at these locations is subject to compliance with all licence conditions and applicable legislative requirements.

### 7.2 Applications for Alternative Locations

Where a vendor proposes to trade at a location not listed above, an application may be submitted to the Town for assessment.

Applications for alternative locations will be assessed having regard to:

- public safety and pedestrian access
- traffic management and road safety considerations
- environmental and amenity impacts
- proximity to existing approved vendors
- operational suitability of the site

Approval of alternative locations will be determined in accordance with the Town's Delegations Register.

### 7.3 Vendor Capacity

The maximum number of vendors permitted at any approved trading location at any one time will be determined by the Town having regard to:

- site capacity
- public safety considerations

- operational requirements

## 8. Licence Renewal and Compliance

Trading in Public Places licences are issued subject to compliance with licence conditions and applicable legislation.

Licence holders must maintain any required registrations, licences and insurance for the duration of their trading activity.

Failure to comply with licence conditions or applicable legislation may result in enforcement action under the Town's Public Places and Local Government Property Local Law 2016.

### Legislative Framework

This policy is made and applied in accordance with the following legislation and local laws:

- Food Act 2008 (WA)
- Food Regulations 2009 (WA)
- Local Government Act 1995 (WA)
- Town of Port Hedland Public Places and Local Government Property Local Law 2016

### Related Policies and Governance Instruments

This policy is to be read and applied in conjunction with the Town's broader governance framework, including:

- Town's Delegations Register (as amended from time to time)
- Town of Port Hedland Public Places and Local Government Property Local Law 2016
- Town's Schedule of Fees and Charges
- Food Act 2008 (WA) and Food Regulations 2009 (WA)
- any relevant event management or regulatory guidelines issued by the Town

### Definitions

Nil

### Policy Administration

Administration	Detail
Business Unit	Environmental Health
Directorate	Regulatory Services
Delegated Authority	Yes - 21.3.6 Grant Licence for Commercial Activity
Review Frequency	Annually

**Document Control**

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04	CM201718/208	23.05.2018
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