

3.3 Trading in Public Places Policy

Application

The Town of Bassendean's Vision 2030 guiding principles recognise that to make the Town a vibrant hub of activity with a village atmosphere that business activity in public places is to be encouraged in an orderly manner.

Objective

The Town of Bassendean's objectives for Trading in Public Places Policy are:

- To create attractive, cohesive and vibrant public places and provide the community with high quality trading activities.
- To enrich the pedestrian experience and present an open, inviting image which complies with the Disability Discrimination Act in providing an environment that is safe and accommodating for all pedestrians; and
- To ensure all forms of "trading" as defined in the 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' Local Law are supported;

Strategy

The Town of Bassendean strives to achieve these objectives by:

Approval requirements

A permit for a Trading in Public Places shall be approved only where the Trading activities are appropriate to the character and amenity of the area and the proposed Trading activities should meet a demand for goods or services in the locality.

Application

Any application to trade in a public place must be accompanied by a Trading in Public Places Permit Application Form and the required fee.

In addition to the completed application form, an application should include:

1. Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed display tables and any other furniture
2. Identification of where the furniture will be stored outside of operating hours.
3. The required fee.

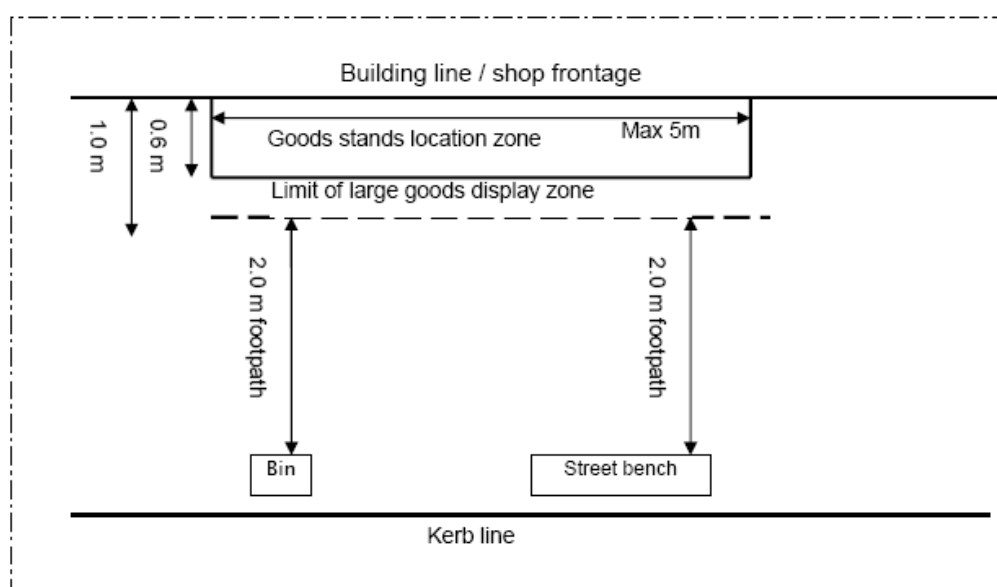
Conditions

A Trading In Public Places proposal may be supported in principle, with the following conditions:

Public Trading Activity

Trading should take into account pedestrian movements and have regard to the impacts that the congregating of customers would have on the amenity of the area and the safety of passers by. Accordingly, goods may only be displayed in the Public Trading Zone, as detailed below:

Public Trading Zone



- Outdoor display stands should be designed to a commercial standard.
- The display stands must meet relevant Australian Standards and be approved by the (FIAA) Furnishing Industry Association of Australia
- The display stands must meet Occupational Health & Safety requirements, including they shall be rust proof, practical, serviceable and to assist the visually impaired have a 30% contrast between furniture and paving;
- The display stands shall be supplied and maintained by the permit holder;
- Display stands shall be visually appealing, easily movable and have a design consistent with the principles and objectives of Trading in Thoroughfares and Public Places - Division 3 to effectively promote the goods;
- The proposed method of display shall be appropriate design and style taking into consideration the overall retail area; and



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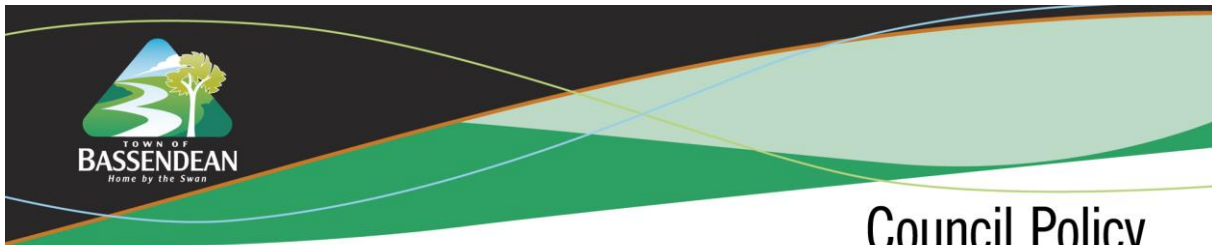
- Goods and display stands shall only be placed on the footpath during the normal hours of trade and must be removed on completion of each day's trading.

Pedestrian Access

- Any Trading in Public Place activity should not obstruct pedestrian movement. A minimum clear footpath width of 2.0 m should be provided. The footpath clearance may be reduced to 1.8 metres at the discretion of the Town on the condition that all obstructions including light poles, parking and street signs and street furniture are not obstructing the free movement of pedestrians.
- A trading activity zone shall be a maximum of 1.0 metre out from the premises boundary towards the kerb and for the width of the shop frontage up to 5 metres, excluding access doors or exits.
- Premises having a shop frontage greater than 5 metres, excluding access doors or exits, shall be liable for an additional fee per metre per annum where an application for a permit to place goods outside the premises is for an area greater than 5 metres wide.
- Displayed goods shall be at least 2 metres away from a truncation, crossover or street corner;
- Goods will not be permitted on footpaths where access to a loading zone or disabled parking bay will be impeded;
- Goods displayed on stands shall not exceed a length/width of 0.6 metres.

Cleaning and Maintenance

- The permit holder shall ensure that area is kept clean and tidy at all times. The permit holder is responsible for disposal of litter and cleaning of the footpath.
- The permit holder shall ensure that no debris or litter is swept into the street gutter and or subsequently washed down the stormwater drainage system. No detergents and cleaning agents shall be washed into the street gutter or drainage system.
- Graffiti that may be applied to display stands / furniture within the permit area is to be removed by the permit holder as soon as practicable. No detergents and cleaning agents shall be washed into the street gutter or drainage system.
- The permit holder is responsible for the maintenance of the permit area and shall maintain the display stands/ furniture to a high standard.



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- The permit holder shall effect any necessary repairs in a timely manner, or as directed by Council. Failure to comply with a direction shall result in the permit being cancelled.

Special events

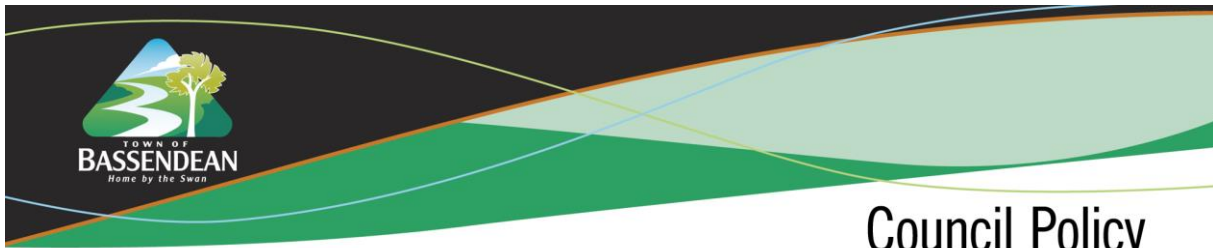
- Commercial grade portable “market” style umbrellas or marquees with a pitched roof shall be permitted;
- All “market” style umbrellas or marquees shall be modern free standing clear span with no guy ropes or poles;
- The fabric of the “market” style umbrellas or marquee roof and sidewalls (if required) shall be flame retardant, water proof and free of any advertising;
- Portable “market” style umbrellas or marquees shall be of a high standard and securely anchored in accordance to the Australian Standards 1170 (wind loads) and / or manufactures recommendations to ensure public safety.

Insurance

- The permit holder shall have a current Public Liability Insurance Policy to the amount of \$10 million, which specifically indemnifies the interests of Council against any damage that may arise out of the trading in a public place activity. Such cover can be varied at the discretion of Council and the licensee permit holder will provide proof of renewals. Council shall be advised directly by the Insurance Company of the Policy and any changes to that Policy, a copy of which is required to be kept at Council.
- Failure to comply at any time in providing the Public Liability Insurance policy or complying with the Trading in Public Places conditions may result in the revocation of the permit.

Advertising / Promotion

- Council encourages innovation in design in accordance to the Council’s Advertising Signage policy.
- Council supports the conduct of footpath activity associated with established businesses throughout shopping centres and other business activity areas.
- Solicitation of customers by touting or the use of public address systems is prohibited.



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- For Council endorsed special events, the name of the permit holders business/logo or registered Trademark may be used within a permit area.

Other Uses

- No music or amusement machines will be permitted.
- Any electric lighting is only to be erected after written approval from the Town has been provided. The applicant is to provide detailed electrical drawings provided by a qualified electrician and meet Western Power safety requirements. Light fixtures selected are to create a soft lighting ambiance and the light spill is to be controlled within the trading area for the safety and amenity of adjoining business, patrons and the public. Architecturally appropriate lighting fixtures should be of a style, finish and character appropriate to the architecture of a building or the light fixtures are to be located in a position that is visually non intrusive.

Fees and Administration

- An annual application for a permit shall be submitted.
- A monthly fee, payable in advance, will be charged in accordance with Council's schedule Fees & Charges to the permit holder on the basis of a rate per metre squared of trading area.
- Pavement markers shall be installed at the corner boundaries of the trading in Public Places permit area in accordance with Council's schedule Fees & Charges at a cost proportional for the number of pavement marker plates required and the associated labour.

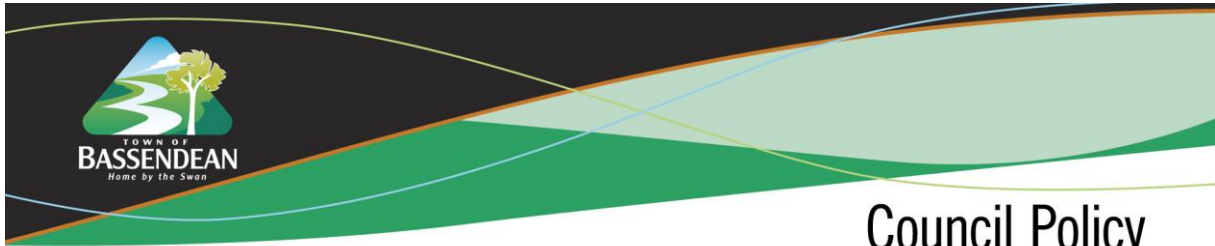
Termination

- If the permit holder is in breach of Council's Trading in Public Places Policy to the full satisfaction of Council, the permit may be terminated within seven (7) days after receiving written notice thereof from Council.
- In the event of the business ceasing or the permit not being renewed, the proprietor is responsible for the removal of any improvements installed and reinstatement of the footpath area, as directed

Administration of this Policy

The Chief Executive Officer (CEO) has the authority to administer the requirements of the Trading in Public Places Policy. The CEO has on-delegated this authority to:

- The Manager Development Services to approve trading in public places that comply with the provisions of this Policy;



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- The Health & Ranger Services to monitor approvals granted and ensure that businesses comply with the “trading activity zone” approvals granted.

Policy Type: Council Policy	Policy Owner: CEO
Link to Strategic Community Plan: Economic Wellbeing and Prosperity	Adopted: Last Review Date: March 2014 Version: 1 Next Review due by: December 2016