



# KENTISH COUNCIL POLICY

## STREET VENDING POLICY

### Policy Number 06:01:2004

<b>POLICY NUMBER</b>	06:02:2004
<b>OBJECTIVE</b>	To regulate and ensure that on-street vending does not interfere with the use of footpaths by the general public and that it operates in accordance with the licence issued by Council.
<b>STATUTORY AUTHORITY</b>	Local Government (Highways) Act 1982 Traffic Act 1925 Vehicle and Traffic Act 1999
<b>POLICY</b>	Adopted 17/08/2004                      Minute 9.a.6 Updated 20/03/2007                      Minute 7.2.6 Updated 20/10/2015                      Minute 11.4.2
<b>REVIEW</b>	The effectiveness of this Policy will be reviewed every 2 years.

#### 1. INTRODUCTION

The Council has approved street vending (sales) in any urban area where there is an adequate and properly formed footpath and roadway adjacent to the premises making application in accordance with the following policy.

#### 2. METHOD OF CONTROL

- Street vending (sales) is to be controlled by the issue of licenses from Council, to be known as Pavement Encroachment Licenses other than where a business undertakes street vending (sales) on less than 10 occasions per year.
- Licenses are to specify the conditions of use outlined in these guidelines.



- Notwithstanding the fact that guidelines can be satisfied Council is under no obligation to issue a license for street vending (sales), and each license is issued solely at Council's discretion.
- Licenses may be terminated if guidelines are not complied with, following due warning for non-compliance.
- Licences will be issued or renewed annually from 1<sup>st</sup> July each year. Licenses will be renewed automatically other than where the vendor is in breach of the license.

### **3. GUIDELINES FOR PLACEMENT OF VENDING EQUIPMENT**

- Street vending (sales) is only permitted in a strip 1000mm wide adjacent and parallel to the applicant's shopfront.
- A minimum footway width of 2 metres for Main Street, Sheffield (between Duff Drive and Henry Street) and Foster Street, Railton (between Crocker Street and Esplanade, shall be maintained at all times between this equipment, free standing signs and/or any street dining furniture. For all other streets the minimum footway width shall be 1.5m.
- No encroachment is allowed beyond the side boundaries of any property.
- No vending is allowed within 1m of any street furniture or street tree.
- The license holder is responsible for maintaining the required clearances at all times
- Notwithstanding the above, where clearances specified cannot be achieved, Council may allow street vending (sales) if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

### **4. GUIDELINES FOR VENDING EQUIPMENT AND MERCHANDISE**

- Vending equipment is to be of good quality in keeping with the surrounding streetscape. Equipment also needs to be adequately constructed and secured, where appropriate, to the satisfaction of Council.
- Merchandise displayed by the license holder is to be consistent with the type and quality of goods displayed in the license holder's premises. All merchandise is to be properly contained on or within the vending equipment.

### **5. INDEMNITY**

License holders are to hold a public and products liability insurance cover extending over the area designated for street vending (sales). The cover is to provide a "principals indemnity extension" to the Council with a minimum cover of \$10 million.

A certificate of insurance must be produced which covers the term of the license proposed, and must not be cancelled during the duration of the licence.



## **6. OPERATIONAL REQUIREMENTS**

- All equipment and merchandise is to be removed from the pavement at cessation of each day's trading by the license holder.
- The license holder must maintain street vending equipment in a good condition and comply with all reasonable requirements of Council's Environmental Health Officer.
- The licensee must maintain all areas adjacent to and including areas where the encroachment is located in a clean manner.

## **7. RENTAL LEVELS**

The applicable fee will be reviewed by Council on an annual basis in accordance with the Schedule of Fees and Charges.

## **8. APPLICATION PROCESS**

- 1 Existing vendors are only required to make a written application requesting approval of the vending arrangements. For new vendors an applicant is required to submit the following:
  - ~ a written application together with a plan to a suitable scale showing the size, number, colour and location of equipment proposed, including photographs or other illustrations.
- 2 When all information has been received Council's Manager of Engineering Services will decide within fourteen (14) days to issue a license. In the event of approval the applicant will have to meet all the requirements of the license before commencement of street vending (sales). When an application is refused Council will provide grounds for refusal.
- 3 In the event of an application being refused the applicant has the right to appeal to the General Manager for a review of the decision.