

POL 0059: Museum Village Markets

Purpose

To regulate the operation of the Museum Village Markets within the Shire of Esperance. The objectives of this Policy are -

1. To encourage a mixture of commercial and non-commercial stall holders to increase the vibrancy and attraction of the Museum Village Markets to tourists and locals.
2. To encourage the participation of local community groups in the operation of the markets.

Scope

This policy applies to Markets convened in the Museum Village Precinct or on a Reserve as approved by the Chief Executive Officer (CEO).

Definitions

Food Vendor: A person or persons preparing food on site for sale direct to the public.

Stall holder: A person or persons conducting a trading undertaking whom is authorised to do so by the Market Permit Holder.

Practice

Policy Statement (refer Council resolution O0710-1479)

1. From time to time the CEO will call for expressions of interest to operate markets at the Museum Village for a term of up to three years.
2. The CEO is delegated the authority to issue a permit to conduct a market to the person or organisation (the Permit Holder) offering the most advantageous proposition to grow the Museum Village precinct as a tourism focal point on the following conditions -
 - a. The Permit Holder will maintain a Public Liability Insurance Policy for a minimum amount of \$20 million and absolve council and its officers of any liability in relation to the Markets.
 - b. The Market Permit will be reviewed after each 12 month period and will be renewed annually pending satisfactory performance as determined by the CEO. (Local Government Property Local Law 2016 Section 3.13(h))
 - c. The Permit Holder must allow access to each stall area by statutory authorities whenever required to inspect stalls and products offered for sale for statutory compliance requirements.
3. The Permit Holder is authorised to charge a fee to market participants (stall holders, buskers, food vendors etc.). Such fees collected may be retained by the 'Permit Holder'. (Local Government Property Local Law 2016 Section 3.13 (i))

4. Stall holders participating in the Markets will be exempt from the requirement to obtain individual stall holders permits from the Shire. (*Activities in Thoroughfares and Public Places and Trading Local Law 2016 Section 6.7(3)*)
5. Stall holders and food vendors intending to sell or distribute food products must notify the Shire's Environmental Health Services prior to doing so. (*Food Act 2008*) A permit to operate a temporary food premise must be displayed in a prominent location at the point of sale or distribution. The Permit Holder will not allow any stall holders or food vendors to operate in the Museum Village Markets without the required permit.
6. Market stalls may only be located on the grassed areas of the Museum Village precinct unless approval to occupy portions of built premises is obtained from either the occupier of the premise or the Shire of Esperance.
7. Market activities shall not be conducted within the road reserve or on footpaths and must not block or impede direct access to Museum Village businesses.
8. On designated market days Museum Village business proprietors may display and sell products and services from any part of their built premises, including non-leased verandas and decking. This condition is provided to increase the vibrancy and attraction of the Museum Village Markets to tourists and locals in accordance with objective 2 of this Policy. The Museum Village business proprietors will not be required to pay a stall holders fee to the Market permit holder.
9. The Permit Holder shall ensure the market site is cleared of all refuse when trading has ceased.
10. Failure to comply with any of the terms and conditions of this Policy may result in withdrawal of the Market Permit and/or refusal to renew or reissue the Market permit.
11. Any damage to Shire of Esperance infrastructure due to the activity is to be reinstated by the Permit Holder to the satisfaction of Council.

.....End.....

Document Information

Responsible Position	Manager Waste and Environmental Health
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Local Government Property Local Law 2016 Section 3.13(h)*
- *Local Government Property Local Law 2016 Section 3.13 (i)*
- *Food Act 2008*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016 Section 6.7(3)*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2010	1	D12/53	New policy.	O1210-1546	Dec 2012
Mar 2016	2		Removal of key words and statute. Removal of objective to develop the Museum Village Precinct as the tourism focal point of Esperance	O0316-008	Mar 2018
April 2018	3	D16/29059	Insert document controller title. Minor formatting. Amend reference to Thoroughfare local law in point 4	O0418-075	April 2020
Mar 2020	4		No change, laid on table for further discussion.	O0320-073	Mar 2022
June 2020	5	D16/29059[v2]	Minor wording changes, formatting to number Objective section	O0620-183	June 2022
Dec 2021	6	D16/29059[v3]	Remove numbering in Objective section. Include 2016 for references to Local Government Property Local Law throughout.	O1221-225	Dec 2023
Feb 2024	7	D16/29059[v4]	Increase public liability insurance required.	O0224-018	Feb 2026