



# NORTHERN MIDLANDS COUNCIL

## POLICY MANUAL

### LICENSING OF STALLHOLDERS AND KERBSIDE VENDORS

**Originated Date:** Adopted 2 May 1994 – Min. No. 183/94 (as Policy 9)

**Amended Date/s:** Amended 15 October 2012 – Min. No. 281/12

**Applicable Legislation:** Display of Goods on a Highway By-Law No. 1 of 2009.

**Objective** To establish a policy relating to the licensing and control of stall holders and kerbside vendors to ensure that all such operations are in accordance with the Act, Regulations, Rules and Conditions administered by Council.

**Administration:** Community and Development

**Review Cycle/Date:** Next review 2019.

(a) Interpretation

- (i) 'authorised officer' means the Environmental Health Officer, and any other person appointed by the Council as an officer for the purposes of this policy;
- (ii) 'kerbside vendor' means any person who in the course of business, profession, trade or calling, sets up a stall in or on any highway in the Municipality for the purpose of carrying on of trading activities involving the sale of wares to the public;
- (iii) 'stall' includes any vehicle, caravan, trailer, stand, trestle, structure or article in, on or under where food is kept for sale;
- (iv) 'stall holder' means any person other than a kerbside vendor who sets up a stall in the Municipality for the purpose of any activity involving the sale of food to the public;
- (v) 'temporary stalls' means stalls used by or on behalf of recognised charities, inner city promotions groups and school fairs, for the sale of food.

(b) Any person seeking licence as a kerbside vendor or stall holder shall make application to the Council in the form appearing as Form 1 in this Policy, furnishing amongst other things:

- (i) a statement in writing as to the wares proposed by the applicant to be sold or exposed for sale;
- (ii) a statement as to the location of the stall within the Municipal boundaries of the Northern Midlands within which the applicant proposes to operate;
- (iii) the required licence period;
- (iv) a description of the stall/vehicle;
- (v) in the case of a kerbside vendor or stall holder proposing to sell foodstuffs a Certificate from the Environmental Health Officer certifying that the method and manner of trading is to the satisfaction of the Environmental Health Officer.

(c) (i) The Environmental Health Officer is empowered to approve, approve conditionally or refuse such an application and in the case of approval or approval conditionally, and subject to the payment of the fees prescribed, to issue on behalf of the Council a kerbside vendor's or stall holder's licence on the form appearing as Form 2 in this Policy.

(ii) If the Environmental Health Officer refuses such an application it shall thereupon cause the applicant to be advised in writing of the grounds of refusal.

(iii) The applicant who has been refused a kerbside vendor's or stall holder's licence or who has been granted a



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kerbside vendor's or stall holder's licence with conditions endorsed thereon may appeal against such refusal or conditions or any of them to the Council.

- (d) Every licence so issued shall be numbered consecutively and shall bear the date of the day it is issued and shall remain in force until 31 December next after the date thereof, unless previously cancelled and shall be in the form set forth as Form 2 in this Policy.
- (e) (i) Each application for a licence or its renewal shall be accompanied by payment of such licence fee as prescribed by this clause or as may be changed from time to time by resolution of Council.

(ii) Licence Fees:

	Up to 1 Week	1 Week to 2 Months	2 to 6 Months	6 Months to 1 Year
	\$	\$	\$	\$
Kerbside Vendors	15.00	30.00	60.00	100.00
Stall Holders	15.00	30.00	60.00	100.00
Temporary Stalls	...	...	...	...

- (iii) Despite sub-clauses (i) and (ii) the Environmental Health Officer may in its discretion waive or reduce the fee of either licence for any person, group or organisation which the Environmental Health Officer considers to be a community organisation

- (f) Every licence issued pursuant to this Policy shall be subject to the following conditions:
- (i) any vehicle to be used for the sale or carriage or delivery of food for sale must be presented to the Environmental Health Officer for inspection and shall not be used for the purposed aforesaid unless the Environmental Health Officer has certified that the method and manner of usage proposed is to his satisfaction;
- (ii) any such vehicle or stall shall at all times during the currency of the licence issued under this Policy be maintained to the satisfaction of the Environmental Health Officer;
- (iii) kerbside vending or setting up of stalls is not permitted within one hundred metres of any shop, except with the prior written consent of the Environmental Health Officer;
- (iv) such other conditions as may be reasonably imposed.