



GENERAL CONDITIONS FOR DISPLAY OF GOODS ON COUNCIL FOOTPATH PERMIT

Please retain this document.

DEFINITIONS

In this Permit reference to:

“Goods” includes the offer, display or exposure for sale, any goods, merchandise, wares, commodity, article or thing but does not include any movable sign (includes A-frame) that is required to comply with Council’s By-law No 2- Movable Signs.

Note: A-Frames are not permitted on Jetty Road, Glenelg.

“Permit Holder” shall mean and include all persons named in the application and all of whom shall be bound by these Conditions jointly and severally and all references to persons include a corporation.

APPLICATION

The Application of this Permit is restricted to those business premises located within the City of Holdfast Bay that want to offer, display or exposes for sale any goods on a public footpath directly outside their business premise during normal trading hours.

The Display of Goods must be located on the shop side of the footpath in accordance with the General Conditions.

LEGISLATION

Using the footpath for business purposes without a Permit issued by Council is an offence under the Local Government Act 1999 that carries a Maximum Penalty of \$2,500 or an Expiation Notice of \$210. Should you use part of the footpath for business purposes that is outside your approved Permit boundaries shown on your approved plan you have committed an offence (no Permit).

GENERAL CONDITIONS

1. The Permit period will expire on the 30 June. Subsequent Permits will be issued on an annual basis for period 1 July to the 30 June the following year. Permit fees are non- refundable unless the application is denied.
2. The Permit Holder must maintain a public liability insurance policy during the permit period with a public risk cover of at least twenty million dollars and that the policy is endorsed to include the name of the City of Holdfast Bay as an interested party. A Permit will not be issued until a Certificate of Currency from the Applicant’s insurer is provided to Council at each and every application.
3. The Permit Holder shall indemnify and keep indemnified and hold harmless the Council its members, employees and agents and each of them from and against all actions, costs, claims, charges, expenses, and damages whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the permit or out of or in relation to the activities authorised thereby.
4. The Permit is not transferable. The Permit bears no relationship to the sale of the business. The new business owner must make an application to Council prior to displaying goods on the footpath and provide a certificate of currency for public liability insurance.
5. In Jetty Road Glenelg and Jetty Road, Brighton a minimum of 2 metres of clear footpath for pedestrian passage must be maintained at all times between the display of goods and the kerb. All other locations must have a minimum of 1.5 metres of clear footpath for pedestrian passage between the display of goods and the kerb. Existing veranda posts are excluded from the required clearances.
6. Where existing Council property (eg. litter bins, public seats) or public utilities precludes the minimum specified width for pedestrian passage there must be a clear space of at least two metres next to and parallel to the property line opposite the Council property or public utility for pedestrian passage. This concession will only apply if a clear 2 metre or 1.5 metre (dependant on locality- refer Condition 5) for pedestrian passage can be maintained between the clear property line and Council property or public utility.
7. The display of goods must not extend more than 750mm outwards from the property line across the public footpath. If the applicant applies for a lesser width (eg 500mm) that is what is approved and the fee is calculated accordingly and the applicant cannot extend beyond the 500mm.

8. The display of goods must not exceed a height of 1200mm (1.2m) measured from the pavement..
9. The display of goods must reach a minimum height of 750mm measured from the pavement.
10. The display of goods must not encroach across neighbouring boundaries.
11. The display of goods (except furniture) must be displayed on stable stands unless otherwise approved by Council. Stands include display tables and clothes racks.
12. Clothes racks must be presented in a manner in order that they cannot be easily moved by the public either by locked wheels or a solid frame.
13. Clear access to premises entrance must be maintained. A wheelchair requires a clear width of 850mm.
14. Street furniture will not be removed or relocated to provide for the minimum clearances required.
15. Hanging product displays are not permitted to encroach across a Council footpath from awnings, canopies, veranda posts or poles fixed to the outside of the building.
16. Goods or their display stands must not be affixed to any footpath, A-Frames or to any structure owned by Council.
17. The Council may set markers on the footpath to define the boundaries for the placement of goods.
18. The Permit Holder must display the Permit at a location on the business premise that can be easily seen by a Council Officer from outside the front of the premises.
19. The display of goods must not present a safety hazard to footpath or road users.
20. The display of goods should have a contrasting colour to their background to assist the vision impaired.
21. The display of goods must be neatly maintained with no signage other than small price tags and the description of goods.
22. The display of goods must not incorporate any illuminated or flashing lights, rotating or moving parts or provide undefined edges (sharp /protruding objects) and proportions that may pose a danger to the public.
23. The edges of goods display must be made safe for busy pedestrian times and for the detection of the vision impaired.
24. The Permit Holder takes responsibility for safety and compliance with the Disability Discrimination Act 1992.
25. The Permit Holder must not affix any structure to a building, including awnings, blinds or the like without receiving Development Approval from Council's Development Assessment Department.
26. Removable umbrellas (not less than 2 metres from lower canopy edge border to pavement) may be used and anchored to provide shade and shelter only where there is no existing veranda or other canopy structure or where such structures are above 4 metres in height. Advertising on an umbrella is restricted to the name or logo of the business associated with the Permit and not exceeds 10% of the total available space.
27. The Permit Holder shall bear the cost of pavement repairs including cleaning carried out by Council which in the opinion of the Council or Council's Works Manager are necessary by reason of activities authorised under the Permit.
28. The Council reserves the right to assess the display of goods from time to time to determine that the display of goods does not detract from the desired character of the street or creates a hazard to pedestrians of all abilities.
29. In each application and from time thereafter, Council may assess the pedestrian density in the vicinity of the display of goods. If in the opinion of Council the pedestrian density is such that the free flow is, or would be unduly restricted or obstructed by the display of goods, Council reserves the right to refuse such application, cancel any current Permit or amend the Applicants' Permit Conditions.
30. A Permit does not confer exclusive rights of a public footpath for business purposes other than an authorisation to trade on the footpath or part thereof in accordance with Permit Conditions for the period of the Permit.

31. The Permit Holder must remove or relocate goods at the direction of a Council Officer acting under delegated authority of Council, if in the opinion of Council there is a hazard or obstruction or likely to be a hazard or obstruction arising out of the location or nature of the goods.
32. The Council may suspend a Permit by giving reasonable notice (except in case of emergency) to the Permit Holder if the Council requires the footpath for events, festivals, footpath maintenance or works, or any other purpose.
33. The Permit Holder bears all costs that may be consequential of any change to the Permit Conditions or any Special Conditions imposed by Council.
34. Should other directives, changes of legislation occur which changes the Goods on Council Footpaths Policy, Council is not bound to offer any compensation if the Permit Holder is required to relocate or remove their goods accordingly.
35. A breach or continued breach of the Permit Conditions may result in the Permit being cancelled for the remaining Permit period or suspended for a period of time determined by the Manager Regulatory Services in consultation with the Permit Holder and the issue of an Expiation notice (fine).
36. The use of public footpath for business purposes attracts an annual permit fee calculated according to Council's Schedule of Fees and Charges. Council reviews its Schedule for Fees and Charges on an annual basis.
37. The Permit Holder or its agent must not use any amplified equipment or instrument or use spruiking or distribute leaflets/pamphlets in association with the Permit..
38. Goods must not incorporate any foods that are not pre-packaged or foods that must be kept under specific temperature controls to maintain the foods safe. The Permit Holder must receive approval from Council's Environmental Health Officer (food officer) prior to making an application for a Permit if the Goods include food.

PERMIT FEE (reviewed annually)

Fees are updated at each financial year, please refer to Council's fee schedule for the current fees.

The permit fee is based on a rate per square metre plus an additional 450mm wide in recognition of the obstruction caused by the customers shopping/browsing on the footpath.

For example, if the display shown on your plan is 600mm wide across the public footpath on Jetty Road at Glenelg, and the length of display along the footpath is 2500mm, the fee is calculated on 2500mm x (600mm + 450mm) at the applicable square metre rate for Jetty Road Glenelg i.e. (2.5m x 1.05m) x \$117.00 = \$307.13.

If the fee is calculated to less than the minimum fee, this minimum fee will be charged.