

Trim Container	FOL/17/1011
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1. PREAMBLE

1.1 Background

The City of Holdfast Bay (Council) acknowledges that properly managed and suitability located display of goods on public footpaths can enrich the pedestrian experience and provide an economic benefit to the City.

1.2 Purpose

This Policy and General Conditions for the Display of Goods on Council Footpath Permit provide criteria for the commercial use of public footpaths, a framework within which applications can be assessed, the display of goods managed and Council's enforcement and compliance protocol

1.3 Scope

This Policy applies to business premises located within the City of Holdfast Bay that request to display or expose for sale any goods on a public footpath directly outside their business premise during normal trading hours.

Application of this Policy does not include any movable signs (includes A-frames) that are controlled under Council's By - Law No 2 - Movable signs

1.4 Definitions

There are no specific definitions associated with this policy.

1.5 Strategic Reference

Placemaking: Creating vibrant and safe places
 Economy: Making it easier to do business
 Culture: Supporting excellent, efficient operations

2. PRINCIPLES

- 2.1 Permits will only be issued to a business operator to display goods on a Council footpath if Council is satisfied that all pedestrians, including those with mobility and vision impairment have adequate, safe, and clear path of travel and adequate access to business premises, street furniture and pedestrian access points.

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- 2.2 The ability to trade on the footpath is not a right; it is a concession granted to traders only when the Council is satisfied that there is no danger to community safety or adverse effect on the street amenity.
- 2.3 The issue of a Permit does not confer exclusive rights of a public footpath for business purposes other than an authorisation to trade on the footpath in strict accordance with the Permit Conditions for the period of the Permit.
- 2.4 The Display of Goods on Council Footpath Permit bears no relationship to the sale of a business. The new business owner must make an application to Council.
- 2.5 The Permit Holder takes responsibility to comply with the *Disability Discrimination Act 1992*.
- 2.6 Council may suspend a Permit by giving reasonable notice (except in case of emergency) to the Permit Holder if Council requires the footpath for events, festivals, footpath maintenance or works.
- 2.7 Council reserves the right by giving reasonable notice to the Permit Holder to relocate or remove goods on the footpath if additional public infrastructure items must be located or ensure public safety during major construction projects or major event.
- 2.8 Council may cancel or suspend a Permit for a breach of Condition. However, the Manager Regulatory Services will give the Permit Holder written notice of the proposed cancellation stating the grounds on which Council proposes to act.
- 2.9 The Permit Holder will be provided reasonable time to make representations to the Manager Regulatory Services on the proposed cancellation unless it is deemed that the breach places the health or safety of the public at risk or otherwise to protect the public interest
- 2.10 That should other directives and / or changes of legislation occur which change this Policy, Council is not bound to offer any compensation if permit holders are required to relocate or remove their goods accordingly.
- 2.11 The City of Holdfast Bay may in each application and from time thereafter, assess the pedestrian density in the vicinity of the display of goods.
- 2.12 If in the opinion of Council the pedestrian density is such that the free flow is, or would be restricted or obstructed by the display of goods, Council reserves the right to refuse such application, cancel any current permit or amend Permit Conditions.
- 2.13 Operational Criteria
- 2.13.1 The display of goods within all locations of Holdfast Bay must be on the shop front side of the footpath.
- 2.13.2 The display of goods must not extend more than 750mm from the property line across a public footpath.

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- 2.13.3. An additional 450mm wide for “shopping” activity be included in the permit area.
 - 2.13.4. The display of goods must reach a minimum height of 750mm.
 - 2.13.5. The display of goods must not exceed a height of 1.2 metres measured from the pavement.
 - 2.13.6. Goods (except furniture) must be displayed on stable stands unless otherwise approved by Council.
 - 2.13.7. In Jetty Roads Glenelg and Brighton a minimum of 2 metres of clear footpath must be maintained at all times between the display of goods and the kerb face. All other locations must provide a minimum of 1.5 metres.
 - 2.13.8. Where Council property (e.g. Litter bins, benches) or public utility precludes the specified minimum width for pedestrian path there must be a clear gap of at least two metres along the property line opposite the obstruction.
- 2.14 Charges
- 2.14.1. Council may charge a fee based on a fixed rate per square metre (m²) in accordance with outdoor dining rates which are considered annually.

3. REFERENCES

3.1 Legislation

- *Disability Discrimination Act 1992*
- *Local Government Act 1999*

3.2 Other References

Nil