

# PH 7 – Mobile and Itinerant Traders

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## 1 Objectives

- To avoid the creation, of adverse traffic, pedestrian and general public safety conditions, particularly on routes where the dominant function is the safe movement of vehicular traffic.
- To regulate the level and intensity of trading activities on road reserves and other public places necessary to ensure that the site is retained primarily for its purpose (like community/traffic use and not commercial).
- To accommodate appropriate trading activities in order to provide services that enhance the visitor/resident experience.
- To ensure that the parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the characteristic streetscape of the area and the street.

## 2 Scope

The main difference between an "Itinerant Trader" and a "Mobile Trader" is that a mobile Trader can solicit business from a parked location whereas an itinerant Trader has to be stopped by customers (an ice cream van is an Itinerant Trader whereas a vehicle parked selling fresh flowers or produce is a Mobile Trader).

This Policy doesn't bind the local government in respect of any application for approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note this Policy isn't applicable to the placement of tables and chairs (alfresco dining) on footpaths outside of eating establishments, the sale of retail merchandise from the footpath outside a retail premises or the trading of stalls and other commercial activities within a thoroughfare during a festival or event. In those situations Council's 'Commercial Activities on Thoroughfares' Policy is applicable.

The Policy is also not applicable to the use of the community stall in Hampton Street, Bridgetown, nor for the operation of community health mobile clinics and other government/community like uses.

This Policy is to be read in conjunction with the "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law".

## 3 Definitions

### 3.1 Mobile

means working in one place for a period of time of no more than 4 hours in any one day and then moving on to operate in another place. Consideration under this Policy will not be given to any proposals for trading in excess of this limitation, including proposals for semi-trading arrangements.

### 3.2 Itinerant

means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily to customers who stop the Trader or come to the Trader while the vehicle is so parked.

### 3.3 Public Place

includes a road or place which the public are allowed to use, whether or not the road or place is on private property.

### 3.4 Trader

means someone who promotes, exchanges or hires goods or services for money.

## 4 Policy

### 4.1 Application Requirements

Applications for mobile trading or itinerant trading are to be submitted providing the necessary information (including insurance requirements) as required under Part 6 (Trading in Thoroughfares and Public Places) of Council's "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law".

### 4.2 Requirements for Consideration of a Mobile Trading Location

4.2.1 A place will only be approved if it:

- (a) Is readily and safely accessible to customers;
- (b) Provides adequate parking for customers;
- (c) Does not present a traffic hazard or danger to the public;
- (d) Has adequate rubbish disposal facilities or the operator has made suitable arrangements for collection of rubbish from customers;
- (e) Does not breach any regulatory or signposted car parking restrictions;
- (f) Takes place where the goods displayed and the gathering of customers will not impede pedestrians or vehicle movements or cause conflict with other activities; and
- (g) Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).

4.2.2 Other than itinerant traders, there is a general presumption against trading in road reserves unless the site has a formal parking area (such as rest areas).

4.2.3 Approvals will generally not be given on sites within the boundaries of the Bridgetown Townsite. Due to the lesser commercial presence in Greenbushes consideration will be given for sites within that townsite however in considering approval specific attention will be paid to the competition with nearby established commercial premises

4.2.4 Approval will not be granted where the local government considers the environment of an area is too fragile to accommodate the activities of mobile trading, or where mobile trading would detract from the predominant public purpose of an area.

### 4.3 Restrictions on Itinerant Traders

4.3.1 Itinerant Traders are generally not appropriate on roads with speed limits greater than 60km/hr.

4.3.2 No trading within the Commercial Zone is permitted.

4.3.3 The use of amplified music is to comply with the applicable environmental noise regulations.

#### 4.4 Duration of Permit

In accordance with Council's "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law" permits will be valid for 1 year from the date on which it is issued unless it is otherwise stated on the permit or is subsequently cancelled.

In the interests of administrative efficiency the local government may set an initial expiry date of less than 1 year in order to standardise the expiry dates of all traders. Such a date is likely to be either 31 December or 30 June.

## 5 Applicable Legislation and Documents

Act	s.2.7(2)(b) <i>Local Government Act 1995</i> – The council is to determine the local government's policies
Regulation	N/A
Local Law	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
Shire Policies	N/A
Related Documents	N/A
Related Procedure	N/A

## 6 Administration

Original Adoption Date	26 May 2016
Last Reviewed	28 April 2022
Scheduled Reviewed Date	27 April 2023