



5. ENVIRONMENTAL POLICIES

5.1 HEALTH

5.1.10 Exemption to the Requirement to obtain a Stallholder's Permit.

Policy Objective

The objective of this Policy is to reduce the approval process for charitable or not for profit stallholder activities that have occurred safely on a regular and historical basis within the main streets in commercial areas of the Shire of Manjimup.

Policy Application

This Policy applies only to charitable and not for profit organisations.

Definition

Charitable and not for profit organisations are defined as an institution, association, club, society, or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium.

ACTIVITIES EXEMPT FROM STALLHOLDER APPROVALS IN PRESCRIBED AREAS

1) Raffles

Raffles may be conducted from the following locations:

- a) On the footpath immediately outside of the Manjimup Newsagency subject to:
 - I. An approved booking in advance recorded by the Shire of Manjimup;
 - II. Only one booking permitted per day.
- b) On the footpath immediately outside the Pemberton Hardware subject to:
 - I. Only one booking permitted per day.
- c) Any other raffle location may be approved at the discretion of the Chief Executive Officer after due consideration of the Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

5.1.10 Exemption to the Requirement to Obtain a Stallholder's Permit

2) Food Stalls

Food stalls may be conducted from the following locations:

- a. At the CWA building in Giblett Street, Manjimup subject to:
 - I. An approved booking in advance recorded by the Shire of Manjimup;
 - II. Stallholders are to apply to Council's Environmental Health Officer to for a food approval; and
 - III. The booking conforms to any food related requirements contained within the Health (Food Hygiene) Regulations 1993.

- b. On the footpath outside of any commercial retail shop subject to:
 - I. Stallholders are to apply to Council's Environmental Health Officer for a food approval;
 - II. The owner/occupier of the commercial premises approving the use;
 - III. The area of footpath being used is immediately abutting the commercial premises;
 - IV. The street stall does not block more than one third of the pedestrian access past the premises and is limited to a maximum usable space of 1.5 metres immediately adjacent to the commercial premises;
 - V. The stall does not give rise to any safety issue determined by the Shire of Manjimup from time to time;
 - VI. The booking conforms to any food related requirements contained within the Health (Food Hygiene) Regulations 1993; and
 - VII. Only one stall is permitted per day per commercial premises.

- c. On private land outside of a commercial retail shop subject to:
 - I. Stallholders are to apply to Council's Environmental Health Officer for a food approval;
 - II. The owner/occupier of the commercial premises approving the use;

5.1.10 Exemption to the Requirement to Obtain a Stallholder's Permit

- III. The owner/occupier of the commercial premises accepting responsibility in relation to the activity;
- IV. The booking conforms to any food related requirements contained within the Health (Food Hygiene) Regulations 1993; and
- V. Only one stall is permitted per day per commercial premises.

3) Other Stallholder Activities

Stalls operated by charitable or not for profit organisations outside of this policy are not exempt and will only be considered upon application to the Shire of Manjimup in accordance with the Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

4) Charges

Council shall not collect charges for stallholder permits where a charitable or not for profit organisation is exempt from obtaining a stallholder permit under this policy.

5) Cancellation of Exemption

Any employee of the Shire of Manjimup authorised for the purposes of the Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law may, upon witnessing any issue associated with this stallholder exemption, remove the exemption pertinent to a person, class of persons or public place. A verbal instruction from the Authorised Officer to cease activities within a specified time period or to modify an existing practice is deemed sufficient notice to the stall operator that to continue the activity, in ignorance to the direction, constitutes a breach of the requirements to obtain approval for a stall under the Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

**ADOPTED 26 APRIL 2007
NEXT DUE FOR REVIEW APRIL 2011**

The Administration of this Policy is by Statutory Services Division.