

# COUNCIL POLICY



<b>Footpath Trading</b>	Policy No:	SCS-011
	Adopted by Council:	24 October 2017
	Review Date:	April 2020
	Revision No:	
Responsible Officer: Manager Community Relations.	Expiry Date:	30 October 2020
Authorised Officer:	Version No:	1 Chief Executive Officer

## 1. Purpose

This policy aims to ensure that footpaths in the Surf Coast Shire provide everyone with clear, safe and unobstructed access at all times, in accordance with Council's statutory responsibilities.

## 2. Scope

This policy will regulate the placement and use of any street furniture, signs and displays, along with the activities of any traders on Council. This policy authorises the Footpath Trading Procedures to provide the conditions upon which the regulation of footpath trading activities and the issuing of footpath trading permits within the Shire is based.

## 3. Application

This policy and procedure applies to Council staff, contractors and any business operator/trader who proposes to use Council's footpaths.

## 4. Definitions

Not Applicable

## 5. Policy

The Surf Coast Shire Council has the responsibility to provide a safe environment for people who move through the Shire. Council also has legal responsibility for the regulation of trading activities in public places. The approval of footpath trading allows businesses to extend part of their trading operations onto a portion of public footpath land.

Council believes however, that footpaths are primarily provided for pedestrian access rather than trading. A key responsibility for Council, under duty of care and Disability Discrimination Act access legislation, requires that a clear path be provided allowing all people to move along footpaths in a safe manner.

### 5.1 Guiding Principles - Footpath Trading

The essential key to an effective pedestrian system throughout shopping precincts is:

5.1.1 The development and maintenance of a continuous accessible path of travel that is consistent, safe and unobstructed for everyone using the Surf Coast Shire's footpaths.

The footpath environment will;

5.1.1.1 extend out from the property line to provide a consistent footpath environment

5.1.1.2 require any street furniture, signs, trader's activities or displays to be located in the designated trading zone, and

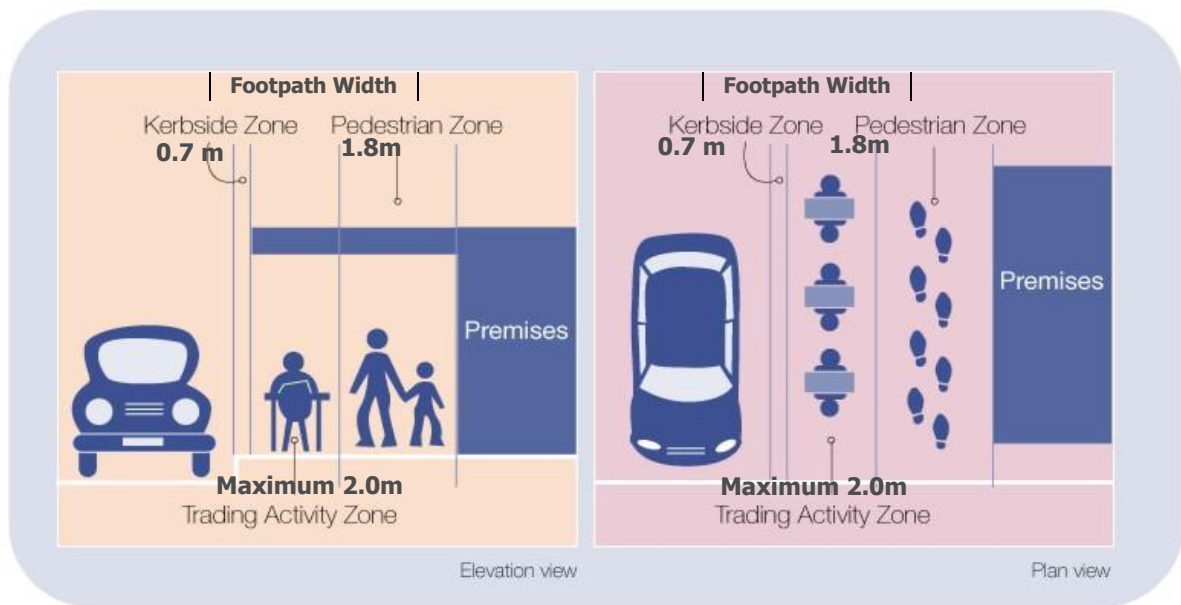
5.1.1.3 recognise the needs of all of the community, including people who have a disability.

5.1.2 Council believes that footpath trading is a privilege, not a right and that there needs to be clear policy and guidelines to ensure statutory and community responsibilities are upheld.

5.1.3 Council supports the long term viability and sustainability of retail strips and recognises that footpath activity must make a positive contribution to the urban character and amenity of the area and surrounding residential areas.

### 5.2 Footpath Zones

Council has based approval for footpath trading on the width of footpaths.



### 5.2.1 Permanent fixtures affecting footpath zones.

Public Assets such as bike racks, seats, bins, pedestrian crossings, fire hydrants and other emergency assets, parking meters, traffic signal boxes, public transport shelters and other permanent fixtures placed on the footpath have priority over commercial interests and will only be relocated at the request of traders under exceptional circumstances.

### 5.3 Outdoor Dining

5.3.1 The Surf Coast Shire Footpath Trading Procedures identify all conditions under which outdoor dining may be conducted by traders registered under the *Food Act 1984* to serve food and / or beverages.

### 5.4 Ancillary Items, Goods, Signs and Activities on the Footpath

5.4.1 Ancillary items such as umbrellas, barriers, heaters, outdoor speakers/amplification equipment and pot plants are permitted for use in footpath trading, as per the conditions set out in the Surf Coast Shire Footpath Trading Procedures.

5.4.2 Goods may be placed on display for sale on a footpath, as per the conditions set out in the Surf Coast Shire Footpath Procedures.

5.4.3 Signs may be displayed for advertising as per the conditions set out in the Surf Coast Shire Footpath Trading Guidelines and any other Policies, Guidelines or Statutory requirements.

5.4.4 All items which are placed on the footpath must be stable, of good design and not able to damage the footpath.

5.4.4.1 Items are not permitted to be fixed to or holes drilled into the footpath without prior application, inspection and approval by an Authorised Officer.

5.4.4.2 The permit holder will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths caused by chairs / tables, ancillary items, etc.

### 5.5 Administration

The Surf Coast Shire Footpath Trading Procedures outlines all conditions and requirements for the application for and approval of a permit allowing footpath trading.

#### 5.5.1 Fees

Footpath trading permit fees may vary from year to year, as determined by Council resolution and details are available upon request from the Surf Coast Shire website, Customer Service or Regulatory Services Departments.

#### 5.5.2 Decision Making & Authority

Authorised Officers derive their authority for the purposes of this policy from the Surf Coast Shire Community Amenity Local Law No. 1 of 2008.

Local conditions will influence the approval of a permit. An Authorised Officer cannot permit activity where it would compromise pedestrian, cyclist or vehicle traffic safety or cause detriment to the amenity of the area.

### 5.5.3 Review of Policy

The Surf Coast Shire Council will review this policy from time to time as required and reserves the right to make any alterations it deems necessary.

## 6. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Application forms	Local Laws department	Ongoing	Trim file F17/73

## 7. Attachments

Not applicable.

## 8. References

*Disability Discrimination Act 1992*

Surf Coast Shire MPP-010 Footpath Trading Procedures

Surf Coast Shire Tourism, Directional & Commercial Signage Policy & Guidelines

Surf Coast Shire Community Amenity Local Law No. 1 of 2011

Surf Coast Shire Annual Budget - Appendix D - Schedule of Fees and Charges.