

**WS 9****STREET VENDING**

Division:	Development and Environmental Services	Date Adopted:	March 1994
Section:	Monitoring	Date Last Changed:	
File Ref:	8512.02	Last Review Date:	March 1994

**POLICY STATEMENT**

To ensure the safety and free passage within any road reserve of Council's area by the observance and enforcement of the Local Government Act 1993 and ensuring compliance with Council's Street Vending guidelines.

**RELATED LEGISLATION POLICIES AND PROCEDURES**

1. Local Government Act 1993.
2. Council's Street Vending Guidelines adopted on 6 April 1993.

**POLICY STATEMENT**

1. Council will approve street vending operations only in compliance with the Street Vending guidelines.
2. In deciding whether to approve an application to carry out an activity to which its Street Vending Policy applies, the Council shall, insofar as it is relevant to the application, fully take into account the effect of the activity on the public amenity and public safety of pedestrians and motorists in the locality of the proposed activity and shall, if approval is given, impose appropriate conditions relating to those matters.
3. Subject to legal advice in each case, where it appears to the Council that a breach of a law or an approval to which its Street Vending Policy applies has occurred or is continuing or is likely to occur, the Council shall, without delay, take such steps as are available to it under the law and are appropriate under the circumstances of the case to remedy or restrain the breach or to prosecute the offender in respect of the breach. Such steps may include but are not limited to the following:
  - the giving of Orders No.s 27 or 30 under section 124 or giving an order under section 125 of the Local Government Act 1993;
  - taking proceedings in the Land & Environmental Court for an order to remedy or restrain the breach;
  - taking proceedings in the Local Court under section 626(3), or (4), 627, or 628(2), (3) or (4) of the Local Government Act 1993.
  - Any representation received for leniency in relation to the enforcement of this Policy will be assessed by the General Manager in accordance with guidelines.

**POLICY STATEMENT (continued)**

4. Any representations received for a variation to the conditions of this policy in respect to charity or community organisations, may be reviewed and determined by the General Manager.
5. This policy shall not take precedence above "A" Frames Policy.