

HOBSONS
BAY CITY
COUNCIL



Street Stalls and Collections Policy

2022 Version 3.0

Acknowledgment of Country

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past, present and emerging.

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1. Purpose

This policy aims to provide a consistent, balanced and equitable approach to the approval and conduct of street stalls and fundraising collections within the municipality.

2. Background

Council regularly receives requests from various organisations to conduct fundraising activities such as raffles, street stalls, sausage sizzles, pledge programs, “tin shakes” and doorknocks within the municipality.

The community benefits of charity are important. Charities bring people together to support the local area, and can build social capital. They also help to foster a sense of pride and belonging within a community.

Clause 108 of Council's Community Local Law states that a person must not without a permit solicit or collect gifts of money or subscriptions from any road, footpath, or from house to house.

Clause 112 of Council's Community Local Law states that a person must not without a permit busk on any road, footway or Council land with the intention of collecting money.

Clause 119 of Council's Community Local Law states that a person must not without a permit sell or offer for sale any goods or services from any premises or public place.

Council will issue a permit to conduct these activities in accordance with this policy and associated procedural guidelines.

3. Scope

To define the requirement for any person or group seeking to conduct street stalls, collection, busking or spruiking in accordance with both legislation and the Community Local Law 2015.

4. Definitions

Streatrader	the Victorian Government's online registration tool for community groups and businesses selling food from a food stall, truck, van or cart.
Stall	a booth or stand in which merchandise is displayed for sale, or in which some business is carried on.
Collections	a sum of money collected, especially for charity or church use.

5. Policy and principles

5.1. Criteria for the issue of collection permits

Permits will be restricted to registered charitable, welfare, educational or local community organisations, provided that 100 per cent of the proceeds from the collection are to benefit the organisation or charity.

Approval to conduct a collection will not be given to commercial organisations or individuals whose express purpose is for profit or personal gain – 100 per cent of funds collected must go to the community/charitable organisation. Applicants must provide documentation that clearly demonstrates who will benefit from the proceeds of the fundraising activity and be a registered charity in accordance with the *Fundraising Act 1998*.

Council has the right to refuse or cancel a permit if it is considered to be in conflict with Council's values.

5.2. Street stalls

To achieve an equitable and balanced approach to fundraising activities, charitable/community organisations will be restricted to one permit within the municipality per month.

Council will allow the sale of raffle tickets from a table at Council's designated sites subject to the rules of the Victorian Commission for Gambling Regulation.

Council will allow the conduct of street stalls such as sausage sizzles, cake stalls, craft stalls, information stalls and pledge programs from its designated sites.

Applications to conduct a stall for promotional events where funds are not collected, such as a sausage sizzle, will be considered on an individual basis.

Street stalls must be stationary in their nature. No roving or soliciting pedestrians is permitted. The street stall must remain in a stationary position at the designated site for the entire period of the stall.

A Statement of Trade must be submitted to Council's Public Health Department via Streatrader by all operators proposing to sell food.

Organisations must display a sign indicating the name of their organisation. The sign must be in clear view of the general public and easy to read.

All associated signage, displays and rubbish must be removed from the area immediately at the end of the activity.

5.3. Designated sites

Council will issue a permit for a street stall in accordance with this policy and subject to availability of the site at the designated locations listed below.

- Pier Street, Altona – outside Coles
- Pier Street, Altona – outside Australia Post
- Douglas Parade, Williamstown – outside Westpac Bank
- Douglas Parade, Williamstown – outside Coles

Requests for other one-off sites will be considered on an individual basis in conjunction with Council's Local Laws Department. Permits may be issued where compliance with Council's Footpath Trading Code can be achieved and neighbouring businesses will not be adversely affected.

5.4. Private property

Council is not required to issue street stall permits for fundraising activities on private property. Such sites include Bunnings, Altona Gate Shopping Centre, Central Square Shopping Centre, and The Range Shopping Centre. While a permit for the site is not required, a Statement of Trade must be submitted to Council's Public Health Department via Streatrader.

5.5. Doorknocks

Council will allow up to six doorknocks in the municipality per year.

One doorknock will be allowed per charitable organisation per year.

An organisation must be a recognised state-wide or national charity.

No child under the age of 18 years is permitted to carry out any collection unless accompanied by an adult.

Organisations conducting doorknocks must have adequate liability insurance coverage for the proposed activity.

5.6. Highway and intersection collections/Emergency Appeals

Highway and intersection collections will not be permitted, unless Council approval has been granted for an emergency appeal. Permits to be issued by Victoria Police after Council approval.

Any request to conduct highway and intersection collections during an emergency appeal must be approved by Council and if approved the organisation must obtain permission from the Chief Commissioner of Victoria Police.

Organisations intending to hold a highway or intersection collection during an emergency appeal must make written application to the Chief Commissioner of Victoria Police at least one month prior to the date on which the collection is intended to be held.

A copy of the approval from the Victoria Police must be forwarded to Council.

Highway and intersection collections are not permitted at night between sunset and sunrise.

All applications for highway and intersection collections must comply with the Road Safety (Road Rules) Regulations 2017.

5.7. "Tin shake" collections

Council will allow "tin shake" collections by recognised or national charitable organisations in public streets but not at intersections or on the carriageway.

5.8. Busking

A person must not without a permit busk on any road, footway or Council land with the object, or apparent object of collecting money. Busking includes a range of activities such as singing, playing music, dancing or performing any like activity.

Council has no jurisdiction over busking on private properties.

5.9. Spruiking

Council will only allow spruiking associated with activities that provide a benefit to the community and are charitable in nature.

6. Procedural guidelines

Applications for collection permits must be received by Council at least 14 days before the proposed event date.

Permission for stalls involving food handling is subject to approval from Council's Public Health Department.

The permit applicant must obtain consent from the occupier of the premises on which they intend to operate.

All footpath furniture must be located kerbside in accordance with Council's Footpath Furniture and Trading Code.

Permit applicants for street stalls, sausage sizzles and tin shake collections must provide a public liability Certificate of Currency for a minimum sum of \$20 million.

A permit may be varied or cancelled by Council on receipt of any complaints regarding the conduct of stallholders or collectors.

Council officers will monitor any illegal fundraising activity by requesting proof of permit. A permit must be shown when requested by any of Council's patrolling Parking and Local Laws Authorised Officers. Failure to produce a current permit could attract a penalty. In cases where a permit has not been granted, the fundraising activity may not proceed.

7. Roles and responsibilities

Community Safety and Compliance Authorised Officers

- Processing and issuing of permits
- Enforcement
- Compliance

Environmental Health Officers

- Streatrader permits
- Enforcement
- Compliance

8. Related documents

Footpath Furniture and Trading Code 2021

9. Related legislation

Food Act 1984

Fundraising Act 1998

Road Safety (Traffic Management) Regulations 2019

Community Local Law 2015

10. Review date

This policy will be reviewed three years from the date of endorsement by Council, unless it is required to be updated sooner.

11. Further information

For further information concerning this policy please contact the Local Laws Department on: 1300 179 944

12. Document control

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13. Version history

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1.0	25 July 2006	Council
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