

Application for new footpath trading permit 2018/19

Applicant details	Name:	
Business details	Trading Name:	
	Property/premises address:	
	Postal address:	
	Days and hours of operation:	
Contact details	Name:	Email:
	Phone:	A/H phone:

Type of permit required (tick appropriate box)		
<input type="checkbox"/> Portable advertising signs/banner/flags	\$65.00 per sign	Number of signs/banners/flags (max is two)
<input type="checkbox"/> Goods for sale or display	\$65.00	Approximate size of display: _____ m ²
<input type="checkbox"/> Outdoor eating facility	\$165.00	Consisting of _____ tables and _____ chairs
<input type="checkbox"/> Permit to consume alcohol in a public place	\$165.00	Please include a copy of your current liquor licence

* **Pro-rata fee available.** Please contact Regulatory Services on 5036 2346 to confirm amount to pay

New applications received between:

1 September and 31 December 2018 (25% discount)

1 January and 31 March 2019 (50% discount)

1 April and 30 June 2019 (75% discount)

Public Liability Insurance
Before a permit is granted, you must provide a Certificate of Currency issued to you by your insurance provider. The Certificate must include public liability coverage of at least \$10 million. See example attached.
Name of insurance provider:

Checklist – have you checked the following?

- Your Public Liability Insurance Certificate of Currency
- Your signed Form of Indemnity (attached)
- Your completed Footpath Trading Permit Plan (attached)
- A copy of your liquor licence (if applicable)
- Payment of the relevant fee

OFFICE USE ONLY		
File no.	Permit no.	Date issued:
Receipt no.:	Amount paid:	Date paid:

1. Conditions for Advertising Sign

You understand and agree that permission will be subject to compliance with the following conditions:

- a) The applicant must comply with the provisions of Community Local Law No. 2 – section 45 and the Footpath Trading Code of Practice, section 6.
- b) The applicant shall take out and keep current, during the period of the permit, a policy of Liability Insurance in the form approved by the Council, in the joint names of the Council and the Permit Holder, in relation to the activities described in the permit, for a minimum sum of \$10 million, indemnifying the Council and the Permit Holder, against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them arising out of, or in relation to the said activity described in this application.
- c) The Council retains the right to alter or amend the conditions or to revoke any permit at its absolute discretion.
- d) The permit expires on the 30th of June each year.
- e) The decision of Council's Authorised Officer will be final in the interpretation of the application of any condition.
- f) Advertising signs can only be placed within the "Trading Activity Zone", as defined in Section 3 – Definitions of the Footpath Trading Code of Practice.
- g) The maximum number of signs permitted per premises is two.
- h) Maximum dimensions of signs are 1000mm (measured from the ground) in height and 800mm in width.
- i) Signs must not be situated where they obstruct the vision of the driver of a vehicle, or cause any other traffic hazard.
- j) All free-standing advertising signs must be of such material and construction to minimise the risk of being blown over and the possible injury to any person.
- k) Signs are to be portable and self-supporting and not attached to or leaned against poles, trees, balustrades, etc. Seats and other public facilities must remain accessible at all times.
- l) Spinning, animated or moving signs are not permitted (excluding appropriately secured advertising flags).
- m) Signs with flashing lights are not permitted.
- n) Signs are not permitted on carriageways, median strips or in parking areas.
- o) Signs must be properly maintained by the applicant at all times, and to the satisfaction of the Council.
- p) Signs may only be displayed during the applicant's normal hours of trade.
- q) The applicant must affix to the premises window any label provided by Council indicating a valid permit exists to display the advertising sign/s on Council Land.

2. Conditions for Goods Displayed For Sale

You understand and agree that permission will be subject to compliance with the following conditions:

- a) The applicant must comply with the provisions of Community Local Law No. 2 – section 45 and the Footpath Trading Code of Practice, section 7.
- b) The applicant shall take out and keep current, during the period of the permit, a policy of Liability Insurance in the form approved by the Council, in the joint names of the Council and the Permit Holder, in relation to the activities described in the permit, for a minimum sum of \$10 million, indemnifying the Council and the Permit Holder, against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them arising out of, or in relation to the said activity described in this application.
- c) The Council retains the right to alter or amend the conditions or to revoke any permit at its absolute discretion.
- d) The permit expires on the 30th of June each year.
- e) The decision of Council's Authorised Officer will be final in the interpretation of the application of any condition.
- f) Goods displayed for sale can only be placed within the "Trading Activity Zone", as defined in Section 3 – Definitions of the Footpath Trading Code of Practice.
- g) Goods displayed for sale must not be situated where they obstruct the vision of the driver of a vehicle, or cause any other traffic hazard.
- h) Displays with flashing lights are not permitted.
- i) Goods and advertising material are not permitted on carriageways, median strips or in parking areas.
- j) Displays are to be portable and self-supporting and not attached to or leaned against poles, trees, balustrades, etc. Seats and other public facilities must remain accessible at all times.
- k) Displays must be properly maintained by the applicant at all times, and to the satisfaction of the Council.
- l) Displays may only be displayed during the applicant's normal hours of trade.
- m) The applicant must affix to the premises window any label provided by Council indicating a valid permit exists to display the goods for sale on Council Land.

3. Conditions for Outdoor Eating Facilities

You understand and agree that permission will be subject to compliance with the following conditions:

- a) The applicant must comply with the provisions of the Footpath Trading Code of Practice, section 8.
- b) The applicant must ensure that all ancillary items e.g. umbrellas, enclosures, heaters, barriers, screens etc. associated with the Outdoor Eating Facility comply with the relevant provisions as specified in Footpath Trading Code of Practice, sections 10-18. A copy can be provided upon request.
- c) The applicant shall take out and keep current, during the period of the permit, a policy of Liability Insurance in the form approved by the Council, in the joint names of the Council and the Permit Holder, in relation to the activities described in the permit, for a minimum sum of \$10 million, indemnifying the Council and the Permit Holder, against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them arising out of, or in relation to the said activity described in this application.
- d) The Council retains the right to alter or amend the conditions or to revoke any permit at its absolute discretion.
- e) The permit expires on the 30th of June each year.
- f) The decision of Council's Authorised Officer will be final in the interpretation of the application of any condition.
- g) The Outdoor Eating Facility can only be placed within the "Trading Activity Zone", as defined in Section 3 – Definitions of the Footpath Trading Code of Practice.
- h) The Outdoor Eating Facility must not be situated where it obstructs the vision of the driver of a vehicle, or causes any other traffic hazard.
- i) The Outdoor Eating Facility must be kept in a clean and sanitary condition at all times.
- j) Unless otherwise authorised by a permit issued under Community Local Law No. 2; the consumption of any liquor or the possession of any liquor other than in a sealed container is prohibited.
- k) The applicant must not serve or cause or allow to be served food or beverages to patrons standing on the footpath.
- l) The Outdoor Eating Facility must comply with the provisions of the Tobacco Act.
- m) The holder of the permit must remove the Outdoor Eating Facility from the footpath at the close of business each day, or at the daily time specified in the permit.
- n) The applicant must affix to the premises window any label provided by Council indicating a valid permit exists to conduct an Outdoor Eating Facility.

4. Conditions for Permits to Consume Liquor in a Public Place

You understand and agree that permission will be subject to compliance with the following conditions:

- a) The applicant must comply with the provisions of Community Local Law No. 2, sections 41, 42, 44 and 45 and the Footpath Trading Code of Practice, section 8.
- b) The applicant shall take out and keep current, during the period of the permit, a policy of Liability Insurance in the form approved by the Council, in the joint names of the Council and the Permit Holder, in relation to the activities described in the permit, for a minimum sum of \$10 million, indemnifying the Council and the Permit Holder, against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them arising out of, or in relation to the said activity described in this application.
- c) The Council retains the right to alter or amend the conditions or to revoke any permit at its absolute discretion.
- d) The permit expires on the 30th of June each year.
- e) The decision of Council's Authorised Officer will be final in the interpretation of the application of any condition.
- f) Alcohol may only be served within the "Trading Activity Zone", as defined in Section 3 – Definitions of the Footpath Trading Code of Practice.
- g) The applicant must have his or her liquor licence endorsed to show the "Trading Activity Zone" as part of their "licensed area".
- h) The applicant must comply with the conditions stated on his or her Liquor Licence.
- i) The applicant must display any certificate provided by Council indicating a valid permit exists to Consume Alcohol in a Public Place.

Form of Indemnity

To the SWAN HILL RURAL CITY COUNCIL (hereinafter called "the Council")

Whereas the Organisation has applied to the Council for authority to use a portion of the road and agents and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever which may be brought or made or claimed against them, or any of them arising from the Organisations performance or purported performance in the use of the footpath for purposes associated with the use of the premises and be directly related to the negligent acts, errors or omission of the Organisation.

The Organisation agrees to hold harmless the Council, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever which may be brought or made or claimed against them, or any of them, arising out of, or in relation to the said use of the footpath for purposes associated with the use of the premises.

You also agree to abide by all of the attached conditions and understand that your permit may be revoked subject to non-compliance.

This application form must be signed and witnessed before a permit can be issued.

This indemnity is given on the _____ day of _____ 20 _____
(date) (month) (year)

On behalf of _____
(Company or Business name)

Name _____

Signature _____ Date _____

On behalf of the organisation in the presence of:

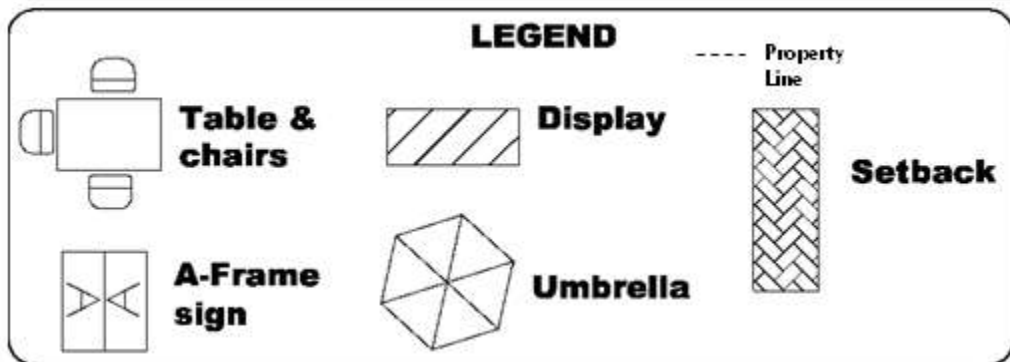
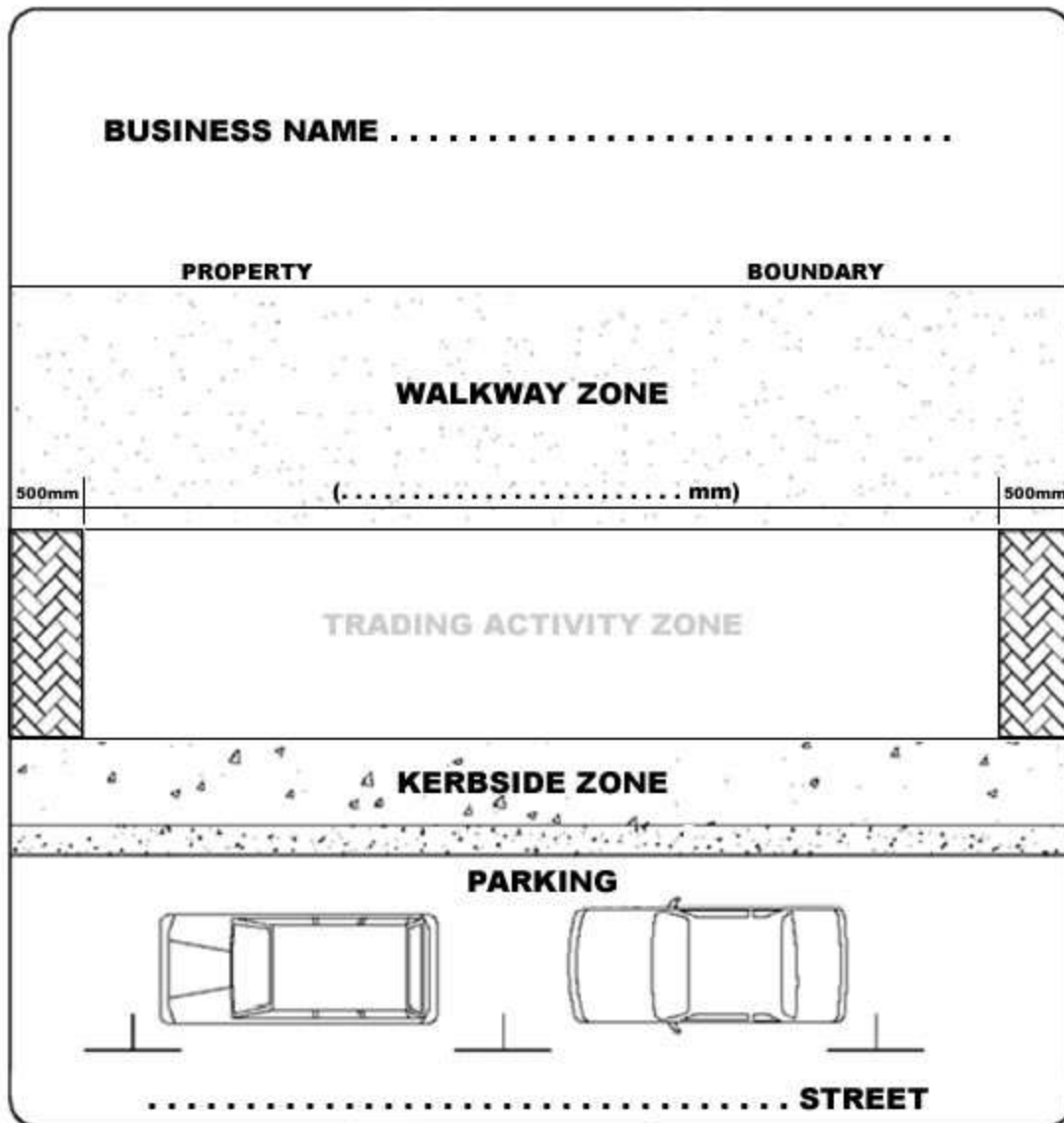
Name of witness _____

Signature of witness _____ Date _____

OFFICE USE ONLY	
Application approved:	Date:

Footpath Trading Permit Plan

(To be completed by applicant)



Certificate of Currency Example

Before a permit to place an A-frame sign, goods or tables and chairs on Council land is granted, you must provide Council with a Certificate of Currency issued by your insurance provider.

Below is an example of the information that should be included on the Certificate of Currency:

An insurance Certificate of Currency must be on official insurance provider or insurance broker letterhead and contain the following information:

Insured:	Your name / Trading name / Business Name
Insurer:	If your insurance is via a broker, the name of the insurance company must be listed.
Policy Number:	Public Liability (may include other types as well, but must include Public Liability coverage of at least \$10million)
Type of Policy:	Minimum \$10million public liability
Limit of Liability:	Current financial year
Period of insurance:	
Business Address:	
Interested Party:	Please list Swan Hill Rural City Council as an interested party.

To obtain a Certificate of Currency, contact your insurance company or your insurance broker and request a 'Certificate of Currency'. Advise them you are required to provide the document to your Local Council as proof that you currently have a \$10million Public Liability insurance policy.