

Title	Gleadell Street Market Policy
Description	A policy to govern the operation of the Gleadell Street Market.
Category	Enforcement
Type	Policy
Approval authority	Council
Responsible officer	Manager Compliance and Parking Services
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Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights of Responsibilities

1. The Purpose of the Gleadell Street Market

The Gleadell Street market provides fresh, affordable food to Richmond and surrounds, and builds the sense of community in the Richmond area. Also to minimise the impact of plastics and greenhouses gases into the environment.

This policy is to be read in conjunction with the Gleadell Street Market Procedure and Protocols Manual.

2. Objectives of the Policy

The objectives of this policy are to:

- (a) Provide for the regulation and government of the market;
- (b) Regulate the activities of persons in the market;
- (c) Regulate the sale of goods and services in the market;
- (d) To promote sustainability of the market;
- (e) Protect the environment; and
- (f) Provide for public safety

3. Need for Gleadell Street Market permit

- 3.1. Any person who uses or occupies a stall at the Gleadell Street Market must be the nominated stallholder of a current Gleadell Street Market Permit.
- 3.2. Any person who uses or occupies a stall at the Gleadell Street Market must comply with the terms and conditions of this policy.
- 3.3. The General Local Law provides that Council approval is required for the display of goods on any road or footpath. The requirements for a Gleadell Street Market Permit required by the General Local Law are detailed in this policy.

- 3.4. This policy is to be read in conjunction with the relevant section of Council's Procedures and Protocols Manual relating to the Gleadell Street Market.

4. Definitions

Community Stall	A stall available at no cost to local not for profit community groups. Also local Political members in association with the <i>Political advertising and /or Campaigning on Council controlled land & assets policy</i> .
Council	Means the Yarra City Council
Forklift Spotter	A person required to maintain a clear working area for the fork lift to manoeuvre while being used in the market to ensure public safety.
Fresh Produce	(i) Any fresh food (unprocessed) for human consumption including, meat, poultry, fish, and vegetables; and (ii) Bread and Delicatessen products including (but not limited to): - nuts, legumes, sprouts, cheese, butter, processed meats, jams and preservatives.
Gleadell Street Market Permit	A Permit issued annually by Council to a nominated stallholder under the provision of City of Yarra General Local Law clause 27 to trade on a road and/or footpath.
Goods	Means the items the stallholder is permitted to offer for sale. This includes food, produce and non-food.
Immediate Family Member	Means spouse, parent, sibling or child of the Permit stallholder
Market	Means the market known as the Gleadell Street Market situated in Gleadell Street Richmond
Market Operator	Means the Council or an authorised Officer of the Council.
Plastic Bags	Any plastic bags used for carrying produce or other items. (Includes single & multi use plastic bags, biodegradable bags, zip lock bags & barrier bags).
Pre-packaged goods	This includes foods that are packaged at retail prior to being purchased by the stallholder to be resold.
Stallholder	Means a person/s allocated a nominated stall and is the holder of a current annual Open Space Permit issued by the Market Operator.
Trading Days	Means the day on which the market is operating.

5. General Conditions and Hours of Trading

- 5.1. The market operates from 7.00am to 1.00pm each Saturday, except Christmas Day, New Year's Day, Easter and Anzac Day (only when falling on a Saturday).
- 5.2. Stallholders must cease trading to the public at 1.00pm and must vacate their stalls by no later than 2.30pm.
- 5.3. A Stallholder must trade in the goods stated on the Gleadell Street Market Permit, and may only vary the goods sold if the Council grants prior written consent.
- 5.4. Stallholders shall ensure all food offered for sale complies with the Food Act as administered by Council's Health Unit.
- 5.5. Stallholders must not bring any goods into the market, which are decomposed or otherwise unfit for sale.
- 5.6. Stallholders must not place or display any goods or merchandise outside the boundary of their stalls.
- 5.7. Stallholders or immediate family members shall personally attend their stall on each market day, unless permission has been obtained from market operator.
- 5.8. Stallholders must not hold more than two (2) stalls. Current stallholders with more than 2 stalls will be allowed to retain the extra stalls for as long as they trade at the market. Subject to the discretion exercised in clause 12.2
- 5.9. Permit holders and their employees must comply with the reasonable directions of Council and/or market operator.
- 5.10. Stallholders must not sublet their stalls.

6. Forklift use in Gleadell Street Market

- 6.1. Stallholders and their employees must not use or operate a forklift or drive a vehicle in the market between 6.50am and 1.15pm.
- 6.2. Stallholders who use and operate a forklift must do so in a safe and competent manner and must hold a current forklift Permit or a Certificate of Competency.
- 6.3. Stallholders must have a 'forklift spotter' present while the forklift is operating.

7. Refuse Disposal

- 7.1. The Gleadell Street Market has Waste Wise/Resource Smart accreditation and all stakeholders are expected to actively assist in maintaining this accreditation.
- 7.2. Stallholders must keep their stall areas clean and tidy at all times.
- 7.3. All rubbish generated as a result of trading must be collected and stored in the stall area so that their stalls and any adjacent footpath and roadway remain clear of all refuse at all times.
- 7.4. Stallholders must place all waste from their goods into the appropriate bins provided by Council and must remove all rubbish from the stall at the end of trading.
- 7.5. Stallholders must remove all items (including waste) associated with their trading from their stall area at the end of the trading.
- 7.6. Any item/s not removed by the stallholder from the market area will be collected and removed by Council's contractor and disposed of at the stallholder's expense.

- 7.7. Stallholders must not allow/discharge any litter or refuse onto the road, footpath, drain, gutter or surrounding area.

8. Public Liability Insurance and Indemnity

- 8.1. The stallholder must maintain a current public liability policy of insurance for an amount of not less than \$10 million. The Policy must provide cover for any possible claim made against the stallholder or Council in relation to the death or injury to any person or the damage to any property arising out of any act or omission directly or indirectly related to the operation of the business at the Gleadell Street market.
- 8.2. The stallholder must provide a certificate of currency of such insurance to the Market Operator when applying for the Gleadell Street Market Permit and an updated certificate each year on renewal of the Permit Agreement.

9. Fees and Charges

- 9.1. Accounts must be paid within 30 days of receipt.
- 9.2. A Stallholder must give (4) weeks' notice in writing prior to ceasing trading at the market and ensure all outstanding rent is paid
- 9.3. Fees for stalls may vary from year to year as determined by Council resolution.
- 9.4. Stallholders will be responsible to pay all permit fees during any absences (which include illness and/or holidays).

10. Cancellation of the Permit

- 10.1. The Council may alter, suspend or cancel a Permit if it considers that there has been:
- (a) A substantial and/or continued failure to comply with this policy or any other relevant legislation; or
 - (b) Failure to pay fees; or
 - (c) At the request of the stallholder
 - (d) A prosecution found proven for breach of this policy and any permit condition.

11. Stall register

- 11.1. Council will maintain a register of all current stallholders
- 11.2. Council will maintain a register (waiting list) of persons seeking to join the Gleadell Street Market, which will be updated annually.

12. Allocation of vacant stalls

- 12.1. Where possible Council's policy is to retain a minimum of 90% of stalls offering Fresh Produce at the Market of which 70% should be fresh fruit and vegetables. In order to maintain this policy, the allocation of vacant stalls will occur in the following manner:
- (a) Where possible a vacant stall being reallocated preference will be to maintained 90% fresh produce:

- (i) Vacant stalls will be offered to the immediate eligible stallholder/s next to the vacant stall.
 - (ii) If both neighbouring stallholders are eligible and require the vacant stall, it will be allocated to the longest serving neighbouring stallholder, save and except that any neighbouring stall holder that already has 2 or more stalls will be ineligible to be allocated the vacant stall.
 - (iii) If the vacant stall is not allocated to a neighbouring stall holder (as noted above), it will be offered to the appropriate person on the waiting list register.
 - (iv) If this person declines the offer they will be removed from the waiting list, or if requested, moved to the bottom of the waiting list.
 - (v) In such an event the vacant stall will then be offered to the next person on the waiting list register, and so on until allocated.
- (b) Where a vacant stall that would ordinarily be reallocated to a neighbouring stall holder, or the next person on the waiting list (as noted under section 12 (a) above), **would result** in less than 90% of stalls selling Fresh Produce(of which 70% should be fresh Fruit and vegetables):
- (vi) Vacant stalls will be offered to the next person(s) on the waiting list who intends to sell Fresh Produce.
 - (vii) If this person declines the offer, they will be deleted from the waiting list, or if requested, moved to the bottom of the waiting list.
 - (viii) In such an event the vacant stall will then be offered to the next person on the waiting list register who intends to sell Fresh Produce and so on, until the stall is allocated.

12.2. Discretion to be used by relevant Manager to offer third stall to maintain percentage of fresh fruit and vegetables.

13. Succession of stall

13.1. Stallholders of long standing (10 years or more) upon retirement, or cessation of trading due to ill health, will be able to nominate an immediate family member, for Council's consideration, to take over the stall/s (maximum of 2 stalls only may be allocated under this plan).

13.2. All other stalls held by the stallholder will be allocated as per section 12 of this policy.

14. Community Stall

14.1. One stall will be made available for a community stall each day of trading.

14.2. Usage of the stall must be in accordance with the *Political advertising and/or Campaigning on Council controlled land and asset policy*.

14.3. The stall is for the specific use of the local community groups and matters strictly pertaining to the City of Yarra community.

15. Internal Market Working Group

15.1. Financial licensed stallholders only are eligible to hold a position as a member of the internal Gleadell Street Market working group.

16. Plastic Bags

16.1. No plastic bags can be used at the market by stallholders at any time, with the exception of:

- (a) Pre-packaged items purchased from a third party.
- (b) Barrier bags used for poultry or fish or as determined by Manager Compliance and Parking services.
- (c) Council contractor use of garbage bags in association with the current contract.

17. Breach of Policy or permit conditions

17.1. Any breaches of this policy or permit conditions may result in enforcement action under the City of Yarra General Local Laws.

18. Council responsibilities

18.1. Relevant Manager to exercise discretion to manage the operations of the Gleadell Street Market in line with the policy where appropriate.