

LIVERPOOL CITY COUNCIL

MARKETS POLICY

Adopted: 19 November 2020

TRIM 299136.2020



MARKETS POLICY

1. PURPOSE/OBJECTIVES

- 1.1 Liverpool City Council recognises the social, cultural and economic contributions of markets to community life and the local economy and seeks to support the presentation of quality markets in the Liverpool LGA.
- 1.2 This policy seeks to provide a framework for the regulation of markets conducted on public land, for Council to:
- (a) Manage the demand for the use of public land for markets purposes;
 - (b) Consider any impacts of markets on existing community and commercial activities on public land, and surrounding residents;
 - (c) Implement an efficient market application process and framework which outlines a set of criteria by which applications will be assessed;
 - (d) Assess market applications against set criteria;
 - (e) Identify suitable markets that will activate public spaces, complement existing amenities, business activities and events, and showcase the products and produce of local artisans, artists, designers and producers;
 - (f) Prohibit the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on council owned land;
 - (g) Exemption - Liverpool City Council respects and celebrates Aboriginal and Torres Strait Islander cultural heritage. Liverpool City Council recognises practicing culture is vital to maintaining personal identity and connection to culture for Aboriginal and Torres Strait Islander people, as well as sharing cultural knowledge with the community and visitors to Liverpool. Whilst the practice of Aboriginal and Torres Strait Islander cultures, outdoors and in public places, can be both an entertainment and an economic activity, it is primarily the practice of a cultural right, as articulated in Article 11 of the United Nations Declaration on the Rights of Indigenous People. For this reason, Aboriginal and/or Torres Strait islander people wishing to practice Aboriginal and/or Torres Strait Islander culture in public and on community land are exempt.
 - (h) Provide the Liverpool community and visitors with quality market experiences;
 - (i) Select operators who demonstrate best practice; and
 - (j) Manage, coordinate and regulate market activity on public land.
- 1.3 This policy seeks to ensure that markets be developed, managed and conducted, in such a way as to:
- (a) Provide a platform for sustainable markets;
 - (b) Support local artists, artisans, designers and producers and give them a platform to grow their businesses;
 - (c) Facilitate the development of new tourism based on quality local attractions, culture and creative industries; and
 - (d) Continue to develop Liverpool's reputation as a destination city.

MARKETS POLICY

2. LEGISLATIVE REQUIREMENTS

Local Government Act 1993
Food Act 2003
Work Health and Safety Act 2011

3. DEFINITIONS

CEO: Chief Executive Officer

Council: Liverpool City Council

DA: Development Application

EOI: Expression of Interest

LGA: Local Government Area

Local artists, artisans, designers and producers: Referring to artists, artisans, designers and producers who live and work in Australia, and whose products and food are predominately designed, created and/or produced in Australia.

Market: A temporary outlet for the sale of goods and produce, a large proportion of which is not available through normal commercial outlets, and whereby most goods and services are directly delivered by the artist, artisan, designer, producer, or service person. A market does not require the erection of permanent structures.

Markets Application: The application form which constitutes the EOI. It will be made available during the annual EOI call-out and must be submitted, with other relevant materials, as the EOI. This application form will be available on the Council website

Market operator: The individual or group approved through the *Market Application* process, and identified on the Market Permit, to run the proposed market. The market operator will enter into an agreement with Council for use of the site.

Market stallholder: A person or organisation approved by the market operator to operate a stall at a market.

One-off market: A market that occurs on two or less occasions in a calendar year.

Public land: Land owned or controlled by Council, that is identified as a key event location in the *Markets Application*

Regular market: A market regularly scheduled for three or more occasions in a calendar year, at the same or similar location.

MARKETS POLICY

4. POLICY STATEMENT

4.1 Council regularly receives requests from market operators to run markets on public land. Recognising the potential for markets to enhance community wellbeing and support local economies, Council has developed this policy to establish due process for regulating the development and delivery of various markets on public land. This framework will include:

- (a) An application process for market operators to express their interests; and
- (b) A procedure for Council personnel to manage approvals of such applications.

4.2 Policy scope

4.2.1 This policy applies to applications from market operators to hold regular markets on public land.

4.2.2 Markets arranged by Council staff, on behalf of Council, will be required to fulfil the criteria outlined in Clause 4.4.3. Where applicable, Council staff will liaise with other Council business units to ensure that the proposed market meets the objectives and criteria set out in this policy.

4.2.3 This policy does not apply to one-off markets or major events which include a stallholder component. Such events will be managed through the *Public Event Application* process, which can be found on Council's website.

4.2.4 This policy does not apply to markets that are not held on public land, for which separate DA and other requirements may apply.

4.3 Key event locations

4.3.1 Council has identified several key event locations suitable for hosting events and markets of varying types and scale in its Public Event Manual. A list of the available key event locations suitable for regular markets will be included in the *Markets Application* when it is made available during the EOI process, set out in this policy. Potential market operators should inspect these locations, and inform themselves of available utilities and amenities prior, to submitting an application.

4.3.2 The key event locations identified in the Public Event Manual and the *Markets Application* have been approved for event use under a Global DA, which contains the standard conditions that must be met by an event, including markets, at those locations. This means that individual DAs are not required for each market application.

4.3.3 Each market application will still be subject to the submission of a Section 68 application for assessment of temporary structures, including rides and stalls.

MARKETS POLICY

4.4 Markets criteria, management and approvals

4.4.1 Approval for the presentation of markets on public land must be managed through an EOI process conducted annually, requiring the submission of a *Markets Application*.

4.4.2 All interested parties must consult the Public Event Manual found on Council's website. It contains information regarding event management, community awareness and communications, event accessibility, event sustainability, traffic management, food safety, waste management, safety and security, risk management, temporary buildings and structures, volunteers, music and performances, legal, sponsorship and evaluation.

4.4.3 In line with the purpose and objectives of this policy, approval of market applications will be subject to the following criteria being met:

(a) Community benefits demonstrated through:

- i) Encouraging participation by the local community and visitors;
- ii) Contributing to the cultural vibrancy of the Liverpool LGA;
- iii) Activating public spaces through an innovative approach to markets;
- iv) A large portion of products for sale being original items from stallholders who are local artists, artisans, designers and producers; and
- v) The organisation of market activities not unreasonably disrupting adjacent businesses and/or residential areas.
- vi) Prohibit the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on council owned land;
Please report the sale of suspected illegal animal products to the Department of Agriculture, Water and the Environment
<http://www.environment.gov.au/biodiversity/wildlife-trade/law>
- vii) Exemption - Liverpool City Council respects and celebrates Aboriginal and Torres Strait Islander cultural heritage. Liverpool City Council recognises practicing culture is vital to maintaining personal identity and connection to culture for Aboriginal and Torres Strait Islander people, as well as sharing cultural knowledge with the community and visitors to Liverpool. Whilst the practice of Aboriginal and Torres Strait Islander cultures, outdoors and in public places, can be both an entertainment and an economic activity, it is primarily the practice of a cultural right, as articulated in Article 11 of the United Nations Declaration on the Rights of Indigenous People. For this reason, Aboriginal and/or Torres Strait islander people wishing to practice Aboriginal and/or Torres Strait Islander culture in public and on community land are exempt

(b) Economic benefits demonstrated through:

- i) Positive economic impact for the Liverpool LGA;
- ii) Increased local tourism through attendance by greater Sydney residents; and
- iii) Cost-neutral or income-generating outcomes for Council.

(c) Ability to manage market operations demonstrated through the submission of:

- i) Completed *Markets Application* form
- ii) Evidence of previous experience of operators;
- iii) Certificate of Currency for Public Liability Insurance to the value of \$20 million;

MARKETS POLICY

- iv) Certificate of Currency for Workers Compensation Insurance;
- v) Section 68 application;
- vi) Event management plan;
- vii) Risk management plan;
- viii) Stallholder application/EOI process and selection criteria; and
- ix) Media and marketing plan.

Applications that do not include all relevant documents will not be considered.

- 4.4.4 Council's Events team will oversee the EOI process and management of approved markets. Applications will be assessed by the Events team in consultation with the Director Community and Culture (or delegate) and other relevant directorates.
- 4.4.5 At its discretion, Council may decline to approve any *Markets Application* if all submissions do not meet the criteria outlined in Clause 4.4.3.
- 4.4.6 Approved applicants will be issued with a 12 months Market Permit to hold markets at the specified site and frequency. A permit from Council to an approved market operator will only be issued once payment of initial fees and bonds, as outlined in Clause 4.10.4, have been made. Market operations must not commence until this permit has been issued.
- 4.4.7 All approvals will be for a 12 months period, with incumbent market operators required to reapply each year through the EOI process.

If the market operator wishes to continue operations after the initial 12 months period, their *Markets Application* should be accompanied by evaluation reports as outlined in Clause 5.5.1, in order to determine whether a further permit will be granted.

- 4.4.8 Council does not guarantee the renewal of Market Permits for market operators who have previously been issued with a permit.
- 4.4.9 Approved markets are a commercial activity on public land. As such, Council will not provide financial or in-kind support to any component of market operations for any markets.

4.5 Inspections

- 4.5.1 Council staff will perform regular inspections of approved markets sites to ensure that market operators are compliant with the terms and conditions of Market Permits. This includes compliance with Section 68 permits, NSW Food Act 2003 and Regulations, the Australia New Zealand Food Standards Code and the NSW Food Authority Guidelines for Food Business Temporary Events, risk assessments, waste management, traffic and parking management, and make-good provisions.
- 4.5.2 Any market operator in breach of the Market Permit will be informed of the breach(es) through written correspondence, and will have one month from the date of the

MARKETS POLICY

correspondence to address and/or rectify the breach(es) to a condition to the satisfaction of Council.

4.6 Evaluations

- 4.6.1 At six months from the date of commencement of the Market Permit, Council staff and the market operator will undertake an evaluation process in relation to the overall performance of the market operations.
- 4.6.2 This evaluation process will include progress reports, as set out in Clause 5.5.1 of this policy.
- 4.6.3 Following this evaluation process, Council and/or the market operator will have the opportunity to decide on the early termination of the Market Permit, due to the market performance not fulfilling the expectations of Council and/or the market operator.

4.7 Cancellations and terminations

- 4.7.1 Council reserves the right to suspend market operations, or terminate a Market Permit, if it is determined that the permitted market operator has breached conditions of the Market Permit, including failure to maintain payments of fees and bonds. Market operators will be informed via written correspondence of any breaches and will have one month from the date of the correspondence to address and/or rectify the breach(es) to a condition satisfactory to Council. If the explanations and/or rectifications are deemed unsatisfactory, Council reserves the right to suspend market operations, or terminate a Market Permit, at its discretion. All market suspensions or terminations will be communicated to market operators in writing.

Markets which are suspended or terminated due to any breach of permit conditions will forfeit all site hire fees paid to Council. Full or partial refund of bonds will be granted based on the nature of any breach of the Market Permit conditions, less relevant deductions relating to utilities and cleaning.

- 4.7.2 If a market operator wishes to terminate the Market Permit before its expiry, they must notify Council in writing, one month prior to the intended cancellation, and offer explanation for the early termination.

Council will, at its discretion, retain and/or refund fees and bonds commensurate with any losses incurred by Council as a result of the early termination.

- 4.7.3 If Council requests that a market operator temporarily suspend or terminate their markets before the Market Permit expiry date, due to circumstances beyond Council's control, then Council will fully refund remaining site hire fees and bonds, less relevant deductions relating to utilities, cleaning and any identified field damage.
- 4.7.4 At the six months evaluation process set out in Clause 5.5 of this policy, Council and/or the market operator may decide on the early termination of the Market Permit. Should

MARKETS POLICY

this occur, Council will fully refund remaining site hire fees and bonds, less relevant deductions relating to utilities, cleaning and any identified field damage.

4.8 Liability

- 4.8.1 All market operators must hold Public Liability Insurance to the value of \$20 million. Their policy must include a provision indemnifying Council against any claim arising from or incidental to the holding or conducting of the market.
- 4.8.2 It is the responsibility of market operators to update Council with any insurance renewal documents over the course of the Market Permit timeframe. Failure to do so will constitute a breach of the Market Permit terms and conditions.
- 4.8.3 Market operators should seek independent legal advice in relation to the types of insurance coverage they may require, which can include, but is not limited to:
- (a) Public Liability Insurance of any sub-contractor;
 - (b) Volunteer's Insurance;
 - (c) Workers Compensation Insurance; and
 - (d) Professional Indemnity Insurance.
- 4.8.4 Market operators are responsible for ensuring that stallholders, food vendors, equipment providers, and all other personnel participating in their market have the required Public Liability Insurance, Workers Compensation Insurance, NSW Food Authority registration and current certificates, and operational certificates, and that their practices meet the relevant Australian Standards.

Market operators will indemnify Council against any responsibility in relation to breaches or regulatory non-compliance within any part of their market operations.

4.9 Frequency

- 4.9.1 Each site will be limited to one market operator where approval is given for a weekly, fortnightly or monthly market. Where the approved market is less frequent than monthly, Council may consider a second market operator at that site.
- 4.9.2 The Director Community and Culture (or delegate) and the Events team will determine the number of markets to be approved in a 12 months period, taking into consideration:
- (a) Proposed sites for use;
 - (b) Proposed frequency of markets; and
 - (c) Balancing a variety of market offerings.

MARKETS POLICY

4.10 Fees and bonds

4.10.1 Markets are considered as the use of community land to generate financial benefit to a market (commercial) operator. As such, Council will apply reasonable commercial fees for the use of public land.

4.10.2 The below fees are subject to changes in accordance with Council's annual Revenue Pricing Policy. Applicants should refer to the *Markets Application* for fee amounts at the time of application.

4.10.3 Application fees are payable when submitting the *Markets Application* and are non-refundable if the event is cancelled or not approved. Fee types are as follows:

- (a) An initial application fee; and
- (b) All EOIs require a Section 68 application, which includes an application fee.

4.10.4 Approved applicants will be required to pay site hire fees and bonds for the duration of the Market Permit. Fee types are as follows:

- (a) Field damage bond – to be paid once, before a Market Permit is issued;
- (b) Fees and bonds to be paid on a per market basis, prior to approved market date(s):
 - i) Site hire fee;
 - ii) Utilities bond, charged as per metre;
 - iii) Cleaning bond;

4.10.5 Markets arranged by Council staff, on behalf of Council, will be exempt from payment of Council fees and bonds.

4.10.6 When the Market Permit expires, bonds will be refunded, less relevant deductions relating to utilities, cleaning and any identified field damage.

4.10.7 Markets which are suspended or terminated due to a breach of Market Permit conditions will forfeit all site hire fees paid to Council. Full or partial refund of bonds will be granted based on the nature of any breach of the permit, and less relevant deductions relating to utilities, cleaning and any identified field damage.

5. PROCEDURE

The following procedure applies to the coordination and management of market applications, which is the responsibility of the Events team, reporting to the Director Community and Culture.

5.1 Call-out for EOIs

5.1.1 Council will conduct an annual call-out for EOIs from market operators to conduct regular markets on public land. The call-out for EOIs will be advertised through Council's media and communications channels.

MARKETS POLICY

- 5.1.2 The call-out will be open for three months, with the cut-off date clearly indicated.
- 5.1.3 Council reserves the right to conduct any additional call-out in a calendar year, at the discretion of the Director Community and Culture in consultation with the Events team.

5.2 Application process

- 5.2.1 Interested parties should familiarise themselves with this policy and the Public Event Manual to determine the requirements of their application.
- 5.2.2 Market operators are encouraged to inspect the available key event locations, outlined in the *Markets Application*, prior to commencing their application process to ensure that their market will suit the site. It is recommended that site selection be based upon the nature of the market, the approximate size and space that is required, the number of expected attendees, proximity to public transport, and frequency of markets.
- 5.2.3 Interested parties should then contact the Council Events team to check the availability of the site and arrange meetings with an Events representative.
 - (a) The first meeting will be to discuss the market concept and to clarify the requirements of the application.
 - (b) The second meeting will be to review the required documentation and supporting materials before submitting the application. In which case,
 - i) If the application meets all the conditions, it can be submitted online along with required documentation and supporting materials.
 - ii) If the application does not meet all the conditions, the applicant will be asked to revise or update information before submitting the application. If the required amendments are not contained in the final application, it may be refused.
- 5.2.4 All completed *Market Applications* must be submitted by the advertised cut-off date and must have paid the relevant application fees as outlined in Clause 4.10.3.

Any application that is late, does not submit all required documents, and/or does not pay the relevant application fees will not be considered.

- 5.2.5 Council will take up to four weeks to review all applications and decide on successful applications, in line with the objectives and criteria of this policy.
- 5.2.6 All applicants will be notified in writing of the outcome of their application.

5.3 Market Permits

- 5.3.1 Successful market applications will be required to pay the field damage bond, and first instalment of site hire fees and bonds as outlined in Clause 4.10.4.

MARKETS POLICY

- 5.3.2 Successful market applications will be required to supply additional supporting documents such as Traffic Management Plans, and any other documentation requested by Council staff.
- 5.3.3 When all relevant fees and bonds have been paid, and documentation has been submitted, Council will issue the market operator with a Market Permit. Market operations must not commence until a permit has been issued.
- 5.3.4 The market operator's acceptance of the Market Permit constitutes an acceptance of the terms and conditions outlined in that permit.
- 5.3.5 Market operators must ensure that their Market Permit is displayed at each market event.
- 5.3.6 Throughout the course of the Market Permit, Council will conduct regular checks of market operations to assess ongoing compliance with the permit, and visitor experience and feedback of the markets.
- 5.3.7 In order to maintain their Market Permit, market operators must ensure timely payment of site hire fees and bonds, as set out in Clause 4.10.4, which will be invoiced to the market operator prior to approved market date(s). Any unused bonds may be rolled over for the next market date.
- 5.3.8 When the Market Permit expires, bonds will be refunded, less relevant deductions relating to utilities, cleaning and any identified field damage.
- 5.3.9 To avoid disputes regarding bond refund, market operators are advised to keep photographic and written records of the condition of the site before and after use, on each occasion. Council officers will also undertake similar site documentation.

5.4 Media and marketing

- 5.4.1 The market operator may include Council logos in its promotions through social media and press release mentions. Such intended uses should be set out in the media and marketing plan and will be approved by Council's Communications team.
- 5.4.2 Upon request, Council will supply the market operator with Council logos and style guides strictly for promotional use of the market relating to the Market Permit.
- 5.4.3 Any use of Council logos or mention of Council in social media and press releases must be submitted to, and approved by, Council's Communications team before release.
- 5.4.4 Any unapproved or misuse of Council logos, considered to be any use outside the parameters of the style guide, will constitute a breach of the Market Permit.

MARKETS POLICY

5.4.5 Council reserves the right to deny use of Council logos, or request amendments to marketing collateral design, in line with Council’s style guide.

5.4.6 Where possible in Council’s print and social media schedule, Council may promote the market operator’s market through its print and social media channels.

5.5 Market evaluation

5.5.1 At six months from the date of commencement of the Market Permit, Council staff and the market operator will undergo an evaluation process in relation to successes, improvements, visitation numbers, media and marketing engagement, efficacy of make-good provisions, and any other pertinent issues. This evaluation process will include:

- (a) A progress report from the market operator; and
- (b) An evaluation report from Council.

5.5.2 Submission of the above reports is required in the market permit renewal process outlined in Clause 5.6 of this policy.

5.5.3 Following this six month evaluation process, Council and/or the market operator has the opportunity to decide on the early termination of the Market Permit, due to the markets performance not fulfilling the reasonable expectations of Council and/or the market operator, and/or the purpose and objectives set out in this policy. Should this occur, Council will fully refund remaining site hire fees and bonds, less relevant deductions relating to utilities, cleaning and any identified field damage.

5.5.4 This market evaluation process applies to every Market Permit, even if an evaluation had previously been undertaken for the same markets, on a previous Market Permit.

5.6 Market Permit renewal

5.6.1 If a market operator wishes to continue holding markets on public land when their Market Permit expires, they are required to submit an EOI when the next call-out is conducted.

5.6.2 Market operators wishing to renew their Market Permit should include the progress and evaluation reports, outlined in Clause 5.5.1, in their application.

5.6.3 Council does not guarantee the renewal of Market Permits for market operators who have previously been issued with a permit.

5.7 Sample markets procedure timeline

March	April	May	June	July	August
EOIs open for three months			Assessment & successful applicants announced	Markets preparations	

MARKETS POLICY

September	October	November	December	Jan	February
Market Permit September – August					
					Six-month evaluation
March	April	May	June	July	August
Market Permit September – August					
EOIs open for three months			Assessment & successful applicants announced	Markets preparations	
September	October	November	December	Jan	February
Market Permit September – August					
					Six-month evaluation
March	April	May	June	July	August
Market Permit September – August					
EOIs open for three months			Assessment & successful applicants announced	Markets preparations	

6. EVALUATION AND REVIEW

6.1 This policy will be reviewed every two years. The review should include the following:

- (a) The effectiveness of the outlined markets management and approvals process in achieving the purpose and objectives of this policy;
- (b) The effectiveness of the outlined procedure in achieving the purpose and objectives of this policy;
- (c) The cost-benefits of implementing and managing this policy;
- (d) Council's ongoing commitment to the purpose and objectives of this policy;
- (e) Timely payment of fees and charges by market operators;
- (f) Market operators' adherence to the required Public Liability Insurance, Workers Compensation Insurance, NSW Food Authority registration and current certificates, and operational certificates to relevant Australian Standards;

MARKETS POLICY

- (g) Whether the way Council manages this policy and procedure is professional, transparent and accountable; and
- (h) Whether conflicts of interest are identified, and markets terminated should a conflict of interest arise during the term of the Market Permit that cannot be resolved.

7. CONFLICTS OF INTEREST

- 7.1 Members of Council staff assessing and determining applications for proposals for markets should identify and manage any potential conflicts of interest in accordance with Council's *Code of Conduct*, *Code of Conduct Procedures* and *Ethical Governance: Conflicts of Interest Policy*.

MARKETS POLICY

AUTHORISED BY

Council (Chief Executive Officer)

EFFECTIVE FROM

19 November 2020

DIRECTORATE RESPONSIBLE

Community and Culture (Events)

REVIEW DATE

19 November 2022

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Adopted by Council (Chief Executive Officer)	Not applicable	22 February 2017	001985.2017
2	Adopted by Council (Chief Executive Officer)	Motion: Moved: Clr Kaliyanda Seconded: Clr Karnib - Prohibit the sale of fur products, mislabelled fake fur products, and other exotic animal skins on Council property, including an exemption for Aboriginal and Torres Strait Islander vendors be applied;	19 November 2020	299136.2020

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Chief Executive Officer (Communications Team)
Community and Culture (Events Team)
Community and Culture (Parks and Recreation Team)
Corporate Services (Governance, Legal and Procurement)
Economic Development

ATTACHMENTS

Markets Application Form

MARKETS POLICY

Markets Permit

REFERENCES

Liverpool City Council, *Code of Conduct*

Liverpool City Council, *Code of Conduct Procedures*

Liverpool City Council, *Ethical Governance: Conflicts of Interest Policy*

Liverpool City Council, *Public Event Manual*

Local Government Act 1993

Australia and New Zealand Food Standards Code

NSW Food Authority Guidelines for Food Business Temporary Events

Work Health and Safety Act 2011

City of Sydney, *Markets Policy*

MARKETS POLICY

ATTACHMENT 1 – MARKETS APPLICATION FORM

Date of application/...../.....

Complete the following application form and forward to:

Liverpool City Council
Events Permit Coordinator
Locked Bag 7064
Liverpool BC NSW 1871
events@liverpool.nsw.gov.au

All applications should refer to the following Council documents when completing this application

1. Markets Policy
2. Public Event Manual

CONTACT DETAILS

Organisation/company:

Type of organisation: Private/public company Not for-profit Government body

Name of nominated organiser/contact name:

Address:

Telephone:

Email:

EVENT DETAILS

Name of Market: _____

Frequency of Market: _____

Proposed Market dates: _____

Proposed Market location: _____

Set up and pack up times: Start: _____ Finish: _____

Advertised times of event: Start: _____ Finish: _____

Approximate number of stalls: _____

Estimated number of market patrons: _____

Note: Maximum period permitted in one location is 12 months subject to venue availability.

MARKETS POLICY

EVENT DETAILS

Brief description of Market (100 words):

Market objectives, including demonstration of community and economic benefits (400 words):

List the types of products, produce, food that will be featured at your market:

Prohibit the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on council owned land;

Please report the sale of suspected illegal animal products to the Department of Agriculture, Water and the Environment <http://www.environment.gov.au/biodiversity/wildlife-trade/law>

Exemption - Liverpool City Council respects and celebrates Aboriginal and Torres Strait Islander cultural heritage. Liverpool City Council recognises practicing culture is vital to maintaining personal identity and connection to culture for Aboriginal and Torres Strait Islander people, as well as sharing cultural knowledge with the community and visitors to Liverpool. Whilst the practice of Aboriginal and Torres Strait Islander cultures, outdoors and in public places, can be both an entertainment and an economic activity, it is primarily the practice of a cultural right, as articulated in Article 11 of the United Nations Declaration on the Rights of Indigenous People. For this reason, Aboriginal and/or Torres Strait islander people wishing to practice Aboriginal and/or Torres Strait Islander culture in public and on community land are exempt

MARKETS POLICY

Describe any other activities that will be featured at your market:

Note that alcohol may not be served on any of Council's sites.

INSURANCE REQUIREMENTS

As the applicant you must investigate and arrange Public Liability Insurance to cover your event.

- a) Assets: Council will not be responsible for any equipment used and/or provided by the market operator.
- b) Liabilities: Your organisation is to produce a current public liability policy (certificate of currency) held with an acceptable insurance company with a minimum cover of \$10 million indemnity (some events may require a higher coverage). A copy of the certificate of currency is to be provided to Council at least 21 days prior to the date of the Market, following site confirmation. A receipt for payment of an insurance premium will not be accepted.
- c) Personal accident/workers compensation: The market operator is responsible for ensuring that all parties involved in the organisation of the Market have suitable insurance cover. Council will not be responsible for any personal injury to event personnel and requires indemnification from the event organiser should any claims be made against Council. A copy of the personal accident/workers compensation certificate should be supplied.

Note that all market applications must be accompanied by a Certificate of Currency for Public Liability Insurance, held with an acceptable insurance company with a minimum cover of \$20 million indemnity. **Applications which do not include a Certificate of Currency will not be considered.**

INFRASTRUCTURE

Do you propose to erect tents, marquees or food stalls? Yes No

If yes, Section 68 application is required with your initial application.

Mobile food vans and food stalls must register with Council before conducting and business in Liverpool. See the *Public Events Standards* for further information.

Please indicate the location of the any tents, marquees or food stalls and food truck on your site plan.

Please note: For markets held on Council owned land, marquee structures 10m² or more will need to submit a Development Application along with a structural engineer's report. If the market operator is leasing this equipment from a supplier, it is recommended that structural certification is obtained from the supplier, prior to the goods being booked, to avoid complications.

MARKETS POLICY

EVENT MANAGEMENT PLAN

You must submit an Event Management Plan with your application. This plan should include (but not be limited to) the following:

- Provisions for staff communication during the event
- Crowd management
- Transport management
- Electrical, gas and material safety
- Signage, e.g. First Aid, toilets, entrances and exits, information, lost children, etc.
- Environmental management and sustainability
- Waste management
- Amenities
- Accessibility
- Dealing with money
- Response to extreme weather conditions.
- Recording and reporting mechanisms for market evaluation.

WORKPLACE HEALTH AND SAFETY

SECURITY & CRIME MINIMISATION

Will you be employing professional security staff? Yes No

If yes, the security company is: _____

Contact and telephone: _____

If no, please detail how many people will be assigned to security at the event: _____

Please indicate other ways in which you will attempt to minimise crime during your event:

POLICE NOTIFICATION

Liverpool Police must be notified of your market activity on a once-off basis, including operating times.

FIRST AID

Are you planning to have trained first aid personnel at your Market? Yes No

If yes, how many? _____

RISK MANAGEMENT

You will be required to submit a Risk Management Plan for all market operations.

The risk management process is an opportunity for market operators to analyse the risks associated with their market. Once risks have been identified, the risks can then be analysed, evaluated and methods to reduce risk created.

MARKETS POLICY

The reasons for undertaking risk management are:

- Duty of care to provide a safe workplace for event staff, volunteers and participants
- Protecting the event owner and partners
- Protecting the reputation of the Market
- Complying with insurance requirements
- Protecting against civil claims and law suits

Your Risk Management Plan should include (but not be limited to) the following:

- Evacuation Plan: describe your evacuation process and response. Consider how you will advise stallholders, staff and equipment operators, patrons and general public awareness.
- COVID Safe Plan & Registration
- Emergency Response Plan
- Removal of money from location
- Incident reporting
- Crowd control
- Adverse/extreme weather
- Egress
- Operation of equipment
- Uneven surfaces

POWER

Do you require use of Council's power supply (where available)? Yes No

If yes, please indicate the location of the power supply on your site plan.

Are you planning to use generators? Yes No

If yes, please indicate the location of the generators on your site plan.

Are you planning to use lighting equipment? Yes No

If yes, please indicate the location on the site plan.

All extension leads must be tested and tagged by a licensed electrician or competent person as per Australian Standards AS3760.

NOISE

Will there be musical performances? Yes No

If yes, please provide information on the type of musical program proposed.

Will you be using amplification systems? Yes No

If yes, please provide information on the type of equipment used.

MARKETS POLICY

SITE PLAN

Please indicate in the proposed area to be occupied by the Market the location of various activities within the event area.

After completing your event application please sign this form and return it with your site map and any applicable additional material.

ATTACHMENTS CHECK LIST

Please ensure that you have attached the following documents with your application:

- Evidence of your previous experience in market operations.
- Certificate of Currency for Public Liability Insurance to the value of \$20 million
- Certificate of Currency for Workers Compensation Insurance
- Section 68 Application
- Site plan
- Event management plan
- Risk management plan
- Stallholder application/EOI process and selection criteria for your market
- Media and marketing plan
- COVID Safe Plan & Registration

ACKNOWLEDGEMENT

I CERTIFY THAT THIS INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND UNDERTAKE TO ADVISE COUNCIL SHOULD THERE BE ANY ALTERATIONS OR ADDITIONS TO THE INFORMATION SUPPLIED.

Print name: _____

Signature: _____

On behalf of (Organisation): _____

Date: _____

MARKETS POLICY

PRIVACY ACT

Any information provided on this form will be used by Council for the purpose of assessing your application. The provision of this information is voluntary, however, if you do not provide this information Council may be unable to process your application. Any personal information provided by you on this form is in accordance with its Privacy Management Plan (pursuant to the Privacy and Personal Information Protection Act 1998.)

MARKETS POLICY

ATTACHMENT 2 – MARKET PERMIT



Ref No:

Contact:

Phone:

Address

Dear Sir/ Madam

APPLICATION NO.S68

SECTION 68/APPLICATION MARKETS –

AT LOT

Reference is made to your application for “ ”at the subject premises.

You are advised that approval is granted by Liverpool City Council (herein known as ‘Council’) for “ ” subject to compliance with the requirements of Work Cover Authority the below and other conditions. The permit is valid for the period specified herein and may not be extended after the end date. The market will be reviewed on the date specified below.

Section 68 Application Number:

Application Type:

Applicant Name (herein known as the ‘market operator’):

Public Event Application Number:

Location / Property Description:

Description of Works Proposed:

Market dates:

Time:

Determination:

Market Permit Expiry Date:

Review Date:

*refer to the attached Evaluation Report template for reporting framework.

MARKETS POLICY

MARKET PERMIT TERMS AND CONDITIONS OF APPROVAL

1. Fees and bonds

- 1.1 This Market Permit is issued when a market operator has paid the initial field damage bond, which will cover the duration of the permit.
- 1.2 Market operators are required to pay site hire fees and bonds, for each market event, for the duration of this Market Permit. Fee types are as follows:
 - (a) Site hire fee – xxx;
 - (b) Cleaning bond – xxx;
 - (c) Utilities bond, charged as per the metre – xxx.
- 1.3 An invoice for fees and bonds will be issued ahead of the market event. All fees and bonds must be paid two weeks prior to each market.
- 1.4 Unused bonds may be carried over to the next payment period.
- 1.5 Where Council's public amenities are used during the market, the cleaning charge or utilities use will be deducted from the relevant bond.
- 1.6 To avoid disputes regarding bond refund, market operators are advised to keep photographic and written records of the condition of the site, amenities and utilities before and after use, on each occasion.
- 1.7 Markets which are suspended or terminated due to a breach of Market Permit conditions will forfeit all site hire fees paid to Council. Full or partial refund of bonds will be granted based on the nature of breach(es), and less relevant deductions relating to utilities, cleaning and any identified field damage.

2. Liability

- 2.1 The market operator must hold Public Liability Insurance to the value of \$20 million. Their policy must indemnify Council against any actions, claims demands, suits, losses, costs and expenses which are brought or made against it, or for which it becomes liable in respect of or in any way arising from use of the facilities for the markets.
- 2.2 The market operator will also hold the following insurance policies:
 - (a) Workers Compensation Insurance;
 - (b) Volunteer's Insurance (where applicable); and
 - (c) Professional Indemnity Insurance (where applicable).
- 2.3 The market operator will supply all relevant Certificates of Currency to Council. It is the responsibility of market operators to update Council with any insurance renewal over the course of the Market Permit timeframe.
- 2.4 Market operators are responsible for ensuring that stallholders, food vendors, equipment providers, and all other personnel participating in their market have the required Public Liability Insurance, Workers Compensation Insurance and operational certificates, and that their practices meet the relevant Australian Standards.
- 2.5 Market operators will indemnify Council against any responsibility in relation to breaches or regulatory non-compliance within any part of their market operations.

MARKETS POLICY

3. Temporary structures

- 3.1 All temporary structures are to be erected by a competent person in accordance with the manufacturer's instructions.
- 3.2 All suppliers must hold a Public Liability Insurance policy to the sum of \$20 Million.
- 3.3 It is the responsibility of the market operator to ensure that the supplier holds Public Liability Insurance, indemnifying Council against any claim arising from our incidental to the installation and use of the temporary structure.

4. Use of the site

- 4.1 Use of the site is only for the period and dates stated in this Market Permit.
- 4.2 The Market Permit must be in the possession of the market operator on the day, as it may be required as proof of the booking.
- 4.3 Only temporary structures approved through the Section 68 application may be erected. No other temporary structures are to be erected.
- 4.4 Trees or shrubs are not to be used as an aid or anchor for a structure or to hang objects, e.g. volleyball nets.
- 4.5 No minor works are permitted, e.g. digging soil.
- 4.6 All open space is accessible to the broader community. Hiring of Council's open space does not give the applicant exclusive use of the park.
- 4.7 Market activities must not cause unreasonable interference to community members accessing the park, or neighbouring residents.
- 4.8 Unauthorised vehicles are not permitted to be driven or parked on Council open space (parks) at any time. If vehicular access or parking is necessary, permission prior to the market must be sought and a damage deposit will be required.
- 4.9 Parking Infringement notices will be issued to all non-complying vehicles.
- 4.10 Parking is permitted in allocated parking spaces only.
- 4.11 Farm and domestic animal displays are not permitted, unless you have provided an approved Animal Management Plan.

Prohibit the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on council owned land;
Please report the sale of suspected illegal animal products to the Department of Agriculture, Water and the Environment <http://www.environment.gov.au/biodiversity/wildlife-trade/law>

Exemption - Liverpool City Council respects and celebrates Aboriginal and Torres Strait Islander cultural heritage. Liverpool City Council recognises practicing culture is vital to maintaining personal identity and connection to culture for Aboriginal and Torres Strait Islander people, as well as sharing cultural knowledge with the community and visitors to Liverpool. Whilst the practice of Aboriginal and Torres Strait Islander cultures, outdoors and in public

MARKETS POLICY

places, can be both an entertainment and an economic activity, it is primarily the practice of a cultural right, as articulated in Article 11 of the United Nations Declaration on the Rights of Indigenous People. For this reason, Aboriginal and/or Torres Strait islander people wishing to practice Aboriginal and/or Torres Strait Islander culture in public and on community land are exempt.

- 4.12 Following the conclusion of the market, the site is to be restored to the condition in which it was before the commencement of the market.

5. Environmental emissions

- 5.1 Use of the site will not give rise to the emission into the surrounding environment of gases, vapours, dust or other impurities which are a nuisance, injurious or prejudicial to health.
- 5.2 Should a nuisance arise, Council reserves the right to require all vapour, smoke and odour generating activities to cease.

6. Noise Mitigation

- 6.1 Use of public address and sound amplifying equipment during market operations shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
- 6.2 Should an authorised Council Officer or Police Officer request the sound level to be reduced or stopped, the market operator shall comply with this request immediately and for the duration of the market.
- 6.3 Entertainment must not involve the use of fireworks.

7. Food stalls and mobile food vending vehicles

- 7.1 Where food is to be prepared and/or sold, the temporary food stalls shall be constructed and operated in accordance with the NSW Food Authority *Guidelines for Food Businesses at Temporary Events* dated August 2015 and any subsequent revision approved by the NSW Food Authority.
- 7.2 All mobile food vending vehicles shall be constructed and operated in accordance with the NSW Food Authority's *Guidelines for Mobile Food Vending Vehicles* dated September 2015 and any subsequent revision approved by the NSW Food Authority.
- 7.3 All food businesses shall comply with the Food Act 2003, Food Regulation 2015 and Australia New Zealand Food Standards Code.
- 7.4 A Food Safety Supervisor shall be appointed to every stall selling potentially hazardous food. A copy of the Food Safety Supervisor Certificate shall be presented to Council's Environmental Health Officer upon request.
- 7.5 The market operator shall inform all food businesses that Council's Environmental Health Officers will be inspecting the food stalls and mobile food vending vehicles to assess compliance with the Food Act 2003, Australia New Zealand Food Standards Code, NSW Food Authority's *Guidelines for Food Businesses at Temporary Events* dated August 2015 and the NSW Food Authority's *Guidelines for Mobile Food Vending Vehicles* dated September 2015 and any subsequent revision approved by the NSW Food Authority.

MARKETS POLICY

7.6 A copy of the NSW Food Authority *Guidelines for Food Businesses at Temporary Events* dated August 2015 or the NSW Food Authority's *Guidelines for Mobile Food Vending Vehicles* dated September 2015, and any subsequent revision, shall be distributed to each food business prior to the commencement of the market.

7.7 Alcohol may not be served on this site.

8. Waste management

8.1 The market operator shall provide an adequate garbage disposal and collection service and ensure rubbish is removed from the site during and on completion of the market.

8.2 The market operator shall provide an adequate number of toilet facilities in relation to the number of expected attendees, including accessible toilets.

8.3 All waste material is to be removed from the site by a registered waste contractor and disposed at a facility licensed to receive such waste.

8.4 All solid waste stored on site is to be covered at all times.

8.5 Waste bins must be stored in designated garbage/trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of any building, and must not leave the site onto neighbouring public or private properties.

8.6 Waste and recyclable material generated from the operations of the market shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be contained in appropriate commercial waste storage bins and removed from the site once the market has finished on all applicable days. Waste shall not be permitted to accumulate on the ground near the allocated waste storage bins.

8.7 Adequate cleaning and waste removal must be arranged throughout the course of the market to minimise rubbish being discarded around the site and nearby streets.

8.8 The market operator is responsible for the cleaning and collection of all rubbish on public streets and footpaths within 500 metres of the venue. In this regard, the applicant shall monitor the state of roadways and footpaths within the area and shall take all necessary steps to clean up any rubbish.

8.9 The area shall be left in a clean and satisfactory condition at the conclusion of the market.

9. Risk Management

9.1 Market operations will adhere to the approved Risk Management Plan that was submitted with the *Market Application*.

9.2 Any hazardous materials such as electricity, gas or chemicals must be safely stored and used by professional handlers.

9.3 If the market is held at night, the market operator must ensure sufficient lighting for all market activities.

9.4 All markets must have an area allocated to lost children, which must be clearly marked.

MARKETS POLICY

- 9.5 All markets must include adequate First Aid provisions and facilities.
- 9.6 All markets must include sufficient event personnel, including staff for crowd management, First Aid, security, and markets staff. Event personnel must be clearly identifiable.

10. Traffic management

- 10.1 Markets will adhere to approved Traffic Management Plan supplied by market operator.
- 10.2 Provisions will be made for adequate parking facilities and access to public transport.

11. Media and marketing

- 11.1.1 The market operator may choose to include Council in its media and marketing, through the use of logos, social media and press release mentions. Such intended uses should have been set out in the media and marketing plan submitted with the *Markets Application* and will be approved by Council's Communications team.
- 11.1.2 Upon request, Council will supply the market operator with Council logos and style guides strictly for promotional use of the market relating to the Market Permit.
- 11.1.3 Any use of Council logos or mention of Council in social media and press releases must be submitted to, and approved by, Council's Communications team before release.
- 11.1.4 Any unapproved or misuse of Council logos, considered to be any use outside the parameters of the style guide, will constitute a breach of the Market Permit.
- 11.1.5 Council reserves the right to deny use of Council logos, or request amendments to marketing collateral design, in line with Council's style guide.
- 11.1.6 Any filming or photographs taken are to be of the market only.
- 11.1.7 Any photographs of children under 16 must have the authorisation of their guardian.

12. Cancellations

- 12.1 In the event of a cancellation by the market operator, where less than 21 days' notice is given, the entire site hire fee will be forfeited. This notice of cancellation must be in writing.
- 12.2 Force major:
 - (a) Clause 12.1 will not apply if the market operator cancels the market due to environmental or community safety reasons/concerns.
 - (b) Council reserves the right to cancel any market due to environmental or community safety reasons/concerns.
 - (c) Both parties will consult with each other and come to a mutual agreement as to whether or not market activities should go ahead.
 - (d) If the market is cancelled under these circumstances, site hire fees and bonds will be refunded to the market operator.
- 12.3 Council reserves the right to suspend market operations, or terminate a Market Permit, if it is determined that the permitted market operator has breached conditions of the Market Permit,

MARKETS POLICY

including failure to maintain payments of fees and bonds. Market operators will be informed via written correspondence of any breaches, and will have one month from the date of the correspondence to address and/or rectify the breach(es) to a condition satisfactory to Council. If the explanations and/or rectifications are deemed unsatisfactory, Council reserves the right to suspend market operations, or terminate a Market Permit, at its discretion. All market suspensions or terminations will be communicated to market operators in writing.

Should you require any further information, please contact me on the number at the front of this document.

Yours faithfully

Event Approving Officer
Community & Culture, Liverpool City Council