



## MARKETS POLICY

Adopted: 27 July 2022

TRIM: 175601.2022

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# MARKETS POLICY

**DIRECTORATE:** City Community & Culture

**BUSINESS UNIT:** Events

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## 1. PURPOSE/ OBJECTIVES

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.

1.1 This policy seeks to provide a framework for the regulation of markets conducted on public land, for Council to:

- Manage the demand for the use of public land for markets purposes.
- Consider any impacts of markets on existing community and commercial activities on public land, and surrounding residents.
- Implement an efficient market application process and framework which outlines a set of criteria by which applications will be assessed.
- Assess market applications against set criteria.
- 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.
- Prohibit the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on council owned land.
- 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.
- Provide the Liverpool community and visitors with quality market experiences.

- Select operators who demonstrate best practice; and
- Manage, coordinate, and regulate market activity on public land.

1.2 This policy seeks to ensure that markets be developed, managed, and conducted, in such a way as to:

- Provide a platform for sustainable markets.
- Support local artists, artisans, designers, and producers and give them a platform to grow their businesses.
- Facilitate the development of new tourism based on quality local attractions, culture, and creative industries; and
- Continue to develop Liverpool's reputation as a destination city.

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.

## 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.

## 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:

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

## 5. SCOPE

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

- Markets arranged by Council staff, on behalf of Council, will be required to liaise with other Council business units to ensure that the proposed market meets the objectives.
- 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 Manual application process, which can be found on Council's website.
- Markets held on public land are subject to a development application and other requirements may apply. Please contact Council's Duty Planner on 1300 362 170 for planning advice.
- Key event locations listed on Council's Public Event Manual with an existing development consent suitable for hosting events and markets of varying types. Potential market operators should inspect these locations for suitability prior to applying.
- Each market application will be subject to the submission of a Section 68 application for an approval of temporary structures, including rides and stalls.
- Community benefits demonstrated through.
- Encouraging participation by the local community and visitors.
- Activating public spaces through an innovative approach to markets.
- Market activities not unreasonably disrupting adjacent businesses and/or residential areas.
- Applications that do not include all relevant documents will not be considered.
- Council's Events team will assess markets application in consultation with the Director Community and Culture (or delegate) and other relevant directorates.
- Approved applicants will be issued with a 12 month Market Permit subject to all applicable fees are paid in full. Market operations must not commence until this permit has been issued.
- If the market operator wishes to continue operations after the initial 12 months period, an evaluation reports is required to determine whether a further permit will be granted.
- Council does not guarantee the renewal of market permits for market operators who have previously been issued with a permit.

- 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.
- Council staff will perform random inspections of approved markets sites to ensure that market operators are compliant. 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.
- Council reserves the right to suspend market operations or terminate a market permit of any breaches. Market operators will be informed via written correspondence and will have one month from the date of the correspondence to address and/or rectify the breach(es) to a condition to the satisfaction of Council.
- An evaluation will be conducted at six months from the date of market commencement to determine the overall performance of the market operations.
- 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.
- 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, less relevant deductions relating to utilities and cleaning.
- 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 because of the early termination.
- 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. Council will fully refund remaining site hire fees and bonds, less relevant deductions relating to utilities, cleaning, and any identified field damage.
- All market operators must hold Public Liability Insurance to the value of \$20 million. The policy must include a provision indemnifying Council against any claim arising from or incidental to the holding or conducting of the market.

- 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.
- Market operators should seek independent legal advice in relation to the types of insurance coverage requires which 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.
- 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.
- 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.
- The Director Community and Culture (or delegate) and the Events team will determine the number of markets to be approved in a 12 month period, taking into consideration:
  - (a) Proposed sites for use.
  - (b) Proposed frequency of markets; and
  - (c) Balancing a variety of market offerings.
- The market operator may include Council logos in its promotions through social media will be subject to approval by Council's Communications team.
- Where possible in Council's print and social media schedule, Council may promote the market through its print and social media channels.

## 6. PERMIT PROCESS

<b>Market permit process</b>
An application to be submit via online or in person at customer service counter
Events Approving Officer will assess the application ensuring all supporting documents are provided
Events Approving Officer liaise with the applicant for any additional information required
Events Approving Officer liaise with Environmental Health for feedback
Events Approving Officer liaise with Duty Planner for Planning advice
Events Approving Officer liaise with Senior Officer City Precinct for potential impact on existing businesses
Events Approving Officer liaise with Property and Parking Department for feedback on nominated trading location
Events Approving Officer liaise with Traffic Department if a traffic management plan is required
Events Approving Officer liaise with Recreation for potential impact on user groups
Events Approving Officer liaise with Risk Department if a risk assessment is required
Events Approving Officer issue permit
Events Approving Officer conducting random patrol for compliance and feedback

## 7. 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)

Economic Development

## 8. 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

### **AUTHORISED BY**

Acting Chief Executive Officer (CEO)

### **EFFECTIVE FROM**

This date is the date this policy was approved by the Council.

### **REVIEW DATE**

This date will be 4 years after Council has endorsed it.

### **VERSIONS**

<b>Version</b>	<b>Amended by</b>	<b>Changes made</b>	<b>Date</b>	<b>TRIM Number</b>
1		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
2		Permit process	27 July 2022	175601.2022