



## **PUBLIC NOTICE**

### **Imposition of Fees and Charges**

#### **Proposed Imposition of Fees and Charges**

In accordance with s6.19 of the *Local Government Act 1995*, the Shire of York gives notice of its intention to impose fees and charges following a resolution of Council on 16 February 2015 for the re-introduction of 'eating in public places licence renewal for any period of time, to include two (2) tables and eight (8) chairs'.

The Shire of York intends to impose a charge for the eating in public places licence renewal for any period of time, to include two (2) tables and eight (8) chairs of \$220.50.

The new charge will be imposed as at .... 2015 for the 2014/15 financial year.

Submissions about the proposed imposition of fees and charges may be made to:

- **The Chief Executive Officer, Shire of York, PO Box 22, York WA 6302**  
By Friday, ... 2015.

Signed for an on behalf of the Shire of York this ....  
day of ..... 2015.

**GRAEME SIMPSON**

*Acting Chief Executive Officer*

9. MATTERS FOR RESOLUTION  
9.4 FINANCE REPORTS  
9.4.2 Trader's Permits – Businesses Conducting Trade On A Portion Of  
A Public Place Adjoining Their Normal Place Of Business

FILE NO: CS.CEV.1  
COUNCIL DATE: 18 August 2014  
REPORT DATE: 11 August 2014  
LOCATION/ADDRESS: Avon Terrace, York  
APPLICANT: Linda & Garry Shardlow (Penny Farthing  
Sweets), Avon Terrace, York  
SENIOR OFFICER: Gordon Tester  
REPORTING OFFICER: John Coles  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: *Michael Keeble*

*Cr Smythe left the meeting at 5.14pm*

**RESOLUTION  
110814**

***Moved: Cr Wallace***

***Seconded: Cr Hooper***

*"That Council:*

*waive the annual trader's permit fee for businesses that conduct trade on a  
portion of a public place adjoining their normal place of business".*

**CARRIED: 4/0**

*Cr Smythe returned to the meeting at 5.17pm*

**Voting Requirements:**

**Absolute Majority Required: No**

**Summary:**

It is a requirement, under the Shire of York, Local Law – Trading in Thoroughfares and Public Places that applications are made to the Local Government to trade in public places within the Shire of York.

**Background:**

The Shire of York's 2014/15 Fees & Charges marked an increase in the annual fee for trader's permits within Public Places and Thoroughfares from the previous 2012/13 fee of \$189.00 to \$1100.00. The increase in the Trading in Public Places fee was primarily due to the Shire coming into line with neighbouring Shire's Fees and Charges, and to respond to concerns from established local traders with regards to outside traders operating within the Shire with comparatively lower operating costs.

The fallout of the increase in the annual trader permit fee for Public Places and Thoroughfares however was a number of businesses who conduct part of their trade within a portion of a public place adjoining their premises were also captured within the fee increase.

Penny Farthing Sweets trade, by means of a lolly dispensing machine, immediately to the frontage of their business, along Avon Terrace, within the Public Place. Other examples include the sale offering of plants, antiques and general household items.

A written submission was received from the proprietors of Penny Farthing Sweets, Avon Terrace on 6 August 2014 to request the Council to review the application of the annual trader's permit fee to their business.

Penny Farthing Sweets, like other businesses within York are in agreement with the 'spirit' of the recent increase in annual trader's permit fee, but consider that the application of the fee increase in the normal business operation is not in-keeping with it's intent.

**Consultation:**

All relevant businesses to be consulted.

**Statutory Environment:**

Shire of York, Local Law – Trading in Thoroughfares and Public Places

The proposed exemption does not extend to fees relating to Alfresco Dining.

*Subdivision 3 - Conduct of stallholders and traders*

*6.7 Exemptions from requirement to pay fee or to obtain a permit*

*(1) In this clause—*

*“charitable organisation” means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and*

*“commercial participant” means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.*

**(2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on—**

**(a) on a portion of a public place adjoining the normal place of business of the applicant; or**

***(b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.***

*(3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.*

**Policy Implications:**

Nil

**Financial Implications:**

The local businesses identified as falling within the scope of the fee increase, as conducted by means of an audit on 11<sup>th</sup> August 2014 include:

1. Rabbit Shed Collectables, Avon Terrace;
2. Shell Roadhouse, Avon Terrace;
3. Monet, Avon Terrace;
4. Settler's Gift Shop, Avon Terrace;
5. Generations Music & Dingas Winkel, Avon Terrace; and
6. Penny Farthing Sweets, Avon Terrace.

Should Council choose to waive the trader permit fee requirement for the above local businesses, the annual fees will not be collected by the Shire. Shire of York, Local Law – Trading in Thoroughfares and Public Places fees for annual operation are currently (2014/15) \$1100.00.

**Strategic Implications:**

In accordance with the Shire of York Strategic Community Plan Our Vision, the following applies:

*'Our Goals (Economic)*

*Grow the economic base and actively support local businesses and service provision'.*

**Site Inspection:**

**Site Inspection Undertaken: Not applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

Other businesses may make similar applications if a precedent is set resulting in Budget consideration.

**Social Implications:**

It is of benefit to enhance relationships between Council and Local Business by waiving fees and charges where they are unnecessarily required, and can be considered to be waived within legislation available to Council.

**Environmental Implications:**

Nil

**Comment:**

That Council considers, under Section 6.7(2) Shire of York, Local Law – Trading in Thoroughfares and Public Places waiving the fee for annual trader's permit fees for businesses that conduct trade on a portion of a public place adjoining their normal place of business, to include:

- Rabbit Shed Collectables, Avon Terrace;
- Shell Roadhouse, Avon Terrace;
- Monet, Avon Terrace;
- Settler's Gift Shop, Avon Terrace;
- Generations Music & Dingas Winkel, Avon Terrace; and
- Penny Farthing Sweets, Avon Terrace.

That Council in addition considers that each of the above businesses be required to apply for an annual trader's permit, to enable the Shire to control activity by means of permit conditions.