

5.9. PORT DOUGLAS MARKETS POLICY

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RECOMMENDATION

It is recommended that Council:

- 1) Adopts the 2017-18 Port Douglas Markets Policy; and**
 - 2) Directs staff to ensure all Stallholders strictly adhere to the Policy Terms and Conditions.**
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EXECUTIVE SUMMARY

The Port Douglas Markets Terms and Conditions provide the guidelines for stallholders to attend and conduct business at the Sunday Markets. These Terms and Conditions are now presented as a Policy for adoption.

BACKGROUND

The Terms and Conditions have not in the past been presented as a Policy for adoption.

They are now presented as a Policy for two reasons:

- 1) To avoid any possible confusion regarding the wording of the Terms and Conditions;
- 2) To assist the Market Coordinator in the implementation of the Terms and Conditions.

COMMENT

The Port Douglas Markets Terms and Conditions were substantially reviewed and updated in 2017. Following a discussion at the Councillor Workshop 8 August 2017 draft Terms and Conditions were distributed to Market Stallholders for their review and feedback. Stallholder feedback was collated and discussed at a second Councillor Workshop 26 September 2017. The new Terms and Conditions were distributed to Stallholders early October.

The Market Coordinator continually works with Stallholders to ensure compliance with the Market Terms and Conditions. Generally this is well received. In other instances it results in responses ranging from gentle pushback, ignoring the request, vigorous negative responses, and formal complaints to Council.

It is considered that formalising the Terms and Conditions in a Policy format and including a direction to implement the Policy will further empower the Market Coordinator to equitably apply these Terms and Conditions to all Stakeholders.

PROPOSAL

That the 2017-18 Port Douglas Markets Policy is adopted.

FINANCIAL/RESOURCE IMPLICATIONS

The Market Coordinator is in attendance at each Sunday Market therefore there will be no financial or resource implications in adopting these Terms and Conditions.

RISK MANAGEMENT IMPLICATIONS

Risk to Council will be minimised when Stallholders understand and adhere to the Market Terms and Conditions.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: The Port Douglas Markets are a popular weekend event for locals and tourists.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 1 - Celebrating Our Communities

1.3.3 - Foster and support the role of local artists, writers and performers to encourage community vibrancy and wellbeing.

Theme 2 - Building a Sustainable Economic Base

2.3.3 - Support and explore appropriate commercial uses of Council - controlled land, adding to the visitor experience and supporting the local economy.

Theme 5 – Governance

5.2.2 - Implement adopted policies and guidelines to ensure consistency in administrative management which also encourages innovation in Council operations.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Fully-Responsible Funding the full cost of a program or activity

CONSULTATION

Internal: Market Coordinator, Governance Officer, Manager Governance.
External: Market Stallholders

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Port Douglas Markets Policy **[5.9.1]**

PORT DOUGLAS MARKETS POLICY

1. Market Management

- 1.1. The Market Coordinator is responsible for the coordination of the markets and for administering these Terms and Conditions.
- 1.2. The Markets Coordinator has the right to have a stallholder removed from the Market if the stallholder is in breach of these Terms and Conditions.

2. New Applications

- 2.1. New applications must be lodged with the Market Coordinator. Applicants should allow up to two weeks for assessment of their application. Upon approval of the application the Market Coordinator will advise the stallholder of the next available entry date, which is dependent on availability.
- 2.2. Stallholders are required to present their goods for inspection to the Market Coordinator when submitting an application form. Additional proof of manufacture may be sought, such as photographs of workstations or an inspection of the manufacturing process.

3. Payment

- 3.1. Stallholders must pay for their stall site each week (by EFTPOS only) on the day of the Market.
- 3.2. An EFTPOS receipt will be issued upon payment of stall fees.

4. Days / Times of Operation

- 4.1. The Port Douglas Markets are held in Market Park which adjoins ANZAC Park in Port Douglas. The site is bordered by Dickson Inlet and Wharf Street.
- 4.2. The Market operates every Sunday from 8.00am – 1.30pm (except Christmas Day and ANZAC Day).
- 4.3. Markets may be cancelled due to bad weather at the Market Coordinator's discretion.

5. Set-up of Stall Sites

- 5.1. On arrival at the Markets stallholders are permitted vehicle access to unload goods at their stall site. Vehicles must be removed from pedestrian walkways immediately after unloading and no later than 7.30am unless authorised by the Market Coordinator.
- 5.2. Market stalls should be set up after your vehicle is removed from the park.
- 5.3. Stallholders may be permitted to occupy up to a maximum of two 6 metre frontage stalls. This double allocation is at the discretion of the Market Coordinator.
- 5.4. Stallholders must be set up and ready to trade by 8.00am. If stallholders arrive after 8.00am the Market Coordinator has the right to refuse entry to the market for the day.
- 5.5. Stallholders are required to operate for the duration of the market day (until 1.30pm), and are to notify the Market Coordinator should they wish to leave early on any given day.

6. Product Criteria

- 6.1. Port Douglas Markets is a 'Cotters Market'. Goods offered for sale must be handmade art and craft items or local produce.
- 6.2. Items that cannot be proven to fit the criteria (see definitions below) will not be permitted to be sold. The sale of imported goods is strictly prohibited.
- 6.3. Only goods listed on the stallholder's approved application form may be sold by a stallholder.

7. Grandfather Clause

- 7.1. In 1996 certain stallholders were granted ongoing approval to sell products that fall outside of the Product Criteria terms listed above.
- 7.2. These stallholders and the products they are permitted to sell are listed in a table maintained by the Market Coordinator. All other items sold by these stallholders must conform to the Product Criteria terms.
- 7.3. Grandfather Clause stallholders are defined as Permanent Stallholders.
- 7.4. A stallholder may lose their Grandfather Clause status if in breach of any of the Market Terms and Conditions (excluding the Product Criteria clause above).
- 7.5. Should a stallholder lose their Grandfather Clause status they must submit an application as a new supplier and, once approved, then operate under the current Terms and Conditions.
- 7.6. The Grandfather Clause is not available to new stallholders and is not transferable.

8. Food Items

- 8.1. Food cannot be sold without either a food licence or an exemption certificate from Council.
- 8.2. Once a new application has been approved by the Market Coordinator, a stallholder must lodge an *Application for a Market Food Stall Licence* with Council together with the current application fee.
- 8.3. The stallholder will be issued with a food licence or an exemption certificate.
- 8.4. The food licence or exemption certificate must be displayed at the stall at all times.

9. Buskers

- 9.1. The Market Coordinator is responsible for approving a limited number of buskers and allocating suitable sites for buskers to perform at each market day.
- 9.2. Buskers may perform for a maximum period of 30 minutes in any one location within the market area.
- 9.3. Buskers may not utilise common area picnic tables.
- 9.4. Buskers must ensure that their crowds do not obstruct walkways of neighbouring stalls.
- 9.5. No amplification is permitted unless approved in advance by the Market Coordinator.

10. Casual Stallholders

- 10.1. All stallholders are defined as casual stallholders unless they have been formally granted permanent status.
- 10.2. Casual stallholders must contact the Market Coordinator each Thursday prior to the market day for confirmation of attendance.
- 10.3. Casual stallholder should report to the Market Coordinator between 6.30am and 7.00am on each market day to be allocated a position for the day.

11. Permanent Stallholders

- 11.1. A stallholder who attends the markets on a regular long-term basis may be granted permanent status and allocated a regular stall position by the Market Coordinator. This status will be confirmed in writing and until notification has been provided in writing permanent status cannot be assumed.
- 11.2. When not attending the market Permanent Stallholders must notify the Market Coordinator as soon as possible and no later than 12 noon Friday prior to the market day. Stallholders who regularly fail to advise the Market Coordinator of non-attendance may lose their permanent status.
- 11.3. Permanent stallholders must attend a minimum of 44 market days in each financial year in order to maintain their permanent status. If the market day is cancelled for any reason, then stallholders will be deemed to have been in attendance unless they have previously notified the Market Coordinator of non-attendance on that day.

- 11.4. Permanent stallholders may be asked by the Market Coordinator to relocate into a new position. Stallholders who do not comply with this direction may be asked to vacate the market.

12. Stall Sites General

- 12.1. Water and power is not supplied to sites.
- 12.2. The number of stalls on any market day will be determined by the Market Coordinator.
- 12.3. People under the age of 18 years are not permitted to operate a stall unless accompanied by a supervising adult.
- 12.4. All stallholders are responsible for the removal of any rubbish generated by their stall.
- 12.5. All stalls must be kept to a high level of presentation and will be subject to review by the Market Coordinator.
- 12.6. Stock excess to the display should be covered so as not to detract from the appearance of the stall.
- 12.7. The use of awnings must not encroach on other stallholder's space and must be approved by the Market Coordinator.

13. Safety / Security

- 13.1. Stallholders must use their best endeavours to ensure the safety of all members of the public within the vicinity of their stall.
- 13.2. Stallholders must not block pedestrian walkways or disrupt pedestrian traffic.
- 13.3. To ensure the safety of the public and other stallholders, all goods and signage is to remain within the boundary of the stall site.
- 13.4. Stallholders are responsible for the security of their designated site.

14. Insurance

- 14.1. All stallholders must hold current public liability insurance, with Council noted as an interested party, to a minimum of \$10,000,000. Evidence of current insurance cover must be provided to Council with the initial application, annually thereafter, and upon the request of the Market Coordinator.

15. Stallholder Obligations

- 15.1. Products may only be sold by the manufacturer or a family member.
- 15.2. The stallholder may only be accompanied by one other person.
- 15.3. Smoking is not permitted within stalls.
- 15.4. No alcohol is to be consumed or sold at any stall.
- 15.5. Stallholders are expected to be courteous to the public, Market Coordinator and other stallholders at all times. Inappropriate behaviour will not be tolerated and may result in expulsion from the Markets.

16. Issuing Compliance Notices

- 16.1. The Market Coordinator may issue a stallholder with a verbal or written warning notice if the stallholder is in breach of these Terms and Conditions.
- 16.2. A verbal warning may be followed up in writing, depending on the severity of the case.

17. Disputes / Complaints

- 17.1. Disputes or disagreements should in the first instance be taken to the Market Coordinator.
- 17.2. If a stallholder is not satisfied with the outcome of the discussion with the Market Coordinator and wishes to lodge a formal complaint, this complaint should be lodged in writing to Douglas Shire Council, PO Box 723, Mossman Qld 4873, or by email to enquiries@douglas.qld.gov.au and will be dealt with under Council's Complaints Management System.

DEFINITIONS

Cotters Market: The sale of products made by hand labour or small machinery in small quantities. This does not include mass production, or production in commercial quantities. Manufacture must be by the vendor and at the vendor's own residential premises or studio with the exception of food products which may be made in a commercial premises approved by Council for food preparation.

Craft: The production of items of use or ornament by the personal efforts, skills and arts of a craftsman, or their immediate family and may, without limiting the generality of the term, include cooking, sewing, knitting, woodworking, painting, drawing, the shaping cutting or polishing of gemstones, jewellery making and other like crafts. The use of manufactured materials as raw materials is accepted, provided that the exercise of a skill or craft is involved in the process of making the finished product.

The assembly of pre-manufactured components into a saleable product, the repackaging of manufactured product into alternative containers, or the design of a product that is manufactured elsewhere is not regarded as falling within the definition of craft.

Local Produce: Fruit, vegetables and flowers grown in the North Queensland region, on farms or smallholdings occupied by the vendor of the produce, or by members of the vendor's immediate family.

Market Coordinator: Any person appointed by the Council to coordinate and administer the Port Douglas Market on Council's behalf.

Market Day: The Sunday of every week (except Christmas Day and ANZAC Day).

OFFICE USE ONLY

This policy is to remain in force until otherwise determined by Council.

Manager responsible for Review: Manager Governance

ADOPTED: 30 January 2018

REVISED: N/A

DUE FOR REVISION: 30 January 2021