

DIRECTOR SHIRE SERVICES

14th December 2004

DSS4	COMMERCIAL LICENCE FEES
	FILE: P12-21 (283705) MLB

SUMMARY:

Reporting on the introduction of Licence fees for Commercial Activities on Council controlled and managed Lands and Beaches.



At Council's meeting of the 12th October 2004 Council considered a report on the introduction of Licence fees for Commercial Activities on Council controlled and managed lands where it was resolved:-

- "1. That the Directors Recommendation be adopted with the addition of the words 'excluding markets' under Commercial activities.*
- 2. That this matter be referred back to the Director Corporate and Community Services for a further report including all proposed charges for markets and similar activities and include the provision for penalties for non-compliance."*

Currently monthly markets are held at Crescent Head and South West Rocks with 27 individual market days being held for 2004. Markets are also held at Stuarts Point.

With markets being held on Council controlled land there are two (2) beneficiaries of the monies made, being the market convenor eg: Crescent Head P & C and South West Rocks Surf Club / Chamber of Commerce and the individual stall holders. The following options are presented to Council to determine the appropriate fee structure for markets.

OPTION 1 – COMMERCIAL LICENCE TO MARKET CONVENOR

Yearly Licence

That a \$10.00 per market day fee be charged to the Market Convenor eg: South West Rocks has 12 Markets @ \$10.00 per market day = \$120.00 per year.

This is a more equitable way of charging for the markets as Crescent Head has more market days than South West Rocks

Day Event Licence

H - 2

If a special event was to be held such as the Sky Show or markets associated with an event such as the Multicultural Festival a special day licence of \$20.00 would be charged to the event / Market convenor.

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none">• The main convenor of Markets is licenced.• The administration of the Markets Commercial Licence is not as time consuming as Option 2	<ul style="list-style-type: none">• Council has no way of knowing which individual stall holder has appropriate Public Liability Indemnity Insurance.• Council will have difficulties under the Penalty Provisions of the act for Stall Holders that don't comply and may jeopardise the whole market.• It doesn't license individuals who live outside the shire but gain commercial advantage by having a market stall in our shire.

Option 2 – Commercial Licence to Individual Stall Holders.

Yearly Event Licence

That a \$50.00 Commercial Licence fee be charged to the Individual Stall Holders which will licence them to attend any markets on Council managed land in the Kempsey Shire area including one off markets at special events. Eg; if the individual stall holder was to go to all 27 markets this equates to a fee of \$1.85 per market.

Day Licence

A day licence of \$10.00 be charged for one off licences.

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none">• Council is aware of all potential stall holders.• Council is able to administer the penalty provisions of the Act to the offender not the convenor.• Convenors will be aware of all Council approved Stall Holders.• Council will be able to identify and advise convenors of markets holders that do not meet the provisions.• Allows Council to license stall holders from outside the Shire who would gain a commercial advantage from our shire.	<ul style="list-style-type: none">• The administration of the Markets Commercial Licence will be time consuming.

PENALTY PROVISIONS

Under the Penalty Provisions of Section 627 – Failure to comply with approval in the Local Government Act 1993 part 3. *“A person who has obtained the approval of the Council under Part 1 of Chapter 7 to the carrying out of an activity specified in Parts B – F of the Table to Section 68 and who carries out that activity otherwise than in accordance with the terms of that approval is guilty of an offence. Maximum penalty ; 20 penalty points”.*

Currently a penalty point is valued at \$110 and therefore under the penalty provisions would be penalised \$2,200.

REPORT IMPLICATIONS:

▪ **Environmental**

Markets do not present any real threat to the environment provided the conveynor insists on collection of rubbish and leaving the site clean.

▪ **Social**

Markets provide a social and economic benefit.

- ***Economic (Financial)***

Markets provide a social and economic benefit.

- ***Policy or Statutory***

A new policy may arise as a result of the recommendation.

- ***Director's Review***

Support for Option 2 as outline above is recommended.

RECOMMENDATION:

That Option Two (2) outlined in the report be adopted:-

- 1. That a \$50 Commercial Licence fee per market stall holder per year or a Day Licence fee of \$10 per market stall holder.**
- 2. That this charge be included in the Fees and Charges Schedule and be increased annually with the CPI all Ordinaries Index.**

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DIRECTOR ENGINEERING