

## APPLICATION FOR FOOTPATH TRADING PERMIT Expires 31<sup>st</sup> July 2020

### Information for Applicants:

As part of the ongoing work to improve the quality of Ballarat's outdoor dining and trading experience, Council is currently undertaking a review of the existing Footpath Trading Policy (2013). The release of a new 'Outdoor Dining and Trading Policy' will be completed by the end of August 2017.

Through the revision of the policy, Council aims to establish a simplified application process for traders applying for an outdoor dining and trading permit. The policy will also provide guidance in relation to the design of outdoor dining furniture and associated items that will satisfy Council's vision for the Central Business District and enhance the city streetscape.

Whilst the new policy is yet to be formally adopted by Council, changes concerning fees and permit expiry dates have already been approved and will be applicable to both new applications and renewals.

During this interim period, new applicants will need to accord with the existing City of Ballarat's Footpath Trading Policy (2013). A copy of this policy can be found on the City of Ballarat website at [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au).

### What You Must Do:

- 1) Read the Footpath Trading Policy (2013).
- 2) Complete the attached application form and return to [ballcity@ballarat.vic.gov.au](mailto:ballcity@ballarat.vic.gov.au) or post to PO Box 655, Ballarat, 3353 or bring into The Phoenix, 25 Armstrong Street South, Ballarat.

In addition to this application form, you are required to provide Council with a copy of the following:

- a) A site plan indicating dimensions of overall footpath width and detailing trading, kerb and pedestrian zones (where applicable).
- b) Photographs of proposed outdoor dining area (if applicable).
- c) A Certificate of Currency of a public liability risk insurance policy with a minimum cover of \$10 million which can be obtained by contacting your insurance provider (**please note that a tax invoice, a schedule of insurance or any other similar document is not a Certificate of Currency**);
- d) A signed and dated Form of Indemnity (attached - to be completed);
- e) A copy of a current liquor licence which extends to the footway area (this is only required when you intend on serving alcohol at an outdoor dining facility); and

Continued over.....

## **What Council Will Do:**

On receipt of your application, a Council officer will review the proposed details to determine the appropriate application fees and issue a Schedule of Fees.

Upon payment of the fees, the application will be assessed. If approved, a permit will be issued and is subject to conditions contained thereon and compliance with Council's Footpath Trading Policy (2013).

## **Note:**

- The fee is an application fee and no refunds will be given.
- The permit will expire on 31<sup>st</sup> July 2020. A renewal application form will be sent out prior to this date.
- You must ensure that the site is adequate to contain the items requested or reduce the number/type of items.
- A permit application will not be considered if the application is not completed *In Full* by the applicant and all the required documentation provided.
- The Form of Indemnity and Certificate of Currency are two separate things and both must be provided.
- The Permit is not transferable.
- Change of Licensee and/or Trading Name will require the submission of a new application along with payment of the associated fee and all required documentation to be attached.
- Your Public Liability insurance must remain current for the duration of the permit. If your insurance lapses, then your permit becomes invalid. It will be condition on the permit that as you renew your insurance policy, a copy is to be forwarded to Council quoting the permit number.



<b>Office Use Only</b>	
Application No: .....	Date Lodged:     /     /

## APPLICATION FOR FOOTPATH TRADING PERMIT

Expires 31<sup>st</sup> July 2020

**Applicant - Licensee Name:** .....

**Trading As:** .....

**Business Address:** .....

**Postal Address:** .....

**Name of Contact:** .....

**Contact Phone Number:** ..... **Mobile Phone Number:** .....

**Email Address:** .....

Please select preferred option/s:	Application Fee	Tick
<b>Outdoor Dining</b> (this includes tables, chairs, stand-alone heaters; pot plants/planter boxes, umbrellas, temporary barrier screens).  Please indicate if all items are temporary and removable from the footpath: Yes No  Please indicate the total width of the footpath outside your premises: _____ m	\$200.00 <sup>[LS1]</sup>	<input type="checkbox"/>
<b>A-Frame Advertising Signage</b> (maximum of 2 only permitted where adequate area allows)	\$100.00	<input type="checkbox"/>
<b>Display of Goods for Sale or Hire</b> (the area used must not exceed 2m <sup>2</sup> )	\$100.00	<input type="checkbox"/>
<b>Amendment to an issued Permit increasing number of items</b> (this can only be applied for if the Licensee and Trading Name are unchanged as per the issued permit). Please insert the Permit No: FT/_____/FPT.	\$100.00	<input type="checkbox"/>

**Insurance**

A permit will not be issued unless a **Certificate of Currency** of your public liability insurance policy, with a minimum cover of **\$10,000,000** and insuring Council **against** any claim has been provided with this application and the policy remains current for the duration of the permit.

**Signature** ..... **Date** .....

*"Personal and or Health Information collected by Ballarat City Council is used for municipal purposes as specified in the Local Government Act 1989. The Personal and or Health Information will be used solely by Council for these purposes and or directly related purposes. Council may disclose this information to other organisations if required by legislation. The applicant understands that the Personal and or Health Information provided is for the above purpose and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and or correction should be made to Council's Privacy Officer."*

## Form of Indemnity

This indemnity is given the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
**(Date) (Month) (Year)**

By the \_\_\_\_\_  
**(Applicant / Licensee Name)**

Trading as \_\_\_\_\_ (hereinafter called "the indemnifier")  
**(Trading Name)**

At \_\_\_\_\_  
**(Location of the Premises)**

To the CITY OF BALLARAT (hereinafter called "the Council")

Whereas the indemnifier has applied to the Council for authority to use a portion of the road or other public area within the municipal district under the Council's Footpath Policy (Adopted 2013) or Outdoor Dining and Trading Code 2017.

NOW THIS INDENTURE WITNESSES that in consideration of the Council granting such authority the indemnifier INDEMNIFIES and will KEEP the Council INDEMNIFIED against all actions, liabilities, proceedings, demands, losses, damages, fees, claims, costs and expenses whatsoever incurred or arising out of, or in connection with or in consequence of the use of the footpath for purposes associated with the use of the premises at ("the premises")

\_\_\_\_\_  
**Signature of Applicant / Licensee**