

# CITY PLACE MARKET STALLHOLDER APPLICATION FORM

VALID: 1<sup>ST</sup> JULY 2011 – 30<sup>TH</sup> JUNE 2012

Esplanade Local Law 2004



Applicant's Name & Business name (if applicable)

Address

  

Phone

Mobile

Email

Website (if applicable)

Description of goods for sale (**be specific** as only the goods listed here can be sold at your stall):

  
  

Description of display (includes display materials used – i.e. tables, chairs, clothes racks, etc):

  
  

**\*NB: there is no direct vehicle access to stalls. Vehicles prohibited in the City Place Mall**

**Stall holders MUST supply their own marquee for the City Place Markets.**

- Marquees must comply with council standards and must be 3m x 3m OR 6m x 3m in size.
- Proof of public liability insurance will need to be provided with your own marquee

**Office use only:**

Date of Initial Product Inspection (inc. Site Inspection): \_\_\_\_\_

**APPROVED**

**DISAPPROVED**

Name: \_\_\_\_\_ Sign: \_\_\_\_\_ Date: \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_

## TABLE OF FEES

*(Fees quotes are GST inclusive and are valid for the duration of permit being 1<sup>st</sup> July 2010 – 30<sup>th</sup> June 2011)*

**All stall holders must have their OWN marquee.**

### **Trial Stall**

- ❖ \$32 per day (a maximum of 1 trial day is permitted)

### **Own Marquee - Must hold own Public Liability Insurance Cover**

- ❖ Casual Booking = \$44 per day
- ❖ Monthly Booking = \$32 per day (must book a minimum of 5 dates to receive this rate)
- ❖ Each marquee booked for dates in January 2011 - March 2011 will receive a **Discount** of \$10.

### **Fundraising / Charity Stall**

- ❖ \$32 per day (includes 3m x 3m marquee – site is Free)  
Local Charities and Schools that reside in Cairns or assist the people of Cairns may be eligible for a free stall site. One free stall will be provided for a group on any one given Saturday. Lodgement of application must be received no later than 5 working days prior to the date of booking and will work on a first in, first served arrangement.

**Council Public Liability can be purchased for an additional \$10 per day\*\***

**\*\* Specific exclusions from Council Public Liability Insurance include Massage, Cosmetic products, Beauty Products, Medicines, Oils, Fragrances and Soaps. In these cases, council cannot supply insurance and must therefore have a record/copy supplied of current insurances.**

I/We, \_\_\_\_\_ (print name) have read and understood the attached terms of this agreement. I agree to abide by and accept the **terms and conditions** of this agreement, if I fail to do so I recognise that I may be expelled from the City Place Markets and subsequently other Cairns Regional Council Markets

\_\_\_\_\_  
*Applicant's signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Authorised Officer*  
**Cairns Regional Council**

\_\_\_\_\_  
*Date*

**Market Stall Enquiries** - should be addressed to:  
Activities & Programs Officer  
Inner City Facilities  
Cairns Regional Council  
PO Box 359, Cairns 4870  
Ph: 4044-3715 / Fax: 4044-3759  
Email: [innercityfacilities@cairns.qld.gov.au](mailto:innercityfacilities@cairns.qld.gov.au)  
Website: [www.cairnsesplanade.com.au](http://www.cairnsesplanade.com.au)

## TERMS AND CONDITIONS

### MARKET MANAGEMENT

1. The Market Coordinator is responsible for the coordination of the markets and the administering of the Terms and Conditions.
2. The Manager – Inner City Precinct is responsible for overseeing the markets processes and handling any grievances.

### DAYS / TIMES OF OPERATION

1. City Place Market hours are 10:00am until 4.00pm, Monday to Friday.

### CONTACT DETAILS / OFFICE HOURS

1. General Market Stall enquiries can be directed to the Inner City Facilities Office, Monday to Friday, 8.30am – 4.45pm on phone (07) 4044 3715, by visiting our website [www.cairnsesplanade.com.au](http://www.cairnsesplanade.com.au) or by email [innercityfacilities@ Cairns.qld.gov.au](mailto:innercityfacilities@ Cairns.qld.gov.au)
2. Should you wish to see the Market Coordinator; an appointment can be made between Tuesday – Friday. The Markets Coordinator can be contacted on the above contact details.

### APPLICATION PROCESS

1. For the purpose of licence, the application terms and conditions and outlined fees will be valid for the duration 1<sup>st</sup> July 2011 – 30<sup>th</sup> June 2012.
2. There is no guarantee that a licence will be renewed after this time. That is, each application will be considered on its merits on each year, and the fact that the permit was held previously and has expired simply through passage of time does not entitle an applicant to a new permit.
3. Applications are to be lodged no later than 3 working days prior to the requested date of entry to the markets. Entry is not guaranteed for the requested date, however upon assessment the Market Coordinator will advise the next possible entry date.
4. Before permit can be issued, stall holders are required to present their goods for inspection to the Market Coordinator or designated Council staff member. Additional proof from the person who makes the goods may be sort; receipts as proof of purchase of raw materials, photographs of work station or personal inspection of the manufacturing process. If Council request a site inspection of the manufacturing process, the stallholder will be given no less than 3 days notice.

### PRODUCT CRITERIA

1. The City Place Markets are intended to support and encourage hand made arts and crafts. All items for sale must have been produced by the stallholder or the stallholders own efforts to supply the demands of patrons of the City Place Markets.
2. All items for sale must display the following; (1) Originality, (2) Skill or craft has been used in the creation of the item, (3) Produced by “**immediate family**” using hand labour or with the use of small tools, and (4) the item fits within the definition of “**craft**” and “**cottage industry**” as contained within these terms - (see definitions).
3. The City Place Markets are **for hand made art and craft items only** and these items can **only be sold by the person who makes the goods**. Items that cannot be proven to fit the criteria are NOT allowed to be sold, with the exception of tools that aid the sale of your hand made product, i.e. supporting books or objects which accompany your product such as batteries etc. **These must however firstly be approved by the Markets Coordinator**
4. The sale of second hand goods or imported goods either from another town, state or country is **STRICTLY PROHIBITED**.
5. Only goods listed on the attached application form sighted and approved by the Cairns Regional Council Market Coordinator are to be sold. The selling of goods not listed nor approved is **STRICTLY PROHIBITED and can result in loss of licence or expulsion from the market**. Should you wish to introduce a new item to your stall, please obtain approval first to avoid this happening.

6. Reviews of craft making procedures will occur on an annual basis or earlier if deemed necessary. Selection criteria will be applied to the processes and products to ensure the product is representative of the guidelines of the market.

#### **FOOD ITEMS**

1. No food or drink items are to be prepared onsite ready for immediate consumption (including the sale of hot foods and cold drinks) unless specific licensing has been granted for the purpose of fundraising or community awareness campaigns
2. Stallholders must ensure that **no alcohol is consumed** at their designated site.

#### **PAYMENT**

1. If your application is approved, stallholder's payment must be made in advance, no later than **10:00AM on the day of the market**, unless approval has been granted by the Markets Coordinator.
2. A receipt will be issued upon payment of stall fees. Cheques are to be made out to: **Cairns Regional Council**.

#### **MARKET STALL SITES**

1. Water and powered sites are not available at the Cairns City Place Markets.
2. The Stallholder shall not use the designated site for any purposes outside the scope of the permit application.
3. Stallholders must observe, perform and fulfil all the requirements of Council's Policies and Local Laws not limited to but including noise and waste.
4. Vehicles are not allowed into the City Place Mall. Stall holders will need to unload from either of the Shield St ends of the mall.
5. The number of City Place Market Stalls is limited by Council and will be determined by Council. Management reserves the right to nominate stallholders for any given market day.
6. People under the age of 18 years are not permitted to operate a stall unless accompanied by a supervising adult or person over the age of 18 years.

#### **SET-UP**

1. Stallholders must supply all their equipment on the day, including own marquee.
2. Stall holder owned marquees must first be approved by the Markets Coordinator before being allowed to the Market.
3. Stallholders must supply their own weighting system.
4. The limit on stall numbers is two per stallholder. Double sites (two adjoining marquees) are limited and approval for two stalls is at the discretion of the Market Coordinator and Inner Cities Facilities Management.
5. All stalls must be kept to a high level of presentation and will be subject to review.
6. Additional stock excess to the display may be stored in cardboard boxes or other temporary containers, provided that these are covered so as not to detract from the appearance of the stall or the overall market.
7. Stallholders must keep their site clean and free of rubbish to avoid incurring and additional cleaning fee

#### **INSURANCE / SAFETY**

1. Council require a copy of your current public liability insurance, with a minimum of \$10,000,000 cover.
2. Stallholders must not block off pedestrian walkways or disrupt pedestrian traffic.

3. To ensure the safety of the public and stallholders; all goods, signage etc., are to remain within the boundary of the marquee unless otherwise approved.
4. Stallholders must use their best endeavours to ensure the safety of all persons attending the market.
5. Stallholders are responsible for the security of their designated site and the security and safety of any property of Council in or around their designated site.
6. The stallholder agrees to indemnify, and to keep indemnified and to hold harmless the Council, its servants and agents and each of them from and against all actions, costs, claims, charges, expenses, and damages whatsoever, which may be brought against the Council or the stallholder or both arising out of or in relation to the granting of such stallholders permits.

#### **CANCELLATION / BAD WEATHER**

1. Market stall holders requesting not to attend a market day (cancellation) must inform the Inner City Facilities Office by 10.30am on morning of the market day. After this time, the stallholder will lose their credit for the day. **No refunds will be given for cancellations after this cut off time.**

#### **STALLHOLDER OBLIGATIONS OR CONDITIONS OF ACCEPTANCE**

1. Stallholders must be neatly attired and may be accompanied by not more than one other person. Due to safety regulations shoes must be worn at all times.
2. Stallholders are expected to be courteous to the public, market organisers and other stallholders at all times. Bad behaviour and or language will not be tolerated and will result in expulsion from the markets.
3. Penalties apply for providing false and or misleading information. If this occurs; expulsion from the market may occur.

#### **DISPUTES / COMPLAINTS**

1. Disputes or disagreements should be lodged in a formal manner and pending on the nature of complaint in writing to the Inner City Facilities Manager, email [m.robertson@cairns.qld.gov.au](mailto:m.robertson@cairns.qld.gov.au)
2. If a stall holder wishes to make a complaint about another stall holder, the complaint must be in writing and include the complainants name and address. The complainants identity will be kept confidential by Cairns Regional Council and its staff members.

#### **ISSUING COMPLIANCE NOTICES**

1. The Market Coordinator may issue a stallholder with a compliance notice if the Officer considers that the stall holder:
  - (a) Has behaved or is behaving in a manner likely to cause distress, disturbance, inconvenience, damage or harm to any other person present at the market; or
  - (b) Has engaged or is engaging in abusive or threatening behaviour towards other stallholders, members of the public, Council Officers or Security; or
  - (c) Is in breach of any conditions of the permit
2. A compliance notice may also be issued verbally by the Market Coordinator, and will generally be followed up in writing, pending on the severity of the case.
3. For your right to appeal a compliance notice which has been issued, please contact the Inner City Facilities Manager on phone 07 4044 3715 during business hours.

#### **OTHER**

1. Inner City Facilities Management reserve the right to withdraw this permit at any time, without prior notice.
2. The Markets Coordinator has the right to have a Stallholder removed from the Market, either before or during the event, if the Stallholder is in breach of the terms of this Agreement.

## DEFINITIONS

*“Cairns Regional Council Markets”* means

All Cairns Regional Council administered markets including but not limited to daily City Place Markets, weekly Port Douglas and Cairns Esplanade Markets and Monthly Tanks Art Centre markets. Privately run markets held on council land, or market stalls operated in conjunction with one off events are not included within this definition.

*“Cottage Industry”* means

The manufacture of products, by the use of hand labour or small machinery, in small quantities. The definition 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 commercial premises approved by the Council for food preparation. It is accepted that some component parts of a product may be of a mass produced nature however such component parts must be significantly value added through application of art or craft processes.

*“Craft”* means

The production of items of use or ornament by the personal efforts, skills and arts of a crafts person, or his 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, or the repackaging of manufactured product into alternative containers is not regarded as a craft.

*“Crafts person”* means

A skilled worker in a craft or art.

*“Immediate Family”* means

Spouse, father or mother, brother or sister of the stallholder. Any more distant relationship will not be considered immediate family, and sale of products on behalf of such person will not be approved.

*“Local Produce”* means

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”* means

A person appointed by the Council for the time being co-ordinate and administers the Market on Council's behalf.

*“Product”* means

Without limiting the generality of the term, included any item a vendor intends to sell, has available for sale or sells at the Market.

*“Stall”* means

A table or tables or other equipment used for the display of the stallholders products. A stall which covers more than one site is permitted on the payment of any additional charges stipulated by the Organiser.