

# ESPLANADE MARKET STALLHOLDER APPLICATION FORM

VALID: 1<sup>ST</sup> JULY 2010 – 30<sup>TH</sup> JUNE 2011

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

  
  

**\*Note: no vehicles allowed access to stalls.**

Power Required: Yes / No

If yes: Wattage of appliance \_\_\_\_\_

Water Required: Yes / No

- Marquees must comply with council standards and must be 3m 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other 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)*

#### **Trial Stall**

- ✓ \$31 per day (this includes Council Marquee hire and there is a maximum of up 3 trial days permitted)

#### **Council Supplied Marquee**

- ✓ Casual Booking = \$62 per day
- ✓ Monthly Booking = \$60 (must book a minimum of 4 dates to receive this rate)
- ✓ Note: Council will **NOT** be providing marquees after **1<sup>st</sup> Nov 2010**.  
*(exception for new stall holders who will still be able to do their 3 trial dates with a council marquee)*

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

- ✓ Casual Booking = \$42 per day
- ✓ Monthly Booking = \$31 per day (must book a minimum of 4 dates to receive this rate)
- ✓ Each marquee booked for dates in January 2011 - March 2011 will receive a **Discount of \$10**.

#### **Fundraising / Charity Stall**

- ✓ \$31 per Market Day  
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.

**Power - additional \$5 per day – limited powered sites available**  
**Council Public Liability can be purchased for an additional \$10 per day**

**\* Public Liability Insurance is included in the hire of all Council marquees.**

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 and if I fail to do so, I recognise that I may be expelled from the Esplanade Markets and subsequently other Cairns Regional Council Markets. By signing this application, I agree to all terms and conditions.

\_\_\_\_\_  
*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.cairnesplanade.com.au](http://www.cairnesplanade.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. Markets are held on every Saturday of the month (weather permitting) from **8.00am – 5.00pm**.
2. Stallholders may **arrive from 6:00am** and no earlier and **MUST** be set up and ready to trade by 8:00am. If stallholders arrive after 8.00am council has the right to refuse entry to the market for the day. **Market shuts at 5:00pm**. Stall sites must be packed up and **vacated by 6:00pm**.
3. Stallholders are required to operate for the duration of the market day and are to **notify the Market Coordinator should they need to leave early from the markets on any given day by email or phone message**.

### 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 2010 – 30<sup>th</sup> June 2011.
2. There is no guarantee that a licence will be renewed after this time. That is, each application will be considered on its merits 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 5 working days prior to the requested date of entry to the markets. Entry is not guaranteed for the requested date, however upon assessment, the Activities and Programs Coordinator will advise the next possible entry date.
4. Before a permit can be issued, stall holders are required to present their goods for inspection with 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 Esplanade 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 Esplanade 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 items made fit within the definition of "**craft**" and "**cottage industry**" as contained within these terms - (*see definitions*).
3. The Esplanade Markets are for **hand made art and craft items only** and these items can only be sold by the person that has made the items. 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 at the initial application stage and/or on an annual basis 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. All food & drink items must be firstly approved by the Market Coordinator.
2. Once you have obtained site approval from the Market Coordinator, an *Application for a Market Food Stall Licence* must be lodged to Council with the annual fee. Applications can be mailed to Council's postal address or lodged in person at Council's administration offices.
3. Once approval is granted a licence will be issued that must be displayed at the stall.
4. The sale of pre-packaged food products, such as chutneys, jams, spreads etc (not for immediate consumption at the market) is allowed at the discretion of ICF Management however all necessary approvals and permits must firstly be obtained (i.e. '*Application for a Market Food Stall License*' – *Food Act 2006*). For further information about market food stalls, please contact Council's Public Health Unit to discuss your options with an Environmental Health Officer.
5. Applications for a Market Food Stall Licence must also include Food Safety Supervisor details.
6. All food preparation must be done in a licensed kitchen (excluding 'Food Items – point 7). There may be special circumstances to allow food prepared by you **at home** for the markets, but this will require prior approval.
7. Preparation of food at a market food stall is restricted to the preparation of non-alcoholic drinks and the cutting up of fruit and vegetables.
8. The handling of perishable food at a market food stall is limited to transporting, displaying and serving only. **No cooking or reheating of food is permitted at a market stall** (except by non-profit organisations).
9. If you wish to expand your operations to include cooking and preparation of high risk food products, you must first obtain approval from the Market Coordinator and then obtain a Mobile Food Vehicle Licence. Operation of mobile food vehicles at approved market sites may be restricted. Contact the individual Market Coordinator for further information.
10. The market food stall must be set up and operated in accordance with the conditions of approval. For more detailed information relating to this, please refer to Council's *Structural & Operational Requirements for Temporary Food Premises*.
11. Stallholders must ensure that **no alcohol is consumed** at their designated site.
12. Stallholders shall produce to Council, prior to the date required, any licences, permits or consents issued by the Health Department or any other Government Agency in respect of their designated site.

#### PAYMENT

1. After application is approved, stallholders must pay in advance for market days and not on the day of the market.
2. If booking for a month, payment can be made on the last Saturday of the month prior for the 4/5 weeks coming in the next month. A minimum of 4 Saturdays must be paid for to receive the monthly discounted fee.
3. For casual bookings, payments can be made the Saturday prior, or if paying at the ICF office, no later the 12.00 noon the day prior (i.e. Friday – unless public holiday) of the market stall day you are wishing to trade at.

4. Other market dates may be determined by Council at any time, and will be governed by these same terms and conditions. This does not apply to one off events which may contain market stalls. One off events are covered under relative Local Law licence.
5. A receipt will be issued upon payment of stall fees and deposit. Cheques are to be made out to Cairns Regional Council.

#### **MARKET STALL SITES - GENERAL**

1. The Market Coordinator will allocate market stall sites the day before the market day.
2. The Market Coordinator and Management reserve the right to rotate market stall sites. This will be avoided where possible for those who attend on a regular basis, however where special facilities such as power/water are required and gaps in the standard market layout need filling these factors will be taken into consideration.
3. Limited water and powered sites are available. Requirements must be stated on application (*charges may apply*).
4. The Stallholder shall not use the designated site for any purposes outside the scope of the permit application.
5. Stallholders must observe, perform and fulfil all the requirements of Council's Policies and Local Laws not limited to but including noise and waste.
6. The number of Esplanade Market stalls is limited by Council and will be determined by Council. Management reserves the right to nominate stallholders for any given market day.
7. 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.
8. The Council and/or Market Coordinator may relocate the operation of the Esplanade Markets for any reason without prior notice to stall holders. However where possible attempt will be made to notify all stallholders
9. **Council will no longer supply marquees from the 1<sup>st</sup> November 2010.** It will be a condition that stall holders supply their own marquee, with the exception of new stall holders who will still be able to do their 3 trials dates with a council marquee. **You will then be required to have your own marquee and own public liability insurance.**

#### **SET-UP**

1. On arrival to the Markets stall holders are permitted to use the loading zone as discussed with the Market Coordinator prior for the unloading and loading of their goods. At no times should vehicles park there for more than the required time to perform this task, and at no times are vehicles to enter or drive on the pedestrian walk ways, unless approval has been granted by the Markets Coordinator.
2. As a courtesy to your customers, Council recommend the purchase of a discounted parking pass on the day which will allow the stall holder to park in the Pier/Lagoon Car Park, instead of taking up car spaces on the Esplanade road itself. Whilst this is not compulsory we do recommend that you **DO NOT PARK WHERE YOUR CUSTOMERS PARK.**
3. Stallholders must supply all their requirements on the day.
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 an additional cleaning fee.

8. The use of awnings on any marquee is strictly prohibited unless for the purpose of protect against rain entering the marquee, in this case no goods are to be hung or displayed in or under this area. The use of awnings must not encroach on other stall holders space and must firstly be approved by the Market Coordinator
9. If a Council marquee is supplied, unless permission has been granted by the Market Coordinator, all goods, signage etc., is to be freestanding and is not to be attached to the marquee. If it is found that you are not complying with this condition and/or damage to the marquee occurs your permit may be revoked and/or Council may seek costs to rectify any damage to the marquee.

#### **INSURANCE / SAFETY**

1. Council public liability insurance is included in the hire cost of a Council marquee. Should you be supplying your own approved marquee then a copy of your current public liability insurance, with a minimum of \$10,000,000 will need to be provided to Council.
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, it's 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 must inform the Markets co-ordinator by 12pm (noon) on the day before the market at the latest, unless the day is a public holiday then the last working day prior to the markets day. **No refunds will be given for cancellations after this cut off time.**
2. If a Market day is to be terminated or cancelled by Council, Stallholders will be notified immediately at the time of the decision where possible or should the market be cancelled, a message will be left on the Market Coordinators phone 0428 741 576. So if in doubt please phone this number after hours to listen for the message. Stall fees previously paid for this day will be carried forward to another market day.
3. Unsafe weather policy: in the case of the day prior to the markets the weather is unsavoury and unsafe the "bad weather policy" will prevail.
4. The Market Coordinator will communicate with weather experts as well as ICF management and make a final decision taking into consideration the stallholder's opinions as well as safety.
5. If the market is cancelled all stallholders will have their fees carried forward to another Market day.
6. If the decision is to commence with the market but individual stallholders decide not to attend their fees will not be carried forward unless they notify the Market Coordinator by 12.00 noon on the day before the market at the latest, unless the day is a public holiday then the last working day prior to the markets day.

#### **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 terms & 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 craftsperson, 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.