



P3 Fundraising (Badge, Raffle, Exhibitors) Permit

Record No: _____

NAR: _____

Purpose

This document sets out Council's procedure for issuing of Permits to not-for-profit organisations via an application process, for use of a part of road related (footpath) area or community land (reserves) for fundraising purposes.

For the purpose of this application, fundraising means a stall operating on public land in order to raise money for a charity or not-for-profit organisation where 100% of the proceeds of sales are directed to that charity or organisation.

Fundraising activities are not permitted to occur on any public street, road related area or public reserve until permission has been authorised by Council in writing by Permit. Footpaths are the property, refuge and transit lanes for pedestrians and are classified as road reserve. Alexandrina Council will consider all other competing uses of a footpath on receipt of a fundraising application and aims to establish a practical balance amongst the various user groups.

References

Badge Days, Raffles, Street Stalls and Trading Tables Policy
 Local Government Act 1999 – s200 / s221 / s222
 Local Government Land By-law No:2 – S9.17
 Permit and Penalties By-law No:1 of 2010
 Public Consultation Policy

Scope

Council supports community groups which raise funds by conducting stalls and badge days in public space, including footpaths and public land. These groups include sporting clubs, recreational clubs, craft groups or associations and community based health or social welfare agencies.

Council has the authority to give permission to community groups or charitable organisations to fundraise throughout the Council area.

Statement

A person must not use a public road or community land for business purposes without a permit. Business purposes include the use of land even if it is not intended to make a profit.

Alexandrina Council acknowledges the need to regulate the number and location of fundraising activities on its public roads, footpaths and public spaces in order to ensure that there are no reasonable adverse impacts on pedestrian safety, local business trade, community users and other road users and to ensure the amenity of the locality is preserved.

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Fees

Alexandrina Council may charge an annual fee for use of road related areas and public land for fundraising purposes. Fees payable will be in accordance with Council's Schedule of Fees and Charges. Community Groups and not for profit organisations may be granted a permit to operate from public land without fee for the purposes of raising funds for charity, subject to the organisation meeting all requirements of this application.

An initial Application Lodgement Fee may also apply, in accordance with Council's Schedule of Fees and Charges.

Permit Application forms are required to be lodged with Council a minimum of twenty one (21) business days in advance of the activity unless otherwise negotiated with Council.

Permit Eligibility

In order for a permit application to be assessed, evidence is required to be lodged with Council at the time of the application, proving that the organisation is a charity or not-for-profit organisation with 100% of the proceeds of sales directed to that charity or organisation.

Applications for, and approval of a fundraising permit will be determined by Council taking into account the following factors:-

- Number of fundraising or other similar activities already taking place in the area of application
- The type of organisation requesting the permit
- Proximity to and potential impact on, existing businesses near the permit area
- Impact on road and footpath users by the issue of the permit
- Whether the issuing of the permit will contribute to increasing congestion or user conflict within the area
- Receipt of formal proof that the organisation is a charity or not-for-profit organisation
- In the event that the stall includes the sale of food, a copy of the Food Trading Notification form

Permit Time Frame

A fundraising permit will be valid for a period as specified on the permit. Generally a fundraising permit will be for an allocated time frame within one single day or week only. The permit will authorise the permit holder to use the approved area for conducting fundraising activities in accordance with all conditions stipulated on the permit, on a non-exclusive basis.

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Authorisation

After consideration of these factors, Council may decide to :-

- Approve an application and issue a permit.
- Issue a limited permit agreement with conditions or restrictions for undertaking the activity.
- Not approve the permit application providing reasons why the application was not approved.

If the application is not consistent with Council Policy or is deemed high risk, potentially controversial or of high public interest, the request can be placed before Council for decision at the discretion of Council. Council meetings are held once a month.

Public consultation in order to approve the application is not required unless the permit:

- confers a right of exclusive occupation; or
- would have the effect of restricting access to a road; or
- would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree.

Certificate of Currency – Insurance

In addition to the completion of the application form, the applicant must provide the following information to Council prior to the issue of the Permit. A current “Certificate of Currency” stating the:

- Business Name (as stated on this permit application)
- Policy Number (Insurance policy number)
- Minimum \$10 million Public Liability cover
- An acknowledgement or note on the policy, stating that the insurance covers the permitted use.

Cancellation

A Council may, by notice in writing to the holder of a permit; cancel, revoke, amend the conditions or withdraw a permit for breach of a permit condition or for any other reason deemed justifiable by Council. However, before the council cancels or amends a permit, the council must –

- Give the holder of the permit a written notice of the cancellation stating the grounds on which the council proposes to act and allowing the holder a reasonable period to make written representations to the council on the proposed cancellation; and
- Consider any representations made in response to the notice.

The ‘reasonable period’ of time allowed for the permit holder to make written representation to the council must be at least one month, unless the council determines that a shorter period should apply to protect the health or safety of the public, or otherwise to protect the public interest.



Occupational Health, Safety & Welfare Responsibility.
Statement of Responsibility of Permit Holders.

- Permit Holders, whilst holding permits authorised by Council are responsible for ensuring their capacity as responsible employers, that they and their employees comply with the provisions of the Occupational Health, Safety & Welfare Act, 1986 and associated regulations.
- Notifying both the Council and the Department of Administration and Information Services of accidents, incidents and/or dangerous occurrences as defined by Regulation 6.6 of the Occupational Health, Safety & Welfare Act (Notification of Certain Occurrences) Regulations 1995, involving contractors or their employees.
- Ensuring compliance with the advice and/or directive regarding occupational health and safety issued by the Council and its agents.
- Abiding by the terms of the Permit, including compliance with these occupational health and safety responsibilities.
- Providing for themselves and their employees, all necessary protective equipment and enforcing the correct usage and maintenance of any such equipment.
- Exercising due skill, care and expertise in undertaking all defined permit activities



File:2.9.004

P3 Fundraising permit
USE OF COMMUNITY LAND FOR BUSINESS PURPOSES – S200
USE OF PUBLIC ROAD FOR BUSINESS PURPOSES – S222
ALTERATION TO A PUBLIC ROAD –S221

I/We

For and on behalf of
(the organisation / group name)

Of postal address

Of Telephone numbers

Of email address:

Hereby apply to Alexandrina Council for a permit to use part of Local Government land and/or public road pursuant to Section 200, 221 and 222 of the Local Government Act 1999 as applicable, for fundraising purposes at the location of:

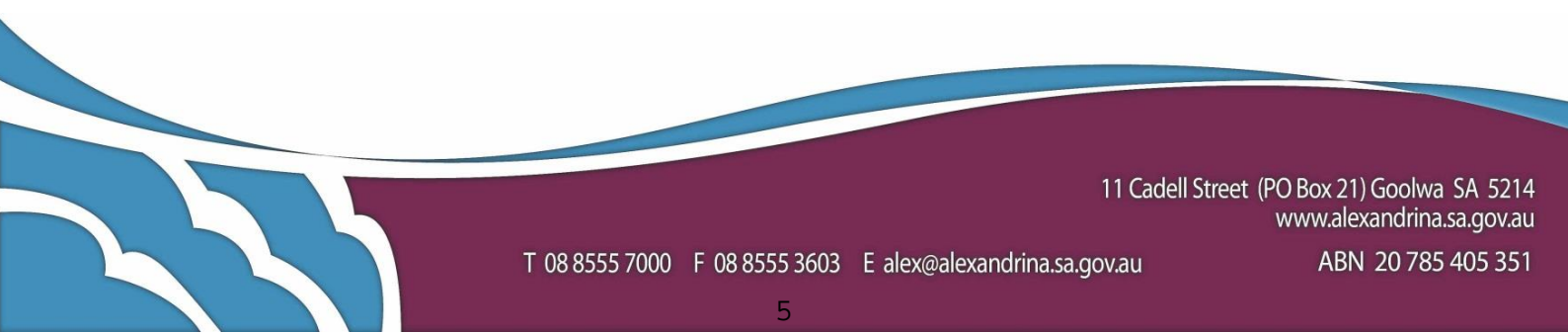
.....
(Exact location of proposed use, including the name of the retail business you will be trading in front of – insert map if required)

For the purpose of:

- | | | |
|--|--|---------------------------------------|
| <input type="checkbox"/> Fundraising table | <input type="checkbox"/> Trading table | <input type="checkbox"/> Raffle table |
| <input type="checkbox"/> Badge Day | <input type="checkbox"/> Door Knock | <input type="checkbox"/> Other: |

On the date/s of:

Between the hours of:



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NOTE: Where this Application requires an Alteration to a Public Road as below, the issuing of this Permit also includes an Authorisation pursuant to Section 221 of the Local Government Act 1999. (Tick whichever are applicable to this Application).

Not applicable

- Alter the construction or arrangement of the road to facilitate access to/from property
- Erect or install a structure (including pipes, wires, cables, fixtures, fittings or other objects) in, on, across, under or over the road;
- Change or interfere with the construction, arrangement or materials of the road;
- Change, interfere with or remove a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road;
- Plant, interfere with or remove a tree or vegetation from the road;
- Extend the business of a restaurant or café to outside tables situated on a footpath or roadside.

Note 1: The Act provides that a road extends from property boundary to property boundary and includes the carriageway, footpaths and verges.

Note 2: Pursuant to the Act, it is an offence to make an alteration to a public road without an Authorisation to do so from the Council.

The issuing of this Permit is subject to:

1. The Applicant agreeing to the General Conditions of Permit as contained herein;
2. The Applicant agreeing to any/all Special Conditions that the Council may determine and attach to this Permit;
3. The Applicant paying the prescribed fee, if applicable.
4. The Applicant providing to the Council evidence of all appropriate insurances as required by the General Conditions and/or the Special Conditions of Permit.

GENERAL CONDITIONS OF PERMIT:

The Applicant further agrees:

1. Indemnification of Council

The Applicant 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 or made or claimed against them or any of them arising out of or in relation to the granting of such permit and the establishment and operation of the said Permit.



2. Public Liability Insurance

The Applicant shall take out and keep current during the period of this permit a public liability insurance policy in a form approved by the Council, in the joint names of the Council and the Applicant insuring, for a minimum sum of ten million dollars (\$10,000,000) the Council and the Applicant against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against the Council or the Applicant or both arising out of or in relation to the granting of such permit or the operation of the permit.

3. Operation of Permit

This Permit will not come into operation until proof of all insurances have been provided to Council, payment has been made if applicable and the permit document, signed by the Council, has been returned to the applicant.

4. No Exclusive Occupation

This Permit does not confer on the Applicant any exclusive right, entitlement or interest in the defined area (unless specifically provided pursuant to Section 223 of the Local Government Act 1999) and does not derogate from the Council's powers arising under the Local Government Act 1999.

5. Alterations to Permit by Permit Holder

Any alteration to the permit area may only be granted upon a new application being lodged with Council and/or on written approval of the amendments by Council.

6. Cancellation or Amendment of Permit by Council

A Council may, by notice in writing to the holder of a permit; cancel, revoke, amend the conditions or withdraw a permit for breach of a permit condition or for any other reason deemed justifiable by Council.

7. Transfer

The permit is not transferable. The permit holder may not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing.

8. Presentation of Permit

This permit shall be produced to any Authorised Officer of the Council on demand.

9. Compliance

The permit holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-law relating to the activity.

10. Legislative Compliance

The operation of the permitted activity is to be in accordance with all applicable industry standards, health or safety standards, Australian Standards, Codes of Conduct and legislation.



11. Area to be Kept Clean

The Applicant shall keep the area of permitted use clean, tidy and undamaged.

12. Reinstatement

The area of permitted use is to be reinstated to its original condition by the Permit holder on completion of the activity.

13. Damage to permit area

Repairing and/or replacing any damaged Council infrastructure, will be the responsibility of the permit holder. If any necessary repair or replacement is not undertaken within a reasonable time, Council may repair and/or replace and recover the costs from the permit holder. The Applicant shall bear the cost of all repairs carried out by the Council within the defined area which, in the opinion of the Chief Executive, have been made necessary by the activities of the Permit.

14. Activity to be within defined Permit area

All persons, equipment and activities associated with the permit shall remain wholly within the defined area at all times. No tables, signage, umbrellas, chairs or other are to be located outside the defined area.

15. Removal of Equipment

All equipment, rubbish, infrastructure and other associated with the permit, shall be removed from the area at completion of the permitted activity.

16. The Prescribed Fee

The Prescribed Fee shall be applied in accordance with Council's annual Fees and Charges. The Prescribed Fee is subject to annual review by Council within its adopted Fees and Charges pursuant to Section 188 of the Local Government Act, 1999.

17. Licence

The permit holder, where appropriate, shall ensure that it is licensed or registered to carry out the activity authorised by the issuing of this permit.

18. Music

No music system or amplified sound to be used by any permit holder without the prior approval of the Council. If music is requested to be played, please attach details.

19. Power

Council will not provide power. If you are wishing to provide your own power, please attach details.

20. Retail Business

That the Retail Business in which the fundraising event is to be located in front of has been notified.

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SPECIAL CONDITIONS OF PERMIT:

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IT IS HEREBY AGREED by the permit holder, to comply with the conditions of such permit as set out in General conditions of Permit and declare that the particulars provided with regard to the proposed use and any Proposed Alteration to the road where applicable are true and accurate.

Agreement

1. I have read and understood the permit conditions and agree to abide by the said conditions.
2. I have clearly identified the proposed area of use by the attached map or by clear description.
3. On the date of:/...../20...., I notified the Retail Business of: that the fundraising will be occurring on the footpath adjoining their premises.
4. A copy of my public liability insurance as required is attached, in accordance with this permit.
5. I have attached evidence proving that the organisation is a charity or not-for-profit organisation and that 100% of the proceeds of sales are directed to that charity or organisation.
6. I understand that this permit does not provide me with exclusive use of the site and as such, I acknowledge that other fundraising organisations, traders or food sellers may be located in relatively close proximity to the location of this permitted activity.
7. I understand that I do not have permission to undertake the fundraising activity until such time as I receive a signed permit from Council.

Signed for and on behalf of the permit holder

Name	_____	Date	_____
Position	_____	Signature	_____

Office Use Only

Signed by or on behalf of the Council

Name	_____	Date	_____
Position	_____	Signature	_____

The approved number of tables is.....

The approved location is.....

The approved dates and times are:

Permit Expiry date: ____ / ____ /20__ at _____ am /pm

NAR: _____