



# COUNCIL POLICY

## Mobile Food Vendors

<b>Policy Number:</b>	PO049		
<b>Strategic Plan Objective</b>	Meet all legislative and compliance responsibilities		
<b>Policy Owner:</b>	Director Development Services	<b>File Number:</b>	16/14013[V5]
<b>Responsible Officer:</b>	Senior Compliance Officer	<b>Minute Reference:</b>	015/2020 (15/01/2020)
<b>Date Adopted:</b>	15/01/2020	<b>Next Review Date:</b>	January 2023

### 1. POLICY OBJECTIVES

To allow for the operation of mobile food vending businesses within the legislative requirements of the Local Government Act in a manner that does not interfere or conflict with the permanent local business operators and service traders. The policy will ensure that these activities are appropriate for the area and do not cause any public safety issues or nuisance to the surrounding residents or businesses and that the amenity of the area is protected while enhancing the area's vibrancy, which will encourage visitors and residents to the Yorke Peninsula.

### 2. SCOPE

This policy covers all applications made to Council for the use of Council land, including roads and footpaths for mobile vendors, with the exception of mobile vendors engaged as part of local events, which will be managed in accordance with Council's Event Management Guidelines. This policy does not apply to the setting up of a stall on Council footpaths.

### 3. DEFINITIONS

Mobile food vending is defined as a business involving the sale of food or beverages from a vehicle (within meaning of the Road Traffic Act 1961) either free of charge or at a cost.

### 4. POLICY STATEMENT

Mobile food vendors should enhance the vibrancy of the Council area and have an offering that encourages visitors and residents.

Council will adopt location rules as to where mobile food vendors may operate from with a permit. Council will take into consideration the following whilst setting the permitted location rules:

- Location
- Permanent retail and service traders
- Benefit to the community
- Ambience created by the trader

The location and general information about the mobile food vending can be accessed on Council's website and Information Sheet.

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The location rules do not apply to a mobile food vending business primarily engaged in the sale of ice cream.

Mobile trading must comply with the *Local Government Act 1999* and relevant Council by-laws. The Permit holder must agree to comply with all the conditions which Council may impose. Council can modify or revoke a mobile trading permit if it does not comply with the conditions.

The permit is to be carried at all times while trading and produced upon request by an authorised Council representative or SAPOL.

Permanent retail and service traders and the amenity of the Council area must not be adversely affected by mobile trading.

### Mobile Trading Operations:

- No fixed infrastructure, tables, chairs or signage or amplified sound are permitted.
- All advertising must be fixed to the food vehicles and not encroach on the public realm.
- Exclusive use of an area is not permitted and areas are not able to be reserved.
- The mobile vending area must be maintained at a high level of cleanliness. No waste or litter from the vendors operation may be disposed of in Council rubbish bins. All waste water associated with the activities of the food vendor must be contained within the vendor's vehicle. All refuse generated as part of the operation must be continuously removed by the mobile trader.
- Where the Council has to undertake any cleaning or tidying of the area, the mobile trader will be liable to reimburse the Council for costs incurred.
- Mobile Traders are not permitted to park on Council owned reserves.

### Provision of permits:

- The permit holder takes full responsibility for the care, appearance, maintenance and operation of their activity area and is responsible for abiding by all legislative requirements relating to the activity.
- Applicants will need to demonstrate an appropriate level of public liability insurance as per the conditions.

### Safety:

- Safety measures required by mobile traders will be assessed on a case-by-case basis.
- Mobile traders must comply with all legislative requirements relating to business operations, occupational health and safety, employment conditions and any other relevant requirements.
- All mobile food traders must comply with all health and food safety aspects as contained within the *Food Act 2011* and food Safety Standards. All mobile food traders will be subject to an inspection from the Environmental Health team and will endure an annual fee as per the fees schedule.
- Safety of the public must be the primary consideration. Mobile traders must not compromise the safety of pedestrians, any road users or any other users of the space.

A fee in accordance with Council's Fees and Charges Register will apply. Permits are either issued annually or monthly. In special circumstances Council may consider a fee reduction.

**5. COMPLAINTS**

Complaints relating to the mobile vendors can be made in writing to Council’s Senior Compliance Officer. All complaints will be investigated in accordance with Council’s Complaints Policy - PO147 Complaints.

If an operator of a food business or a mobile food vendor is directly or adversely affected by the locations, then the operator may apply to the Small Business Commissioner for a review of the location rules.

**6. REVIEW**

This policy will be reviewed every three years and also as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

**7. TRAINING**

Training needs will be reviewed as part of Council’s Training Plan and as necessary in consideration of performance reviews, changes to legislation and relevant standards, codes and guidelines.

**8. RELATED COUNCIL POLICIES AND DOCUMENTS**

- PO091 Risk Management Policy
- PO141 Enforcement Policy
- YPC Fees and Charges Register
- YPC Community Land Register
- YPC SF074 Application to License Vehicle for Sale of Food
- YPC Event Management Guidelines

**9. REFERENCES AND LEGISLATION**

- Food Act 2001
- Local Government (Mobile Food Vendors) Amendment Act 2017
- Local Government Act 1999
- Development Act 1993
- South Australian Public Health Act 2011
- Environment Protection Act 1993
- Local Nuisance and Litter Control Act 2016
- Motor Vehicle Act 1959 and the Road Traffic Act 1961
- Council By-Laws

**9. COUNCIL DELEGATION**

<b>Details of Delegation:</b>	In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Local Government Act, 1999, were delegated by Council, on the 13 <sup>th</sup> of December 2017 to the person occupying the office of Chief Executive Officer.
<b>Delegate:</b>	Chief Executive Officer
<b>Sub Delegate:</b>	Director Development Services, Manager Development Services, Senior Compliance Officer, Ranger
<b>Minute Number:</b>	103/2018 (11/04/2018)

**10. VERSION HISTORY**

<b>Archived Policy Name</b>	<b>Policy Number</b>	<b>Date Adopted</b>	<b>Last Reviewed</b>
Mobile Ice cream van permits [V1]	PO049	07/04/2003	08/06/2010
Mobile Vendors [V2]	PO049	13/02/2013	02/06/2017
Mobile Vendors [V3]	PO049	13/02/2016	17/01/2018
Mobile Food Vendor [V4]	PO049	11/04/2018	15/01/2020
Mobile Food Vendor [V5]	PO049	15/01/2020	