

DOCUMENT TYPE	Policy
TITLE	TRADING IN PUBLIC PLACES - MOBILE FOOD VEHICLE (MFV)
NUMBER:	POL-3012

PURPOSE

To guide the consideration of Traders Permits for high quality food-vending activities in a balanced manner that improves the usage and vitality of the Shire's public realm whilst ensuring that the needs of pedestrians, consumers and local business proprietors are met.

The Shire encourages the use of parks and reserves for MFVs as a means of enhancing community activity that flows from this activation of shared public spaces.

The Shire also has a commitment to community wellbeing; economically, socially and environmentally, and seeks to support activities which do not have a detrimental impact on surrounding businesses, residences or public property.

The Shire's *Activities in Thoroughfares and Public Places and Trading Local Law (Part 5)* outlines the basic requirement for a permit for the sale of goods in any street, vacant land or public place.

DEFINITIONS

Mobile Food Vehicle (MFV) means

- (a) registered vehicle, caravan, trailer or any other method of transport from which food is sold;
- (b) a non-road registered vehicles such as, but not limited to coffee carts, hot dog carts or similar vehicles.

Public Place means

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property;
- (b) and local government property (as described in the Shire's *Activities in Thoroughfares and Public Places and Trading Local Law Part 5*).

POLICY STATEMENTS

(1) ELIGIBILITY REQUIREMENTS

Operators need to meet the basic standards required for the operation of a business of this nature:

- *Food Act 2008* Certificate of Registration or equivalent from an Australian Local Government.
- Current vehicle registration.
- Public liability insurance.
- Details of goods/merchandise and or services to be offered (e.g. food menu).
- Details of vehicle or stall intended to be used for trading including internal and external photographs of the vehicle. Any such vehicle shall be subject to further inspection in order to determine its suitability for the purpose proposed.
- Details of preferred location(s) days and hours of operation.
- Details of associated lighting, banners and bunting.
- Permit application form.

(2) LOCATION AND SITING

- 2.1. No trading is permitted within 200 metres of schools 8am-3pm during school terms.
- 2.2. In general, no trading is permitted within a distance of 300 metres of any shop or permanent place of business that is (i) open for business and (ii) has for sale any goods or services of the kind being offered for sale by the trader.
- 2.3. In regards to the above point this may be waived where a suitable agreement with the existing permanent business has been obtained.
- 2.4. Mobile food vending will not be supported where vehicle size or layout may compromise public access, safety or other street activities. If concerns are raised by local businesses or the community on the operation or location of a vendor, the Shire may require the operation to relocate.
- 2.5. In general trading is permitted only in those particular public places applied for and specifically approved. However, flexibility to "itinerant vendors" outside set locations is described in part 3 of this Policy.

(3) ITINERANT VENDORS

Additional conditions for itinerant vendors, such as ice-cream vans that stop for trade on public property when hailed by a customer, are to include:

- May stop to serve (quickly-prepared) items such as ice creams, confectionary and drinks only;
- May remain stopped at a location for the transaction time period and no longer. If there is no customer making a purchase, the trader must move on from that location within a reasonable time; and
- Music or any other forms of noise to attract customers is not permitted to be played whilst the van is parked.

(4) MANAGEMENT AND RESPONSIBILITIES

- 4.1. Trading times are generally 6am-9pm however are limited to 8am-6pm in residential areas.
- 4.2. Permanent fixtures and elements are not permitted. Following trade the mobile food vehicle and all related fixtures must be removed from the site.
- 4.3. Any fixtures/furniture relating to the MFV (e.g. umbrellas, waste bins) should be sturdy and windproof, made of quality materials and be designed safely, without sharp edges or other features likely to cause injury.
- 4.4. Fixtures must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street or kerbside usage by motorists.
- 4.5. No waste or litter may be disposed of in Shire rubbish bins. MFVs must provide bins for use and ensure the area around their position is kept clear of rubbish and refuse at all times.
- 4.6. Background music may only be played from the MFV if the noise levels comply with the Assigned Levels prescribed in the *Environmental Protection (Noise) Regulations 1997*. Generator noise must also comply with the Assigned Levels in the *Environmental Protection (Noise) Regulations 1997*. Should justified complaints be received regarding amplified music from Mobile Food Vehicle locations, the Shire reserves the right to prohibit music at the site.
- 4.7. MFVs must be positioned to allow access to service covers and emergency services.
- 4.8. MFVs must not:
 - Remain at a site when not in use for trade.
 - Require external power, gas or water connections.

(5) PUBLIC RISK MANAGEMENT

- 5.1. Permit Holders must take out and keep current a public and product liability insurance policy specifically noting the Shire as an interested party. The policy should generally insure for the amount of 10 million dollars (\$10,000,000) and must cover injury, loss or damage to persons or property arising out of the activity carried

out under the Permit. A lesser amount public and product liability insurance may be accepted but any such estimation will be subject to a risk assessment process.

A Certificate of Currency for the policy must accompany the application or renewal of a Permit.

- 5.2. The Permit Holder assumes responsibility for any liability issues which arise or are associated with the vending area.

(6) FEES

The permit holder will be required to pay the fees and charges as prescribed by the Shire in the Fees and Charges for the relevant financial year.

(7) PERMIT MONITORING, RENEWAL AND CANCELLATION

- 7.1. Authorised Officers may conduct unannounced inspections of MFVs to determine compliance with permit conditions.
- 7.2. Following a complaint or observation of a breach of a permit, Shire officers will contact the permit holder and take appropriate enforcement action which may include penalties under the local law or permit cancellation.
- 7.3. During annual festivals, parades or special events a Traders Permit located within the event precinct will not necessarily be valid. Permission to participate in specific events needs to be obtained separately.

RISK

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

DOCUMENT AND VERSION CONTROL

Responsible Directorate	Community Development		
Responsible Officer	Director Community Development		
Statutory References	<i>Local Government Act 1995 (WA)</i> <i>LL-4000 Activities in Thoroughfares and Public Places and Trading</i> <i>Local Law 2005</i>		
Related Documents	Nil		
Amendment History (Adoption and last 3 amendments)			
Version	Date Issued - Resolution Number	Item #	Description of Change
1.0	25/02/2014 – 10320	13.4.2	Council Adoption
2.0	28/06/2016 – 11408	12.03.8	Review Adopted by Council
2.1	15/11/2023 – CEO054	--	Reference Updates as per POL-1014 Policy Management (Previously CP-LLP-3827)
Date of Next Review June 2018			