

POLICY NO: 3.8.12**MOBILE FOOD VENDOR POLICY****OBJECTIVE**

To allow outdoor food vending activities in a manner that improves the access, usage, quality and image of the City's public realm whilst managing the competing needs and interests of pedestrians, consumers and local business proprietors.

POLICY STATEMENT

1. The City encourages the use of public open space/reserves for outdoor Mobile Food Vending as a means of enhancing community activity that flows from this use.
2. The City supports Mobile Food Vending when vendors practice safe food handling in accordance with the *Food Act 2008* and consider the needs of all users of the area, including the safety of consumers and pedestrians.
3. The City encourages entrepreneurs to activate public spaces with appropriate food vending activities, and recognises that granted rights over the relevant public space do not exclude the general public from the public realm.

Date Adopted:	12 March 2013
Date Amended:	-
Date Reviewed:	-
Date of Next Review:	-

'VENDING VINCENT'

Mobile Food Vendor Guidelines

Mobile Food Vending is defined as the use of the public areas for preparing and dispensing food products from Mobile Food Vehicles (that is, purpose built caravans, vehicles, trucks or carts).

Mobile Food Vending shall not occur on any public place until a Permit has been issued by the City of Vincent in writing for that specific location. Failure to comply with the conditions of a 'Vending Vincent' Permit may result in the Permit being revoked. The City will only consider approval of Mobile Food Vehicles (Caravans, Vehicles, Carts or Trucks). Temporary Food Stalls are not permitted to obtain a 'Vending Vincent' Permit.

The City can condition, modify or revoke a 'Vending Vincent' Permit as it sees fit. The following guide details the considerations to be addressed by prospective applicants and the City's Officers in making and approving applications for the issue of a 'Vending Vincent' Permit.

1.0 AMENITY AND APPEARANCE

A Mobile Food Vending area should relate to its surroundings, to protect and enhance the urban, heritage and streetscape appearance and character, including the quality of built form.

- 1.1 Trees and other significant streetscape elements such as public art, benches, waste bins and bus shelters shall not be obstructed, covered, removed, relocated or modified as a result of a Mobile Food Vending area operation;
- 1.2 A constant presence by the operator is required for regular cleaning and maintenance of the activity area;
- 1.3 Alcohol or tobacco products are not permitted to be sold from the Mobile Food Vendor at any time;
- 1.4 The Mobile Food Vendor must be willing to participate in the City's MenuWise Programme;
- 1.5 The Mobile Food Vendor is to offer unique products and services not readily available within the local area; and
- 1.6 All advertising must be fixed to the food vehicle and not encroach on the public realm.

2.0 REGISTRATION CONDITIONS

Mobile Food Vehicles are only permitted to trade within the City if they meet the following conditions:

- 2.1 Hold a valid site specific City of Vincent Mobile Food Vending Permit also known as a 'Vending Vincent' Permit;
- 2.2 Hold a current *Food Act 2008* Certificate of Registration from a Western Australian Local Government. This Certificate of Registration is issued by the Local Government Authority where the vehicle is housed; and
- 2.3 The Vehicle must not trade as an Itinerant Vendor within the City of Vincent and is restricted ONLY to the site allocated to the Mobile Food Vehicle.

3.0 LOCATION AND SITING

Vending is only permitted on the site allocated by the City to the Mobile Food Vehicle. Trading is not permitted on any other location within the City, under any circumstance. The City will consider location and siting as follows:

- 3.1 Specific areas on Public Open Space/Reserves that are considered safe for patrons will be designated as Approved Trading Zones;
- 3.2 Trading Zones will be located so as to avoid encroachment on bicycle and/or pedestrian lanes and to not obstruct pedestrian flow and vehicular traffic/parking;
- 3.3 Trading Zones will be located so as to ensure that wheelchair access to pedestrian ramps ('pram ramps') and footpaths is not compromised;
- 3.4 Trading Zones will be located in areas not currently serviced by food premises in order to ensure that the Mobile Food Vending activity will not adversely impact upon local businesses;
- 3.5 Each Reserve will be allocated a single Mobile Food Vehicle;
- 3.6 Mobile Food Vending will not be supported where vehicle size or layout may compromise public access, circulation, safety or other street activities. If concerns are raised by local businesses or the community on the operation or location of a Mobile Food Vendor, the City may require the vending operation to relocate; and
- 3.7 Whereby a community Event approved by the City is being held on the Public Open Space/Reserve allocated to a Mobile Food Vendor (for example, community fairs and concerts), any 'Vending Vincent' Permits allocated to that Reserve will be rendered void for the duration of that Event.

4.0 MAINTENANCE AND CLEANING

Having been granted a 'Vending Vincent' Permit for a Mobile Food Vending area, the Permit Holder is required to comply with all maintenance aspects of the entire operation, including the conditions of the Permit. Specific requirements include but are not limited to:

- 4.1 The Mobile Food Vehicle and fixtures must be kept in a safe and well-maintained condition at all times;
- 4.2 Mobile Food Vendors must ensure that the Vehicle and food handling activities comply at all times with the requirements of the Food Act 2008 and Food Standards Australia and New Zealand (FSANZ) Food Standards Code;
- 4.3 The Mobile Food Vending area (including food preparation areas) must be regularly cleaned during all hours of operation presenting a continuous well cared for image; and
- 4.4 Waste generated by food preparation activities is not to be disposed of in Council waste receptacles or drains. All food waste and wastewater must be removed from the site by the Permit Holder, following trade periods.

5.0 MANAGEMENT

The 'Vending Vincent' Permit Holder is to take full responsibility for the care, appearance, maintenance and operation of their activity area. It must be understood that the Mobile Food Vending area remains public space. This means operators and patrons do not have exclusive occupancy of the area.

The following principles apply:

- 5.1 Permanent fixtures and elements are not permitted. Following trade, the Mobile Food Vehicle and all related fixtures must be removed from the site;
- 5.2 Only vehicles with a maximum weight of 2 tonne will be permitted on the site;
- 5.3 Any fixtures relating to the Mobile Food Vehicle (for example; umbrellas, signs, waste bins etc.) should be sturdy and windproof, made of quality materials and be well designed and constructed to be safe to use, without sharp edges or other features likely to cause injury;
- 5.4 All items positioned within the permitted boundaries for Mobile Food Vending are the Permit Holder's responsibility;
- 5.5 The safety of the surrounding area is not to be compromised by the Mobile Food Vehicle restricting access or adding unreasonably to fire potential;

- 5.6 Access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, telephone booths and post boxes and the like is not to be compromised by the Mobile Food Vehicle;
- 5.7 The Permit Holder must not obstruct access to services, infrastructure, ramps and building entrances;
- 5.8 Vehicles must not remain at the site when not in use for vending;
- 5.9 Each Permit will be allocated permitted trading periods and it is the responsibility of the Permit Holder to ensure that trading does not occur outside of these permitted hours;
- 5.10 Mobile Food Vehicles must not require external power, gas or water connections;
- 5.11 Any ambient background music may only be played from the Mobile Food Vendor if the noise levels comply with the Assigned Levels prescribed in the *Environmental Protection (Noise) Regulations 1997*. Should justified complaints be received regarding amplified music from the Mobile Food Vehicle, the City reserves the right to prohibit the emission of music at the site; and
- 5.12 All food products shall be kept secured under lock and key at all times whilst the vending unit is unattended (for example: for meal/bathroom breaks, etc).

6.0 PUBLIC RISK MANAGEMENT

- 6.1 Mobile Food Vendor Permit Holders must take out and keep current a public and product liability insurance policy noting specifically City of Vincent as an interested party. The policy must insure for the amount of at least TEN MILLION DOLLARS (\$10,000,000) and must cover injury, loss or damage to persons or property arising out of the activity carried out under this Permit or the granting of this Permit by the Council. A lesser amount public and product liability insurance might be accepted by the Council but this decision will be subject to a risk assessment process. A Certificate of Currency for the policy must accompany the application or renewal of a 'Vending Vincent' Permit;
- 6.2 Safety measures may be required at Mobile Food Vending locations and will be assessed on a case-by-case basis by the City. If public safety cannot be reasonably addressed, Permits will not be issued;
- 6.3 BBQs, grills and heat sources must be protected to prevent public access and accidental burning and fire risk;
- 6.4 All Permit Holders are required to comply with all health and food safety aspects of the entire operation as required by the *Food Act 2008* and *FSANZ Food Safety Standards*; and
- 6.5 The Permit Holder assumes responsibility for any liability issues which arise and that are associated with the Mobile Food Vending area.

7.0 HOW TO APPLY FOR A VENDING VINCENT PERMIT

7.1 Where to Apply

Mobile Food Vending requires an annual 'Vending Vincent' Permit. Application information can be found on the City's website.

7.2 Submit an Application – 5 items

- a) Complete the 'Vending Vincent' Application Form. The Application Form must include the following:
 - i. Preferred site; (see attached Reserve maps);
 - ii. Type of food sold; and
 - iii. Where the food products are prepared/purchased.
- b) Include a detailed plan with the application showing the internal layout of the Mobile Food Vehicle;
- c) Provide a photograph of the Mobile Food Vehicle;
- d) Include a current copy of Public Liability Insurance 'Certificate of Currency' for the amount of \$10,000,000; and
- e) Include a copy of your *Food Act 2008* Certificate of Registration issued by the Local Government Authority where the Mobile Food Vehicle is housed and/or where the majority of the food preparation activities are occurring.

7.3 Do I Need Development Approval?

No - as 'Vending Vincent' is a trial programme, permanent fixtures and/or changes to the public realm are not permitted. As a result, Development Approval is not required.

8.0 APPROVAL PROCESS

- 8.1 The City will advertise, seeking Expressions of Interest (EOI's) every 12 months (normally by the end of April each calendar year);
- 8.2 The City will normally issue a single 'Vending Permit' per Parks or Reserve and each applicant will only be entitled to a single Permit (Multiple Permits will not be granted);
- 8.3 Mobile Food Vendors are not automatically guaranteed approval if they have been previously issued with approval to trade in another Local Government Authority or in the City of Vincent;
- 8.4 Applications will be assessed on a case by case basis against specific Evaluation Criteria including the following: demonstrated compliance with the *Food Act 2008* and *Food Safety Standards*, preferred site, suitability of the food sold, competition against local businesses, willingness to adhere to the City's values, public safety and comprehensiveness of information provided in the application (NOTE: Vendors selling high-risk, potentially hazardous foods will not be considered);

8.5 Applicants are not automatically guaranteed approval for their preferred site. When multiple vendors have applied for the same reserve, the allocation will be made based on the information provided in the application and the history of compliance with the *Food Act 2008* and *FSANZ Food Safety Standards*. In instances where applications cannot be separated based on these requirements, the allocation will be granted at random by the City's Chief Executive Officer; and

8.6 The City's Chief Executive Officer is delegated the power to:

- (a) Issue a "Vending Vincent" Permit;
- (b) To vary the location of trading zones; and
- (c) Make minor variations to the requirements of a vending permit.

The City will notify the applicant and issue a 'Vending Vincent' Permit if the application is approved.

9.0 FEES

9.1 The Permit Holder will be required to pay the fees and charges as prescribed by the Council. The fees will be consistent with the Temporary Food Van fees detailed in the City's Fees and Charges for the relevant financial year, with an additional monthly fee.

For example – 2012/2013

Risk Type – Med High \$340

- (NOTE: High risk Vendors will not be considered for 'Vending Vincent' Permits)

Risk Type – Low \$113

Proposed fees for 2013/2014 for Mobile Food Vending (It is expected that current

Risk Type – Medium \$346 plus monthly charge of \$40 = \$826 per Permit

Risk Type – Low \$115 plus monthly charge of \$40 = \$595 per Permit

9.2 The Permit Holder will be charged an annual bond of \$500, which may be retained in part or entirety to cover additional cleaning, damage or loss.

10.0 PERMIT MONITORING, RENEWAL AND CANCELLATION

10.1 The City's Authorised Officers will conduct unannounced inspections of stalls to determine compliance with the conditions of the 'Vending Vincent' Permit, *Local Government Act 1995*, *City of Vincent Health Local Law 2004*, *Environmental Protection (Noise) Regulations 1997*, *Environmental Protection (Unauthorised Discharge) Regulations 2004*, *Food Act 2008* and *FSANZ Food Safety Standards*; and

10.2 A 'Vending Vincent' Permit is valid until 30 June annually upon approval, and may be cancelled or amended if:

- a) The Permit Holder fails to comply with the Permit conditions;
- b) There are changed conditions affecting the Mobile Food Vending area in its particular location, such as increased risk to health or safety; or
- c) Other valid reasons requiring cancellation, such as Public Open Space/Reserve upgrades or refurbishment.

Enquiries

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