

MOBILE FOOD VENDOR POLICY



Legislation / local law requirements	<i>Food Act 2008;</i> <i>Local Government Act 1995;</i> City of Vincent Trading in Public Places Local Law 2008; City of Vincent Health Local Law 2004; <i>Environmental Protection (Noise) Regulations 1997;</i> <i>Environmental Protection (Unauthorised Discharge) Regulations 2004;</i> and Food Standards Australia and New Zealand (FSANZ) Food Safety Standards.
Relevant delegations	Nil.
Related policy procedures and supporting documentation	Annual Mobile Food Vendor Application "Vending Vincent"

OBJECTIVE

To allow outdoor unique and high quality 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 parks and reserves for outdoor Mobile Food Vendors as a means of enhancing community activity that flows from this activation of our public spaces.
2. The City supports Mobile Food Vendors 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 parks and reserves 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.
4. The City seeks vendors whose vehicle presentation contributes to the character and energy of the area.
5. The Policy outlines requirements for Mobile Food Vendors and Itinerant Vendors.

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 Vendors.

Mobile Food Vendors shall not trade 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 Vendors (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. Amenity and Appearance

Mobile Food Vendors must:

- 1.1 Not obstruct, cover, remove, relocate or modify trees, public art, benches, bins, bus shelters or other City owned infrastructure as a result of a Mobile Food Vendor operation;
- 1.2 Not sell alcohol or tobacco products at any time;
- 1.3 Have a vehicle whose presentation contributes to the character of the area;
- 1.4 Ensure all advertising is fixed to the food vehicle and not encroach on the public realm; and
- 1.5 Consider measures to reduce sound emitted by mechanical devices and/or activities associated with Mobile Food Vendor operations to mitigate potential impacts on amenity of park users.

2. Registration Conditions Food Trucks and Caravans

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

- 2.1 Hold a valid City of Vincent Mobile Food Vendor 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;
- 2.3 The Permit Holder is restricted ONLY to the Trading Zones allocated to Mobile Food Vendors (unless they are an itinerant vendor – see Section 6);
- 2.4 The vehicle must not require an external power connection; and
- 2.5 Parking for towing vehicles is not permitted at the same site as the vendor. The Mobile Food Vendor needs to be dropped off to location and a legitimate park found for the towing vehicle.

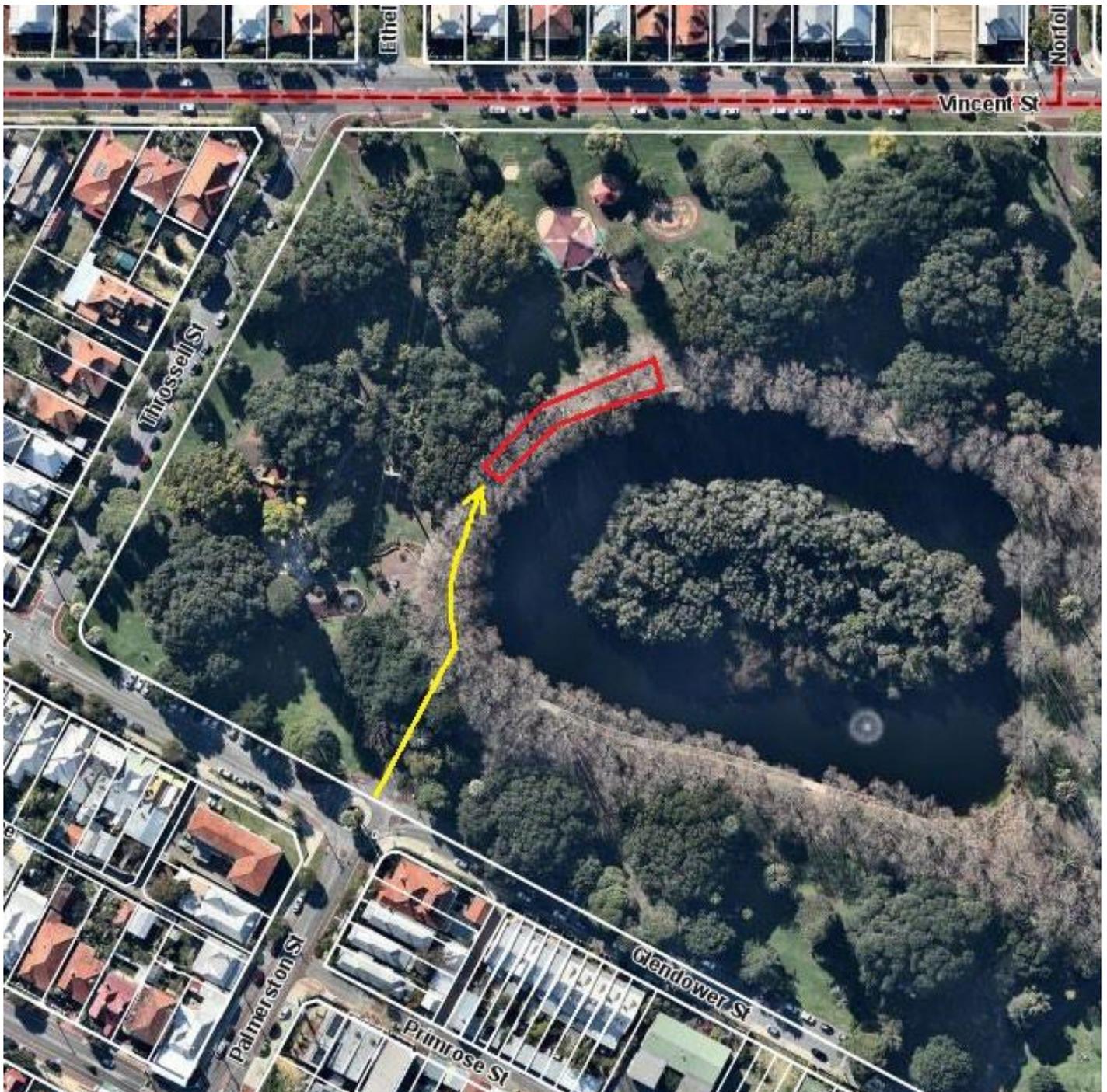
3. Location and Siting

Trade by Mobile Food Vehicles is ONLY permitted in the Trading Zones allocated by the City and detailed on the 'Vending Vincent' Permit. The approved Trading Zones for Mobile Food Vendors are outlined below:

MOBILE FOOD VENDOR POLICY



Hyde Park



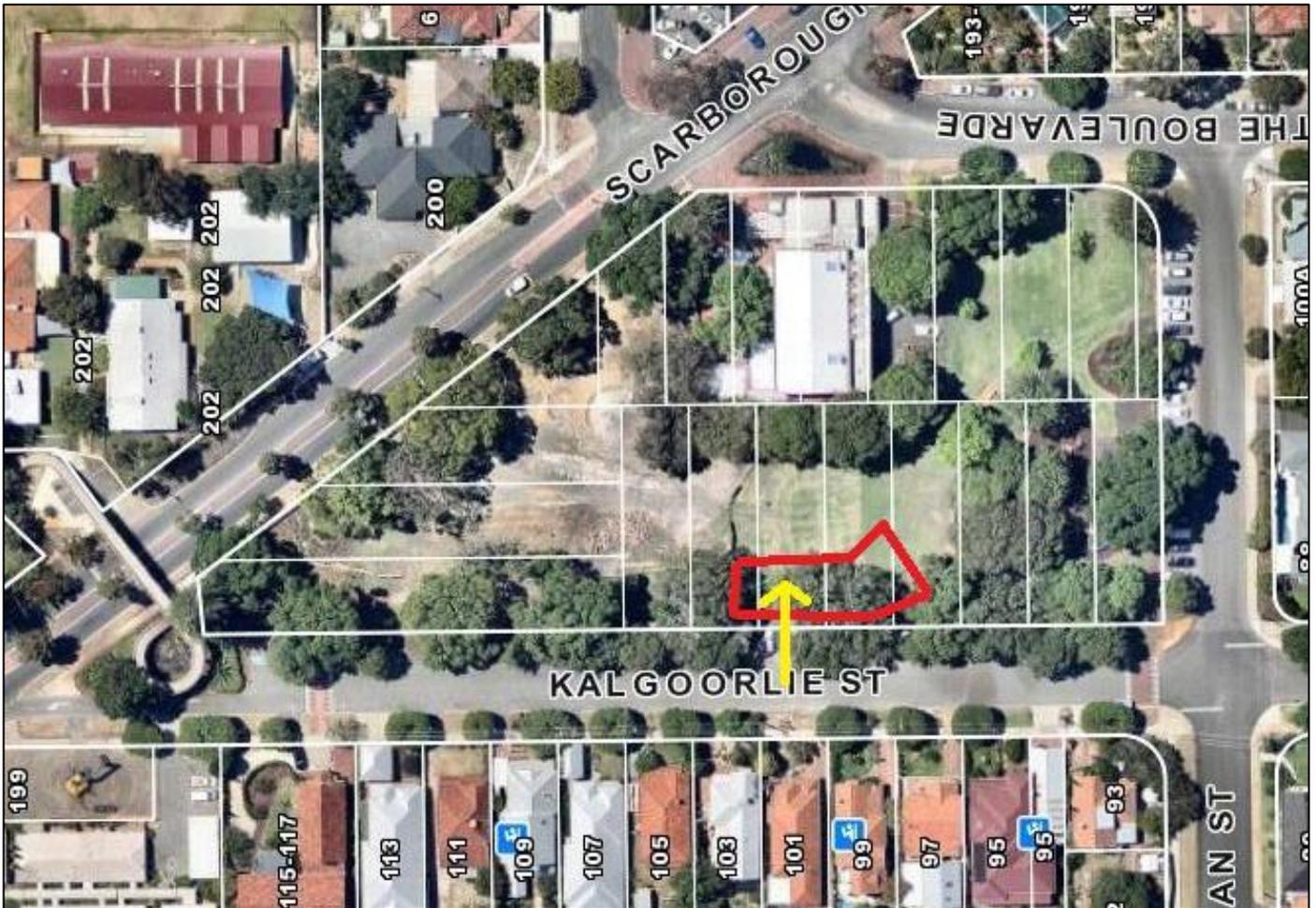
Area outlined in Red ONLY
Yellow arrows indicated points of access and egress

NOTE: THIS LOCATION CAN ONLY BE USED BETWEEN 7AM – 9PM

MOBILE FOOD VENDOR POLICY



Braithwaite Park



Area outlined in Red ONLY
Yellow arrows indicated points of access and egress

NOTE: THIS LOCATION CAN ONLY BE USED BETWEEN 7AM – 9PM

MOBILE FOOD VENDOR POLICY



Banks Reserve



Area outlined in Red ONLY
Yellow arrows indicated points of access and egress

NOTE: THIS LOCATION CAN ONLY BE USED BETWEEN 7AM – 9PM

MOBILE FOOD VENDOR POLICY



Charles Veryard Reserve (Location 1, 2 and 3)



Area outlined in Red ONLY
Yellow arrows indicated points of access and egress

NOTE: LOCATIONS 1 AND 3 CAN ONLY BE USED BETWEEN 7AM – 9PM, MONDAY TO SATURDAY
NOTE: LOCATION 2 CAN ONLY BE USED FROM MONDAY AND FRIDAY BETWEEN 7AM – 9PM

MOBILE FOOD VENDOR POLICY

Britannia Reserve



Area outlined in Red ONLY
Yellow arrows indicated points of access and egress

NOTE: THIS LOCATION CAN ONLY BE USED BETWEEN 7AM – 9PM

3.1 General location and siting requirements include:

- 3.1.1 A maximum of three (3) Mobile Food Vendors are allowed at any one location at the same time, and any conflicts in Trading Zones (i.e. which Mobile Food Vendor is to be at which location at which time) must be resolved by the Mobile Food vendors;
- 3.1.2 Vending Vincent Permit Holders are responsible for preparing and advertising a roster system that determines when and at which Trading Zone a Mobile Food Vendor trades;
- 3.1.3 Is not within 100 metres of a permanent food business;
- 3.1.4 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;
- 3.1.5 Trading Zones will be located so as to ensure that wheelchair access to pedestrian ramps ('pram ramps') and footpaths is not compromised;

- 3.1.6 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
- 3.1.7 An alternative trading location within the listed reserve may be considered in extenuating circumstances, at the sole discretion of the CEO for a maximum period of 4 months within a financial year.

4. Maintenance and Cleaning

Having been granted a 'Vending Vincent' Permit, the Permit Holder is required to comply with all maintenance aspects of the entire operation, including the conditions of the Permit. The following requirements apply:

- 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 Trading Zones (including food preparation areas) must be regularly cleaned during all hours of operation presenting a continuous well cared for image;
- 4.4 No waste or litter may be disposed of in City rubbish bins. Mobile Food Vendors must provide three bins (general waste, recycling and FOGO, when applicable) for collection and storage of waste generated by their business. Vendors should ensure the area around their position is kept clear of rubbish and refuse at all times and all waste generated/collected by the Vendor should be removed from site by the vendor. The City does not permit any commercial waste or waste generated by Vendors to be disposed of in public space rubbish or recycling bins; and
- 4.5 Mobile Food Vendors must use fully compostable serving ware (certified as compostable according to Australian Standards), including all plates, bowls, food containers, cups straws and cutlery. Vendors must display signage directing customers to dispose of all such compostable items in a general waste bin. Single use plastic must be limited to bottled drinks only. Recycling information must be consistent with the recycling information provided by the City of Vincent, the vendor must adjust their signage according to the City's Guidelines.

Failure to comply with the conditions of a Mobile Food Vending Permit may result in the Permit being revoked.

5. Management

The 'Vending Vincent' Permit Holder is to take full responsibility for the care, appearance, maintenance and operation of their activity area and the effect on other street life. It must be understood that the Trading Zones 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 tonnes will be permitted on the site;

- 5.3 Any fixtures relating to the Mobile Food Vendor (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 Fixtures must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street or kerbside usage by motorists;
- 5.5 Vehicles must be positioned to allow reasonable access to service covers and existing services;
- 5.6 All items belonging to the Permit Holder positioned within the Trading Zone are the Permit Holder's responsibility;
- 5.7 Mobile Food Vendors must not remain at site when not in use for trade;
- 5.8 All food products shall be kept secured under lock and key at all times should the vending unit be unattended (for example, for bathroom breaks);
- 5.9 Each Permit will be allocated a trading period between 7am and 9pm 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 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*. 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 the Mobile Food Vehicle, the City reserves the right to prohibit the emission of music at the site;
- 5.12 When a community event approved by the City is being held within the Trading Area (for example, community fairs and concerts), any 'Vending Vincent' Permits allocated to that area will be rendered void for the duration of that Event;
- 5.13 Mobile Food Vendors are not permitted to be adjacent to a roadway or footpath construction zone during the period of the project;
- 5.14 Trading times are between 7am and 9pm;
- 5.15 The Permit Holder is responsible for ensuring access to the Trading Zone is closed once trading has ceased; and
- 5.16 Seating is strongly encouraged for patrons in trading locations where there is sufficient space.

6. Itinerant Vendors

'Itinerant Vendors', such as ice-cream vans that stop for custom on public property when hailed by a customer, are permitted to trade outside of Trading Zones under the following conditions:

- 6.1 Hold a valid 'Vending Vincent' Permit;
- 6.2 Hold a current Food Act 2008 Certificate of Registration from a Western Australian Local Government;
- 6.3 Comply with the overall provisions and intent of this Policy;
- 6.4 Serve ice creams, confectionary and drinks only;

- 6.5 Can only trade between the hours of 9am to 5pm, Monday to Sunday;
- 6.6 Must not trade within 100 metres of a permanent food business of the same food type;
- 6.7 Only remain at a particular location for as long as there is a customer making a purchase. If there is no customer making a purchase, the permit holder must move on from that location within a reasonable time of the last purchase having been; and
- 6.8 Music, or any other forms of noise to attract customers, is not permitted to be played whilst the van is parked.

7. Public Risk Management

- 7.1 Vending Vincent 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;
- 7.2 Safety measures may be required in Trading Zones 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;
- 7.3 BBQs, grills and heat sources must be protected to prevent public access and accidental burning and fire risk;
- 7.4 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
- 7.5 The Permit Holder assumes responsibility for any liability issues which arise and that are associated with the Mobile Food Vending area.

8. How to Apply for a Vending Vincent Permit

8.1 Where to Apply

Mobile Food Vending requires an annual 'Vending Vincent' Permit. Application information can be found on the City's website online or by contacting the Health and Compliance Team.

8.2 Submit an Application – 6 items

- a) Complete the 'Vending Vincent' Application Form;
- b) Include a detailed plan with the application showing the internal layout of the Mobile Food Vehicle;
- c) Provide a photograph of your Mobile Food Vehicle;
- d) Include a current copy of Public Liability Insurance 'Certificate of Currency' for the amount of \$10,000,000;
- e) Include a copy of your *Food Act 2008* Certificate of Registration issued by the Local Government where the Mobile Food Vehicle is housed and/or where the majority of the food preparation activities are occurring; and
- f) Submit a statement detailing management measure to ensure safe entry and exit from trading zones.

MOBILE FOOD VENDOR POLICY



8.3 Do I Need Development Approval?

Development approval is not required for as long as all other requirements of this policy are satisfied, pursuant to cl. 61(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

9. Approval Process

9.1 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;

9.2 Applications will be assessed on a case by case basis. Vending Vincent permits will be allocated to Mobile Food Vendors at the discretion of the City in accordance with the following Evaluation Criteria:

9.2.1 Demonstrated compliance with the *Food Act 2008* and *Food Safety Standards*;

9.2.2 Competition against local businesses;

9.2.3 Public safety and comprehensiveness of information provided in the application; and

9.2.4 Quality and uniqueness of the business, its vehicle and its food offering.

10. Fees

10.1 The Permit Holder will be required to pay the fees and charges as prescribed by the Council. The fees will be consistent with the 'Vending Vincent' Permit as detailed in the City's Fees and Charges for the relevant financial year. It should be noted that High Risk Permits will not be issued.

11. Permit Monitoring, Renewal and Cancellation

11.1 The City's Authorised Officers will conduct unannounced inspections of vans/stalls to determine compliance with the conditions of the 'Vending Vincent' Permit, *Local Government Act 1995*, *City of Vincent Trading in Public Places Local Law 2008*; *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

11.2 A 'Vending Vincent' Permit is valid until 30 June annually upon approval, and may be cancelled or amended if the Permit Holder fails to comply with the Permit conditions.

OFFICE USE ONLY	
Responsible Officer	Coordinator Environmental Health
Initial Council adoption	DATE: 25/08/2015, REF# D19/36648
Reviewed / Amended	DATE: 20/10/2020, REF#: D20/195972
Next Review Date	DATE: 20/08/2024