

POLICY

Policy Name	Mobile Food Vendors Permit Policy
Policy Category	Governance
Department / Officer	Environment and Infrastructure Services/Team Leader Property
Date Adopted	29 January 2018
Date/s Reviewed	29 April 2019, 22 November 2021
Review Frequency	Every Three Years
Strategic Plan Reference	Aspiration 6 – We are a financially sustainable and well-governed organisation
Attachments	Nil

1. Purpose

The purpose of this Policy is to provide a framework for the locations in which a mobile food vendor may trade.

2. Scope

This Policy applies to mobile food vendors seeking a permit to operate within the City of Victor Harbor council area.

This Policy does not include applications for mobile food vendors that wish to trade at festivals and events.,

3. Policy Statement (Summary)

The City of Victor Harbor supports the appropriate use of public roads and reserves for mobile food vendors to operate at approved locations whilst considering public safety, the local economy, fixed food business operators and residential amenity.

Mobile Food Vendor Permit applications will be considered on an individual basis and assessed against the Mobile Food Vending Permit Guidelines.

4. Legislation and Compliance

A Mobile Food Vending business requires a permit under Section 222 of the *Local Government Act 1999* to operate a business on a public road in the City of Victor Harbor Council area.

Council has approved the location rules set out in the Mobile Food Vendors Guidelines to assist in determining the approved locations.

Mobile Food Vending Businesses must comply with any relevant requirements under (but not limited to) the:

- Food Act 2001;
- South Australian Public Health Act 2011;
- Environment Protection Act 1993;
- Local Nuisance and Litter Control Act 2016;
- Motor Vehicle Act 1959;
- Road Traffic Act 1961; and
- Any other legislation relating to health, safety or the environment

5. Definitions

Fixed Food Business is 'a business the primary purpose of which is the retail sale of food or beverages that is carried on at fixed premises. Fixed food businesses include cafes, restaurants, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, supermarkets and, in some cases, service stations.

Mobile Food Vendor means the operator of a business involving the sale of food or beverages from a vehicle. (within the meaning of the *Road Traffic Act 1961*), excluding a mobile ice cream vending business primarily engaged in the sale of ice cream.

Mobile Ice Cream Vendor means an operator that is primarily engaged in the sales of ice cream. These vans only stop to trade as hailed by customers and predominately services residential homes.

Authorised Officer/Person means a person who is has been authorised (by the Chief Executive Officer) to carry out statutory functions and powers.

6. Policy Content

In order for Council to achieve its objective for the safe operation of mobile food vehicles, specific sites have been identified. Mobile food vendors are only permitted to trade at pre-approved sites, as outlined in the Mobile Food Vending Guidelines as they have been risk assessed and considers the effect on fixed food businesses and residents living in the vicinity.

Location rules ensures each site does not cause an obstruction to vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities.

6.1 A mobile food vendor:

- may only trade at a site that has been approved by Council
- Occupation is on a first in basis
- A Mobile Food Vendor may elect to pay a monthly or annual permit fee.

- Exclusive use of an area is not permitted and areas are not to be reserved.
- The operator must not leave a mobile food vehicle unattended on site i.e leave a vehicle overnight as to secure a location.

A mobile ice cream vendor may apply for a permit to:

- Travel along residential streets and hailed by customers (location rules do **not** apply);
- Trade at any of the any of the eight approved locations (location rules apply)

6.2 Enforcement

A Permit Holder must make available for inspection, a current Permit at any time when requested by an Authorised Officer/Person and comply with any direction provided by such an officer.

Any breach of conditions of the Permit may result in further action by the Council, including the issue of an infringement notice and / or cancellation of the Permit.

A Council may, under section 225 of the *Local Government Act 1999* and the City of Victor Harbor By- Law 1, by notice in writing to the Permit Holder, cancel a Permit if a breach a condition has occurred.

.6.4 Amendment of the location rules

The location rules may be amended from time to time by the Council.

7. Risk Management

Through the provision of the 'Location Rules' Council endeavors to provide safe areas for mobile food vendors to trade that also considers the impact on nearby fixed food business operators.

8. Implementation/Delegations

Before using an approved location, mobile food vendors must receive Council approval in the form of a written permit.

The Chief Executive Officer is delegated the authority to implement this Policy and the Director Environment and Infrastructure, Manager Infrastructure, Team Leader Property and Asset and Property Officer are responsible for issuing mobile food vendor permits and the day to day management of mobile food vendor.

9. Related Documents

Community Plan – 2030
Mobile Food Vendor Permit Application Form
Mobile Food Vendor Permit Guidelines
By-Law No 1 – Permits and Penalties 2016
By-Law No 4 – Local Government Land By-Law 2016
Enforcement Policy

10. Availability of Policy

This policy is available on Council's website at www.victor.sa.gov.au. It may also be inspected or purchased at the Principal Office of the Council at 1 Bay Road, Victor Harbor.