

Policy Name: Mobile Food Vendors Policy
Originated Date: 11 December 2017 Min. Ref. /17
Amended Date/s:
Applicable Legislation: Vehicle & Traffic Act 1999
Dataworks Reference: 44/001/001

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1. Purpose

The purpose of this policy is to identify guidelines by which Mobile Food Vendors may operate in the Northern Midlands.

2. Applicable Legislation

Section 56C of the *Vehicle & Traffic Act 1999* states a person must not set up or use a stall, stand or vehicle on a public street for the purpose of selling goods without a permit. Permits may be issued by the General Manager of the Council in which the public street is located.

3. Definitions

Mobile food vendor – a take away food vendor operating from a mobile vehicle or trailer for the purpose of selling food and drink for immediate consumption.

Local highway – means a local highway as defined in the *Local Government (Highways) Act 1982*, section 4.

4. Conditions of operation

The following conditions of operation must be met by Mobile Food Vendors who apply for a permit to operate in the Northern Midlands.

4.1 Application form and fee

All Mobile Food Vendors intending to operate in the Northern Midlands must complete an Application for Permit and pay the required fee, as set per Council's fee schedule.

4.2 Permit

A Mobile Food Vendor must not operate on a local highway in the Northern Midlands without a valid permit.

A Mobile Food Vendor may apply for an annual permit, or a single permit for a special event.

Annual permits are valid from 1 January to 31 December.

Special event permits are valid for the duration of the event as specified in the application form.

Permit fees are in accordance with Council's Fees Schedule.

A Mobile Food Vendor is only permitted to operate on a local highway in the Northern Midlands once a permit has been issued.

Permits are issued to one vehicle only and are not transferrable.

4.3 Rubbish removal

Mobile Food Vendors must provide rubbish collection receptacles at the site and ensure all rubbish generated from their use at the site is removed and disposed of responsibly.

4.4 Department of State Growth Roads

Council cannot issue a permit for a state owned road. Mobile Food Vendors are not permitted to operate on a state owned road, unless with approval issued by the Department of State Growth.

4.5 Safety and compliance

Mobile Food Vendors must:

- Have in place current Public Liability insurance to operate;
- Have in place a current Certificate of Registration for business selling food;
- Ensure they have approval to erect any signs or furniture associated with their business, in accordance with Council's Footpath Trading Policy.

5. Preferred Mobile Food Vendor locations

Council has identified the following locations as preferred locations to park within the Northern Midlands municipality.

Applications to park outside of these preferred locations will be considered, however, may be refused if not considered suitable.

Avoca – Blenheim Street, adjacent to Boucher Park

Campbell Town – Franklin Street, adjacent to Blackburn Park

Cressy – Church Street, adjacent to the Trout Park

Evandale – Rogers Lane or Russell Street, adjacent to Harry Murray Memorial

Longford – Archer and Lyttleton Streets, adjacent to Victoria Square (Village Green)

Perth – Little Mulgrave Street, adjacent to the Train Park

Ross – Church Street, adjacent to the Village Green (33 Church Street)

6. Exclusive use not guaranteed

A permit issued by Council does not guarantee availability or exclusive use of the site.

7. Exemptions

Mobile Food Vendors parking for a period of less than 15 minutes are not required to obtain a permit pursuant to this policy.

8. Review

This Policy is to be reviewed every two years.