

	<h2>Mobile Food Vendor Policy</h2>
---	------------------------------------

Name of Council	District Council of Franklin Harbour
Responsibility:	Planning & Community Services
Version:	1.0
Effective date:	19 January 2022
Last revised date:	19 January 2022
Minutes reference:	03/01/22
Next review date:	03/01/25
Applicable Legislation:	<i>Environment Protection Act 1993</i> <i>Food Act 2001</i> <i>Local Government Act 1999</i> <i>Local Government (General) Regulations 2013</i> <i>Local Nuisance and Litter Control Act 2016</i> <i>Motor Vehicle Act 1959</i> <i>Road Traffic Act 1961</i> <i>South Australian Public Health Act 2011</i>
Related Policies, Procedures & Forms:	<p>Policies Temporary Placement of Portable Furniture Signage and Structures in Public Places Policy</p> <p>Forms Mobile Food Vendor Application Form Street Furniture, Display & 'A' Frame Signs Permit Form</p> <p>Other Mobile Food Vendor Fact Sheet</p>

1. Introduction

- 1.1. A mobile food vending business requires a permit under section 222 of the Local Government Act 1999 (LG Act) to operate a business on a public road in the Council area.

2. Definitions

- 2.1. **Council** – means the District Council of Franklin Harbour
- 2.2. **Local** – means a business operating within the boundaries of the District Council of Franklin Harbour
- 2.3. **Fixed Food Business** - means a business, the primary purpose of which, is the retail sale of food or beverages that is carried on at fixed premises. Fixed Food



Mobile Food Vendor Policy

businesses include cafes, restaurants, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, hotels, butchers, supermarkets and, in some circumstances, service stations.

- 2.4. **Mobile Food Van** - A food truck can be any type of vehicle that has been equipped to cook and sell food. Some food trucks will have been designed solely for that purpose, while others may be converted vans, buses or other vehicles. Mobile food trucks can also include trailers, caravans and other towable Vehicles.
- 2.5. **Non-Fixed Food Business** – A food business that is not a mobile food van nor a fixed food business. For example, a street stall selling food.
- 2.6. **Public Risk Insurance** - means an insurance product designed to protect the licence holders against claims resulting from accidents or injuries that occur as a result of their business activities, as well as accidental damage to property owned or controlled by someone else.

3. Legislative and Legal Requirements

Legislation

- 3.1. A mobile food vending business must select a site for operation which does not breach any relevant requirements under:
 - 3.1.1. the *Food Act 2001*;
 - 3.1.2. the *South Australian Public Health Act 2011*;
 - 3.1.3. the *Environment Protection Act 1993*;
 - 3.1.4. the *Local Nuisance and Litter Control Act 2016*;
 - 3.1.5. the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;
 - 3.1.6. legislation relating to electrical or gas installations or appliances;
 - 3.1.7. relevant legislation relating to occupational risk, health, safety or the environment;
 - 3.1.8. legislation relating to business operation, employment conditions; and
 - 3.1.9. any other relevant legislative requirements

Legal

- 3.2. All items positioned within the permitted boundaries for mobile food vending are the permit holder's responsibility.
- 3.3. A mobile food vending area must be vacated of all mobile food vending equipment daily when food vending operation ceases. Removal of mobile food vending items is at the permit holder's expense. If mobile food vending items are not removed, Council may remove the items under section 144 of the LG Act, and issue an invoice to the permit holder for the works.
- 3.4. Mobile food vending permit holders shall take out and keep current a public risk insurance policy in the name of the mobile food vending holder insuring the mobile food vending permit holder for the minimum sum of twenty million dollars (\$20,000,000) against all actions, costs, claims damages, charges and expenses

	<h2 style="text-align: center;">Mobile Food Vendor Policy</h2>
---	--

whatsoever which may be brought or made or claimed against the mobile food vending permit holder in relation to the activity.

- 3.5. A Certificate or Currency for the policy must accompany the application and any renewal of a mobile food vending permit.
- 3.6. A permit holder assumes responsibility for any liability issues arising as a result of the mobile food vending business.
- 3.7. Mobile food vending areas remain public spaces.

4. Principles

Permit Holder Requirements

- 4.1. Application for a mobile food vending licence must be made on the form Mobile Food Van Vendor – Application (attached) or online at Council's website (www.franklinharbour.sa.gov.au).
- 4.2. All additional documents required within this policy and depicted with the application process must be supplied with the Application Form.

Determined Sites

- 4.3. A mobile food vending business holding a permit issued by the Council may choose the areas in order of preference they would like to operate in on their application form. Location possibilities are included at Appendix A.
- 4.4. Council will confirm the area in which the license is issued according to the event(s) to be attended.
- 4.5. Operating a mobile food vending business in areas remains subject to the location rules and any other requirements of its permit.
- 4.6. Mobile food vending businesses are only permitted to operate in areas indicated on the permit issued by Council.

Placement of a Mobile Food Vending Business

- 4.7. Mobile Food vending businesses are only to operate within the allocated areas within District Council of Franklin Harbour as depicted in the location map provided in Appendix A.
- 4.8. Mobile Food vending businesses are excluded from operating within 200 metres from a private function unless they are catering at the function.
- 4.9. The Mobile Food vending business, food truck or caravan must only be parked in one legitimate parallel parking space, excluding private car parks.
- 4.10. The Mobile Food vending business, food truck or caravan must not be parked within or adjacent to any disabled parks, or no stopping zones/areas, vehicular traffic, driveways (including line of sight for motorists), bicycle lanes, queuing and other waiting areas.
- 4.11. Serving shall not occur on the roadside of the vehicle unless there is a road closure in place.

	<h2 style="text-align: center;">Mobile Food Vendor Policy</h2>
--	--

- 4.12. Vans, trucks and associated equipment must be of dimensions which enable them to easily park in a standard parking space of 2.3 metres wide and 6.0 metres long.
- 4.13. If the van, truck and associated equipment is longer than a standard carpark, vendors are only permitted in non-delineated car parks.
- 4.14. Food vendors on the footpath must not interfere with pedestrian movement or with the opening of vehicle doors.

Fixed Food Businesses

- 4.15. A mobile food vending business must select a site for operations which allows for a reasonable distance between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses.
- 4.16. A Mobile Food vending business may be directly located in front of the fixed food business owned by the same party.
- 4.17. These location rules will remain in effect except for Mobile Food vending businesses associated with approved community events or private functions. See the **Events** section below.

Types of Food Businesses

- 4.18. In accordance with the Local Government (General) Regulations 2013 a Council is prohibited from imposing a condition restricting the kind of food that may be sold by the mobile food vending business.

Events

- 4.19. To be associated with an approved Council Community Event, the vendor must pay for a site (if required) and/or be given permission from the event facilitator, to provide food/drink as part of the event.
- 4.20. **Council run events** – Council will encourage local food businesses to participate in those events and where practicable shall be the preferred supplier.
- 4.21. Council run events where local food and beverage operators are not available, do not have capacity, or additional food and beverage vendors are required, these vendors may be sought from outside the Council district.
- 4.22. Events that are not undertaken by Council - Mobile Food Vendors are subject to this policy, however Council cannot control the type or location of vendors that shall be present.
- 4.23. Council cannot deny events that meet all the requirements of Event Approval.

Waste Management

- 4.24. Mobile food vendors must provide bins for use by their customers and ensure the area around their position is kept clear of waste at all times.
- 4.25. No trade waste or litter may be disposed of in Public waste bins.
- 4.26. Waste shall be removed by the operator at the completion of trading on each occasion.

	<h2 style="text-align: center;">Mobile Food Vendor Policy</h2>
---	--

- 4.27. All liquid waste (including wastewater and waste oil) must be contained and removed or disposed of appropriately at the end of trading.
- 4.28. No waste or other material is to be deposited into the storm water system. No hosing down of areas or equipment is to take place at the site.
- 4.29. Where Council is required to undertake cleaning and / or tidying of the area, the permit holder will be liable to reimburse the Council for all costs incurred by the council in relation to the cleaning and / or tidying of the area deemed to be caused by the food business operations and / or its patrons.

Other operating considerations

- 4.30. The placement of power cords, generators, gas or other equipment external to the food van shall be positioned and suitably barricaded to not pose a risk to public safety or increase risk of fire.
- 4.31. Fixtures must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street or kerbside usage by motorists.
- 4.32. The food truck or van must be positioned to allow reasonable access to service covers and existing services (e.g. sewer, power, water).
- 4.33. The mobile food vendor shall suitably bund or delineate the tow bar or any protruding fixtures that may pose a safety risk.
- 4.34. Food vans are to take responsibility of noise generated by their equipment and/or patrons and ensure noise does not escalate to disturb residents. Generators associated with food vans must not reach levels which will disturb nearby residents or businesses.
- 4.35. Mobile food vending vehicles and fixtures must be kept in a safe and well-maintained condition at all times.
- 4.36. Ensure the safety of adjoining buildings is not compromised by restricting access or adding unreasonably to fire potential.
- 4.37. The mobile food vending set up 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. Fees and Charges

In accordance with the Local Government Regulations (2013) permit holders must be able to pay either annually or monthly (fees should be set accordingly).

The maximum fee allowable per annum is \$2,000 (ex GST) or monthly maximum of \$200 (ex GST). Fees and Charges will be set Annually as part of the Annual Business Plan and Budget adoption.

Local fixed food businesses are not subject to Council's Fees and Charges.

	<h2 style="text-align: center;">Mobile Food Vendor Policy</h2>
---	--

6. Dispute Management

- 6.1. If the operator of a food business in the Council area is directly adversely affected by this policy, the operator may apply to Council for a review of the policy.

7. Records Management

- 7.1. Recording of all information relating to the mobile food van will be maintained and recorded by relevant departmental staff in Council's records management program.
- 7.2. All records must be kept in accordance with Council's Records Management Guidelines, including the Elected Members Records management policy, and destroyed as per the current General Disposal Schedule.

8. Review and Evaluation

- 8.1. This policy will be evaluated and reviewed at least every 4 years.

9. Further Information

- 9.1. This policy will be available for inspection at Council's principal office as listed below during ordinary business hours and is available to be downloaded, free of charge, from the council's website at www.franklinharbour.sa.gov.au.
- 9.2. District Council of Franklin Harbour
6 Main street
Cowell SA 5602
Ph: (08) 8629 2019
Email: council@franklinharbour.sa.gov.au



Mobile Food Vendor Policy

Appendix A –

Food Vendor Operating Areas

- **Truck Stop** (adjacent Cowell Roadhouse)
- **Lions Park**

