

MOBILE / TEMPORARY VENDING POLICY

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Corporate Plan:	
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Last Reviewed:	<i>.....</i>
Next Review Due:	<i>2017</i>
Responsible Officer(s):	<i>MES, PO, DO-P</i>
Council File Reference:	
Applicable Legislation:	<i>Local Government Act 1999 Development Act 1993 Other relevant legislation</i>
Relevant Policies:	<i>Liquor Licencing Policy,</i>
Related Procedures:	
Delegations:	

Purpose

Council recognises that the mobile and temporary vending, whether of foodstuffs, or other types of business trading, contributes to vitality and encourages use of outdoor space in the Council area.

Section 222 of the *Local Government Act 1999* prescribes that a permit is required from Council for the operation of a business of a public road, or Council reserve. For this policy, “public road” has the same definition as that described under Section 208 of the Act and includes footpaths, road reserve, alley ways and thoroughfares. The aim of this policy is to provide a framework against which permits can be assessed for mobile vending within our district. Council reserve is any other area under care and control of Council, including the Berri Riverfront, Lake Bonney Foreshore, parks and reserve areas.

Council also recognises that private landowners may wish to encourage the use of their land for this purpose, to provide services to their employees, or in association with the existing activities on the site.

This policy seeks to allow for the operation of mobile traders in a manner that does not interfere with or conflict with Council’s permanent retail providers and ratepayers.

This policy applies only to stand alone activities. Permits for mobile vending as part of a festival, event or celebration are issued to the main permit holder and the responsibility for the conduct of the mobile traders during these events is the responsibility of the festival/event/celebration co-ordinator or promoter.

Principles

Council's principal concern with mobile and temporary trading is the protection of the safety of the community. Council also considers important the amenity of the area, particularly in the use of public spaces.

Council is cognisant of the impact of these business on the permanent business traders in the area. However, Council recognises that the operation of mobile and temporary vendors can enhance the area's vibrancy and encourage visitors and residents to experience the Riverland and our Council area.

Background

Council has received requests for temporary trading, particularly during the busy periods of Easter and Christmas, both in Barmera and in Berri. Two mobile food vendors have received approval to operate in the Council area, with the proviso that they operate more than 500 metres from an existing shop that sells food, unless part of an organised event.

This policy seeks to provide guidelines for the operation of mobile vending, that will provide a balance for mobile vendors and fixed businesses.

Location and siting

Mobile vending on street

Mobile vending is generally permitted in streets where there is adequate footpath space to accommodate the mobile vendor. A mobile vending area must not compromise safety for patrons, pedestrians or vehicular traffic. In order to accommodate this vending area is broken down into 3 zones:

- Safety zone;
- Pedestrian zone; and
- Mobile vending zone.

The safety zone is to ensure suitable clearance from vehicular traffic and will extend for an area 900mm from the back of kerb. No advertising, crowd control devices or tables and chairs may be placed within this area. Greater setbacks may be required if the vending area is to be adjacent parallel on street car parks.

In order to ensure that suitable pedestrian access is available along the footpath, a minimum aisle width of 1.5 metres must be maintained. No structures can be erected within the pedestrian zone at any time. The location of outdoor vending areas must not compromise disabled access from the road or footpath.

Mobile vending in reserve areas

Council is supportive of mobile vending being placed in reserve areas, for example, the Berri Riverfront, Lake Bonney Foreshore and Cobdogla Boat Ramp. The vendor must ensure that a setback of 3 metres must be maintained to all vehicle parking or pedestrian areas.

Areas where mobile food vending businesses are generally permitted:

Barmera and Berri

Outside of organised events, mobile food vending businesses must be located at least 200 metres from permanent food businesses.

Cobdogla, Loveday, Monash, Overland Corner

Each application will be considered on a case by case basis, with regard to existing businesses operating in these townships.

Mobile vending on private land

Council recognises that mobile vendors will often provide services to businesses and employees of a business, particularly the provision of food vending.

These vendors must not set up on a permanent basis, and must be self-contained, including being responsible for their own disposal of waste including waste water.

Food Act 2001

Council is the relevant authority for administration of the *Food Act 2001* which sets out the standards for safe food handling, including for mobile vendors, where appropriate. Prior to operation, a business must ensure that they are compliant with the relevant standards. Information can be obtained from Council's Environmental Health Officer on this matter.

Information to be submitted with Application

The following information is required as a minimum with each permit application:

- Proposed hours of operation;
- Proposed location/s of operation;
- Details of management (such as set up of the business, freestanding signage, refuse disposal); and
- Administrative details (Appropriate fees, copies of insurances).
- If a food business, to provide the Food Business Notification Number.

Permit cost

Those seeking permits to operate have two options:

- An once off permit, for \$50 plus GST
- An annual permit, for \$200 plus GST.

There is no separate application fee.

Exemptions to the fee may be made for charities, community groups and the like, to be considered on an individual basis.

Management

- The operator shall maintain the site in a clean manner at all times to the satisfaction of Council.
- The owner must display their Council issued permit at all times.
- Any vehicle used for vending purposes must be maintained in a clean and roadworthy condition. Persons selling in a public place must provide a litter bin, and must not erect an advertising signage further than 10 metres from the site.
- Amplified music or any noise device for the purposes of informing the public of items for sale must not be used before 8.00am or after 8.00pm or as required by other relevant legislation. Examples of this are music from soft serve ice cream trucks and the like.

Monitoring

Council can issue a permit under this policy for a maximum of one year. The time frame awarded to each permit is at the sole discretion of Council. For a business to continue after this time frame an application must be lodged with Council no later than 3 months prior to the lapsing of the previous permit.

Council may vary the terms of the permit at any time, particularly in respect of approved locations for operation.

Enforcement

Authorised Officers from Council can enter a business at any time. Operators must adhere to all directions given by Authorised Officers. Failure to adhere to the relevant conditions of the permit and directions of Authorised Officers will result in the following course of action:

- First breach - verbal warning issued (with note on operators file). Compliance to be achieved within 28 days.
- Second breach - written notice compliance to be achieved within 28 days.
- Third breach - cancellation of the permit and/or authorisation in accordance with permit and/or authorisation.

Delegation

Delegation to issue permits in accordance with this policy is provided to the Chief Executive Officer, who may in turn sub-delegate to staff.

Public Liability

Business operators must hold appropriate levels of public liability that notes Council as a specific person. This value shall be a minimum \$20,000,000.00 or as determined. This figure shall be reviewed as necessary by Council.