

MOBILE FOOD VENDOR LOCATION POLICY



COUNCIL POLICY – Mobile Food Vendor Location Policy	
Reference Number	898065
Responsible Business Unit	City Assets
Responsible Officer	General Manager Assets & Infrastructure
Legislation	Local Government Act 1999 – Section 222 and 225A
Relevant Delegations	Chief Executive Officer General Manager Assets & Infrastructure Manager City Assets
Related Policies Management Guidelines Frameworks	
Link to Strategic Plan	Objective 3.1 – Dynamic Economy
	Objective 4.1 - Community based organisations and networks
Council resolution	11.3
Date Adopted	29 January 2018
Review Date	Within 4 years
Previous Revisions	nil

POLICY STATEMENT

The Rural City of Murray Bridge hires out portions of its public roadway to Mobile Food Vending Businesses under Section 222 of the Local Government Act 1999. Permits are required to operate a business on public road within the Council area. A condition of the permit authorising a mobile food vending business to operate on a public road in the Council area is that the permit holder complies with this Mobile Food Vendor Location Policy adopted by Council under Section 225A of the Local Government Act.

A mobile food vendor must operate within a reasonable distance from a fixed food business, including cafes, restaurants, delicatessens, takeaway food businesses, bakeries, green grocers, health food shops, butchers, supermarkets and in some cases services stations, during the operating hours of the fixed food business.

OBJECTIVES

The Policy outlines the approach taken when receiving an application, Council's responsibilities when approving a Mobile Food Vendor Location and the Businesses responsibilities under the permit given.

SCOPE

This Policy applies to all Mobile Food Vendor applications to determine a suitable location and terms and conditions that are attached to that specific location.

PRINCIPLES

The Council has determined that Mobile Food Vending Businesses may operate from the sites listed below:

- Johnstone Park Car Park adjacent Adelaide Road
- Railway Terrace Car Park
- Sturt Reserve Car Park – Charles Sturt Drive only
- Wharf Precinct Car Park- Clark Street

The electronic version accessible on Council's website and Council's electronic record system is the controlled version. Printed copies are considered uncontrolled – before using a printed copy verify that is the current version.

- Thiele Reserve Car Park
- Avoca Dell Reserve Car Park
- Woodlane Reserve Car Park
- Long Island Reserve Car Park
- Baker Reserve Car Park – Wellington

The number of Mobile Food Vendor Businesses allowed at each location will be kept to a maximum of 3 and will depend on the product that the Mobile Food Vendor Businesses are selling. (For example: not two coffee businesses at 1 location).

The sites must be listed on the permit with the dates and times allocated.

A Mobile food vendor must consider the location, number and operating hours of fixed food businesses in the Council area when determining if the location in which the mobile food vendor want to trade.

For "One Off" special events, Mobile Food Vendors may be approved to trade at locations that are not listed above. The same principals and processes apply to these "One Off" special event Mobile Food Vendors. However, they may be covered under the events permit or licence and may not receive an individual permit.

A Mobile food vendor must take into account the effect of the operation of mobile food business on:

- Vehicles and pedestrian traffic, footpaths, driveways, access point to buildings and parking areas for people with disability
- The requirements relating to and availability of, parking spaces
- Residents and businesses
- Amenity and appearance, and
- Litter control

A Mobile food vendor must select a site for operation which does not breach any relevant requirements under:

- The Food Act 2001
- The South Australian Public Health Act 2011
- The Environment Protection Act 1993
- The Local Nuisance and Litter Control Act 2016
- The Motor Vehicle Act 1959 and the Road Traffic Act 1961
- Legislation relating to electrical or gas installations or appliances
- Relevant legislation relating to health, safety or the environment
- Development Act 1993, and
- Planning, Development and Infrastructure Act 2016

Application Process

A Mobile food vendor must complete a "Trading on Council Land" application form and return it to Council with the following evidence:

- Public liability Insurance for not less than \$20 million
- Van/vehicle approval by Environmental Health Officers of Council
- Location of Trading (as per approved location policy)
- Site Plan showing person with a disability access, parking, signage, waste management, power supply requirements, noise issues, serving areas, access into and out of the site and any other road infrastructure issues.

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The application form will be accessed against this policy and if successful a section 222 Business Use permit will be issued.

IMPLEMENTATION

The Chief Executive Officer is the delegated authority to implement this Policy and may sub-delegate matters related to this Policy to Council staff or other persons employed or engaged by Council.

The official copy will be held within Council's electronic records system. An electronic PDF version will be kept on the Rural City of Murray Bridge Website.

DEFINITION

FIXED FOOD BUSINESS: A 'fixed food business' is a business that the primary purposes of which is the retail sale of food or beverages that is carried out from a fixed premise.

MOBILE FOOD VENDOR: A 'mobile food vendor vehicle' is any vehicle, whether mobile or stationary, used for the purposes of selling food and/or drink. A mobile food vendor business is a business involving the sale of food or beverages from a vehicle (within the same meaning of the Road Traffic Act 1961).

REASONABLE DISTANCE: A 'reasonable distance' will depend on the circumstances and may vary from location to location. For example: if a food vendor was a fruit and vegetable seller the distance from the nearest fixed premise fruit and vegetable business would be taken into consideration.