

CITY OF WEST TORRENS



Council Policy: Mobile Food Vendors

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COUNCIL POLICY - Mobile Food Vendors

1. Preamble

- 1.1 Council recognises that trading from mobile vending can improve services to the community and add a pedestrian-friendly feel to an area, improving public safety and bringing a festive atmosphere to local streets.
- 1.2 Council encourages mobile vending of food and beverages within the City of West Torrens (CWT) to increase overall community enjoyment of the city. While supporting the practice of mobile vending, Council also recognises the need for appropriate procedures and guidelines for these activities.

2. Purpose

The purpose of this policy is to:

- 2.1 Detail the appropriate locations and distances apply where mobile food vending businesses may trade.
- 2.2 Take into account the effect of mobile food vending business on:
 - a. Vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and
 - b. The requirements relating to, and availability of, parking spaces at the locations in which mobile food vending businesses may operate under the location rules; and
 - c. Residents and businesses at the locations in which mobile food vending businesses may operate under the location rules.
- 2.3 Provide a clear, open, equitable and accountable process for the issuing of permits to mobile food vending businesses to allow trade from roads.

3. Scope

- 3.1 This policy applies to all mobile food vending businesses that want to trade from public roads with the exception of mobile ice-cream vendors.
- 3.2 This policy excludes mobile food businesses engaged for the purpose of a Council approved event.
- 3.3 The policy ensures that mobile vending businesses operate in a way which complements the existing food businesses and ensures that they do not unreasonably compromise the amenity of the surrounding area.
- 3.4 This policy clearly identifies the terms and conditions of trading on Council land.
- 3.5 This policy is not applicable to privately owned land, noting that the provisions of the *Planning, Development and Infrastructure Act 2016* and related legislation and documents may apply in relation to use of the land.

4. Definitions

- 4.1 **Public road** - meaning given in the *Local Government Act 1999*.
- 4.2 **Reserve** - means community land reserve or dedicated as a reserve or designated by Council as a reserve.
- 4.3 **Mobile food vending vehicle** - defined as any vehicle whether mobile or stationary, used for the purpose of selling food and/or beverages.
- 4.4 **Mobile food vending business** - means a business involving the sale of food or beverages from a vehicle (within the meaning of the *Road Traffic Act 1961*).
- 4.5 **Fixed food business** - means a business, the primary purpose of which is the retail sale of food and/or beverages that is undertaken on a fixed premises that have a valid land use approval for use as a food business under the *Planning, Development and Infrastructure Act 2016*. Fixed food businesses includes cafes, restaurants, hotels, delicatessens, take away food businesses, bakeries, green grocers, health food shops, butchers, supermarkets, service stations and sporting clubs.

5. Policy Statement

- 5.1 A mobile food vending business trading on public roads within the Council area must hold a valid City of West Torrens' permit under section 222 of the *Local Government Act 1999*.
- 5.2 Fees payable are as detailed in Council's Fees and Charges Register.
- 5.3 Trading on a Council reserve, parkland or adjacent car park or land is not permitted as part of this policy unless for a designated event approved by the CWT.
- 5.4 A mobile food vending business must select a site for operation which does not breach any legislative relevant requirements or CWT policies.

6. Location rules

- 6.1 A mobile food vending business holding a permit issued by the Council may operate anywhere in the Council area, subject to complying with the location rules, the provisions of this Policy and any other requirement of the permit as outlined in the Use of Public Footpaths and Roads for Business Purposes Policy.
- 6.2 A mobile food vending business must select a site for operation which takes into account the effect of the operation of the mobile food vending business:
- a) Must not operate within:
- 200 metres of a fixed food business whilst they are operating
 - 30 metres of an intersection (without signalised traffic lights)
 - 50 metres of an intersection (with signalised traffic lights)
 - 15 metres of a residence
 - 10 metres of a car park entrance/egress points
 - 10 metres of a crest or bend of a road
- b) Must not park their vehicles in areas where parking is restricted to less than 1 hour. Once mobile food vending businesses have exceeded a timed parking restriction they may not attend the same location within a 24 hour period.

- c) May not cause undue interference or obstruction to persons using the public road, residents or businesses.
- d) Must not obstruct or visually obstruct vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities.
- e) Must adhere to parking rules / restrictions and only park within designated parking zones.
- f) Are required to park their vehicle parallel to the kerb with trading and service only to occur on the kerb side.
- g) Footpath must have clear access for people with disabilities in accordance with the *Disability Discrimination Act 1992*.
- h) Ensure that no more than two (2) parking bays are used for a mobile food vending vehicle including a tow vehicle. As per the Australian Road Rules, if a vehicle and towing vehicle is 7.5 metres or over in length, the two vehicles must be detached otherwise they cannot be parked on a public road for longer than 1 hour.
- i) Must not operate on a road with a speed limit greater than 50 km/h.
- j) Must not operate on a road with verge widths of less than 2.8 metres.
- k) Must not operate from a Department for Infrastructure and Transport South Australian road.

6.3 Compliance

Mobile food vending businesses must:

- a) Complete a mobile food vendor application form, which is available on the City of West Torrens website.
- b) Pay the prescribed fee, yearly or monthly, that is applied in accordance with Council's annual Schedule of Fees and Charges. The prescribed fee is subject to annual review by Council within its adopted Fees and Charges pursuant to Section 1888 of the *Local Government Act 1999*.
- c) Hold a valid current City of West Torrens permit prior to trading within the city.
- d) Only operate as per approved operating hours stated in the permit.
- e) Hold and provide a copy of a valid current public liability insurance for a minimum amount of twenty million dollars (\$20,000,000) which must indemnify the City of West Torrens against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the permit holder in relation to the activity.
- f) Be responsible in regards to power, waste water disposal and rubbish disposal.
- g) Supply adequate rubbish and litter disposal receptacles for the use for the business and customers, and all rubbish is to be removed from the site and not disposed of in Council street or reserve bins.
- h) Accept total responsibility to make good any damage that occurs to Council roads or public infrastructure as a result of the operation of business by the permit holder.

- i) Not assign or otherwise transfer a permit without first obtaining the consent of the Council in writing.
- j) Not have music or other audible devices, or A-frame signs with balloons, flags, streamers or other things attached, and it must not rotate or contain flashing parts. These are prohibited unless approved by Council and listed as a condition of the permit.
- k) Must not cause noise, odour, fumes etc. or other nuisance or disturbance to the surrounding environment.
- l) All advertising must not encroach on the public realm, except for one (1) 'A' frame or sandwich board sign, with an advertisement advising 'open for trade' located no further than a distance of 5 metres from the mobile food vendors vehicle to which it relates. The construction and design and placement of a moveable sign must comply with Council's Moveable Sign By-Law No. 4 of 2017.

6.4 Events

- 6.4.1 Mobile food trading permit are voided for events and trading is not permitted within surrounding roads for a distance of 200 metres for the duration of an event unless permission has been sought and approved by the event organiser.

7. Breach of permit

- 7.1 Council may cancel a permit if satisfied that there is a breach of the conditions of the permit.