

Policy No. 90: Mobile Food Vehicles

POLICY MANUAL

Policy No. 90	Mobile Food Vehicles
Purpose	The purpose of this Policy is to provide direction for the granting of permits for mobile food vehicles to operate from a public street or the Council's owned or managed property.
Department	Development and Regulatory Services
Author	Madeline McKinnell, Team Leader Environmental Health
Council Meeting Date	12 December 2023
Minute Reference	283/2023
Next Review Date	March 2027

POLICY

1. Definitions

<i>Mobile Food Vehicle</i>	Is a food business that operates from a mobile structure under the <i>Food Act 2003</i> . A mobile structure includes a vehicle or trailer that is not permanently fixed to the whole, or part, of a building, structure or land, in, at or from which food is, or is intended to be, handled or sold.
<i>Public Street</i>	Means any street, road, lane, thoroughfare, footpath, bridge or place open to the public, or to which the public have or are permitted to have access, whether on payment of a fee or otherwise as defined in the <i>Traffic Act 1925</i> .
<i>Council Owned or Managed Property</i>	Includes the Council's managed parks, reserves, sports grounds, car parks and road reserves.

2. Objective

The objective of this Policy is to establish the conditions under which the Council may grant permits for mobile food vehicles to operate from a public street or the Council's owned or managed property.

3. Scope

The Policy shall apply to anyone wanting to operate a mobile food vehicle within the municipality from a public street or the Council's owned or managed property.

4. Policy

The Council supports the operation of mobile food vehicles within the Meander Valley.

The Council will consider applications for permits for mobile food vehicles on any public street within the municipality and on the Council's owned or managed property.

1. Assessment Considerations

When assessing permit applications, the Council will take into account the following matters:

- advice from Tasmania Police as to the traffic and safety conditions and any other impact of the operation;
- advice from Department of State Growth if the proposed location is suitable;
- advice from key users (eg. sports clubs) of the Council owned or managed property;
- whether the operation is an appropriate distance from established permanently fixed food premises;
- proximity of sensitive uses (eg. school, hospital); and
- proposed time of day and period of operation.

Guidelines for operating a Mobile Food Vehicle from a public street of the Council's owned or managed property are available with this Policy.

5. Legislation and Related Standards

Vehicle and Traffic Act 1999

Food Act 2003

Traffic Act 1925

Tasmanian Planning Scheme – Meander Valley

6. Responsibility

Determination of compliance with the *Food Act 2023* and the Tasmanian Planning Scheme – Meander Valley rests with the Director Development and Regulatory Services.

Determination of compliance with the *Vehicle Traffic Act 1999* and the *Traffic Act 1925* and operation of this Policy rests with the Director Infrastructure Services.

Guidelines for operating a Mobile Food Vehicle from a public street or Council owned or managed property

Introduction

In accordance with Policy Number 90, these guidelines outline the process for assessing applications for the operation of mobile food vehicles from a public street or Council owned or managed property. Section 56C of the *Vehicle and Traffic Act 1999* contains provisions for the General Manager of a Council to issue a permit for vehicles to operate from a public street. In assessing whether to grant a permit, the Act requires the General Manager to take into account traffic and pedestrian safety, public convenience and any other relevant issues. The permit will be known as the Vendors Permit.

Definitions

Specific Site Vendors Permit is a permit issued to allow a mobile food vehicle to operate from any one of the specific sites listed on the permit.

Variable Site Vendors Permit is a permit issued to allow a mobile food vehicle to operate from any public street where the mobile food vehicle is stationary for less than fifteen (15) minutes.

Eligibility

Only road-registered vehicles where trade is wholly from inside the vehicle can obtain a permit.

Application

An application form must be completed and submitted to Council together with the Vendor Permit fee and copies of the following documents:

- current Certificate of Registration of a Statewide Mobile Food Business
- current Public Liability and Product Liability Insurance with cover of \$20 million (minimum)
- current road vehicle registration

The particular days, times and locations from which a mobile food vehicle proposes to operate must be specified on the application form. Council will assess the suitability of each nominated site taking into consideration activities in the surrounding area, proximity to sensitive uses and road safety.

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The provisions of the Planning Scheme will also be considered by Council on receipt of an application for a permit. A Planning Permit may be required depending on the proposed location(s) for mobile food vending.

Duration of Permit

Permits will be issued for a period of up to twelve (12) months only, based on the period 1 July – 30 June.

Permits are not automatically renewed.

Permit Fees

Permit fees will be determined by Council and included in the annual fees and charges.

Payment of the fee must accompany the application for a permit.

Permits issued throughout the year will be charged a fee equal in units of a quarter with the current quarter applying in full.

Trading Times and Duration

Specific Site Vendors Permit

- Mobile food vehicles can operate for four (4) hours maximum at any one site, on any given day.
- Mobile food vehicles are not permitted to operate within two hundred (200) metres of an established permanently fixed food premises unless the proprietor of the established permanently fixed food premises has clearly expressed in writing a tolerance for mobile food vehicles operating within that distance.
- Mobile food vehicles are not permitted to operate within one hundred (100) metres of a residential dwelling between the hours of 9:00PM and 7:00AM.

Variable Site Vendors Permit

- Mobile food vehicles are not permitted to operate within one hundred (100) metres of a residential dwelling between the hours of 9:00PM and 7:00AM.

General Operating Requirements

- Permits granted are only for the business identified in the permit and are not transferable.
- Permits must be displayed within the mobile food vehicle at all times.
- Permits granted are for one vehicle only; a business must obtain a separate permit to sell from additional vehicles.
- A non-motorised van/trailer coupled with a vehicle solely used to tow will be defined as one vehicle.
- Mobile food vehicles must not be left unattended whilst operating on a public street or on Council owned or managed property.
- Mobile food vehicles must be fully self-contained and not require access to an external mains power source to operate.

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- Food or beverage preparation, cooking or serving equipment or structures are not to be installed or erected outside the vehicle to display, prepare or serve food.
- Power sources that generate low to no noise and/or air pollution are to be used where possible. Amplified music or public address systems are not to be used by operators vending under a Site Specific Vendors Permit.
- All conditions of the permit must be complied with at all times of operation.
- Mobile food vehicle trading locations may be limited by Council.
- The number of mobile food vehicles in any location may be limited by Council.

Community Access and Safety

Mobile food vehicles must be operated to ensure that:

- Customers are served from the footpath side of the vehicle only and do not queue across footpaths, onto roadways, driveways or other pedestrian or trafficked accesses.
- Access to parking and bus zones as well as footpaths, roads, driveways and wheelchair access ramps is maintained at all times.
- Access to all street furniture such as public seats and rubbish bins is not impeded as a result of permitted trade.
- Trees and/or street furniture are not modified as a result of permitted trade.
- The installation, maintenance and operation of gas and/or electrical appliances within the vehicle comply with the relevant Australian Standards.
- Safety of people is not compromised in any way by the location or operation of the mobile food vehicle.

Waste Bins (Specific Site Vendors only)

Whilst trading to the public, a mobile food vehicle must place out for use, at least one bin to accept wastes and one bin for recyclable materials. The bins must be at least fifty (50) litres and are to be removed by the operator and contents disposed of responsibly.

Permit Cancellation

A permit may be cancelled if the General Manager of the Council is satisfied that the permit holder has committed serious or repeated breaches of the permit conditions.

Review

These Guidelines are to be reviewed when Policy Number 90 is reviewed.