

POLICY



Mobile Food Business Operating on Council Property Policy

1 Purpose

1.1 The purpose of this policy is to:

- Provide the framework for appropriate planning and resources to be directed at ensuring that food sold by mobile food businesses in the Hindmarsh Shire Council is safe and suitable for consumption;
- Provide a mechanism to manage the applications/requests from mobile food businesses on the land owned or managed by the Council while ensuring the safety and amenity of the Council's roads, streets, parks and public spaces.

2 Scope

- 2.1 This policy supports Council's legislative obligations under the Food Act 1984 and applies to all the mobile food businesses and enterprises that sell food within the Council on Council owned or managed land, regardless of the origin of food manufacture. This includes mobile food businesses in Council owned and managed Caravan Parks.
- 2.2 This policy does not include where vendor is part of an event, carnival, fete, market or the like (this may need an event permit).
- 2.3 This policy does not include mobile food businesses that operate on private property. See clause 13 for more information.

3 Definitions

Act means Food Act 1984

Council means Hindmarsh Shire Council

Principal Council means Shire Council where the food van is normally garaged

Stretrader is the online registration database for businesses and community groups to register and notify their temporary or mobile food premises, vending machine or water carting business

Sell is defined by the legislation to include barter, offer, supply, display for sale, transport for sale, prepare, store, deliver, and give away for the purposes of advertisement.

4 Responsibility

Policy Owner: Environmental Health Officer

5 Policy statement

- 5.1 The adopted policy will provide a consistent approach in dealing with applications from mobile food traders on Council owned or managed land without impacting the amenity and safety of the surrounding area.
- 5.2 This policy acknowledges that the Act requires Council to take a risk-based approach to the assessment of food safety at food businesses

6 Registration, Renewal and Transfer of Registration for Mobile Food Businesses

- 6.1 All mobile food businesses, must be registered with their Principal Council prior to the operation of their business.
- 6.2 Mobile food businesses garaged in Council must submit their application on Streatrader at least 4 weeks prior to the operation of the mobile food business.
- 6.3 Mobile food businesses registered with another Council must lodge a Statement of Trade with Council on Streatrader at least 4 weeks prior to the commencement of their business in Hindmarsh Shire.

7 Mobile Food Business Assessment

- 7.1 The mobile/temporary food premise must comply with Food Safety Standards Australia New Zealand, including Standard 3.2.2 Food Safety Practices and Standard 3.2.3 Food Premises and Equipment.
- 7.2 The mobile food business must comply with Victorian gas and electrical safety requirements.
- 7.3 While considering the application, Council will make reasonable assessment of the type of the food items, proposed trading hours and season of the operation.
- 7.4 The type of mobile food vehicle proposed to be used may influence the type of food that is permitted to be provided from that vehicle. For example, an ice cream van may not be permitted to sell other food such as sandwiches and hot foods.

8 Fees and charges

- 8.1 The food trader must pay the Streatrader fee as determined by the Council each year.
- 8.2 Site fees must be paid depending on the number of days of the operation. The fee schedule is detailed below.
 - \$20 per day; or
 - \$60 per week; or
 - \$200 per month; or
 - \$1,100 per six months; or
 - \$2,000 per year.

9 Site and Location

- 9.1 While considering the site of the mobile food business, it is important to acknowledge that any commercial use of the public land is a privilege and not a right. In some circumstances, the site can be used by other mobile food vendors or other temporary vendors when determined by Council.
- 9.2 Use of a site is subject to the approval of Council.
- 9.3 Site must be at least 2 metres away from fire hydrants, rubbish bins, public seats, payphones and other public infrastructure.
- 9.4 Clearance of 20 metres must be maintained from bus stops to ensure safety access.
- 9.5 Site must comply with the Road Safety Act 1986.
- 9.6 Sites cannot be located on footpath areas with the exception of areas nominated by Council for fundraising activities where food is sold.

10 Safety

- 10.1 To ensure the safety of all members of the community, a food trader must:
 - Provide a clear and continuous pathway for all pedestrians along nearby facilities;
 - Comply with the existing parking locations;
 - Ensure that access to the mobile food premise is not via nearby road.

11 Cleanliness and Hygiene

- 11.1 To ensure the hygiene and cleanliness of the trading site, the vendor must meet the following standards:
 - The collection and removal of Waste and Recycling is the responsibility of the food van operator and must be undertaken with Council's approval.
 - Waste generated must not be swept into the street gutter.
 - Trade waste must not be placed in public street bins.
 - Wastewater must be collected and removed from the site.

12 Amenity

- 12.1 To ensure the amenity of the surrounding area is maintained, the following standards must be met:
 - Compliance with the Environment Protection Act, Food Act 1984, Public Health and Wellbeing Act, Councils Local Laws and other relevant Acts and Regulations;
 - Mobile food trader vehicle must be neat and tidy at all times;
 - Residential Amenity must not be compromised with the operation of the business;
 - Avoid obstructive furniture, excessive signage or lighting displays which may create unnecessary clutter that detracts from the image of a particular street or shopping precinct and/or create a hazard to members of the public.

13 Private Property

13.1 Mobile food businesses operating from private property must comply with the Council's Planning Scheme and Food Act 1984. The operator must contact the Council's Planning Department and Environmental Health Department prior to the commencement of the food business.

14 Insurance Requirement

14.1 The permit holder must have public liability insurance of amount not less than \$20,000,000 in respect of any single occurrence and it must be up to date with a certificate of currency provided to Council annually.

5. References

Related documents	Legislation
Streatrader Procedure	<i>Food Act 1984</i>

6. Document Control

Food Safety Management Policy		Policy Category	ENVIRONMENTAL HEALTH
Version Number	01	Policy Status	Adopted
Approved/Adopted By	CEO	Approved/Adopted on:	30 July 2021
Responsible Officer	Environmental Health Officer		
Version History	Date	Version	Description
	30 July 2021	01	Initial policy