POLICY NAME: **MOBILE FOOD VENDORS** **POLICY No: 4.1**

PURPOSE:

The purpose of this policy is to provide a framework under which Council will grant and issue permits for mobile food vendors within a road maintained or owned by Council or on Council land.

SCOPE:

Mobile Food Vendors operating on Council roads within the Brighton municipality.

DEFINITIONS:

In this policy:

"*Council*" means the Brighton Council.

"*Mobile Food Vendor*" means a person or persons trading from a mobile structure equipped to a specified standard as a moveable kitchen from which to commercially cook and sell food in a variety of locations. This includes both registered vehicles such as vans, caravans, and trailers, and non-registered vehicles such as coffee carts or hotdog carts. Food is served directly from the mobile food premises, typically in disposable containers (preferably bio-degradable), to customers for immediate consumption either in the vicinity or as take-away.

"*Mobile Food Premises*" is a Mobile Food Vendor registered as a mobile food premises within Tasmania under the Food Act 2003 that seeks to trade within public and Council owned spaces.

"*Road*" includes part of a road, road reservation, footpath, or walkway or nature strip which are wholly or partly maintained by Council or under the control of Council.

"*Mobile Food Vendor permit*" means a permit issued in accordance with this policy.

"Council land" means any land owned, or managed by, or under the control of the Council and includes part of that land and a natural area and a park, but does not include a road or local highway under the control and management of the Council.

"*Motor vehicle*" has the same meaning as defined in the Vehicle and Traffic Act 1999.

POLICY

1. PERMITS

1.1 Council will apply for, and hold, a permit under the *Land Use Planning and Approvals Act 1993* for each of the approved Trading Locations (identified below).

1.2 Permits are:

a) only applicable to the locations identified in clause 4.1 of this Policy

b) payable on application.

c) not automatically renewed.

d) issued to one vehicle only and are not transferrable.

e) valid for either:

- a single occasion, to a maximum of three (3) single occurrence permits;
- a period of three (3) months; or
- a period of Twelve (12) months

from the date of issue respectively or until such time as the vendor ceases to trade.

f) there is no partial refund of permit fees if the vendor wishes to cease trading.

g) may be revoked by Council at any time due to non-compliance with any of the permit conditions.

1.3 A Mobile Food Vendor:

a) must not operate on Council land without a valid permit.

b) must display the permit within the Mobile Food Premises at all times.

c) must comply with all conditions of the permit at all times of operation.

d) does not require a permit if the vendor is nominated to trade as an integral part of an organised community or special event on Council land for which the Council has granted a separate permit.

2. ENVIRONMENTAL HEALTH

2.1 Any individual/business applying for a Mobile Food Vendor Permit must be licensed under the *Food Act 2003* and operate as per the conditions of this license and to the satisfaction of Council's Environmental Health Officer.

3. APPLICATION FORM AND FEE

3.1 All Mobile Food Vendors intending to operate within the Brighton municipality must complete a 'Mobile Food Vendor Application Form' available on council's website and pay the required fee, as set per Council's fee schedule.

3.2 Copies of the following documents must be completed and submitted with the application of the permit:

a) Current certificate of registration of a Statewide Mobile Food Business.

b) Current Public Liability and Product Liability Insurance Certification (minimum $20 million cover).

c) Current ABN/ACN details.

d) Current road vehicle registration.

4. TRADING LOCATIONS AND TIMES

4.1 Council has identified the following Mobile Food Vendor locations as preferred sites from which to operate within the Brighton municipality, or as otherwise agreed in writing by Brighton Council (refer to Appendix 1 for map):

Location	Permissible Operating Hours
Cris Fitzpatrick Park, Gagebrook	7am – 9pm
Lennox Park, Old Beach	7am – 9pm
Seymour Street carpark, Brighton	7am – 9pm
2A Eddington Street, Bridgewater	7am – 9pm

241 Brighton Road, Brighton/Army Camp (Menin Drive frontage)	7am – 9pm
Brighton Council carpark – Old Beach	7am – 9pm
Bridgewater Civic Centre carpark, Bridgewater	5.30pm – 9pm *unless otherwise agreed in writing by Council*
Brighton Hub Truck Stop (2 Strong Street, Bridgewater)	24 Hours

4.2 Council may consider adding additional locations if suitable sites are identified by Applicant or the public.

4.3 No more than three (3) Mobile Food Vendors may operate from any one site at the same time, unless otherwise exempt from this policy pursuant to clause 1.3 above.

4.4 Mobile Food Vendors must only trade within any one approved trading location on not more than three days in any one calendar week and for not more than four (4) hours at a single location on any day.

4.5 Mobile Food Vendors are prohibited from trading from any road area under the management of Council, unless specifically approved in the approved trading locations.

4.6 Mobile Food Vendors are required to move on from a trading spot within one (1) hour of ceasing trading in any one location and are not allowed to remain parked in the same position for trade or otherwise for more than six hours.

4.7 Mobile Food Vendors are not permitted to operate:

a) within 100 metres from an existing food and beverage business during normal trading times, unless the written permission of the business owner has been provided.

b) within 100 metres of the boundary of a market, festival, fair or similar special event that includes food and beverage traders within the event footprint.

4.8 Mobile Food Vendors wishing to trade on private land within the *Brighton Interim Planning Scheme* 2015 should contact Council staff for information on application processes.

5. ROLES AND RESPONSIBILITIES OF THE MOBILE FOOD VENDOR

5.1 Mobile Food Vendors must:

5.1.1 Community

a) Maintain access to parking, taxi loading and bus zones, as well as footpaths, roads, driveways and wheelchair access ramps at all times

b) Ensure that all trade is wholly from within the Mobile Food Premises and that food or beverage preparation, booking and serving equipment are not installed or erected outside the Mobile Food Premises to display, prepare or serve food.

c) Not provide tables, trestles, marquees, tents, chairs, boxes, crates or similar items for patrons to use as tables, or seats if the Mobile Food Premises is trading directly on or onto a paved footpath or other pedestrian thoroughfare.

d) Ensure access to all street furniture, such as public seats, bicycle parking, drinking fountains and rubbish bins is not compromised as a result of permitted trade.

e) Ensure that all advertising or signage is fixed securely to the Mobile Food Premises and does not protrude onto roads or footpaths.

f) Ensure that customers do not queue across footpaths, onto roadways, driveways or other pedestrian or trafficked accesses.

g) Acknowledge that the Council reserves the right to change or limit the time, duration, frequency and location that Mobile Food Vendor trading may take place, taking into account weather conditions, conditions of roads, footpaths, public reserves and parks, and any repairs and maintenance as may be required.

h) Acknowledge that the Council reserves the right to limit the number of vendors trading in or to stop trade in any location at any one time if health and safety, vehicular or community access or environmental obligations require this.

5.1.2 Waste

(a) Be responsible for providing rubbish collection receptables at the site and ensure all rubbish generated from their use at the site is removed and disposed of responsibly.

(b) Ensure all liquid waste including but not limited to wastewater, oil etc must be contained/stored by the operator and not discharged on site.

(c) Ensure that no wastewater, oil or other liquid is deposited into the stormwater system.

(d) Ensure that no hosing down of the mobile food vehicle or trading site takes place.

(e) Where the Council has to undertake extra cleaning and/or removal of litter as a direct result of a Brighton Food Truck permitholders trade, the responsible permit holder will reimburse Council for all costs incurred for the cleaning and/or tidying of the area.

5.1.3 Noise

a) Where possible, use power sources that generate low or no noise and/or air pollution.

b) Ensure that all noise associated with trade, including customer activity, is kept to a minimum

c) Ensure that amplified music or public address system are not used.

5.1.4 Electricity

a) Are responsible for providing their own energy source at all Mobile Vendor Locations.

5.1.5 General

a) Pay all permit fees as required by the due date.

b) Not transfer the permit to another person or business unless the business and/or mobile food vehicle have/has been sold.

c) Inform Council of intention to cease trading within four (4) weeks prior to the last day of trade.

d) Follow all instructions issued by duly authorised officers of Brighton Council.

e) Assume responsibility for any and all liabilities that arise as a direct result of Mobile Food Vendor trading within the Council municipal area.

f) Cover the cost of any damage caused to trees and/or public infrastructure, such a public seats, bicycle parking, drinking fountains and rubbish bins that is a direct result of trading as a Mobile Food Vendor within the Council municipal area.

g) Acknowledge that Council reserves the right to alter, add, or remove any of the conditions within this permit at any time with the understanding that as much notice as possible of such change will be given to permit holders.

h) Mobile food premises that are not contained within a fixed mobile structure must provide floor coverage when operating on unsealed areas to the satisfaction of Council's Senior Environmental Health Officer to reduce cross contamination risks.

6. EXCLUSIVE USE NOT GUARANTEED

6.1 A permit issued by Council does not guarantee availability or exclusive use of the site.

7. LEGISLATION

- *Food Act 2003* in relation to arrangements for the safe handling and sale of food.
- *Land Use Planning and Approvals Act 1993* in relation to the use and development of land for mobile food vending.
- *Local Government Act 1993* in relation to the management of Council land and the setting of fees for a Mobile Food Vendors permit.

ADMINISTRATIVE DETAILS:

Policy compiled:	August 2020
Policy Adopted:	OCM 18/8/2020; OCM 21/12/2021; OCM 17/11/2026
Review date:	October 2021; November 2026
To be Reviewed:	November 2030
Responsibility:	Director Development Services

APPENDIX 1
APPROVED SITES (Clause 4.1)

BRIDGEWATER APPROVED SITES:

Brighton Hub Truck Stop – not to be on grass.



South-western Corner, Civic Centre Car Park, Green Point Road, Bridgewater



2A Eddington Street, Bridgewater



GAGEBROOK / OLD BEACH APPROVED SITES:

Cris Fitzpatrick Park Car Park



Brighton Council Offices, Carpark or Lawn, Old Beach



Lennox Park Car Park, Old Beach



BRIGHTON APPROVED SITES:

Seymour Street: Area in front of soccer club rooms and carpark



Remembrance Park, 241 Brighton Road, Brighton.

