

Council Policy

Mobile Food Vendors Trading Policy



Legislation/local law requirement	<i>Local Government Act 1995</i> <i>Food Act 2008</i> <i>Activities in Thoroughfares and Public Places and Trading</i> <i>Local Law 2011</i>
Relevant Delegation	Refer to the City's delegation register
Related policy procedures and documents	Mobile Food Vendors Trading Guidelines South Metropolitan Health Service, Health Promotion, How to select healthier food vendors for community events: A toolkit for local government.

Purpose

To allow for outdoor, high-quality mobile food vending activities in a manner that improves the usage, image, and quality of the City's public spaces, whilst managing the competing needs and interests of local business, residents, consumers, and users of the City's facilities.

The objectives of this Policy are to:

- Increase the enjoyment and activation of public spaces within the City;
- Provide a choice and diversity of local food options;
- Encourage healthy food and drink options;
- Provide opportunities for the development and growth of businesses;
- Increase a sense of place and connection; and
- Ensure that the trading activities of mobile food vendors complement other local businesses and do not compromise the amenity of surrounding areas.

Scope

The Policy applies to all mobile food vendors and temporary food stalls who conduct trading activities within the City of Kwinana.

Exclusion from this policy:

- Mobile food vendors operating on private land by invitation with the consent of the owner of the land (does not include sale of food to the public).
- Food delivery services.



Policy Provisions

Definitions

Designated trading locations	means set locations from which mobile food vendors can trade with City approval which are set within the Food Vendor Trading Guidelines.
Public Place	as defined under City's <i>Activity on Thoroughfares and Public Places and Trading Local Law</i> includes any thoroughfare or place which the public is allowed to use, whether or not the thoroughfare or place is on private property but does not include – (a) premises on private property from which trading is lawfully conducted under a written law; and (b) local government property.
Fixed food business	means a business that the primary purposes of which is the retail sale of food or beverages that is carried out from a fixed premise. This includes sports club canteens.
Itinerant Food Vendor	means a mobile food vendor who travels along a road looking for customers and who sells a product from a vehicle which stops temporarily to serve customers who stop the vendor or come to the vendor whilst the vehicle is stopped.
Mobile Food Vendor	means a food vendor who has a <i>Trader's Permit</i> and operates a Department of Transport licenced vehicle and food business notification or registration certificate issued by a Local Government under the <i>Food Act 2008</i> .
Temporary food stall	means movable or temporarily fixed structure, stand or table in, on or from which food are sold or offered for sale. They operate at an occasional event, usually lasting hours or days.
Healthier food vendor	means a mobile food vendor who has been assessed against the Healthier Vendor Self-Assessment Checklist developed by the South Metropolitan Health Service Health Promotion Unit and meet two essential criteria including: <ul style="list-style-type: none">• not to display full sugar drinks; and• include at least one healthier food option on their menu.

All other definitions have the meaning as prescribed in the *City's Activity on Thoroughfares and Public Places and Trading Local Law 2011*.

Policy statement

All food vendors are required to comply with all legal and City requirements as detailed in the Mobile Food Vendor Trading Guidelines (the Guidelines).

The Guidelines will outline the conditions and operational requirements for mobile food vendors and temporary food stalls. The Guidelines will be updated periodically to reflect any legislative and/or City operational changes.

The City reserves the right to add or remove locations at any time in response to complaints or periodic review of the Guidelines or Policy.



Designated Trading Locations

All designated trading locations with specific conditions of trading for each location, including specified trading hours and times, are outlined in the Guidelines.

The locations will be reviewed regularly. New locations will be considered against the criteria set within this Policy.

The City reserves the right to add or remove locations from the guidelines at any time in response to address any noise, odours or any other disturbance concerns, any complaints received, maintenance or works being undertaken or near that location, and/or the review cycle of the City.

Temporary food stalls are not permitted to trade at designated trading areas. Only self-contained mobile food vendors are permitted. No external power, gas, water connection and rubbish service will be provided by the City.

The designated trading location must not:

- Be situated within 100m of a fixed food businesses or an approved food truck event or market (unless written approval has been obtained from the fixed food businesses and the City);
- Operate on main roads, Wells Park, Kwinana Beach, Challenger Beach and industrial areas;
- Obstruct pedestrian flow, vehicular traffic/parking, queuing, and other waiting areas; and
- Pose an unmitigated risk to the safety of the community.

Only healthier food vendors are permitted to trade at designated trading locations within 300 metres of a school.

The suitability of each designated trading location will be assessed against the objectives of the Policy and the designated trading location criteria by the Development Assessment Unit and determined by the Chief Executive Officer.

Itinerant Food Vendor Locations

Itinerant food vendors are required to trade within the conditions and operational requirements set within the Guidelines.

Itinerant food vendors must not:

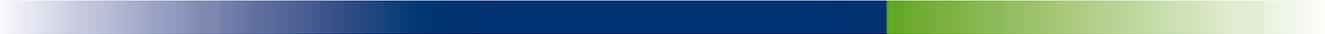
- Trade within 100m of a fixed food businesses or an approved food truck event or market (unless written approval has been obtained from the fixed food businesses and the City);
- Trade within 300 metres of a school between the hours of 7.00am and 9.00am and 3.00pm and 5.00pm during school days; and
- Trade on main roads, Wells Park, Kwinana Beach, Challenger Beach and industrial areas.

Approved Events and Markets

Mobile food vendors and temporary food stalls are permitted to trade at events and markets approved by the City of Kwinana Environment and Health Department in accordance with the Guidelines.

Other Public Places for Individual Trading

Individual food vendors who trade at all other public places will be assessed on a case-by-case basis in accordance with the Guidelines.



Grounds on which an application maybe refused

An application submitted to the City of Kwinana may be refused where one or more of the following applies:

- The applicant has not provided further information when requested by the City as part of the application assessment process.
- The applicant has not paid outstanding fees at least three business days before the event.
- The applicant has committed a breach of the City's Local Laws, *Food Act 2008* or any other legislation pertinent to the conduct of their business.

The City may at its discretion refuse to accept a trader's permit application that has been submitted outside the nominated application timeframe as detailed in the Guideline.

Approval

A stallholder or traders permit with conditions will be issued once all applicable fees have been received (if applicable).

Food vendors that trade without a permit or do not comply with the conditions in the approval may result in further formal compliance action.

All appeals must be presented to the Manager Environment and Health in writing.

5.7 Fees and Charges

The City will impose fees and charges on traders in accordance with the relevant Council adopted fees and charges or varied by Council resolution, unless exempted through the City's Community Funding Policy.

OFFICER USE ONLY

Officers may amend this section without council approval.

Responsible Team	Environment and Health Services
Initial Council adoption	Date: 23 May 2018 Ref#: 177
Reviewed/amended	Date: 22 May 2024 Ref#: 480
Next Review Date	Date: June 2027
Policy Document Number	D24/14296

