# Guidance for Mobile Food Traders

## Objectives

To enable quality mobile food traders to provide members of the public with a food service that enhances the vibrancy and economic activity of the Shire without adversely affecting other businesses.

## Purpose

* Provide guidance on the requirements for the operation of Mobile Food Traders within the Shire of Waroona
* Encourage Mobile Food Traders to operate in locations which support the activation of public spaces.
* Ensure Mobile Food Traders operate in a way which complements existing food businesses in commercial areas.
* Ensure Mobile Food Traders do not unreasonably compromise the amenity of the surrounding residential area.
* Ensure Mobile Food Traders are of a temporary nature in line with the permitted trading times for each location.
* Ensure Mobile Food Traders practice safe food handling in accordance with the Food Act 2008.

## Statement

The following guidelines detail the considerations to be addressed by applicants and the Shire’s Officers in assessing and approving applications for the issue of a Trader’s Permit.

### Amenity and Appearance Mobile Food Traders must:

### Not obstruct, cover, remove, relocate or modify trees, public art, benches, bins, bus shelters or other City owned infrastructure as a result of a Mobile Food Trader operation.

### Not sell alcohol, tobacco or any illegal products at any time.

### Have a vehicle with high quality presentation.

### Ensure any advertising does not encroach on public walkways and is undertaken in accordance with the relevant local laws.

### Ensure that there absolutely no encroachment into road reserves.

## Registration Conditions

Mobile Food Traders Mobile Food Traders are only permitted to trade within the Shire if they meet the following conditions:

### Hold a valid Shire of Waroona Trader’s Permit.

### Hold a current Food Act 2008 Certificate of Registration from a Western Australian Local Government.

### The Permit Holder is restricted to locations approved by the Shire.

### The vehicle must not require an external mains power connection.

### Parking for towing vehicles is generally not permitted at the same location as the trader. The towing vehicle must be parked off site or in a designated parking bay.

### Where an applicant wishes to operate on privately owned land the applicant must submit a letter of approval from the owner or legal occupier of the land with proposed dates, times and locations.

### The trader must also apply for a Trader’s Permit in terms of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

## Maintenance and Cleaning

A Permit Holder is required to comply with all maintenance aspects of the entire operation, including the conditions of the Trader’s Permit.

The following requirements apply:

### The Mobile Food Vehicle and fixtures must be kept in a safe and well-maintained condition at all times.

### Mobile Food Traders must ensure that the Mobile Food Vehicle and food handling activities comply at all times with the requirements of the Food Act 2008 and Australia New Zealand Food Standards Code.

### The trading location must be regularly cleaned during all hours of operation presenting a continuous well cared for image.

### All liquid waste must be collected for appropriate disposal offsite.

### No waste or litter is to be disposed of in Council rubbish bins by the traders.

### Mobile Food Traders must provide bins for use and ensure the area around their position is kept clear of rubbish and refuse at all times. Refuse must be removed off site following the end of trade.

### Failure to comply with the conditions of the Trader’s Permit may result in the Permit being revoked.

## Management

The Permit Holder is to take full responsibility for the care, appearance, maintenance and operation of their activity area and the effect on neighbouring activities. It must be understood that the trading location remains public space. This means operators and patrons do not have exclusive occupancy of the area.

The following principles apply:

### Permanent fixtures and elements are not permitted. Following trade, the Mobile Food Vehicle and all related fixtures must be removed from the site. The site must be left in the same condition in which it was originally found.

### Any fixtures relating to the Mobile Food Trader such as umbrellas, signs, waste bins etc. should be sturdy and windproof, made of quality materials and be well designed and constructed to be safe to use, without sharp edges or other features likely to cause injury.

### Fixtures must not be placed where they present a barrier or danger to pedestrians crossing the street, kerbside usage by motorists or access by pedestrians/cyclists.

### Vehicles must be positioned to allow full access to service covers such as manholes and existing services when required.

### All items belonging to the Permit Holder positioned within the trading location are the Permit Holder’s responsibility.

### Mobile Food Traders must not remain on site when not trading.

### Each Permit will be allocated a trading period as defined on the permit and it is the responsibility of the Permit Holder to ensure that trading does not occur outside of specified hours.

### Mobile Food Traders must not require external mains power, gas or water connections.

### All noise emissions, including but not limited to music and generators from the operation of the Mobile Food Vehicle, must comply with the assigned levels of the Environmental Protection (Noise) Regulations 1997. Should justified complaints be received, or in the opinion of a Shire Officer that any noise emissions are deemed excessive, the trader will be required to reduce emissions to compliant levels.

### When a Shire coordinated event or an approved community event is being held at a specific location, any permits issued for that location will be rendered void for the duration of that event.

## Insurance

Mobile Food Trader Permit Holders are required to maintain public liability insurance cover in the amount of $20 Million or greater. The policy must cover activity carried out under this Permit.

## How To Apply for A Trader’s Permit

### Complete the ‘Application for Trader’s Permit’ Application Form. Where a group of Mobile Food Traders are applying in a coordinated approach, each Trader must submit a separate application and all documentation lodged together.

### Provide current photographs of your Mobile Food Vehicle.

### Include a current copy of Public Liability Insurance ‘Certificate of Currency’ for the amount of $20,000,000.

### Include a copy of your current Food Act 2008 Certificate of Registration of a Food Business issued by the Local Government where the Mobile Food Vehicle is housed.

## Approval Process

### Mobile Food Traders are not automatically guaranteed approval if they have been previously issued with approval to trade in another Local Government Authority or in the Shire of Waroona.

### Applications will be assessed on a case by case basis. Permits will be allocated to Mobile Food Traders at the discretion of the Shire in accordance with the following criteria:

### The condition and appearance of the Mobile Food Vehicle.

### Inclusion of healthy food options. The Shire strongly encourages traders to offer healthy alternatives.

### The minimisation of packaging and single use disposables where possible. If unavoidable, the Shire recommends items that are recycled / recyclable / reusable / biodegradable and / or compostable.

### Public safety.

### Unfair competition against local businesses and sporting clubs.

### Comprehensiveness of information provided in the application.

## Fees

### The Permit Holder will be required to pay the fees and charges as prescribed by the Council.

### The fees will be consistent with the Permit as detailed in the Shire’s Fees and Charges for the relevant financial year.

## Permit Monitoring and Cancellation

### The Shire’s Authorised Officers may conduct unannounced inspections of vans to determine compliance with the relevant legislation.

### A Permit may be cancelled or amended if the Permit Holder fails to comply with Permit conditions.

### The Shire of Waroona reserves the right to approve additional Mobile Food Traders at any site.

## General Location and Siting Requirements

### The Shire of Waroona will consider applications from individual traders as well as traders operating in a coordinated manner at all locations.

### Permit Holders arranged in a coordinated approach are responsible for preparing and advertising a roster system that determines when and at which trading location a Mobile Food Vehicle trades.

### Mobile Food trading will not be supported where vehicle size or layout may compromise public access, circulation, safety or other street activities.

### The Shire reserves the right to reduce the number of vehicles at sites due to wear and tear issues.

### Permit holders must display the permit in a prominent and visible location on the approved vehicle at all operating times. Definitions Mobile Food Trading is the use of public areas for preparing and dispensing food products by a Mobile Food Trader. Mobile Food Trader is a business operated from a vehicle, van, trailer (or similar) that complies with the Food Act 2008 and Australia New Zealand Food Standards Code. Vehicle includes any registered vehicle, caravan, trailer or other method of transport from which food is sold. Permit Holder means the person(s) whose name is written on the trading permit issued by the Shire of Waroona.

### The Shire of Waroona reserves the right to approve additional Mobile Food Traders at any site.