

Mobile Food Vehicle Guidelines



I. Overview

I.1. Purpose of the Guidelines

The City of Port Phillip is committed to supporting and enhancing local business, active street life and unique experiences within our numerous evening entertainment precincts.

Council recognises that mobile food vehicles can add to the vitality of the municipality and fulfil a need in that they provide an efficient and accessible food service for people at times when permanent food outlets are not operating.

These Guidelines have been developed to support the existing and future operations of mobile food vehicles within the community and to provide a framework for their management.

I.2. Local Law No 1, Clause 12: Itinerant Trading

Permit requirement

- (1) A permit is required to engage in itinerant trading from:
- (a) a vehicle;
 - (b) any other temporary method of transport including a caravan, trailer, table, stall or other similar structure;
 - (c) a road related area;
 - (d) a property or public place adjacent to a road or a person on a road or public place; or
 - (e) any beach or in foreshore waters.

Exemption from permit requirement

- (2) The requirement to obtain a permit for itinerant trading does not apply where Council has designated trading sites and has accepted the tender of a person to occupy a designated trading site.

I.3. Definition

A “mobile food vehicle” (mobile food vehicle) includes any ‘Vehicle, caravan, trailer or any other temporary method of transport from which food is sold’.

“Sell” means the definition within the Food Act 1984 and includes:

- Offer or attempt to sell; or
- Receive for sale; or
- Display for sale; or
- Have in possession for sale.

I.4. Council Mobile Food Vehicle Standards

I.4.1. Safety and Accessibility

The safety of all members of the community including pedestrians, motorists, cyclists and other footpath and road users must be protected at all times, on or nearby a mobile food vehicle site. To ensure safety and accessibility is achieved the following standards must be met:

- The location of a mobile food vehicle must provide clear, continuous access for all pedestrians along nearby footpaths and ensure no obstruction occurs to nearby road users at all times;
- The location of a mobile food vehicle must not cause an obstruction to existing traffic conditions and sightlines;
- Access to a mobile food vehicle must be via an adjacent pedestrian walkway and not via nearby roadway;
- A mobile food vehicle must comply with the existing parking restrictions that apply to the area at all times; and
- The mobile food vehicle site and general area should be able to be monitored at all times by the operator to provide an inviting, clean and safe place for people to use.

I.4.2. Community Amenity

To ensure the amenity of the area surrounding a mobile food vehicle site is protected and enhanced, the following standards must be met:

- Compliance with Environment Protection Authority requirements, particularly with respect to noise.
- 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 the visually impaired.
- Residential amenity must not be unreasonably compromised by the operation of a mobile food vehicle.

I.4.3. Hygiene and Cleanliness

Council and operators have a responsibility to keep the street clean and must work together to ensure this is achieved. Council's street cleaning services generally operate in the early morning hours to ensure minimum disruption to local businesses.

To ensure the hygiene and cleanliness of a mobile food vehicle site is maintained, the following standards must be met:

- Litter must be cleared at all times from in and around the mobile food vehicle site. The site must be left in a clean and tidy manner.
- Appropriate rubbish bins must be provided in numbers adequate to service the needs of patrons and the operation.
- Litter generated by the mobile food vehicle operation must not be swept into the street gutter and must be picked up and deposited within the operator's own bins.
- Trade waste must not be placed in public street bins.
- The preparation, handling and serving of food and drinks to patrons must be conducted in accordance with the requirements of the Food Act 1984 and Council's Health Services Unit.

- Without limiting the requirements of the Food Act 1984, the following standards must be met:
 - The mobile food vehicle must be registered with the local Council that is the primary place of storage of the vehicle. A copy of a current Food Act Registration Certificate from the relevant Council must be submitted with each application for a mobile food vehicle permit.
 - The mobile food vehicle must comply with the National Food Safety Standards, including Standard 3.2.2 Food Safety Practices and Standard 3.2.3 Food Premises & Equipment.

An inspection by an Environmental Health Officer from the Health Services Unit is required prior to a permit being granted. The Officer will check for compliance with the above-mentioned standards and to ensure the structure, fixtures, fittings and equipment are suitable and satisfy themselves that the operating will be implementing appropriate food handling practices.

The vehicle will undergo regular inspections by Environmental Health Officers from the Health Services Unit to assess compliance with the Food Act and National Food Safety Standards.

1.4.4. Trader Restrictions

Council's priority is to support food traders currently operating or wishing to operate from commercial premises within the municipality. To ensure a mobile food vehicle does not compromise the operation of existing food businesses or future businesses within commercial premises in the area, the following standards must be met:

- The operational hours of a mobile food vehicle may be limited to those outside of the existing business hours for surrounding food premises.
- Foods offered for sale from the mobile food vehicle may be restricted and specifically described within the permit conditions.

Mobile food vehicle trading permits shall be reviewed annually to ensure existing local food businesses within proximity of the site are not compromised.

2. Sites and Locations

2.1. Appropriate Locations

In considering the options that are available for potential mobile food vehicle sites it is important to acknowledge that any commercial use of public space is a privilege, not a right.

The location of a mobile food vehicle must always comply with Council standards in relation to safety and accessibility, community amenity, hygiene and cleanliness.

To ensure appropriate locations are determined, the following criteria should be met:

- Mobile food vehicle sites must not be located less than 100 metres from an existing and operating food premise, unless the proposed hours of operation are outside those of the existing trading hours of the affected food premise.
- A minimum clearance of 2 metres must be maintained from fire hydrants, litter bins, public seats, payphones, bicycle stands, parking meters and other public infrastructure.
- A clearance of 10 metres must be maintained from a tram stop zone, and 20 metres from a bus stop zone to ensure safety and access.
- A mobile food vehicle site must comply with the requirements of the Road Safety Act with respect but limited to the obstruction of sight lines, traffic signals and road signage.
- A mobile food vehicle site must not be located within a foreshore area including foreshore parks and reserves, beaches, car parks and all roadways along the foreshore (including Beaconsfield Parade, Jacka Boulevard, Marine Parade, Ormond Esplanade and any side street or roadway adjacent to these) unless specified.
- A mobile food vehicle site must not be located within an area zoned as residential, (RIZ) under the City of Port Phillip Planning Scheme.
- A mobile food vehicle site must not be located on a footpath or nature strip.
- A mobile food vehicle site must not be located within a Council park or reserve.

2.2. Adjacent Premises

If seeking to occupy space immediately adjacent to an entertainment venue or other business, the applicant is required to provide the written consent from both the owners and occupiers of the adjacent premises.

2.3. Special Events

During annual festivals, parades or special events, a mobile food vehicle permit located within the event precinct will not be valid.

A temporary permit to operate within a Council park or reserve may be granted during events, festivals or other occasions as determined by Council. Please contact Council's Events unit on 03 9209 6782.

3. Management and Responsibilities

3.1. Operators Responsibilities

3.1.1. Daily Management

The management of a mobile food vehicle permit is the responsibility of the permit holder. To ensure appropriate management, permit holders are required to:

- Operate in accordance with the endorsed plan and the Mobile Food Vehicle Permit Conditions.
- Comply with parking restrictions including any paid-parking for any approved mobile food vehicle site.
- Monitor the surrounding area i.e. observe patrons at all times to promote orderly patron behaviour.
- Ensure the cleanliness of the surrounding area of the mobile food vehicle.
- Maintain access for all users in and around the footpath at all times.
- Observe Local Law provisions relating to community amenity.

3.1.2. Insurance Requirements

The permit holder must ensure they are adequately covered by public liability insurance. To meet Council requirements, the policy must note the Council's interest and be for the amount not less than \$10,000,000 in respect of any single occurrence.

3.1.3. Indemnity Requirements

The permit holder must complete a "Form of Indemnity" to indemnify the Council against claims of any kind arising from any negligent act either by the permit holder or the permit holder's agents and users.

3.1.4. Display of Permit Registration

Permit holders must display a valid permit registration sticker clearly and legibly on the mobile food vehicle. Failure to display a valid permit registration sticker is a breach of the permit conditions.

3.1.5. Council Responsibilities

3.1.5.1. Trading in the Public Realm

Council maintains assets within the public realm and reserves the right to reclaim access to these assets at any time.

3.1.5.2. Compensation and Loss of Trade

No compensation is provided for any problems, inconvenience, or loss of trade resulting from activities or works carried out by the Council, or its contractors, at or adjacent to a permit holders mobile food vehicle site.

3.1.6. Monitor Compliance with Approved Permit

Council's Local Laws Officers proactively monitor the operation of mobile food vehicles and ensure the conditions of each permit are being met.

Following a complaint or observation of a breach of permit, Council's officers will contact the permit holder and take appropriate enforcement action.

Depending upon the gravity of the offence, this may result in verbal instructions, a notice to comply, an infringement notice, or the cancellation of the mobile food vehicle permit.

4. Application Process

4.1. Applying for a Mobile Food Vehicle Trading Permit

Applicants are advised to read and familiarise themselves with these Guidelines prior to any formal application being made to the Council. Understanding the responsibilities involved in managing a mobile food vehicle site, location requirements, legal obligations, costs and other relevant matters detailed in these Guidelines is important.

4.2. Required Information from the Applicant

Prior to any formal consideration, the following information is required from the applicant when submitting:

- Mobile Food Vehicle Application Form
- A current certificate of currency (Public Liability Insurance), for a minimum \$10M. The policy must note the City of Port Phillip as an interested party.
- Site location plan(s) detailing the proposed mobile food vehicle location, including road intersections, parking restrictions, street trees and other public infrastructure within the immediate vicinity. The plan must be scaled 1:100 (i.e. 1cm to 1m).
- Photograph(s) of the site detailing the proposed mobile food vehicle location area relative to buildings and existing features of the area.
- Details of nearby businesses clearly indicating the proximity of existing food and drinks premises and other uses relevant to the assessment criteria.
- Details of the vehicle: A plan scaled 1:100 showing the internal and external dimensions. The mobile food vehicle should not exceed the dimensions of a standard single car space.
- If seeking to occupy an area immediately adjacent to an entertainment venue or other business, the written consent from both owners and occupiers of each adjacent premise.
- A copy of the current Health permit.
- Form of Indemnity.
- Application fee.

Failure to submit all required details information results in delays.

4.3. Council Assessment and Consideration

Upon receipt of an application Council will:

- Check that all relevant information has been received.
- Assess the application against the Mobile Food Vehicle Guidelines and permit conditions.
- Inspect the proposed location and check accuracy of the plans submitted.
- Undertake internal referrals with Council officers as required.
- Assess the application against other matters that may relate to the proposed location.
- Approve or refuse the permit application.

If the location(s) are approved and permit fees received, a permit will be issued and operation of the mobile food vehicle may commence.

4.4. Decision Making

Where applications meet all the Guidelines, the Council will normally grant a permit. In cases where an application does not clearly meet the Guidelines or where there are special circumstances, the application may be referred to the Council's Footpath Trading Panel if the authorised officer supports a variation to the Guidelines. The Panel will provide a recommendation to the authorised officer who will then approve or refuse the application.

4.5. Decision Review

If a applicant is dissatisfied with the decision of the Officer, this decision may be reviewed. A written request must be made to the Footpath Trading unit requesting a review, and an invitation to attend a future Panel meeting will be provided.

4.6. Renewal of an Existing Permit

Permits for mobile food vehicles are renewed annually at the beginning of each financial year. A renewal notice is issued to all existing permit holders. It is the responsibility of the permit-holder to ensure all permit renewal details including public liability and fees are forwarded to Council by the due date. Failure to provide all renewal documentation and fees will result in the cancellation of the permit.

The City of Port Phillip reserves the right to reassess and amend permit conditions to ensure compliance with the current Mobile Food Vehicle Guidelines.

4.7. Amendment to an Existing Permit

Permit-holders must submit an application form for any proposed amendments to their existing permit. Amendments may include a change of vehicle, registration details, hours of operation, or approved location. An amendment fee is required prior to officer assessment and liaison.

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If you would like to discuss the operation of a mobile food vehicle further, please contact the Footpath Trading unit:

Telephone: (03) 9209 6844 (Monday to Friday 8.30am to 5pm)

E-mail: footpathtrading@portphillip.vic.gov.au

Web: www.portphillip.vic.gov.au/footpath-trading.htm

Facsimile: (03) 9539 2733

Mail: City Permits, City of Port Phillip, Private Bag No. 3, ST KILDA VIC 3182