

Trim Container	FOL/17/1012
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## 1. PREAMBLE

### 1.1 Background

Regular requests are received from mobile traders to set up on Council land and/or the beach and foreshore to provide various goods and services.

This policy is intended for mobile businesses engaged in preparing and/or dispensing of goods or services within the City of Holdfast Bay.

### 1.2 Purpose

- To allow for the operation of trading activities in a manner that does not interfere or conflict with the City's permanent retail and service traders.
- To ensure that the operation of mobile trading activities are appropriate for the area and do not cause any nuisance to the surrounding residents or businesses.
- To ensure the amenity of the area is protected while enhancing the area's vibrancy and encouraging visitor and residents to the City.

### 1.3 Scope

This policy applies to all mobile trading on council land within the City of Holdfast Bay.

### 1.4 Definitions

*Mobile trading* is defined as the temporary use of the public realm for the delivery of goods and services, either free of charge or at a cost.

### 1.5 Strategic Reference

Placemaking: Creating vibrant and safe places  
 Economy: Supporting and growing local business  
 Economy: Making it easier to do business  
 Culture: Supporting excellent, efficient operations

## 2. PRINCIPLES

- 2.1 Mobile trading cannot occur in any public place until a permit has been issued by Council, as per Schedule A.

## MOBILE TRADING POLICY

- 2.2 Approval of permits will consider:
- a. Location;
  - b. Permanent retail and service traders;
  - c. Benefit to the community;
  - d. Ambience created by the trader.
- 2.3 Council can modify or revoke a mobile trading permit as it sees fit
- 2.4 The permit is to be carried at all times while trading and produced upon request by an authorised Council representative or Police Officer.
- 2.5 Permanent Retail and Service Traders
- a. Permanent retail and service traders and the amenity of the Council area must not be adversely affected by mobile trading.
  - b. Mobile traders must not set up within 25 metres of a permanent trader unless the mobile vendor has written agreement of permanent trader.
- 2.6 Mobile traders must:
- a. Enhance the vibrancy of the Council area;
  - b. Have an offering that encourage visitors and residents
- 2.7 Mobile trading must comply with the *Local Government Act 1999* and relevant Council by-laws.
- 2.8 Mobile Trading Operations
- a. No fixed infrastructure, tables, chairs or signage or amplified sound are permitted.
  - b. All advertising must be fixed to the food vehicles and not encroach on the public realm.
  - c. Food vending on the footpath is only permitted in areas where there is adequate footpath space to accommodate it without compromising the safety of other street activities.
  - d. Exclusive use of an area is not permitted and areas are not able to be reserved.
  - e. The mobile vending area must be maintained at a high level of cleanliness. No waste or litter from the vendors operation may be disposed of in Council rubbish bins. All refuse generated as part of the operation must be continuously removed by the mobile trader. Failure to comply with these conditions may result in the permit being revoked.
  - f. Where the council has to undertake any cleaning or tidying of the area, the mobile trader will be liable to reimburse the Council for costs incurred.
  - g. Mobile Traders are not permitted to park on Council owned reserves.

### 2.10 Provision of permits

- a. The permit holder takes full responsibility for the care, appearance, maintenance and operation of their activity area and is responsible for abiding by all legislative requirements relating to the activity.
- b. Permits are issued for a financial year.
- c. It is preferred that permit requests are received prior to the start of the financial year.
- d. Requests received during the financial year will be considered when received.
- e. All requests, if approved, will be charged for a full year regardless of the date the request was received.
- f. Applicants will need to demonstrate an appropriate level of public liability insurance. (See Schedule A)

### 2.11 Safety

- a. Safety measures required by mobile traders will be assessed on a case-by-case basis.
- b. Mobile traders must comply with all legislative requirements relating to business operations, occupational health and safety, employment conditions and any other relevant requirements
- c. All mobile food traders must comply with all health and food safety aspects as contained within the *Food Act 2001* and Food Safety Standards. All mobile food traders will be subject to an inspection from the Environmental Health team and will endure an annual fee as per the fees schedule.
- d. Safety of the public must be the primary consideration. Mobile traders must not compromise the safety of pedestrians or any other road users or any other users of the space.

## 3. REFERENCES

### 3.1 Legislation

- *Food Act 2001*

### 3.2 Other References

Nil

## Schedule A – Mobile Trading Process

### 1. ***Application for a Mobile Traders Permit***

An applicant for a mobile traders permit must:

- Read the Mobile Trading Policy
- Complete the Mobile Trading Application Form.
- Include a detailed site plan showing proposed layout and locations of the mobile operation.
- Include a current copy of Public Liability Insurance for at least \$20,000,000.
- Pay the relevant application fee(s).

Mobile traders will receive written notification of Council's decision which will be accompanied by an invoice for the permit fee which must be paid prior to the permit being issued.

Mobile trading cannot occur in any public place until a permit has been issued by Council.

### 2. ***Restricted trading areas***

In general terms the following areas are excluded from mobile trading, however applications may be considered in special circumstances at the discretion of Council:

- On the Glenelg Foreshore,
- Moseley Square,
- Brian Nadilo Reserve,
- Jetty Road and
- Glenelg Beach i.e. from the outlet of the Patawalonga Lake in the north, to the southern extremity of the Stamford Grand Hotel in the south.

### 3. ***Approval Process***

On receiving an application Council will:

- Check that all relevant information has been received.
- Check the application to ensure it meets the intent and requirements of the Mobile Trading policy.
- Inspect the site and check accuracy of submitted application plans.
- Undertake an assessment of compliance with the permit conditions and non-competitive nature with businesses within the precinct.
- Assess application against other outstanding matters, which may relate to the premises.
- Approve or refuse the permit application.

The Council will notify the applicant of the outcome of the application in writing and will only issue a mobile trading permit upon the full payment of fees.

## MOBILE TRADING POLICY

A permit is not transferrable.

Approval will be given from the date of issue until 5pm on 30 June of the same financial year.

Renewal of a mobile trading permit is required annually.

#### 4. ***Insurance***

- 4.1 Mobile traders must keep a current product and public insurance policy. The policy must insure for the amount of at least TWENTY MILLION DOLLARS (\$20,000,000) and must indemnify the City of Holdfast Bay and cover injury, loss or damage to persons or property arising from their mobile trading activity. A lesser amount might be accepted by Council, but this will be at the discretion of Council.
- 4.2 A Certificate of Currency must accompany the application for a mobile trading permit.