

Policy number	Policy 406
Policy title	Temporary Food Businesses and Itinerant Food Vendors
Strategic outcomes supported	EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship; EC2 – A clean, safe and accessible place to visit;

POLICY OBJECTIVES:

- To promote the success and vibrancy of the Town’s established food destinations and commercial strips, including Albany Highway;
- To provide opportunities for the development and growth of small businesses;
- To balance the competing needs and interests of pedestrians, consumers and local business proprietors by detailing the circumstances in which temporary food businesses and itinerant food vendors are permitted to operate in public places; and
- To outline the process and type of permit that temporary food businesses must apply for and obtain from the Town in order to trade in public places.

POLICY SCOPE:

- This policy applies to all temporary food businesses operating in public places (whether on private or public land) within the Town of Victoria Park.
- All temporary food businesses are required to comply with the *Food Act 2008*, the *Food Regulations 2009* and the *FSANZ Food Standards Code*, in addition to any requirements that may be applicable under this Policy or conditions stipulated on a Temporary Food Business Permit.

DEFINITIONS:

Food stall includes a stall, tent, marquee or barbecue stand that is used to sell food at an occasional event and is usually dismantled after an event.

Food vehicle includes any:

- Registered vehicle, caravan, trailer or any other method of transport from which food is sold; and
- Non-road registered vehicles such as, but not limited to, coffee carts, hotdog carts or similar vehicles; but does not include a food stall.

Itinerant food vending means any food vehicle or food stall selling food or drink from the roadway or other public place that travels from place to place to engage in trade, and not staying in one location other than

while executing a sale.

Itinerant food vendor is a person or business that engages in itinerant food vending.

Local Law where mentioned in this Policy refers to the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* (as amended).

Public place has the same meaning given to it under Part 5, Clause 5.1 of the *Local Law* and includes:

- (a) any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; and
- (b) local government property;

but does not include premises on private property from which trading is lawfully conducted under a written local law.

Temporary food business is a person or business involved in the preparation and dispensing of food products from a food vehicle or food stall.

Temporary Food Business Permit means a permit issued by the Town under the provisions of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* (as amended), granting conditional approval to trade.

POLICY STATEMENT:

Temporary Food Business Permit required to trade

1. Any food truck or food stall engaging in trade in a public place within the Town must first apply for and obtain a Temporary Food Business Permit.
2. The approval and issue of a Temporary Food Business Permit by the Town to permit trading of a food stall constitutes the granting of a "stallholder's permit" under Part 5, Clause 5.2 of the Local Law.
3. The approval and issue of a Temporary Food Business Permit by the Town to permit trading of a food vehicle constitutes the granting of a "trader's permit" under Part 5, Clause 5.3 of the Local Law.
4. The permit holder must at all times comply with the requirements of the Local Law, this Policy and any conditions or other trading requirements specified on the Temporary Food Business Permit.
5. Applications for a Temporary Food Business Permit must be in the form prescribed by the Town.
6. Temporary Food Business Permits may be applied for on:
 - a. an annual basis to trade at multiple separate events within the same financial year, with the required fee to be paid in full or calculated on a pro-rata basis of the annual fee up until 30 June (subject to any minimum fee requirement); or

- b. for a single event only (whether the event operates on a single day or over multiple days).
7. Payment of any applicable fees and charges as prescribed in the Town's adopted Fees and Charges must be paid prior to the issue of the Temporary Food Business Permit.
8. For small scale events (with ten or less temporary food businesses intending to trade) applications for a Temporary Food Business Permit should be submitted at least two weeks prior to the intended date of trade. Late applications may be refused.
9. For large scale events (more than ten temporary food businesses intending to trade) applications for a Temporary Food Business Permit should be submitted at least four weeks prior to the intended date of trade. Late applications may be refused.
10. Land owner consent to trade must be provided with an application where the trade is proposed to occur on private land or other land not under the Town's control and management.
11. The consent of the land owner(s) and/or event organiser is required in order for a Temporary Food Business Permit to be issued.
12. The Town reserves the right to refuse an application to trade in a public place for reasons of public safety, convenience, amenity, noise, traffic or any other risks or potential impacts it considers appropriate.

Trading on land under control and management of the Town

13. Temporary food businesses may only trade in public places under the control and management of the Town on a temporary basis in association with Town approved events.
14. Where an application for a Temporary Food Business Permit is made seeking to trade at an event which requires the Town's approval, a permit will not be granted until such time as the event has been approved.
15. Trading on the Town's verges, public car parking bays or on-street is not permitted, except where such trade is occurring in association with an approved event and the Town has actively sought to invite or engage such trade to occur.
16. Trading in public places under the control and management of the Town on an opportunistic, commercial basis that is not associated with an approved event is not permitted. Examples of these public places include, but are not limited to, public open spaces, roads, streets, laneways, public car parks/car parking bays and verges.

Itinerant food vending

17. Itinerant food vending is not permitted in public places under the control and management of the Town in view of the following:
 - a. the unregulated and highly transient nature of trading that may present a public safety risk to pedestrians, vehicles and other road users through frequent stopping and moving on of itinerant

food vehicles, and the potential conflict between customers and vehicles that may occur during trade;

- b. the playing of music or other forms of noise to attract customers that may cause disruption or nuisance to the residents of locations that itinerant vendors may travel through or trade within; and
- c. the highly transient nature of the trade, which undermines the objectives of this Policy to promote the Town's established food destinations.

18. The public places where itinerant food vending is not permitted to occur include, but are not limited to, public open spaces, roads, streets, laneways, public car parks/car parking bays and verges.

19. Itinerant food vendors are encouraged to seek approval to trade as an authorised temporary food business at approved events held within the Town.

RELATED DOCUMENTS:

[Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000](#)

[Local Government Property Local Law 2000](#)

[Food Act 2008](#)

[Food Regulations 2009](#)

Policy manager	Manager – Development Services
Responsible officers	Principal Environmental Health Officer
Approval authority	Council
Next Evaluation Date	

REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	20/08/2019	Council	151/2019	Item 11.2