

## Council Policy – Mobile Food Vendors

<b>Responsible Directorate</b>	Development Services
<b>Responsible Business Unit/s</b>	Health, Building and Community Safety
<b>Responsible Officer</b>	Manager Health, Building and Community Safety
<b>Affected Business Units</b>	Facilities Statutory Planning

### Objective

The objective of this Policy is to:

- Encourage the use of public places for outdoor Mobile Food Vendors as a means of place activation, enhancing community social interaction and public health wellbeing.
- Protect the interests of existing bricks and mortar food businesses and to consider the needs of all users of the area, including the safety of consumers and pedestrians.
- Seek Vendors who provide high quality non-standard food options and/or whose vehicle presentation contributes to the character and energy of the area will be given priority.
- Support all food outlets, including mobile food vendors, to demonstrate that healthy and nutritious food options are part of the menu and to practice safe food handling in accordance with the *Food Act 2008*.

### Scope

This policy applies to all mobile food vendors operating within the local government area, including food trucks, carts, and other temporary food vending setups.

### Policy

#### Introduction

This policy informs officers when considering an application for a Trading in Public Places License issued under the Shires *Public Places and Local Government Property Local Law 2019*.

Mobile food vendors such as food trucks, coffee vans or other food serving vehicles provide food offerings to the community in a location that otherwise has limited options. This has the additional benefits of place activation and social cohesion. It is also an important aspect of this policy to protect the interests of existing food businesses in permanent 'bricks and mortar' buildings with contrasting financial costs to that of a mobile food vendor.

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### Applications

The Shire will consider application for mobile food vendors subject to statutory health provisions and requirements that:

1. Vehicle(s) be kept fully self-contained and mobile at all times;
2. All stock to be kept within the confines of the vehicle;
3. Erection of structures or umbrellas not permitted, unless otherwise approved;
4. No signs allowed on road reserves except on vehicle;
5. Maximum stopping time in any one location – four hours if trading, 30 minutes if not;
6. No trading permitted on any land under the control of Main Roads WA; and
7. Trading must not occur within 500 metres of any existing registered food business which offer for sale the same offerings, unless written permission has been obtained from the food business operator, or unless hours of operation are outside those offered by the existing business.
8. Food vendors are to comply with all relevant state and local laws in relation to noise, parking, and traffic, etc.
9. Demonstrate that a healthy and nutritious option is available on the menu;
10. Demonstrated compliance with the Food Act 2008 and Food Safety Standards; and
11. Trading in the same location cannot occur more than 12 times in a calendar year unless otherwise approved.

The online booking of a designated trading location for mobile food vendors can only occur once the vendor has been granted an annual Trading in Public Places License. A person issued an Itinerant food vendors license cannot book designated trading locations as they are limited to trading for the time a customer is making a purchase.

### Provisions for Itinerant Food Vendors

The above provisions apply as well as:

1. Only remain at a particular location for as long as there is a customer making a purchase. If there is no customer making a purchase, the permit holder must move on from that location as soon as practicable from the last transaction; and
2. The Shire does not permit the playing of music, or any other forms of noise to attract customers, whilst the mobile food vendor is stopped.

### Definitions

**Designated Trading Area** means a Shire approved location for vendors to undertake mobile food vending in accordance with a valid Trading in Public Places License

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**Itinerant Food Vendor** means a person 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 Vending** means the use of the public places for preparing and dispensing food products by Mobile Food Vendors.

**Mobile Food Vendor** includes caravans, vehicles, trailers, carts, and/or trucks.

**Public Place** includes a street, way or place, which the public are allowed to use, whether the street, way or place is or is not on private property. It shall also include parklands, squares, reserves and other lands set apart for the use and enjoyment of the inhabitants of the District and includes all lands vested in or under the care, control or management of the Shire.

### Related Documents

- Council Plan 2023-2033
- Health and Wellbeing Strategy 2020-2024

### Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Food Act 2008*
- Public Places And Local Government Property Local Law 2019

### Amendment Record

Relevant Delegations		1.2.5. CEO Delegations under the Public Places and Local Government Property Local Law 2019	
		Date	Resolution Number
Council Adoption		Unidentified	
Version	Date	Resolution Number	Amendment Details
2	24 May 2004	SM047/05/04	
3	29 September 2015	OCM187/09/15	
4	18 December 2017	OCM179/12/17	
5	17 March 2025	OCM068/03/25	New template and updates to how applications will be considered