



Street Trading / Mobile Food Vending Policy

Application	Street Traders / Mobile Vending Vehicles
Responsible Officer	Building & Regulatory Services Manager
File No	CM:POL:CWP
Authorised by	Council
Effective Date	0119/19.04.2022
Distribution	Internet / Intranet / Public Exhibition

Purpose

The purpose of this policy is to set out the approach to be taken by Council officers assessing applications for and in issuing Street Traders Permits to ensure an appropriate balance between the interests of the Council, street traders and residents of Carrathool Shire Council.

Definitions

Council: Carrathool Shire Council

Reference

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

- Road Transport Act 2013
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Food Act 2003
- Food Regulation 2010
- Food Standards Code and NSW Food Authority Guidelines.

Policy statements

Carrathool Shire Council recognises the legitimate practice of vending certain products from the streets and roads within the Shire. However, it also acknowledges the need to regulate the issuing of Street Trader Permits. This policy sets out the approach to be taken by Council officers assessing applications for and in issuing Street Traders Permits to ensure an appropriate balance between the interests of the Council, street traders and residents of Carrathool Shire Council.

Principles

Street Trader Permits (including goods on footpath) may be issued by the Building and Regulatory Services Manager. Permits must be in accordance with this policy and are used to control vending from the Council's streets and roads and to identify those operators and vehicles that have been allowed to vend their products within the Shire. Only vehicles with a Street Trader Permit will be allowed to trade within the Carrathool Shire Council. Any person vending on a public road without a permit is in breach of Section 68 of the Local Government Act 1993 and may be issued with an infringement notice subject to a maximum of 20 penalty units or be guilty of an offence.

1. **Types of Street Trader Permits**

Three types of Street Trader Permits may be issued to accommodate the various street traders that may wish to operate within the municipality:

1. Mobile food vending eg. ice cream vending
2. Fixed food vending site eg burger van, fruit & vegetables van
3. Non-foodstuff vending eg. Flowers

2. **Number of Permits**

A separate permit will be required for each type of street Trading.

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3. **Period of Validity**

Permits will be issued for a 12 month period ending on 30 June reviewed annually. Temporary permits are issued for a 12-month period ending on 30 June each year.

4. **Fee**

A minimum annual fee for the issue of a Street Trader Permit is to be set and reviewed each year by Council, subject to valuation and CPI adjustment, and such fee shall be on a pro rata basis of months or part thereof for permits issued for less than 12 months.

5. **Conditions of Permit**

The following conditions, where applicable, will form part of the Street Trader Permit.

- The permit holder is only permitted to operate within the section of the Shire to which this permit applies and shall not operate on any declared arterial road or highway.
- The Permit does not allow vending on a reserve, parkland, adjacent car park or Council controlled sporting facility unless specifically endorsed by Council.
- The permit holder agrees to indemnify Council from all actions and damages whatsoever that may be brought against them for any wilful or negligent act.
- The permit holder shall take out and keep current in respect of the vending activity a public risk insurance policy in the name of the permit holder for a sum of not less than \$10 million against all actions and damages whatsoever connected with the vending activities.
- A permit will not be issued until evidence of such public risk insurance policy is given to the Council.
- Vendors must comply with all provisions of Australian Road Rules.
- Food vendors to be currently registered under the provisions of the Food Act 2003.
- Music or other audible means, eg bell, used for attracting custom is to be kept to a minimum so as not to create a nuisance to residents. The music or bell is not to be used:
 - when the vehicle is stationary.
 - before 9.00am or after 9.00pm on any day,
 - for longer than 30 seconds in any period of 3 minutes, or
 - more than once in any period of 1 hour in the same road between the same two roads which are nearest in each direction and which intersect with that road.
 - The permit holder will comply with all laws of the Commonwealth and State and Council Local Laws.
 - Council may revoke the permit by written notice to the permit holder.
- Permit holders are only to operate between 10.00am and 7.00pm during the months of April to October (inclusive) and between 9.00am and 9.00pm at other times. This can be varied subject to an application in writing to Council for approval.
- Permit holders will not vend within 1 kilometre of any school between 3.00pm and 4.00pm.
- Permit holders must ensure that any trading sites are left clean and tidy and rubbish removed.
- The name and address of the permit holder and a copy of this Permit is to be displayed prominently in the vehicle so as to be clearly seen by customers or onlookers.
- Ensure that the design, construction and equipment of motor vehicles and trailers, which are used on a highway, meet safety and environmental standards.
- All vehicles including the tow vehicle must be road authority registered and be maintained in a clean non-offensive manner to the satisfaction of Council.
- Mobile food vendors vehicles are to display a sign warning motorists of the



likelihood of children in the vicinity.

- The permit holder is required to notify Council in writing within 7 days of any change of address of the business.
- The permit is non-transferable.

Revision Table

Minute /Date	Amendment Summary (Reason or Reference)
0601 / 20.04.2010	
1056/20.08.2019	Reviewed and amended
0119/19.04.2022	Reviewed and amended

Associated Documents

- Section 68 Application Form
- Operational Plan Fees and Charges

Review

This policy may be amended from time to time and will be reviewed within four years of its adoption (or latest amendment) with reference to any relevant legislation and best practice guides.