	Function: DEVELOPMENT SERVICES	Adopted: 2 nd April 2014 Resolution No.: C65:14
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	Version Number: 4.1	Next Review: As Required
MOBILE VENDING POLICY		

Policy Statement

1. Introduction

- 1.1. Copper Coast Council (Council) is committed to creating clear parameters to allow the operation of Temporary Vending Businesses to provide a fair and equal trade in a manner that does not interfere or conflict with permanent business establishments whilst allowing a Mobile Vendor to operate.
- 1.2. The Mobile Vending Policy (Policy) will ensure that the activities are appropriate for the area and do not cause any public safety issues or nuisance to the surrounding residents or businesses and that the amenity of the area is protected while enhancing the area's vibrancy, which will encourage visitors and residents to the Copper Coast area.
- 1.3. Council, although not currently subject to mandatory requirements to issue Mobile Vendor Permits, is committed to enable trade in a manner that does not interfere or conflict with permanent business establishments.

2. Scope

- 2.1. This Policy provides Council with approved Location Rules where mobile vendors may operate with a permit. When setting the permitted location rules, Council takes into consideration the following:
 - Location
 - Impact on permanent retail and service traders
 - Benefit to the community and tourism
 - Ambience created by the Mobile Vendor
- 2.2. Mobile Vendors must enhance the vibrancy of the Council area and provide vending goods, services or activities that support and is of benefit to residents and visitors.
- 2.3. Location Rules do not apply to a mobile food vending business with the primary purpose of selling ice cream; as long as the mobile vendor does not exceed remaining stationary for no more than 10 minutes in the same area.

3. Applicable Legislation

- 3.1. The following legalisation applies to this Policy:
 - Local Government Act 1999
 - Planning Development and Infrastructure Act 2016

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- Planning Development and Infrastructure (General) Regulations 2017
- Government (Mobile Food Vendors) Amendment Act 2017
- Food Act 2001
- Food Regulations 2002
- Freedom of Information Act 1991
- Public Health Act 2011
- Environment Protection Act 1993
- Local Nuisance and Litter Control Act 2016
- Motor Vehicle Act 1959 and the Road Traffic Act 1961
- Public Interest Disclosure Act 2020
- Council By-Laws

3.2. This Policy is not a mandatory requirement but essential for good governance.

4. Integration with Corporate Objectives

4.1. This Policy supports Council's Strategic Plan 2019 - 2029

4.1.1. Social Objective – Wellbeing

Goal 1 - To enhance the quality of life of our community by encouraging health, wellbeing and safety.

- 1.4 Public Order and Safety – To play a lead role in the development of a safe and orderly community for all residents.

4.1.2. Environmental Objective – Sustainability

Goal 2: To responsibly manage the natural and built environment to ensure its sustainability and diversity to the community.

- 2.1 Planning – To establish and implement planning and development policies in accordance with legalisation, economic and community demand.
- 2.6 Health Management – To manage the environmental health of the community.

4.1.3. Governance Objective – Leadership

Goal 5 - To provide leadership and ensure resources are managed efficiently and effectively.

- 5.3 Legislation – To adhere to the requirements of the Local Government Act 1999, regulations and other legislation that influences the operations of Council.

5. Definitions

For the purposes of this Policy, the following definitions apply:

5.1. **Authorised Officer** is defined as an Authorised person delegated authority under section 44 of the Local Government Act 1999.

5.2. **Chief Executive Officer (CEO)** means the appointed Chief Executive Officer under section 96 of the Local Government Act 1999 and includes any person acting or delegated by the Chief Executive Officer's under sections 100 and 101 of the Local Government Act 1999.

5.3. **Council** means the Copper Coast Council and any delegate of the Council.

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- 5.4. **Handling of Food and Beverages** includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food and beverages.
- 5.5. **Location Rules** as stated in the document attached to this Policy, titled 'Mobile Vending Locations' identifies the approved locations from where Mobile Vending Permit Holders may operate and conditions that apply.
- 5.6. **Mobile Vendor** means a person or persons undertaking Temporary Vending Business operations.
- 5.7. **Mobile Food Vendor** means a business involving in the handling and sale of food or beverages from a Vending Vehicle.
- 5.8. **Mobile Ice Cream Vendor** is a *Mobile Food Vendor* that is primarily engaged in the sale of ice cream. These vendors only stop as hailed by customers and primarily service residential areas.
- 5.9. **Mobile Vending Permit Holder** means any Mobile Vendor who has received from Council, a permit to operate a Temporary Vending Business.
- 5.10. **Mobile Vendor Guidelines** means the Mobile Vendors Permit Guidelines and Locations and must be read in conjunction with the Policy.
- 5.11. **Public place** includes a place to which —
- 5.11.1. Free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; and
 - 5.11.2. The public are admitted on payment of money, the test of admittance being the payment of money only; and
 - 5.11.3. A road, street, footway, court, alley or thoroughfare which the public are allowed to use, even though that road, street, footway, court, alley or thoroughfare is on private property;
- 5.12. **Public Officer** means a member, employee, volunteer or, contractor authorised to perform work on behalf of Council.
- 5.13. **Sell** includes to offer for sale, attempt to sell, to offer for hire or rent; an item, article or service for consideration in monetary or other valuable tender, to dispose of by way of raffle, lottery or other game of chance; or offering a prize or reward.
- 5.14. **Temporary Vending Business** includes a Vending Vehicle or a structure, stall or moveable module, tent or gazebo and any structure that is built or designed to enable it to be dismantled and removed from the site when required for Vending purposes. Exclusions include activities for the sole purpose and benefit of a Not-For-Profit organisations or fundraising activities or charity or community fundraising events.
- 5.15. **Trading** means sell, buy, offer or display anything for sale, also known as vending.
- 5.16. **Vending** means selling of goods (including but not limited to food and beverage); hiring or renting of an article; or offering of a service or promoting or advertising purposes, for a fee or at no charge, from a Vending Vehicle for Temporary Vending Business purposes.

- 5.17. **Vending Vehicle** means a motor vehicle, a tow along, self-propelled or otherwise designed to be movable, including but not limited to a van, truck, trailer or caravan; whether mobile or stationary for Vending purposes.

6. Application

- 6.1. This Policy applies to all Mobile Vendors in the Copper Coast Council area.
- 6.2. Surveillance devices may be used in accordance with *Council's Body Worn Cameras, CCTV Systems and GPS Technology Policy*.
- 6.3. Mobile vending must comply with:
- 6.3.1. Federal and state relevant legislation
 - 6.3.2. Council By-laws
 - 6.3.3. Mobile Vendor Guidelines and Location Rules
 - 6.3.4. Permit Conditions.
- 6.4. Permit Provisions:
- 6.4.1. Permits are issued on a weekly, monthly or annual basis. A fee in accordance with Council's Fees and Charges Register will apply.
 - 6.4.2. The Mobile Vending Permit Holder must agree to comply with conditions imposed by Council. If a breach of a permit condition is identified, Council can modify or revoke the Mobile Vending Permit.
 - 6.4.3. A current copy of the Permit is to be carried at all times and must be produced immediately upon request by Authorised Officer or other enforcement agency.
 - 6.4.4. The Permit Holder must take responsibility for:
 - 6.4.4.1. The care, appearance, maintenance and operation of the vending activity vicinity,
 - 6.4.4.2. And to ensure they abide to all legislative requirements relating to the vending activity.
 - 6.4.5. Hold and be able to produce a current public liability insurance certificate as outlined on the Mobile Vending Permit conditions.
 - 6.4.6. Renewing permits is the responsibility of the Vendor and process is outlined in the Mobile Vendor Guidelines.
 - 6.4.7. Permits are not transferrable in the event a business changes ownership.
- 6.5. Mobile Vending Operations:
- 6.5.1. Operations of a Temporary Vending Business must not adversely affect any permanent retail and service traders or the amenity of the area.
 - 6.5.2. No fixed infrastructure, tables, chairs or signage or amplified sound are permitted.
 - 6.5.3. Advertising must be fixed to the vendor vehicle and not encroach on the public realm. One (1) A Frame sign is also permitted to advertise the business within a maximum of five (5) metres from the vehicle. Refer to the Mobile Vendor Guidelines for more information.

- 6.5.4. Exclusive use of an area is not permitted and areas are not able to be reserved.
 - 6.5.5. Areas where vending operations is undertaken must be maintained at an appropriate level of cleanliness.
 - 6.5.6. Wastewater associated with the activities of Vendors must be contained within the vendor vehicle.
 - 6.5.7. Waste from Vendor operations must not to be disposed of in Council public rubbish bins and is required to be removed from the area by the Vendor and disposed of appropriately.
 - 6.5.8. In the event that the location has been left in a state requiring Council to undertake cleaning or remediating the area, the Council will seek reimbursement from the Vendor for all costs incurred.
 - 6.5.9. Vendors are not permitted to park on Council owned reserves unless the reserve is included as a permitted vending area as outlined in the Mobile Vendor Guidelines.
- 6.6. Safety:
- 6.6.1. Mobile vendors must comply with all legislative requirements relating to business operations, Work Health and Safety and Fair Work employment conditions and any other relevant requirements.
 - 6.6.2. Mobile food vendors must comply with all health and food safety aspects as contained within the *Food Act 2011* and HACCP Standards. All mobile food vendors will be subject to an inspection from the Environmental Health Officer and will pay a fee as per the Councils fees & charges.
 - 6.6.3. Safety of the public must be the primary consideration. Mobile vendors must not compromise the safety of pedestrians, any road users or any other users of the space.
- 6.7. Complaints:
- 6.7.1. Complaints relating to a Temporary Vending Business must be made in writing to Council. All complaints will be investigated in accordance with Council's *Complaints Policy*.
 - 6.7.2. If Council does not resolve where an existing permanent business or a Mobile Vendor is directly or adversely affected by the locations, then the complainant may apply to the Small Business Commissioner for a review of the Location Rules or other matter.

7. Delegation

- 7.1. Pursuant to section 44 of the Local Government Act 1999, Council delegates to the Chief Executive Officer authority to administer Council's policies.
- 7.2. In terms of this Policy, the Director Development Services, or in the event that the vending business includes food or beverage handling the Environmental Services Coordinator, or in the event that the vending business does not include food handling any other Authorised Officer with delegated authority, to approve a Vending Vehicle or a Temporary Vending Business after consultation with Council's Director Development Services.

8. Adoption and Review

8.1. This Policy shall be reviewed every four (4) years, or more frequently, if legislation or Council requires by the Development Services Department and a report shall provide to Council for consideration and adoption.



9. Records Management

9.1. Official records will be retained and stored in accordance with Council’s adopted Records Management Policy as required by section 125 of the Local Government Act 1999.

10. Availability of Policy

10.1. This Policy and the Mobile Vendor Guidelines will be available for inspection without charge at the Council’s Principal Office during normal business hours and via the Council’s website www.coppercoast.sa.gov.au.

10.2. A copy of this Policy may be obtained on payment of a fee in accordance with Councils’ Schedule of Fees and Charges.

Signed		
	Mayor	Chief Executive Officer
Date	7 th October 2021	7 th October 2021