Mobile Food Vehicle Policy

1. Purpose

The purpose of this Policy is to guide Council’s consideration of applications for Mobile Food Vehicle (MFV) permits under Council’s Local Law and to provide a framework for management of mobile food vehicles on public land (i.e. parks or reserves, streets or roads) within the municipality.

2. Scope

Melton City Council is committed to supporting and enhancing local business and in creating vibrant and active spaces for people.

Council recognises that MFVs can add to the vitality of the municipality through the creation of a broad range of food options, particularly in areas where permanent food outlets are not operating in the immediate area. Melton City Council also recognises the role that MFVs can play in attracting visitors to an area and in the activation of public spaces.

Council also has a commitment to the wellbeing of the Melton City Council; economically, socially, and environmentally, and seeks to support activities which do not have a detrimental impact on surrounding residences, businesses or public property.

As detailed in Council Local Law Part 4, a permit is required for the sale of goods in or within any street, vacant land, public place or land in which he or she does not normally occupy.

This policy has been developed to support the operations of MFVs within the municipality and to provide a framework for both Council staff and mobile food van operators in regards to obtaining a permit for operation as well as the ongoing management of sites.

3. Definitions

<table>
<thead>
<tr>
<th>Word/Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Mobile Food Vehicle</td>
<td>A Mobile Food Vehicle (MFV) includes any:</td>
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<td></td>
<td>a) Registered Vehicle, caravan, trailer or any other method of transport</td>
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<td>from which food is sold;</td>
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<td>b) Non-road registered vehicles such as, but not limited to coffee carts,</td>
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<td>hot dog carts or similar vehicles.</td>
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<tr>
<td>Word/Term</td>
<td>Definition</td>
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<tr>
<td>Public Place</td>
<td>As detailed in Part 4 of Council’s Local Law &quot;Public Place&quot; includes any a) bridge, court, alley or thoroughfare formed on private land; b) park, garden, Reserve or other place of public recreation or resort; c) wharf, pier or jetty; d) place of public resort; and e) open place to which Members of the public have, or are permitted to have, access but excludes any land vested in a Person or a corporation other than the Crown, Roads Corporation or Council.</td>
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<tr>
<td>Sell</td>
<td>Sell means the definition within the Food Act 1984 and includes: - Offer or attempt to sell; or - Receive for sale; or - Display for sale; or - Have in possession for sale.</td>
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4. **Policy**

4.1 **Permit Eligibility**

To be eligible for a MFV permit, operators need to meet the basic standards required for the operation of a business of this nature including:-

- Australian Business Registration
- Food Act Registration Certificate
- Current VicRoads registration
- Public Liability Insurance (not less than $10,000,000 in respect of any single occurrence)
- Registration with Streatrader

Evidence of all the above items must be submitted with the MFV permit application.

4.2 **Locations**

Council will nominate a number of sites annually from which MFVs can operate. These sites are reviewed on an annual basis and are selected on the following criteria:

- proximity to surrounding businesses and commercial precincts;
- no obstruction to roads, footpaths, traffic signals and road signage;
- minimum clearance of 25 metres from a school crossing or other similar traffic control facility;
- minimal disruption to surrounding residential areas;
- availability of parking

A MFV site will be allocated to the permit holder for the entire permit period (maximum of 12 months) with a maximum of three MFVs permitted at any one site.
4.3 Trader Responsibilities

It is the responsibility of the trader to ensure that:
- the MFV does not cause any obstructions to footpaths, roads or sightlines;
- residential amenity is not unreasonably compromised by the MFV including patron behaviour, noise, odour, lighting and disposal of litter;
- provision is made for the disposal of all litter associated with the MFV. Trade waste must not be placed in public street bins;
- the preparation, handling and serving of food and drinks to patrons must be conducted in accordance with the requirements of the Food Act 1984 and Council’s Environmental Health Unit.

The trader can cancel the permit with 30 days written notice.

4.4 Trader Restrictions

To ensure a MFV does not compromise the operation of existing food businesses or future businesses and protects the wellbeing of the community:
- must only operate at the designated site
- designated MFV sites will be located a minimum of 500m from the closest food premises;
- foods offered for sale from the MFV may be restricted and described within the permit conditions;
- street furniture or additional promotional signage is prohibited;
- sale of alcohol and cigarettes is prohibited from MFV’s operating in the City of Melton.

MFV trading permits will be reviewed annually to ensure local food businesses within the municipality are not compromised by MFV traders. No guarantees will be given for the following year. Permits issued within any financial period will only attract a ‘pro Rata’ fee.

During annual festivals, parades or special events a MFV permit located within the event precinct will not be valid. Permits to participate in other Council festival and events need to be obtained separately.

4.5 Council Responsibilities

Council authorised officers are responsible for the issuing and monitoring of MFV trading permits. Following a complaint or observation of a breach of the MFV permit, Council officers will contact the permit holder and take appropriate enforcement action which may include on the spot fines or cancellation of permit.

Any operators found to be selling alcohol, cigarettes or committing a criminal offense whilst selling goods from a MFV operating in the City of Melton will have their permit instantly cancelled.

Council can cancel the permit at any time with 30 days written notice.

4.6 Mobile Food Van permit process

So as to provide equal opportunity for all MFV’s, Council will advertise for Expressions of Interest for MFV’s once per annum. All permits will automatically expire at the end of each 12 month period. Selection of MFV’s will be made on set criteria including:
- quality, diversity and uniqueness of offering
- presentation/ quality of van
- safety and amenity
- financial/ environmental sustainability
- history with current or previous trader operations
- references
- evidence of all relevant licenses and registration as detailed in Section 4.1
- Where two or more applications are assessed as being of equal specification, Council may exercise its discretion in favour of a business registered within the municipality.

There are a maximum of 3 permits allocated to each site at any one time.

When submitting an Expression of Interest for a MFV, the following information is required:
- details of the size of the vehicle: a detailed plan at scale 1:100 of the vehicle must be submitted showing exterior and interior dimensions.
- copy of all registrations and licences as detailed in section 4.1
- details of preferred location/s, days and hours of operation
- menu of food to be sold
- details of associated lighting, banners, bunting
- permit application form

Failure to submit all the above details may result in the trader not being considered for a permit.

If successful for one of the twelve permits, the trader will then be required to provide a certificate of currency to indemnify the Council against all claims of any kind arising from any negligent act either by the permit holder or the permit holders agents or users, and pay the required permit fee prior to the commencement of any operation.

Social enterprises and registered charities may apply to have fees waived pending evidence of charitable or not-for-profit status.

5. Responsibility /Accountability

| 5.1 Coordinator Economic Development and Tourism |
| - Responsibility for development of policy framework |

| 5.2 Coordinator Environmental Health |
| - Responsibility for ensuring compliance with the Food Act |

| 5.3 Local Laws Officer |
| - Responsibility for monitoring and responding to complaints |

6. References and links to legislation and other documents

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<thead>
<tr>
<th>Name</th>
<th>Location</th>
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<tbody>
<tr>
<td>Melton City Council Local Law</td>
<td><a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a></td>
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<tr>
<td>Part 4 – Sale of Goods, Street Selling, Collections and Distributions</td>
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