

	<h1>Mobile Food Vehicle Policy</h1>
Version No.	2.0 - 20 May 2021
Endorsement	Executive - 17 June 2021 Policy Review Panel – 23 June 2021
Authorisation	Council - 28 June 2021
Review date	31 December 2022
Responsible officer	Manager Engagement and Advocacy
Policy owner	Manager Community Safety

1. Purpose

The purpose of this Policy is to guide Council’s consideration of applications for Mobile Food Vehicle (MFV) permits under Council’s General Local Law 2015 and to provide a framework for management of mobile food vehicles on public land (ie. parks or reserves, streets or roads) within the municipality.

The policy does not apply to:

- mobile food vehicles operating as part of a permitted event
- mobile food vehicles operating from private land or land operated by other government authorities

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 community; economically, socially, and environmentally, and seeks to support activities which do not have a detrimental impact on surrounding residences, businesses or public property. Council supports the growth of its local business community and therefore looks to identify local businesses first for participation in the MFV permit process.

As detailed in Part 4 of Council’s General Local Law 2015, 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 vehicle operators in regards to obtaining a permit for operation as well as the ongoing management of sites.

3. Definitions

Word/Term	Definition
Mobile Food Vehicle	<p>A Mobile Food Vehicle (MFV) includes any:</p> <ul style="list-style-type: none"> a) Registered Vehicle, caravan, trailer or any other method of transport from which food is sold; b) Non-road registered vehicles such as, but not limited to coffee carts, hot dog carts or similar vehicles.
Public Place	<p>As detailed in the definitions in Part 1 of the General Local Law 2015 which refers to the definition in the <i>Summary Offences Act</i> 1966 which says as follows:</p> <p>Public place includes and applies to—</p> <ul style="list-style-type: none"> (a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property; (b) any park garden reserve or other place of public recreation or resort; (c) any railway station platform or carriage; (d) any wharf pier or jetty; (e) any passenger ship or boat plying for hire; (f) any public vehicle plying for hire; (g) any church or chapel open to the public or any other building where divine service is being publicly held; (h) any Government school or the land or premises in connexion therewith; (i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein; (j) any market; (k) any auction room or mart or place while a sale by auction is there proceeding; (l) any licensed premises or authorised premises within the meaning of the Liquor Control Reform Act 1998; (m) any race-course cricket ground football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission; (n) any place of public resort; (o) any open place to which the public whether upon or without payment for admittance have or are permitted to have access; or (p) any public place within the meaning of the words "public place" whether by virtue of this Act or otherwise;

Sell	<p>Sell means the definition in the <i>Food Act 1984</i> as follows:</p> <ul style="list-style-type: none"> (a) barter, offer or attempt to sell; and (b) receive for sale; and (c) have in possession for sale; and (d) display for sale; and (e) cause or permit to be sold or offered for sale; and (f) send, forward or deliver for sale; and (g) dispose of by any method for valuable consideration; and (h) dispose of to an agent for sale on consignment; and (i) provide under a contract of service; and (j) supply food as a meal or part of a meal to an employee in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work; and (k) dispose of by way of raffle, lottery or other game of chance; and (l) offer as a prize or reward; and (m) give away for the purpose of advertisement or in furtherance of trade or business; and (n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment; and (o) supply food (whether or not for consideration) in the course of providing services to patients in hospitals or prisoners in prisons; and (p) sell for the purpose of resale;
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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
- Registration with Stretrader under the *Food Act 1984*,
- Current VicRoads registration
- Public Liability Insurance (not less than \$10,000,000 in respect of any single occurrence)

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).

The number of permits available for each site and which days and times they can be used will be included in the 'Mobile Food Vehicle Approved Sites' which are updated annually and listed on Council's website.

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 and waste associated with the MFV. Trade waste must not be placed in public street bins or stormwater;
- 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. A pro-rata refund may be provided on cancellation.

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 have been identified as those not sufficiently serviced by existing businesses and to create a broader offering to the community;
- food and beverages offered for sale from the MFV include a quality, diversity and uniqueness of offering compared to existing traders near to the location
- 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.

Events and Festivals

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.

Participation in Council Run events is via an EOI process, <https://www.melton.vic.gov.au/Out-n-About/Events/Get-involved-in-Council-events> provides forms and appropriate dates.

Mobile Food Vehicles on Private Land

Use of private land by a Mobile Food Vehicle may require a Planning Permit. <https://www.melton.vic.gov.au/Regulations/Permits-and-forms/Planning-Permits> provides further information.

Permits are issued for use by individual traders and cannot be transferred or re-sold to third-parties.

If a new 'bricks and mortar' business opens up in the vicinity of MFV site which sells a similar cuisine as a MFV permit holder, the permit holder is able to operate until the permit expires at which time the 'Mobile Food Vehicle Approved Sites' will be updated and new restrictions may be added to a site.

Food Truck Parks

Under this policy, permits are issued for individual operators at specific sites. Regular groupings of Mobile Food Vehicles (Food Truck Parks or similar) will be considered on a case by case basis through Events and Planning permit provisions.

Roaming Mobile Food Vehicles

To ensure the safety of the community and vehicle operators, permits for roaming operations, such as Ice Cream Vans and Coffee vans are not available under this policy. Operators are encouraged to apply for a permit to operate from a designated site.

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 or Food Safety Act offence 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 Vehicle permit process

Expressions of Interest for MFV Permits will be called for on Council's website. Businesses can express their interest in obtaining a permit at any time of the year, and permits will be issued based on availability with fees charged pro-rata for the remainder of the financial year.

All permits will automatically expire at the end of each financial year and permit holders will have the option to reapply. Permits will designate which days of the week and times of day the permit holder is able to trade at that site. A trader may apply for and hold permits for multiple sites. 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
- locality of operators
- prioritisation of local vendors where possible
- 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.

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 a permit is issued 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.

Permit holders must have a copy of their current permit on display when operating.

5. Responsibility /Accountability

5.1	Coordinator Economic Development and Tourism <ul style="list-style-type: none"> • Responsibility for development of policy framework
5.2	Coordinator Health and Building <ul style="list-style-type: none"> • Responsibility for ensuring compliance with the <i>Food Act 1984</i>
5.3	Local Laws Officer <ul style="list-style-type: none"> • Responsibility for monitoring and responding to complaints

6. References and links to legislation and other documents

Name	Location
Melton City Council General Local Law 2015 Part 4 – Sale of Goods, Street Selling, Collections and Distributions and Special Events	www.melton.vic.gov.au
City of Melton, Economic Development and Tourism Plan 2014 – 2030	www.melton.vic.gov.au
Mobile Food Vehicle List of Approved Sites	www.melton.vic.gov.au