

Guideline for Mobile Food Vendor Permit

This Guideline sets out the requirements, terms, and conditions on which the Burnie City Council will consider and grant a Mobile Food Vendors Permit under the *Burnie City Council Public Reserves and Public Buildings By-law No 1 of 2011* to trade from one or more of the Council's approved mobile food vending sites.

The Guideline supports the *Mobile Food Vendor Policy*, available at www.burnie.net.

Requirement for a Mobile Food Vendor Permit

Burnie City Council Public Reserves and Public Buildings By-law No 1 of 2011 in clause 13 provides that a person must not sell food or drink in a public reserve without the written authority of the General Manager of the Burnie City Council.

A mobile food vendor must hold a current Mobile Food Vendor Permit granted by the General Manager before they may lawfully trade from a Council reserve.

A mobile food vendor must comply with any terms and conditions attached to a Mobile Food Vendor Permit granted by the General Manager.

Council will monitor for compliance to the terms and conditions of a Mobile Food Vendor Permit. Penalties may apply for non-compliance.

Trading from an approved Mobile Food Vendor Site

Approved Mobile Food Vendor Sites

Council will permit trading by a mobile food vendor in the following reserves –

- *Hilder Parade Waterfront* at West Beach;
- *Burnie Park* car park and fire track;
- *Camdale Beach Car Park* at Cooee;
- *Camdale Point* at Camdale;
- *South Burnie Foreshore Reserve*; and
- *Romaine Reserve Car Park* off Amanda Court, Romaine.

Trading Periods

A vendor who holds a current Mobile Food Vendor Permit:

- may trade from any one of the Council approved sites on not more than two (2) days in any one (1) calendar week;
- may trade from any one of the approved sites for not more than one (1) period in any one (1) calendar day;
- may trade from any one of the approved sites for a period of not more than four (4) hours on any one (1) day;
- must limit hours of trade to between 7.00 am and 9.00 pm; and

- will not be permitted to trade on a reserve on those days when the reserve is required for an approved event, fair or festival unless the food vendor has been specifically engaged by the event organiser to trade as an integral part of such event, fair or festival.

Eligibility for Mobile Food Vendor Permit

To be eligible for a **Mobile Food Vendor Permit** a person must:

- if the business is to operate from a road registerable vehicle, register the vehicle under the *Vehicle and Traffic Act 1999*;
- hold a food premises license for the mobile food business issued and in effect under the *Food Act 2003*;
- hold a current public liability insurance policy with cover of not less than \$20 million;
- hold a current product liability insurance cover in relation to the food provided;
- indemnify the Burnie City Council against any liability that may arise as a direct result of the mobile food vendor trading within an approved site;
- undertake to cover the cost of any damage caused to the grounds, facilities or infrastructure of the approved site that is a direct result of trading as a mobile food vendor from the approved site; and
- acknowledge the Burnie City Council reserves the right to –
 - close an approved site if satisfied the site is not at the time suitable for trading by a mobile food vendor;
 - change or limit the time, duration, frequency and location of mobile food trading by an approved mobile food vendor if appropriate and necessary under the current circumstances; and
 - suspend or cancel a permit if the mobile food vendor trades in contravention of, or in any other manner does not comply with, the terms of the permit.

Mobile Food Vendor Permit

A mobile food vendor must make written application on the approved form for:

- an annual permit to trade for the period from 1 April in the year granted to 31 March in the following year;
- a seasonal permit to trade for the summer period from 1 October in the year granted to 31 March in the following year; or
- an occasional permit to trade for a single or limited period from a specific approved mobile food vendor site on a specific date or dates and for a specific time or times.

Application for a Mobile Food Vendor Permit

A permit application must:

- a) provide full name and contact details for the mobile food vendor;
- b) nominate the approved sites, days or dates, and times on which it is proposed to trade as a mobile food vendor from each approved mobile food vending site;
- c) provide documentary evidence of compliance to the eligibility criteria; and
- d) pay the applicable fee prior to commencement of trading.

In the event two or more mobile food vendors make application for the same day and period on an approved site, the General Manager will conduct a ballot to determine which of the applications will succeed, and may offer the unsuccessful applicant an alternate available day and time.

A permit is not required for a mobile food vendor who is to operate as part of and for the duration only of an approved event on a Council reserve or in a road area.

Terms and Conditions for mobile food vending on Council land

A mobile food vendor must:

- a) only trade from an approved site in accordance with the location, times, frequency and duration assigned by the Burnie City Council in the applicable Mobile Food Vendors Permit;
- b) lawfully park in a designated parking bay or in the vehicle parking area designated or assigned for the use of mobile food vendors on each approved site;
- c) trade wholly from within the vehicle and not undertake any food or beverage preparation, cooking, service or storage outside the vehicle;
- d) not erect any free-standing sign or provide any tables, trestles, marquees, tents, chairs, boxes, crates or similar for patron shelter or use as table or chairs unless specifically approved in the applicable Mobile Food Vendors Permit;
- e) not utilise or modify any park furniture such as public seats or tables for conduct of the food business;

- f) ensure all advertising material or signage is fixed securely to the face of the mobile food vehicle and does not project across any footpath, roadway or public area;
- g) ensure that the vehicle is appropriately located so that -
 - i) any fold up awning over a service window is of sufficient height so as not to protrude over or obstruct or present a hazard to people on; and
 - ii) patrons are not required to stand or queue across:
 - o any footpath or road area or to access to any facility on the reserve; and
 - o any grassed or soft surface, including any garden bed or shrubbery;
- h) provide separate waste receptacles for putrescenes and recyclables each with a capacity of not less than 50 litres adjacent to the mobile food vehicle for use by patrons;
- i) remove all rubbish for responsible disposal by the vendor at conclusion of the trading period;
- j) ensure no waste water and waste liquids, including cooking oils, are discharged and that all wastewater or liquid wastes are contained within the vehicle according to the applicable health and safety standards for removal and disposal in the appropriate manner;
- k) ensure the site is kept clean of litter, rubbish or spillage and in a neat and tidy condition at all times;
- l) not wash down a vehicle or its interior or any food preparation, cooking or service container or implement within the reserve; and
- m) comply at all times with the relevant requirements of any regulation applicable to use of the mobile food vendor site or for the operation of a mobile food business.

Further Information

For further information on the Mobile Food Vendor Permit please contact Land and Environmental Services Department. burnie@burnie.tas.gov.au or 64305700

For further information on requirements to operate a food business under the *Food Act 2003* please contact Burnie City Council Environmental Health Officers. eho@burnie.tas.gov.au or 64305700