Mobile Food Vehicle Policy 2018

Policy Type  Council
Directorate  City Services

1. **Background**
   Council is receiving an increasing number of requests from Mobile Food Vehicle vendors to operate within the municipality, and requires a policy to treat all applications in an equitable manner.

2. **Purpose**
   This policy has been developed to guide Council’s consideration of applications for permits under Moonee Valley’s Activities & General Amenities Local Law 2018, and to provide a framework for the management of commercial and community activities on Council managed land.

3. **Scope**
   The policy applies to all applicants who seek to occupy Council managed land (open space) for the purposes of conducting a commercial or community activity. This excludes activities that fall under:
   - Footpath Trading Policy 2018
   - a Council approved event
   Guidelines have been developed to assist in the determination of applications for:
   - Mobile Food Vehicles

4. **Definitions**

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<tr>
<th>Applicant</th>
<th>The person or organisation requesting the use of Council managed land for a commercial or community activity.</th>
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<tr>
<td>Activity</td>
<td>Any activity carried out in open space on Council managed land, through which income is generated.</td>
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<td>Council managed land</td>
<td>Any open space that is Council owned or controlled, including but not limited to recreational parks, Crown Land, roads, road reserves and footpaths.</td>
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<td>Commercial activity</td>
<td>Any activity operated on Council managed land, where a commercial applicant receives or shares in the financial benefits of the activity.</td>
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| Community activity  | Any activity operated on Council managed land, where the revenue raised is distributed to the community for community benefit.  
Can also include a registered Not For Profit (NFP) organisation. |
| Council             | Moonee Valley City Council.                                                                                                      |
| Coordinator Regulatory Compliance | The person appointed by Council to said position, or any person acting in that position.                                        |
| Manager Regulatory and City Compliance | The person appointed by Council to said position, or any person acting in that position.                                        |
| Mobile Food Vehicle | Includes any:  
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 |

5. **Responsibility**

Council’s Manager Regulatory and City Compliance shall be responsible for this policy.

All permits are to be issued by the authority of the Coordinator Regulatory Compliance.

6. **Legislation**

- *Crown Land (Reserves Act) 1978*
- *Local Government Act 1989*
- *Planning and Environment Act 1978*
- *Food Act 1984*

7. **Policy**

7.1 Council will consider granting a permit where a request for an activity to be held on Council managed land is received: and  
a) is located on open space
b) Council is satisfied that:
   i. the local community will derive a benefit
   ii. granting a permit will not materially affect local residents, local business or the community generally
   iii. granting of the permit is consistent with the zoning, reservation and/or purpose of the land

c) the applicant satisfies all necessary regulatory and guideline requirements, such as planning permits, payment of a bond, traffic management, local laws and environmental health.

7.2 Council, in conjunction with the applicant, will consider the provision of a suitable property location for a commercial or community activity. Council may, from time to time within its specific guidelines, nominate areas to be set aside or excluded from this type of activity.

7.3 Council will require the applicant to:
   a) comply with any relevant policies, guidelines and permit conditions;
   b) provide proof of public liability insurance cover to the value of $20,000,000; and
   c) pay a security bond which may be used for any ground reinstatement or repairs caused by the conduct of use.

7.4 The maximum permit term shall be up to one (1) year.

7.5 Any application for use on Council managed Crown Land will also need to be considered in the context of the Crown Land (Reserves Act 1978), and will require separate approval and licence from the relevant government department. This could take up to 18 months to achieve.

7.6 Any additional maintenance costs incurred by Council in relation to the Council managed land, as a direct consequence of the activity, must be reimbursed by the activity applicant, as outlined in the permit. Such maintenance items include but are not limited to:
   a) rubbish removal
   b) power supply
   c) cleaning of toilet facilities
   d) ground rehabilitation
   e) damage to fencing, barricades, signs, park furniture etc.

7.7 Community activity applicants shall provide Council with a copy of their financial statements, evidencing the financial distribution of funds through the community activity operation.

7.8 Council may wish to activate a certain location and may consider granting approval for a vendor to operate in a fixed capacity for a longer term use. Such activity would be considered by Council outside of this policy/guidelines, with an operator selected via a public tender process, with pre-determined selection criteria.
7.9 Permit cannot be transferred/assigned to another party. The current permit will be cancelled and a new application will need to be lodged with Council and a pro rata refund will be made to the original permit holder.

7.10 Council will continue to oversee the use of all Council managed land at all times, and reserves the right to reclaim access to and remove all trading at any time, for any purpose deemed suitable by Council.

7.11 Where service authorities and others are required to carry out works within a permit area, which will require removal and/or alteration to the trading arrangements, no compensation is payable for any loss of trade experienced due to these works. Any problems, inconvenience or loss of trade, which may result from activities or works, carried out by Council or its contractors, at or adjacent to a permit holder’s trading area, will not be considered for payment of compensation.

7.12 Council Officers will monitor the operation of trading permits and ensure the conditions of the permit and associated guidelines are consistently being met. Following a complaint or observation of a breach of the trading permit, Council officers will contact the permit holder and take appropriate enforcement action. Penalties for non-compliance include:

- infringement notices (including on the spot fines)
- official warnings
- prosecution
- cancellation of MFV trading privileges
- impoundment of equipment and or vehicle as per Council’s Activities & General Amenities Local Law 2018
- a combination of all of the above

8. Consultation

- Internal consultation has been undertaken with relevant Council departments.
- Community consultation has been undertaken, with submissions on this policy and associated guidelines sought from 14 February to 14 March 2018. All submissions have been considered and incorporated.

9. Related Documents

- Activities & General Amenities Local Law 2018
- Footpath Trading Policy 2018
- Mobile Food Vehicles Guidelines 2018
- Economic Development Strategy 2014
- Council’s Instrument of Sub-delegation by Chief Executive Officer