

## ○ 1.39 Mobile and Itinerant Traders Policy (draft)

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### OBJECTIVES

- To outline the requirements for mobile and itinerant traders seeking to operate within the Shire of Williams (Shire).
  - To apply a consistent process for mobile and itinerant traders, promote orderly and safe trading practices
  - To support the economic vitality of the community.
  - Encourage the use of parks and reserves for itinerant vending as a means of enhancing community activity from the activation of community public spaces
  - To maintain public health and safety standards.
  - To manage interests of the public, consumers and business interests.
  - Supports Itinerant Vendors selling food who practice safe food handling in accordance with the Food Act 2008, Food Regulations 2009 and Food Safety Standards
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### DEFINITIONS

- **Approved Location** – Specific locations for approved trading nominated by the Shire of Williams on land that it manages, identified in this policy.
- **Food Van** – any vehicle, caravan, trailer, table, stall or similar structure for the purpose of selling or offering for sale any food or drink (excluding alcoholic beverages).
- **Mobile and itinerant traders** – a person, or persons engaged in providing goods and/or services on a temporary basis.

### STATEMENTS

This policy originates from increased interest in mobile and itinerant traders seeking to operate in the Shire of Williams (Shire).

The Shire has responsibilities and obligations under various legislation for aspects of public health, safety, amenity and services to the public.

This policy applies to all mobile and itinerant traders that wish to operate within the Shire.

Aspects of this policy do not apply to community events approved by the Shire, or to community fund raising endeavours. Permits, Licensing and accreditations will still be required for these.

Mobile and itinerant traders are encouraged to trade on land zoned for commercial activity. This land is usually privately owned requiring landowner permission for access and trading. To encourage this 50% of the adopted fees set by the Council relevant to mobile and itinerant traders will apply, where private land zoned for commercial activity is used.

Local business services, including mobile and itinerant traders contribute to the wellbeing and liveability of the community. Itinerant Traders can:

1. Contribute to the vitality and offerings for the community.
2. Provide safe, efficient, accessible food and beverage, and services for customer demand beyond the supply capabilities and/or outside operating hours of stores and food outlets.
3. Provide products and services that may not be on offer in other businesses.
4. Offer public convenience.

Nothing in this policy overrides

- any State of Western Australia and or Australian Government legislative requirements (e.g. *the Food Act 2008, Food Regulations 2009 and Food Safety Standards*).
- the requirements of the Shire of Williams Local Laws.

Council delegates authority to its Chief Executive Officer to administer this policy, and the Chief Executive Officer may choose to refer related matters under this policy to Council.

Shire Policies are reviewed at least annually and can be reviewed and amended by Council anytime.

Fees and Charges set by Council are reviewed at least annually and can also be reviewed and amended by decision of Council at any time.

### **Licence and Accreditations**

Mobile and itinerant traders must be registered and hold all required accreditation. An Itinerant Vending Licence is required prior to operating as a mobile and itinerant trader. The Licence is valid at the specific location and times nominated on the licence. Licences can be either day specific (one-off) or an annual licence. Licences are obtainable from the Shire.

Licences will be granted for a period up to 12 months and will be reviewed annually.

The Licence Holder must at all times comply with the Legislation and local laws.

Documentation required from mobile and itinerant traders seeking to trade in the Shire includes

- Food Act Certificate of Registration.
- Certificate of Insurance for Public Liability.
- Food Premise Risk Assessment.
- Certificate evidencing Food Handling Safety accreditation.
- Completed application to sell food from a temporary or mobile food business.

## **Operational Matters- General**

1. No trading permissible on land in the control of Main Roads Western Australia, or other State of Western Australia owned land, without Main Roads WA or responsible agency written approval.
2. Permanent fixtures are not permitted.
3. Following the day's trade, or trade period, the itinerant vendors vehicle and all related temporary fixtures (e.g. food van) must be removed from site and the site left tidy.
4. Any fixtures relating to the itinerant vending (for example, signs, umbrellas, waste bins etc.) should be sturdy, windproof, made of quality materials, and be well designed and constructed to be safe to use, without sharp edges or other features which could cause injury.
5. The Licence holder is responsible for containment and removal of all waste arising from their operations. The site and surrounds must be maintained in a clean manner with all waste removed and legally disposed of (not in the bins provided for the public).
6. No disposal of wastewater or oils is permitted on public land.
7. The Licence Holder must not obstruct, cover, remove, relocate or modify trees, public art, benches, refuse bins or other Shire/community owned infrastructure as a result of itinerant trading activities.
8. The Licence Holder must not sell alcohol or tobacco products at any time.
9. All advertising must be fixed to the vehicle/trading van, unless it is a professional tear drop flag, or "A" farm portable sign. Advertising must be securely fixed to the ground.
10. Fixtures must not be placed anywhere by the Licence Holder where they present a barrier and/or danger to pedestrians and/or vehicles.
11. Trading activity must not block access to service covers or existing services.
12. All items belonging to the Licence Holder are its own risk and responsibility.
13. The Licence Holder is responsible for their own security and the security of their site area.
14. The Licence Holder's vehicle and/or fixtures are to be self-contained and self-sufficient and must not require external power, sewer or water connections if trading on public land. The Shire is not obliged to provide any services.

15. The Licence Holder is permitted to play background music provided the noise levels comply with the Assigned Levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.
16. If operating generators, the Licence Holder must ensure that the noise level of the generator complies with the Assigned Levels prescribed by the *Environmental Protection (Noise) Regulations 1997*.
17. Should justified complaints be received regarding noise, including amplified music, generators or other noise from trading activities, the Shire reserves the right to prohibit the emission of noise from that site and/or rescind the Licence.
18. Where community events approved by the Shire, occur mobile and itinerant traders must provide evidence of the event organisers support for their trading if they are to trade at the event or within 300m of the event.
19. Mobile and itinerant trader towing vehicles must be disconnected from vans/trailers and be parked in an area other than marked public parking bays or thoroughfares.
20. The two-areas marked with yellow borders in the image below are designated for trader use after 4pm, recognising the reduced level of traffic and public services to the public services operating after this time on most days.



### **Additional Operational Matters- Lions Park, Williams**

In addition to the above policy requirements the following applies to mobile and itinerant trading in Lions Park, given this site is primarily for public use.

1. Traffic and pedestrian access, safety and manoeuvrability must not be compromised.
2. The Shire will mark available designated parking bays for itinerant and mobile food traders in Lions Park, as indicated in yellow below.
3. Towing vehicles must be unhitched and parked separately to avoid occupying designated trader parking bays.
4. In the areas designated 1 and 2, vendors must serve onto the existing footpath or parkland side, to optimise public safety (and not into the carpark).
5. Only one trader at a time can operate in Area 1 and 2.
6. In the area marked 3, vendors, must park up on the gravel and serve towards the carpark.
7. Food traders cannot occupy the designated spaces for trading before or after 30 minutes of their Licenced trading times.
8. Availability of designated spaces is on a first come basis, within the nominated permit trading times for each trader.
9. Vendors are not permitted to trade in the bays designated and marked for public parking, annotated red in the image below.
10. Two disabled parking bays adjacent to area 1 must not be impacted by vendor trading to ensure accessibility at all times.

The Shire reserves the right to amend this Policy and amend or revoke trading Licences should it deem that necessary but will not amend or revoke trading Licences without providing reasonable notice to affected traders.



## Application Process

1. Applications are to be lodged with the Shire a minimum of 14 days prior to the proposed trading commencement date.
2. Applications must be submitted on the form provided for this purpose and provide all information necessary to determine whether to issue a permit and apply appropriate conditions to the permit.
3. Incomplete applications or delays in providing additional information on request, may result in delays in the application being processed. This includes failure to pay the required permit application fee or provide evidence of adequate public liability insurance.
4. Trading may not commence until all required fees are paid in full and permits are issued.
5. Traders will be issued with a warning in writing for breaches to the above policy. If the breaches continue the CEO or the Shire Council can suspend the operator's license for a period they choose.

<b>Responsible Officer</b>	Chief Executive Officer
<b>History</b>	Adopted by Council xxxx
<b>Delegation</b>	
<b>Relevant Legislation</b>	<i>Food Act 2008, Food Regulations 2009 and Food Safety Standards, Local Laws</i>
<b>Related Documentation</b>	