

# Temporary Street Traders Policy

## 1. Purpose

This purpose of the policy is to define Council's approach to temporary street trading, to ensure an appropriate balance is reached between the interests of the Council, local business operators, vending permit holders, and the residents of the City of Holdfast Bay.

## 2. Scope

Street trading is defined as the temporary use of a public road, approved community land or other local government land location, for the purpose of undertaking commercial activities including stationary or mobile vending. Mobile traders must not set up within 250 metres of a permanent trader unless the mobile vendor has a written agreement with the permanent trader. Mobile food vendors trading on Council land which is in the care and control of clubs/community groups and other entities under a lease agreement are outside the scope of this Policy and do not require a permit. Fitness groups and personal trainers are also outside the scope of this Policy.

## 3. Roles and Responsibilities

Council	Adoption of the Policy, recognising the community benefit associated with the temporary vending of certain products and services from public areas within the City.
Chief Executive Officer	Adoption of relevant procedures and processes, allocation of resources, and developing a permit system that ensures temporary vending is consistent with the objectives of Council's policies and plans.
Manager Community Safety and Manager City Activation	Accountable for the management of temporary vending within the area of their responsibility as determined under relevant legislation and Council's documented programs and services.
Environmental Health Lead (Food & Beverage Vending) and Commercial Lead (Non-food Vending)	Managing permitting and enforcement activities pursuant to this policy.

## 4. Policy Statement

4.1 The City of Holdfast Bay recognises the legitimate practice and community benefit associated with the temporary vending of certain products and services from public areas within the City. However, it also acknowledges the need to regulate (via a permit) the types and quantity of vending that will occur to balance the interests of street traders with other members of the community who may be affected by them and to ensure consideration is given to the impact of trading on safety, access and amenity.

4.2 Approval process for issuing permits will consider the opportunity to enhance, add interest, and enhance the vibrancy of the Council area, however, permits may not be issued where a conflict of commercial interest will occur to a permanent business near the proposed activity.

4.3 The City of Holdfast Bay applies permits to various types of Street Trading or Mobile Vending activities that may be issued to accommodate the various vendors that may wish to operate within the City as identified below:

(a) Mobile Vending Permits (Food Trucks) – Pre-Approved Locations

Mobile Vending Permit holders may trade at any of the pre-approved mobile vending locations. Exclusive use of an area is not permitted, and areas are not to be reserved. Occupation of each site is per day on a first in basis. There is no limit on the total number of permits issued. Vendors must only commence trading at sunrise and cease trading at sunset, as per times specified by Bureau of Meteorology.

(b) Ice-Cream Food Van Vending

Mobile Ice-cream vendors are for the primary purpose of selling ice-cream or iced confection foods. It is to be recognised that these vans are permitted to only stop to trade as hailed by customers and they primarily service residential homes.

(c) Hand-Cart Coast Park Vending

Coast Park permit holders are permitted to stop to serve customers, cannot remain stationary in one location, and must not block the flow of pathways. They are engaged in the sale of the prepackaged food and drink or a prescribed (or permitted) activity which are considered on a case-by-case basis. Motorised vehicles are not permitted to be utilised as part of the activity.

(d) Event Vending

Event vending for approved events, private events, or as part of fundraising activities and pop-up stalls are considered on a case-by-case basis in line with the relevant Community Land Management Plan for the area. Event vending requires the consent of the event organiser and is permitted only at the site, date and time of the event.

(e) Commercial Provisional Activities

There is no specific limit on the number of commercial activity permits to be issued and consideration will be given to the applicant's ability to align with the purpose of this Policy and in particular the proposed activities enhancement to the vibrancy of the Council area and ensuring it does not conflict with the commercial interest of any permanent business in the immediate vicinity. Commercial Activities, including pop up stalls, are generally short term in nature, with no fixed infrastructure.

Permit holders are not automatically considered to operate at Council or third party events within the City and are determined on a case by case basis by the individual event provider or by Council.

#### 4.4 Period of Validity

- Mobile Food Vending (Food Truck) Permits may be issued on either a quarterly or annual basis.
- Ice-Cream Food Van Vending Permits are issued on an annual basis. One (1) ice-cream Food Van is permitted in each zone.

- Hand-Cart Coast Park Vending Permits for the sale of food are issued on an annual basis. Only one hand-cart food vendor and one commercial trading vendor is permitted in each zone.
- Event Food Vending may be issued on a daily or annual basis.
- Commercial Activities may be issued on a daily, monthly, annual basis or as determined between the parties.

#### 4.5 Fee

- Daily, monthly, quarterly or minimum annual fees for the issue of Street Trading and Vending Permits are set and reviewed each year by Council - refer to Fees and Charges Register on the City of Holdfast Bay website.

## 5. Definitions

Key term or acronym	Definition
Commercial Vending Activity	An activity conducted in the public realm that provides either goods or a service for a fee or financial gain. i.e. Sun Safe Spray Tans, Selling of items such as a newspaper, flowers or other goods.
Food Vending	Means the preparation, packaging, serving and sale of items from a food vending vehicle or cart. Items may include food, ice-cream, drink products etc.
Coast Park	A designated area along a coastline that has been developed or preserved for recreational, ecological, and aesthetic purposes.
Temporary Stall	A stall that is in place for a limited time only, being not more than six months continuously or consecutively, or in varying periods which together total six months or less over a 12 month permit period. Noting that any temporary stall is considered under the Commercial Activation of Community Land Policy.
Short term	Means up to 3 days to a maximum of once a quarter throughout the year, or up to 1 week during the school holidays and 2 weeks during the summer school holidays.

## 6. Administration Use Only

Reference Number:	Document Set ID 4934015
Strategic Alignment:	Council's vision for 2050+ is, in part, to create "a welcoming and healthy place for all in South Australia's most sustainable city"
Strategic Risk:	Poor or ineffective Community Service delivery
Responsible Officer(s):	Manager Community Safety
First Issued / Approved:	26/03/2013
Last Reviewed:	23/05/2017 & 23/07/2024
Minutes Date and Council Resolution Number:	23/07/2024, C230724/7827
Next Review Date:	23/07/2027

Applicable Legislation:	<i>Local Government Act 2001</i> <i>Food Act 2001</i> <i>South Australian Public Health Act 2011</i> <i>Environment Protection Act 1993</i> <i>Local Nuisance and Litter Control Act 2016</i> <i>Motor Vehicle Act 1959</i> <i>Road Traffic Act 1961</i> <i>Single-use and Other Plastic Products (Waste Avoidance) Act 2020</i> Legislation relating to electrical or gas installations or appliances and relevant legislation relating to health, safety or the environment.
Related Policies:	Council Enforcement Policy
Other Reference Documents:	Temporary Street Traders Processes Fees and Charges Register Community Land Management Plans Commercial Activation of Community Land Policy

# Temporary Street Traders Processes

## 1. BACKGROUND

The City of Holdfast Bay recognises the practice of vending certain products and services from public areas within the City. However, it also acknowledges the need to regulate (via a permit) the types of activities that can occur to ensure an appropriate balance between the interests of the Council, local business operators, residents, street traders and vending permit holders. The permit approval process for issuing permits will consider the opportunity to enhance the vibrancy of the Council area whilst not unreasonably compromising the amenity of the surrounding area.

## 2. TYPES OF PERMITS

Permits are required for street trading and vending activities in the public realm.

*Section 222 of the Local Government Act 1999 specifies that a person must not use a public road, including any part of the road reserve including footpath area, for business purposes unless authorised to do so by a permit from Council.*

*Section 200 of the Local Government Act 1999 specifies that a person must not use community land, including reserves, for a business purpose unless the use is approved by the Council and the approval is consistent with the community land management plan.*

When issuing a permit, appropriate conditions and the relevant fees and charges are imposed.

Council land/properties under a lease agreement are not considered under these processes as they are deemed private property and are not required to have a permit. The only requirement is that a Food Business Notification is provided as required under the *Food Act 2001*.

A Street Trading or Vending Permit is not required for trading on private property however, development approval may be required. Fitness groups and personal trainers are not considered under these processes and are managed via the Personal Trainers Policy and Permit System.

### 2.1 MOBILE VENDING PERMITS – FOOD TRUCKS – PRE-APPROVED LOCATIONS (CITY PERMITS)

Mobile vending permit holders may trade at any of the pre-approved locations and only between the hours of sunset and sunrise. Permits are issued on a quarterly or annual basis. See Appendix 1 for pre-approved locations and number of vendors allowed at each site.

### 2.2 ICE-CREAM FOOD VENDING VANS – MOBILE VENDING ONLY

Mobile Ice cream vendors are for the primary purpose of selling ice-cream or iced-confection products. It is to be recognised that these vehicles are permitted to only stop to trade as hailed by customers and primarily service residential homes. Trading along the Esplanade including the reserves along the Esplanade and precinct areas is not permitted. Four residential zones are approved. Permits are issued on a quarterly or annual basis. See Appendix 2 for approved residential zones.

### 2.3 HAND-CART COAST PARK VENDING

Hand-cart coast park permit holders are engaged in the sale of pre-packaged food and drink only or a prescribed (or permitted) commercial vending activity and are considered on a case-by-

case basis. Four approved zones have been allocated. Permit holders are only permitted to stop to serve customers and cannot remain stationary in one location. Permit Holders must not block the flow of traffic or pathways. Motorised vehicles are not permitted to be utilised as part of this activity. See Appendix 3 for approved zones.

## **2.4 EVENT VENDING**

Event vending is the service of items at an organised event, whereby the vendor is attending on invitation only by an event organiser and offers food or beverages for sale to the public attending the event.

Private event organisers can engage a mobile food vendor for their private event e.g. birthday party or corporate event, if held on a reserve. A Day Event Food Permit is required for such activities.

## **2.5 COMMERCIAL VENDING ACTIVITIES**

A business conducted in the public realm providing goods or a service for a financial gain on a short term/temporary basis. Commercial Vending Activities including pop-ups are generally short term in nature.

# **3. MOBILE VENDING PERMITS – FOOD TRUCKS**

## **3.1 PRE-APPROVED LOCATIONS (CITY PERMITS)**

City Mobile Food Vending Permit Holders may only trade at any of the approved locations. Exclusive use of an area is not permitted, and areas are not to be reserved in any way. Occupation of each site is per day on a first in basis. There is no limit on the total number of permits issued. Permits are issued on a quarterly or annual basis. City Permit holders will be placed on Council's approved food vendors list for event organisers to choose should they require food vendors to trade at their event.

Council may impose any special conditions for each site as it deems fit. The mobile food vehicles must be contained within one designated standard parking space.

No permanent structures or fixtures are permitted, including but not limited to, umbrellas, tables, chairs, signage.

## **3.2 ASSESSMENT AND REVIEW OF APPROVED LOCATIONS**

Potential locations are considered by a panel of staff, with final approval provided by the Administration.

Consideration is given to site suitability, safety and access, parking and traffic controls in place and proximity to other bricks and mortar businesses and residential properties.

New locations may be added after an assessment has been conducted of the proposed location.

Locations may be added, altered or removed from time to time.

## **3.4 SAFETY AND AMENITY**

Mobile vendors must not encroach disabled parking, loading, bus zones, taxi zones, no stopping or permit zones and must not be used and access to these areas must be maintained at all times.

Mobile vendors are not permitted to stop in a bicycle lane at any time during its operation.

Service provision should be from the footpath side of the vehicle only.

Vehicles and hand-carts should be suitably constructed for the type of activity and to prevent injury to members of the public or staff.

Mobile vendors are responsible to ensure that their equipment does not cause a hazard to or impede on access by members of the public.

All appliances and installations, including electrical and gas, must comply with the relevant safety requirements and regulations.

#### **4. OTHER TYPES OF STREET VENDING**

##### **4.1 ICE-CREAM FOOD VENDING VANS – MOBILE VENDING ONLY**

The sale of ice-cream and ice confection products is only permitted on a mobile basis where the vehicle is hailed. Vehicles must not set up to attract trade. Trading excludes the Esplanade, reserves along the Esplanade and precinct areas. One ice-cream vendor is only permitted in each zone.

##### **4.2 HAND-CART VENDING ALONG THE COAST PARK**

Hand-cart vending of pre-packaged food and drink and are considered on a case-by-case basis and only permitted along the coast park. Hand-carts are mobile in nature and therefore, no infrastructure is permitted. Only one hand-cart food vendor is permitted in each zone. Hand-cart food vendor permits are issued on an annual basis.

One commercial vending activity is also permitted in each zone. Commercial vendors are assessed on a case-by-case basis and may be issued on a daily, monthly, annual basis or as determined between the parties.

Motorised vehicles are not permitted.

##### **4.3 EVENT VENDING**

Event vending requires the consent of the event organiser and is permitted only at the site, date and time of the event. Annual Event Food Permits and Day Event Food Permits are available. Annual Event Permit Holders are placed on an approved food vendors list for other event organisers to choose from.

Private events, such as a birthday party at a reserve, where a mobile vendor attends to serve food to the guests of the private event, strictly no money is to be exchanged on the day of the private event and selling food to the general public is not permitted. The mobile food vendor must complete the online application for a Day Event Food Permit and provide the supporting documentation, however, no fees are applicable.

Glenelg Jetty Road Traders are permitted to trade within the inclusion zones as indicated in Appendix 4 with the consent of the event organiser. Traders are only permitted to trade at the site, date and time of the event. An application to trade is required and must be submitted along with the supporting documentation, however, no fee is applicable. If traders wish to trade outside the inclusion zones, fees will apply.

Brighton Jetty Road Traders are permitted to trade within the inclusion zones as indicated in Appendix 5 with the consent of the event organiser. Traders are only permitted to trade at the site, date and time of the event. An application to trade is required along with supporting documentation, however, no fee is applicable. For traders wishing to trade outside the inclusion zone, fees will apply.

Food Vendors trading on Council land which is in the care and control of clubs/community groups and other entities that have a lease agreement in place, do not require a permit, however, evidence of Food Business Notification under the Food Act 2001 is required. No fees are applicable.

Recognised Charities and not-for-profit organisations attending events are required to submit an application and provide the supporting documentation. Fees may be waived if documentation from the Australian Taxation Office, or another form of evidence is provided to confirm charity/not-for-profit status.

#### **4.4 COMMERCIAL VENDING ACTIVITIES**

Commercial vending permit applications are assessed on merit.

A business conducted in the public realm that provides goods or a service for a financial gain on a short term/temporary basis. Commercial vending activities, including pop-up stalls are generally short term in nature. Permits are issued on an ad hoc basis.

### **5. GENERAL RULES (APPLIES TO ALL TYPES OF STREET TRADING PERMITS)**

#### **5.1 CONDITIONS APPLICABLE FOR ALL PERMITS**

Permit Holders are required to adhere to the Terms & Conditions specified on Council's website and must be agreed upon when making application including other conditions imposed for each site or as Council deems fit.

#### **5.2 FOOD SAFETY**

Permit Holders must comply with the *Food Act 2001*, Food Regulations and Food Safety Standards. Permit Holders may be subject to food safety inspections by Environmental Health Officers during events, however, there are no fees applicable with these inspections.

Mobile food vehicles, marquees, trailers or carts must be suitably equipped and constructed for the type of food preparation, handling and safe storage of food items.

#### **5.3 ADVERTISING**

All advertising must be fixed to the food vehicle and not encroach on the public realm.

#### **5.4 NOISE**

Amplified noise including excessive noise from generators is prohibited.

Permit Holders must ensure they comply with the *Local Nuisance and Litter Control Act 2016*.

Noise from generators must not be at a level that affects the peace and comfort of residents. Noise complaints received by Council will be investigated under the *Local Nuisance and Litter*



*Control Act 2016*. If complaints are justified, Council reserves its right to cancel the permit or as it deems fit.

#### **5.4 SUSTAINABILITY**

Council is committed to environmental care and management that goes beyond doing less harm, and recognises the intrinsic link between the health of the natural world and the health and wellbeing of our human community. Council has a long-term vision of environment and community thriving together. To this end, we strongly encourage all Permit Holders to not just adhere to the law but to go beyond it – think about impacts on the coast, the climate, our air and water, our nature, and each other, then encourage vendors to do what they can to give back.

Some specific ideas Permit Holders could utilise to ensure the care of our environment include: using electric or low greenhouse gas emissions trucks, using packaging and/or food containers that are compostable and can therefore be disposed of in the green bin (consistent with the single-use plastic bans coming in September 2024 and 2025), or in the recycling bin, throwing your greywater into the sewage system (not into the stormwater system where they wash directly into the sea), using as many repurposed or recycled materials as possible in stalls, in vans and in products being sold, and not setting up where you could impact on natural vegetation or garden borders.

Permit Holders must not distribute or supply single-use and other plastic products as required by the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*. Options for reusable or compostable alternatives to the banned items can be found on the website *Replace the Waste from the Government of South Australia*.

#### **5.6 WASTE MANAGEMENT**

All waste and litter caused by the mobile vending business or its customers must be removed from the location in which the mobile vending business has operated prior to leaving that location. Council provided rubbish bins must not be used by the Permit Holder for the disposal of waste or litter.

All waste (including liquid waste, wastewater and waste oil) must be contained and disposed of appropriately at the end of trading. Council does not provide waste services to Permit Holders. Waste material must not be deposited into the stormwater system, Council land or into Council public rubbish bins.

#### **5.7 DAMAGE TO INFRASTRUCTURE**

Permit Holders are responsible for making good any damage that, in the opinion of the Council, is caused by the activities of the Permit Holder.

Trees and street furniture must not be utilised, obstructed, damaged or removed.

Damage caused to Council assets, including but not limited to, footpaths, roads, reserves, trees, street furniture and infrastructure will be the liability of the Permit Holder.

#### **5.8 INSURANCE**

The Permit Holder must hold insurance whenever the business is operating on Council/public land. Evidence of public liability insurance to the value of \$20 million must be held by the Permit Holder and a copy be provided to the Council.

## **5.9 DEALING WITH MEMBERS OF THE PUBLIC**

Permit Holders must not disturb, harass, or annoy other people, street traders, business owners, residents or visitors. Permit Holders must not prevent other Permit Holders and business owners from trading. Abusive, offensive or use of indecent language or behaviours is prohibited. The permit will be revoked if the allegations are substantiated or as Council sees fit.

## **5.10 REVOCATION**

The permit may be revoked if the Permit Holder fails to comply with the applicable conditions or as Council deems fit to do so. Fees will not be refunded in such cases.

## **5.11 PERMIT FEE**

Permit fees are payable before trading can commence. If the permit fee is not paid, Council reserves its right to cancel the permit.

All Annual Event Food Permits are charged at the beginning of each financial year and expire 30 June with no pro rata and the full annual amount is payable. Day Event Permits are valid for the day of the event and is payable before trading can commence.

Annual City Permits are charged at the beginning of each financial year and expire 30 June with no pro rata and the full annual amount is payable. Quarterly City Permits are charged at the beginning of each financial quarter with no pro rata and the full quarterly amount is payable before trading can commence.

Hand-Cart Coast Park Vending for pre-packaged food and drink are charged at the beginning of each financial year and expire 30 June with no pro rata and the full annual amount is payable.

Permit fees for commercial vending activities may be issued on a daily, monthly, annual basis or as determined between the parties.

The Fees and Charges Schedule outlines the fees applicable for each type of permit.

## **5.12 RELEVANT LEGISLATION**

Permit holders must ensure their operations do not breach any relevant requirements under:

*the Local Government Act 2001*

*the Food Act 2001*

*the South Australian Public Health Act 2011*

*the Environment Protection Act 1993*

*the Local Nuisance and Litter Control Act 2016*

*the Motor Vehicle Act 1959 and the Road Traffic Act 1961*

*the Single-use and Other Plastic Products (Waste Avoidance) Act 2020*

Legislation relating to electrical or gas installations or appliances and relevant legislation relating to health, safety or the environment.

## **6 PERMIT APPLICATION PROCESS**

An online permit application form is available on Councils website. Please allow ten (10) business days to process the application. Applications will not be accepted if they are incomplete, or the appropriate supporting documentation is not provided.

The application must include:

- A completed online application form.
- Evidence that the mobile food vendor has notified their garaging Council of their food business activities.
- Public liability insurance certificate of currency to the value of \$20 million.
- Payment of the applicable fees before trading can commence.