



City of Perth

Mobile Food Trading Program

# Terms & Conditions

# Mobile Food Trading Program

## Terms & Conditions

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# Mobile Food Trading Program

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### 1. Objectives of the Mobile Food Trading Program

At its meeting held on 13 December 2016, the City of Perth Council approved Policy 14.14 – Mobile Food Trading Policy, as per the following objectives:

*To allow for unique and high quality mobile food trading within the City of Perth, specifically on land under the care, control and management of the City of Perth, in a manner that:*

- 1. increases the overall vibrancy of the city;*
- 2. provides activation and passive surveillance to public places;*
- 3. manages the demand from the Perth community;*
- 4. responds to the built form development cycle of the city; and*
- 5. does not unfairly compete with the City's existing bricks and mortar businesses.*

### 2. Definitions

**“approved nominee”** means a person nominated by a permit holder to participate in the program in conjunction and/or on their behalf

**“authorised vehicles”** include food trucks, self-contained vans and trailers approved for use in the program by a City of Perth authorised officer

**“authorised officer”** means a City of Perth officer authorised under law to administer functions of this program

**“City”** means the City of Perth organisation

**“cluster trading locations”** means mobile food trading locations whereby up to three (3) permit holders/approved nominees are permitted to trade in that location at one time

**“commercial waste”** means commercial waste such as litter, solid waste and recycling

**“food business”** means any undertaking involved in the preparation, processing and manufacture of food

**“individual trading locations”** means mobile food trading locations whereby only one (1) permit holder/approved nominee is permitted to trade in that location at one time

**“land”** means land under the care, control and management of the City of Perth

**“mobile food trading”** means the temporary use of public spaces for preparing and dispensing food products

**“permit holder”** means the applicant awarded a mobile food trading permit from the City of Perth allowing them to participate in the program

**“permit”** means mobile food trading permit

**“program”** means the City of Perth Mobile Food Trading Program

**“special events permit”** means an event permit administered by the City of Perth for ad-hoc events held at parks and reserves

### 3. Operational Conditions

#### 3.1 Permit

- (a) a permit issued by the City is required to trade as part of this program;
- (b) a permit for this program is valid for a 12-month period;
- (c) mobile food trading without a permit is prohibited;
- (d) a permit is only valid during set up, trade, and pack up; for a maximum duration of five (5) hours at an approved location;
- (e) the permit holder/approved nominee must display a permit and accompanying documents on the dash of the approved vehicle at all times;
- (f) the permit holder/approved nominee must be located in and around the food vehicle at all times;
- (g) the permit holder/approved nominee must produce a permit and accompanying documents upon request by an authorised officer and/or a police officer; and
- (h) a permit in this program also serves as a City of Perth 'Special Events Permit', which is required for trading at events held in the City's parks and reserves:
  - (i) the permit holder/approved nominee must obtain approval from the event organiser prior to trading at an event using this permit.

#### 3.2 Permit Fee

- (a) the permit fee for mobile food trading in this program is \$1,200 (including GST); and
- (b) this permit fee will be reviewed annually in-line with the City of Perth's other fees and charges.

#### 3.3 Registration

- (a) the authorised vehicle must be registered with the WA Department of Transport;
- (b) the food business must be registered with the WA Department of Health;
- (c) use of live or recorded music may require licences from the Australian Performing Rights Association (APRA) and the Phonographic Performance Company of Australia (PPCA); and
- (d) the sale of alcoholic beverages and tobacco is prohibited.

#### 3.4 Public Liability Insurance

- (a) the permit holder/approved nominee must maintain a public and product liability policy for at least AUD\$20 million with a company on the Australian Prudential Regulation Authority (APRA) approved list;
- (b) this insurance policy should specifically note the "City of Perth" as an interested party;
- (c) the permit holder/approved nominee shall effect and maintain adequate Australian Prudential Regulation Authority (APRA) approved workers compensation and/or personal injury insurance for any employees, contractors, volunteers or directors as applicable; and
- (d) the permit holder/approved nominee will assume responsibility for any acts of negligence arising from their activity.

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### 3.5 Vehicle Inspections

- (a) all vehicles intended for use in the program will be inspected for compliance with environmental health policies and food safety guidelines by an authorised officer, prior to the issue of a permit;
- (b) permits will only be issued to a permit holder/approved nominee with vehicles that have been authorised and approved by an authorised officer; and
- (c) ad-hoc inspections may be conducted by an authorised officer through the tenure of the permit to ensure maintenance of the environmental health policies and food safety guidelines.

### 3.6 Permit Transfer

- (a) a change of food vehicle ownership does not automatically transfer a permit in this program to the new owner;
- (b) a formal request for permit transfer is required in writing to the City if ownership of food business changes and new owner wishes to participate in the program; and
- (c) formal requests for permit transfer are subject to updated vehicle registration, food business registration and insurance documents being submitted to the City, and an environmental health inspection of the approved vehicle.

### 3.7 Authorised Vehicles and Removable Fixtures

- (a) food trucks, self-contained vans, and trailers are permitted for mobile food trading in this program;
- (b) food trucks, self-contained vans, and trailers used in the transport or trading to and or from the location must be licensed and in roadworthy condition as set out in the *Road Traffic Act 1974*;
- (c) provision of removable outdoor fixtures is permitted with food trucks, self-contained vans, and trailers where there is sufficient space and provided they:
  - (i) are in good working condition;
  - (ii) have no sharp or dangerous features or edges likely to cause injury; and
  - (iii) do not cause any barrier and subsequent danger to the community;
- (d) carts, bicycles and tricycles are not permitted for mobile food trading in this program;
- (e) parking a vehicle towing authorised vehicle at/in an approved location is not permitted; and
- (f) the permit holder/approved nominee is liable for any issues associated with their mobile food trading operation.

### 3.8 Approved Locations

- (a) all approved locations in this program adhere to a 100 metre radius exclusion zone from existing bricks and mortar businesses;
- (b) a maximum of eight (8) locations can be made available by the City for mobile food trading at any given time in the program;
- (c) approved locations are subject to changes dependent upon the development cycle of the city and in maintaining the 100 metre radius exclusion zone from existing bricks and mortar businesses;
- (d) approved locations may either provide for individual or cluster mobile trading:

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- (i) only one (1) permit holder/approved nominee is permitted to trade at individual trading locations;
- (ii) a maximum of three (3) permit holders/approved nominees are permitted to trade at cluster trading locations;
- (e) approved locations are either provided in parks and reserves and/or on-street parking bays:
  - (iv) for park and reserve locations, the permit holder/approved nominee must rotate around the designated area to limit damage to the turf as much as possible:
    - (I) it is the responsibility of the permit holder/approved nominee to make good and/or take direction from an authorised officer in regards to any damage caused as a result of their mobile food trading in park and reserve locations;
  - (v) for on street parking locations, the permit holder/approved nominee must only park if the permitted bays are vacant; and
- (f) the locations currently in operation are listed in Appendix 1.

### 3.9 Approved Locations Availability

- (a) the City reserves the right to remove approved locations from the program at any time;
- (b) the City reserves the right to make any approved locations unavailable at any time due to events at or near that location:
  - (i) a 100 metre radius exclusion zone must be maintained from events held on a parks or reserves and mobile food trading as part of this program;
- (c) the City reserves the right to make any approved location unavailable at any time if works are being undertaken at or near that location;
- (d) the City reserves the right to make any approved location unavailable at any time to reduce the impact of trading in the area or to address noise, odour or any other disturbance concerns;
- (e) if an approved location is made unavailable in accordance with (a), (b) and (c) above, the permit holder/approved nominee will not be able to trade at that location; and
- (f) the City will endeavour to inform permit holders/approved nominees in advance of any approved location unavailability (including changes in times, dates and stay duration).

### 3.10 Hours of Operation & Stopping Time

- (a) the permit holder/approved nominee is permitted to trade in approved locations Sunday through to Saturday, 7.00am until 3.00am;
- (b) the permit holder/approved nominee is able to frequent multiple approved locations during the hours of operation;
- (c) the permit holder/approved nominee is able to trade in one location for a minimum of three (3) hours and a maximum of five (5) hours;
  - (i) the maximum hours of operation five (5) hours includes set up and pack up times;
  - (ii) permit holder/approved nominee must move on from a location after five (5) hours of trading;
  - (iii) if a permit holder/approved nominee is not trading, they must vacate the approved location; and
- (d) the permit holder/approved nominee is prohibited from overnight stopping in approved locations.

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### 3.11 Amenity & Appearance

- (a) authorised vehicles must adhere to quality presentation standards:
  - (i) vehicle appearance must be aesthetically pleasing, relate to the city's surroundings and protect and/or enhance the city's urban appearance, energy and character;
  - (ii) the permit holder/approved nominee must maintain a tidy and clean vehicle appearance at all times; and
  - (iii) any signage and artwork must not include any rude or vulgar messaging.

### 3.12 Advertising

- (a) all advertising must be fixed to the authorised vehicle and not encroach on the public realm unless specified in Appendix 1;
- (b) the permit holder/approved nominee is permitted to advertise food products on the authorised vehicle;
- (c) the permit holder/approved nominee is permitted to distribute flyers in relation to their food service;
- (d) the permit holder/approved nominee can advertise daily locations on individual business websites and social media pages; and
- (e) the City will advertise approved locations on its websites and various social media accounts.

### 3.13 Deliveries

- (a) the permit holder/approved nominee must be fully equipped for service prior to arriving at any approved location; and
- (b) the permit holder/approved nominee is not permitted to receive any deliveries from unauthorised vehicles.

### 3.14 Maintenance & Cleaning

- (a) authorised vehicles must be kept in a clean condition and parts, fixtures, and fittings must be safe and maintained in good working order;
- (b) the trade area of the authorised vehicle must be cleaned frequently when trading in approved locations; and
- (c) the permit holder/approved nominee must arrange immediate vehicle removal should a breakdown of vehicle or equipment occur.

### 3.15 Power

- (a) authorised vehicles must be self-sufficient in their power supply and not require an external power connection; and
- (b) the permit holder/approved nominee cannot access City of Perth power or any power point attached to City infrastructure at approved locations.

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### 3.16 Waste Management

- (a) waste water, oil and ice:
  - (i) all waste water, oil and ice must be appropriately disposed of outside the City of Perth local government boundaries;
  - (ii) a holding tank for waste water, oil and ice must be located beneath the authorised vehicle;
  - (iii) waste water, oil and ice must not enter the stormwater drains;
  - (iv) hosing down authorised vehicles in approved locations is prohibited;
  - (v) it is prohibited to dump waste water, oil and ice at the approved locations;
- (b) commercial waste:
  - (i) all commercial waste is to be disposed of outside the City of Perth local government boundaries;
  - (ii) approved vehicles must include rubbish facilities to capture commercial waste such as litter and solid waste;
  - (iii) disposal of commercial waste is prohibited in public disposal bins;
  - (iv) litter and solid waste must not enter the stormwater drains;
  - (v) the permit holder/approved nominee is encouraged to recycle;
  - (vi) commercial waste should not accumulate in authorised vehicles;
  - (vii) the permit holder/approved nominee is to exit the approved vehicle on completion of trade at an approved location and conduct a 20 metre radius search and clean of commercial waste to preserve appearance, the environment and surrounds;
- (c) if waste complaints are received and substantiated by an authorised officer in relation to (a) and (b) above, the officer may direct the permit holder/approved nominee to immediately clean the waste;
- (d) upon receipt of subsequent complaints, the City reserves the right to prohibit the permit holder/approved nominee from future participation in the program; and
- (e) in instances where the City has to undertake cleaning and/or tidying of an approved locations due to mobile food trading, the permit holder/approved nominee will be liable to reimburse costs incurred.

### 3.17 Noise

- (a) live or recorded music:
  - (i) ambient live or recorded music is permitted in approved locations, provided it complies with the *Environmental Protection (Noise) Regulations 1997* and licences are obtained from Australian Performing Rights Association (APRA) and/or the Phonographic Performance Company of Australia (PPCA);
  - (ii) live or recorded music should not be excessively loud and should not disrupt patrons or nearby residents;
  - (iii) the use of amplified live or recorded music is prohibited;
- (b) it is encouraged that permit holders/approved nominees invest in a suitable, self-sufficient power supply such as a generator with minimised noise and disruption that is not audible 100 metres away from the authorised vehicle in any direction; and



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- (c) if noise complaints are received and substantiated by an authorised officer in relation to (a) and (b) above, the officer may direct the permit holder/approved nominee to moderate or suspend the noise immediately; and
- (d) upon receipt of subsequent complaints, the City reserves the right to prohibit the permit holder/approved nominee from future participation in the program.

### 3.18 Lighting

- (a) lighting is permitted from 6.00pm until 3.00am at all approved locations;
- (b) lighting should not disturb the amenity of the community, particularly patrons and nearby residents;
- (c) lighting should not be flashing or of a high beam intensity;
- (d) if lighting complaints are received and substantiated by an authorised officer in relation to (a), (b) and (c) above, the officer may direct the permit holder/approved nominee to moderate or suspend the lighting immediately however, with any subsequent complaints, the City reserves the right to prohibit the permit holder/approved nominee from future participation in the program.

### 3.19 Sustainable Packaging

- (a) the permit holder/approved nominee is encouraged to use sustainable/recyclable packaging where possible; and
- (b) the permit holder/approved nominee is encouraged to minimise packaging where possible.

### 3.20 Safety

- (a) the permit holder/approved nominee must comply with all health and food safety requirements of the *Food Act 2008* and the FSANZ Food Standards Code detailed in 3.21 below;
- (b) generators must be compliant, make minimal noise and air pollution and be safely secured from the public at all times;
- (c) barbeques, grills and heat sources must be protected to prevent public access and accidental burning;
- (d) gas bottles, gas lines and firefighting equipment must comply with safety requirements recommended by the Western Australian Metropolitan Fire Services; and
- (e) all electrical installations must comply and be fully tested to meet the current Australian Standard.

### 3.21 Environment Health Standards

- (a) authorised vehicles must:
  - (i) be in a sound structural and clean condition;
  - (ii) have smooth and readily cleanable floors;
  - (iii) have smooth and washable walls, free from cracks or open joints;
  - (iv) provide hand washing facilities, with a piped hot and cold water supply, soap and disposable towels;
  - (v) include a potable water supply from an on-board tank filled prior to commencement if trading;

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- (vi) provide adequate double-bowl sink facilities, separate from hand washing facilities, where food preparation is carried out;
  - (vii) provide hot water for all cleaning purposes, by means of individual gas or electric hot water systems, with hot water reticulated to the sinks and hand washing facilities
  - (viii) test pumps and heaters prior to each trading day;
  - (ix) include adequate sullage holding tanks for the disposal of waste water from units;
  - (x) include adequate refrigerators, freezers, cookers, bain-maries, preparation benches and shelving to ensure the proper storage, cooking and handling of food;
  - (xi) include all equipment and utensils, ensuring these remain in good condition;
  - (xii) install cooking facilities (where provided) in an appropriate manner, with approved mechanical exhaust hoods provided for treatment and dispersal of cooking effluvia;
  - (xiii) include a suitable refuse receptacle; and
  - (xiv) if gas installations are installed for catering purposes, comply with AS/NZS 5601: Gas installations, and be tested every 12 months by a licensed gas fitter.
- (b) the permit holder/approved nominees must:
- (i) be free from infectious diseases;
  - (ii) wear clean protective clothing such as a uniform and/or apron;
  - (iii) ensure hair does not contaminate food by wearing hairnets/hats and/tying hair up;
  - (iv) use utensils for food handling where practicable;
  - (v) have access to a hand wash facility soap and disposable paper towels; and
  - (vi) have access to an approved sanitary facility.
- (c) food must:
- (i) be wrapped and protected from dust, flies, sunlight, human breath and patrons;
  - (ii) be served in disposable containers;
  - (iii) if potentially hazardous (for example. meat, fish, egg products, dairy products and rice), be maintained at temperatures below 5<sup>c</sup> (cold foods) or above 60<sup>c</sup> (hot foods);
  - (iv) if cold, be reheated to above 60<sup>c</sup> on a stove or in a microwave prior to placement in bain-maires which maintain temperature of food but do not heat food;
  - (v) both raw and cooked food, be stored and handled separately to prevent cross contamination;
  - (vi) must be stored off the floor;
  - (vii) condiments must be in sealed, clean containers;
  - (viii) be stored in suitable food storage containers in the approved vehicle only;
  - (ix) be prepared in the approved vehicle or in an approved food handling premise;
  - (x) must not be prepared in a domestic kitchen, unless the kitchen has been approved or is non-hazardous food sold for charity; and
  - (xi) if pre-packaged, be labelled in compliance with the Australia New Zealand Food Standards Code.

### 3.22 Complaints

- (a) if community complaints are received and substantiated by an authorised officer, the officer may direct the permit holder/approved nominee to moderate or suspend the complainant issue immediately; and

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- (b) with any subsequent complaints, the City reserves the right to prohibit the permit holder/approved nominee from future participation in the program.

### 3.23 Penalties

- (a) failure to trade with an approved permit or trading outside the permit conditions may result in penalties;
- (b) a permit holder/approved nominee is subject to penalties if they trade outside the approved locations as detailed Appendix 1;
- (c) the permit holder/approved nominee is subject to penalties if a breach of environmental health policies and food safety guidelines is recorded;
- (d) infringements are set out in each of the local laws covered by the permit; and
- (e) the City will endeavour to issue a warning for a breach in the first instance and in a second instance will issue an infringement.

### 3.24 Conduct

- (a) the permit holder/approved nominee is required to comply in accordance with these terms and conditions to manage both the community perception of the program and of other permit holders/approved nominees participating in the program;
- (b) the permit holder/approved nominee must not bring the City of Perth into disrepute; and
- (c) if a permit holder/approved nominee on more than one occasion, is determined by an authorised officer to be acting in contravention of (a) and (b) above, the City reserves the right to prohibit the permit holder/approved nominee from future participation in the program.

## 4. Declaration

- I, \_\_\_\_\_, have read and agree with the terms and conditions of the City of Perth Mobile Food Trading program as detailed above.

Permit Holder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Nominee Names: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_