

9.4 COMMUNITY SERVICES

9.4.1 Draft Policy No. 3.8.12 – ‘Mobile Food Vendor’ and Policy No. 3.8.10 ‘Food Act 2008’

Ward:	Both	Date:	24 November 2014
Precinct:	All	File Ref:	ENS0133
Attachments:	001 – Draft Policy No. 3.8.12 – ‘Mobile Food Vendor’ 002 – Mobile Food Vendor Proposed Location of Operations		
Tabled Items:	Nil		
Reporting Officers:	W Pearce, Manager Health and Compliance A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **ENDORSES** Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ as shown in Attachment 001 and proposed locations of operation as shown in Attachment 002 for the purpose of advertising for public comment;
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 Undertake a Mobile Food Vendor Trial, in line with the Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ from January 2015 through to April 2015; and
 - 2.2 Advertise the Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ for public comment for a period of twenty-one (21) days;
3. **RECEIVES** a further report on the matter at the conclusion of the public comment period; and
4. **NOTES** that Policy No. 3.8.10 ‘Food Act 2008’, would need to be amended if Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ is ultimately, in order to delete the following content from clause 1.5:

“Mobile Temporary Food Premises have traditionally not been approved by the City (formerly known as ‘Itinerant Vendors’ i.e. ice-cream vans that stop for custom on public property, when hailed by a customer). It is considered that this Policy formalises this position that mobile temporary food premises will not be approved within the City. In consultation with the City’s Ranger and Community Safety Services section and Planning, Building and Heritage section, the following details were identified:

The City is well serviced by permanent food premises:

- *Mobile vendors do not necessarily contribute to the sustainment or development of the City’s District, Commercial and Local Centres;*
- *Potential road traffic hazards (i.e. stopping for trade in no-stopping areas, obstructing driveways), and ability for the mobile food operator to stop for trade outside a permanent premises selling similar goods; and the difficulty in monitoring approved versus unapproved vendors”.*

PURPOSE OF REPORT:

To obtain approval from Council to seek comment from the local community in relation to the proposed Policy and to undertake a trial of the Mobile Food Vendor Policy from January to April 2015.

BACKGROUND:

At the Council Forum held on 30 October 2012, the Acting Manager Health Services presented a potential model for Mobile Food Vendors within the City. It was raised that the City's *Food Act Policy 2008* states that the City currently does not support Itinerant Vendors, and the policy requires an amendment if itinerant (roaming) vendors are to be permitted.

It was discussed during the Forum that a model be developed by Health Services to continue the approach of prohibiting itinerant vendors but allow Mobile Food Vending at a number of suitable parks and reserves within the City, with an annual tender proposed for the locations. It was also agreed that Health Services would report to Council once a model had been drafted.

At the Ordinary Meeting of Council held on 12 March 2013, a Draft Mobile Food Vendor Policy was submitted to Council for approval, however it was resolved that the item be deferred to allow further investigation to be undertaken.

At the Ordinary Meeting of Council held on 8 July 2014, Council resolved the following in relation to the provision of kiosk/café facilities at Hyde Park and Banks Reserve and Mobile Food Vendors:

"That the Council;

1. *RECEIVES the report on feedback from the Community Consultation for the Proposed Provision of Kiosk/Cafe Facilities at Hyde Park and Banks Reserve;*
2. *DOES NOT PROCEED any further with the Request for Tender process for the Proposed Provision of Kiosk/Cafe Facilities at both Hyde Park and Banks Reserve;*
3. *AUTHORISES the Acting Chief Executive Officer to finalise the Mobile Food Vendor Policy and investigate the areas within which Mobile Food Vendors could be allowed to operate including Hyde Park and Banks Reserve;*
4. *NOTES that a further report will be submitted to Council once this has been completed."*

At the Council Forum held on 16 September 2014, a presentation was made regarding the potential locations and operating conditions for Mobile Food Vendors, should the Draft Policy be considered and approved. Elected Members provided feedback on recommended locations and conditions and requested an updated presentation at the Council Forum due to be held on 11 November 2014.

At the Council Forum held on 11 November 2014, an updated policy approach with revised locations and conditions regarding Mobile Food Vendors was presented that policy approach now forms the basis of the report to Council for consideration.

DETAILS:

A Successful International Trend and a Progressive Initiative

New York, San Francisco, Sydney and cosmopolitan cities in the world have adopted the idea of food trucks, which are regarded as a successful international trend and a progressive initiative. Food trucks are generally seen as culturally unique experiences with good quality, healthy and affordable food.

They create community spirit and generate a festival atmosphere when two or more operate in the same location. They add colour and life to an area and activate previously quiet locations improving community safety.

Interest from Food Truck Operators

The City of Vincent has received a number of letters from food truck vendors expressing their desire to operate within the City. They have expressed interest in operating in a number of town centres, parks and reserves within the City including:

- Oxford Street Reserve, Leederville Town Centre;
- Hyde Park, William Street;
- Birdwood Square, Beaufort Street;
- Forrest Park, Harold Street Frontage; and
- Braithwaite Park, Scarborough Beach Road.

Other Local Governments in the Perth Metropolitan Area

City of Fremantle “Unique Food Vehicles Licence”

In July 2013, the City of Fremantle commenced its Unique Food Vehicles Licence trial. Eleven (11) licences were issued and thirteen (13) locations for food trucks were designated. There was no limit to the number of food trucks per location, although there was seldom more than two (2) in any spot at any one time. Hours of operation were between 7.00 am and 9.00 pm.

At the end of the trial, the City of Fremantle conducted a survey, the results of which were published in the Unique Food Vehicles Licence Trial Survey Results April 2014. The food truck trial was regarded as a success and beneficial to Fremantle overall, bringing more visitors to the Port City. A summary of the survey results follows:

- 813 survey responses were received;
- 792 responses from customers and members of the public;
- 11 responses from local businesses;
- 97% of feedback was very positive to positive;
- 66% of responses said the food trucks should operate even longer hours than 7.00 am – 9.00 pm;
- 3 local businesses rated the food trucks negative to very negative;
- 2 local businesses claimed they lost revenue;
- 37.5% of local businesses preferred the food trucks to be no closer than 25 metres; and
- 37.5% of local businesses preferred the food trucks to be no closer than 500 metres.

The Unique Food Vehicles Licence was made permanent in August 2014.

City of Perth “Mobile Food Truck” Trial

In November 2014, the City of Perth approved a Mobile Food Truck Trial to be held from February to March 2015. A total of ten (10) licences will be issued for use across fifteen (15) locations from 7am to 10pm Monday to Friday, with one (1) location holding trading hours of 10pm to 2am. The locations chosen were to accommodate areas that currently do not demand, with no existing food and beverage businesses within a minimum radius of 50 metres.

City of Bayswater “Mobile Food Vehicles”

The City of Bayswater is accepting applications for Mobile Food Vehicles with applications to include hours and locations of operation. The Health and Rangers departments review the applications and consider for approval.

City of Stirling “Traders Permit (Food)”

The City of Stirling is accepting applications for Mobile Food Vehicles with applications to include hours and locations of operation, with a minimum radius of 100 metres from any shops offering the same product for sale. The fee charged is based on the frequency of trading, with the fee increasing with an increase in trading frequency.

Proposed Locations of Operation

It is proposed to designate two (2) car bays for Mobile Food Vendors across eight (8) locations of the City’s passive parks and active sporting reserves. These locations are outlined below and in Attachment 002.

Location	Street Address	No.
<u>Passive Parks</u>		
Hyde Park	William Street	2
Hyde Park	Vincent Street – near water playground	2
Braithwaite Park	Corner Berryman Street and The Boulevard	2
<u>Active Sporting Reserves</u>		
Les Lilleyman	Gill Street – near playground	2
NIB Stadium	Corner Bulwer Street and Pier Street	2
Britannia Road Reserve	Bourke Street	2
Menzies Park	Purslowe Street and Egina Street	2
Charles Veryard Reserve	Bourke Street	2
TOTAL		16

Operation Details

Specific operational matters such as recommended times of operation, locations and numbers of Mobile Food Vendors per location are detailed as follows:

- Operational days are Monday through to Sunday;
- Operational hours are from 7am to 9pm;
- Foods offered for sale by Mobile Food Vendors may be restricted and described within the permit;
- Sixteen (16) locations have been identified for use by Mobile Food Vendors, with a maximum of two (2) Vendors at any one (1) location at any time. Vendors can choose on a daily basis where they would like to operate;
- ‘Vending Vincent’ permits will allow the Mobile Food Vendors to operate within any of the City’s nominated locations, within the conditions set for each location, which includes adherence to maximum number of Mobile Food Vendors per location; and
- During special events, a ‘Vending Vincent’ permit is not valid within the event precinct with reasonable notice provided to the operators where practicable.

Itinerant Vendors

The Council is requested to consider allowing mobile food vans formerly known as ‘itinerant vendors’, such as ice cream vans, to operate within the City.

Currently, clause 1.5 of the ‘Food Act 2008’ Policy No. 3.8.10 does not allow this form of trading and states in part:

“Mobile Temporary Food Premises have traditionally not been approved by the City (formerly known as ‘Itinerant Vendors’ i.e. ice-cream vans that stop for custom on public property, when hailed by a customer). It is considered that this Policy formalises this position that mobile temporary food premises will not be approved within the City. In consultation with the City’s Ranger and Community Safety Services section and Planning, Building and Heritage section, the following details were identified:

The City is well serviced by permanent food premises:

- *Mobile vendors do not necessarily contribute to the sustainment or development of the City's District, Commercial and Local Centres;*
- *Potential road traffic hazards (i.e. stopping for trade in no-stopping areas, obstructing driveways), and ability for the mobile food operator to stop for trade outside a permanent premises selling similar goods; and the difficulty in monitoring approved versus unapproved vendors."*

To allow this form of trading in the City of Vincent, the following content has been included in clause 2 of the 'Mobile Food Vendor' policy:

"Mobile food vans that were formerly known as 'Itinerant Vendors' eg ice-cream vans that stop for custom on public property when hailed by a customer, are permitted under the following conditions:

- *Hold a valid City of Vincent Mobile Food Vending Permit also known as a 'Vending Vincent' Permit;*
- *Hold a current Food Act 2008 Certificate of Registration from a Western Australian Local Government;*
- *Comply with the overall provisions within this policy;*
- *Serve ice creams, confectionary and drinks only;*
- *Can only trade between the hours of 9am to 5pm, Monday to Sunday;*
- *Must not trade within 50 metres of a commercial outlet selling the same or similar products;*
- *Only remain at a particular location for as long as there is a customer making a purchase. If there is no customer making a purchase, the permit holder must move on from that location within a reasonable time of the last purchase having been made; and*
- *Music, or other forms of noise to attract customers, is not permitted whilst the van is parked."*

CONSULTATION/ADVERTISING:

The Draft Policy will be advertised for a period of twenty-one (21) days, as per the City's Community Consultation Policy. This will occur during the Mobile Food Vendor Trial period between January 2015 and April 2015.

Should public submissions be received, the matter will be reported to Council for further consideration.

Should no public submissions be received, the Policy will be included in the City's Policy Manual.

The Mobile Food Vendor Trial will be activated through a Call for Applications from Vendors by Community Development. The applications will be assessed in conjunction with Health and Compliance Services, with final permits approved by the Chief Executive Officer.

LEGAL/POLICY:

- *Food Act 2008;*
- *Local Government Act 1995;*
- *Food Regulations 2009;*
- *Environment Protection (Noise) Regulations 1997;*
- *Environment Protection (Unauthorised Discharge) Regulations 2004;*
- *Australian and New Zealand Food Standards Code (FSANZ);*
- *City of Vincent Health Local Law 2004; and*
- *City of Vincent Trading in Public Places Local Law 2008.*

To ensure efficient and effective implementation of the Policy, it is recommended that the Council delegate authority to the Chief Executive Officer and Director Community Services to administer the Policy.

RISK MANAGEMENT IMPLICATIONS:

Mobile Food Vendor Permit Holders must take out and keep current a public and product liability insurance policy noting specifically City of Vincent as an interested party. The policy must insure for the amount of at least ten million dollars (\$10,000,000) and must cover injury, loss or damage to persons or property arising out of the activity carried out under this Permit or the granting of this Permit by the Council.

Safety measures may be required at Mobile Food Vending locations and will be assessed on a case-by-case basis by the City. If public safety cannot be reasonably addressed, permits will not be issued.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013 – 2017* where the following Objectives state:

"Natural and Built Environment

1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."*

"Economic Development

2.2.1 *Promote business development and the City of Vincent as a place for investment appropriate to the Vision for the City.*

2.1.2 *Develop and promote partnerships and alliances with key stakeholders."*

"Community Development and Wellbeing

3.1.3 *Promote health and wellbeing in the community.*

3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life."*

SUSTAINABILITY IMPLICATIONS:

The functions of the *Food Act 2008* are delegated to local government. Food safety education and enforcement is one of the key functions of Health and Compliance Services, which includes the licensing and approval of Temporary Food Premises, such as Mobile Food Vendors.

There are minimal additional sustainability implications by the introduction of the Mobile Food Vendor Policy, as the key functions remain similar to those already in place in Health and Compliance Services.

FINANCIAL/BUDGET IMPLICATIONS:

The fees are listed in the City's Fees and Charges 2014/2015, as follows:

- Notification (assessment of initial application) \$50
- Annual Permit: Medium Risk \$858
Low Risk \$619

COMMENTS:

Food trucks are an increasingly popular international trend adopted by such cities as New York, San Francisco and Sydney.

The provision of Mobile Food Vendors in the recommended locations will provide an otherwise lacking service and encourage individuals to stay longer in our parks and reserves.

The Draft Policy No. 3.8.12 'Mobile Food Vendor' is recommended to be advertised for community consultation for a period of twenty-one (21) days, during a Trial Mobile Food Vendor Period between January and April 2015.

Should public submissions be received, the Policy will be reported back to Council for consideration.
