

3.2.3 Trading in Public Places

Type:	Regulatory Services – Environmental Health
Legislation:	Food Act 2008 Local Government Act 1995 Public Places and Local Government Property Local Law 2016
Delegation:	DA56 Activities in Public Places and Local Government Property
Other Related Document:	Town of East Fremantle Fees and Charges

Objective

The purpose of this policy is to provide guidance to mobile food vendors and temporary stall holders about the procedures required for the approval of mobile food vendors and temporary stall holders to trade in a public place within the Town of East Fremantle.

Policy Scope

This policy applies to all mobile food vendors and temporary stall holders who would like to sell goods from Council land, including packaged foods, foods requiring limited food preparation and high risk, take-away and ready-to eat foods or other items such as flowers, plants, books or garage/craft sale type goods.

The licence referred to in the policy does not apply to mobile food vendors and temporary stall holders who operate on privately owned land.

Policy

The Town of East Fremantle will permit trading in a public place in accordance with the *Public Places and Local Government Property Local Law 2016* subject to the below requirements:

The Public Places and Local Government Property Law 2016 Part 3 states:

1. *A person must not without a licence:*
 - (f) *carry on any trading on local government property unless the trading is conducted –*
 - (i) *with the consent of a person who holds a licence to conduct a function, and where the trading is carried on under and in accordance with the licence; or*
 - (ii) *by a person who has a licence or permit to carry on trading on local government property under any written law*
- 8.1 *Application for a licence:*
- (2) *An application for a licence under this local law must:*
 - (a) *be in the form determined by the CEO,*
 - (b) *be signed by the applicant,*
 - (c) *provide the information required by the form; and*

- (d) *be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.*

A licence is valid for one year.

Fees and Charges

Applicable fees and charges are to be paid as per the Annual Fees and Charges Schedule.

The Chief Executive Officer may waive the fees and charges applicable if the trader demonstrates that they are fundraising for a community or sporting group or another charitable or worthwhile cause.

Times of Trading.

Temporary food stall holders must only trade during the times and dates stated on the approved licence.

Insurance.

Mobile food vendors and temporary stall holders must provide their own public liability insurance for \$20,000,000.

Locations of Trading

Mobile food vendors are permitted to trade at the following locations:

- East Fremantle's Festival on George Street.
- Norm McKenzie Reserve.
- Locke Park on the car park adjoining the Bowling Club.
- Jerrat Drive on the car park between the Junior Football Club and Cricket/Lacrosse Club.
- Raceway Park.
- Any other location considered appropriate and approved by the Chief Executive Officer.

The maximum number of mobile food vendors that are permitted at any of the above sites is at the discretion of the CEO and will be considered on the individual merits and impacts of each licence application.

Conditions of the Licence

Conditions relating to any stall or van proposing to sell food:

- Proprietors must comply with the requirements of the Food Act 2008.
- The proprietors must supply a copy of their Approved Food Business Certificate to Council's Principal Environmental Health Officer.
- Any stall or van selling food will be subject to health and safety risk assessments while in operation.
- Proprietors of any stall or van selling food must comply with any direction given by Council's Principal Environmental Health Officer.

Other matters to be considered by Council

Any activity or event proposed in a river side location will have to seek the prior approval of Department of Biodiversity, Attractions and Conservation prior to operating. This approval is to be provided to Council for consideration.

Responsible Directorate:	Executive Manager Regulatory Services
Reviewing Officer:	Principal Environmental Health Officer
Decision making Authority:	Council
Policy Adopted:	
Policy Amended:	
Next Review Date:	