

<b>CEG010</b>	<b>Mobile Trading</b>
Directorate	Community and Economic Growth
Adoption Date	28/05/2020
Last Review Date	14/12/2023

## **CEG010 Mobile Trading**

### **OBJECTIVES**

- Facilitate the opportunities for mobile traders that adds to the public enjoyment and use of the local government area, while not reducing safety or access to public land,
- Ensure existing local businesses are not significantly disadvantaged through the approving of mobile traders; and
- Provide a consistent and coordinated process for the assessment of applications for mobile traders within the Shire.

### **POLICY STATEMENT/S**

The Shire encourages improved retail and hospitality vibrancy that reinforces the positioning of Exmouth as the State's premier tourism town.

The Shire values its local business community and recognises that there are business opportunities that can occur on a temporary basis.

It is recognised that Mobile Traders can:

- Contribute to the vitality of the town,
- Provide a safe, efficient, and accessible food service at peak times to service increased customer demand beyond the supply capabilities and/or outside operating hours of permanent food outlets,
- Provide products and services on a temporary basis not currently on offer,
- Provide an opportunity for seasonal products to be provided, and
- Activate a particular location or precinct that meets the objectives of the local government.

This Policy is a tool that will provide Council with a framework for the operation and management of mobile traders within the Shire of Exmouth.

This Policy is applicable in instances where businesses and/or individuals seek to use public land to operate a business for financial gain where land is owned or controlled by the local government.

This Policy does not apply to the following:

- Where a vendor is part of an event, carnival, market, fete, or the like (this would require an event permit),
- Where the activity is a one-off occurrence such as an opening or open day for a business/premises (this would require an event permit),
- Trading from private property strictly under consent of the landowner (food permit still required if selling food and beverage products),
- Community health mobile clinics and other government/community like uses; and
- A 'produce stall' within private property.

### **DEFINITIONS**

Approved Location - The Shire has identified locations from which a Mobile Trader may trade with appropriate approvals. Trading from these locations may occur independently of a Shire approved market, festival, or event. The Approved Locations are identified within this Policy and potential traders are to consider these locations in the first instance.

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Itinerant Trader – Means a form of mobile trader who sells food from a vehicle parked temporarily on the road to customers who stop them or come to them while they are so parked (for example: ice-cream truck).

License Booking – An application for Mobile Trading where the applicant has previously traded within the Shire of Exmouth for a period of 12 months or more and may be eligible for a 50% deduction on fees.

Mobile Trader – is any means of transport designed to be moveable and used for the preparation or sale of food and beverages (excluding alcoholic beverages), or other goods and/or services.

Moveable Advertising Sign – Any moveable board, notice, structure, banner, or similar device used for the purposes of notifying of a sale, soliciting sales or notifying people of the presence of an adjacent property where goods and services may be obtained. Includes A-Frame signs. This excludes commercial signage mounted on vehicles and/or trailers.

Permit Application – An application for Mobile Trading where the applicant has not previously traded within the Shire of Exmouth for a period of 12 months or more.

Public Place – Includes a reserve, public highway, mall, road street, bridge, footway, footpath, court, alley, passage, or thoroughfare, notwithstanding that it may be formed on private property and any other place to which the public may resort.

## PROVISIONS

1. All Mobile Traders are required to apply for the following permits:
  - Activities on Local Government Property; and
  - Food Business Registration Application (if food vendor).
2. Approvals to trade can be granted for periods ranging from 1 day up to 12 months with terms greater than 12 months to be considered via a licensing arrangement and requiring Council approval on a case-by-case basis. In order to qualify for a licence a trader must demonstrate that they have a proven trading history of at least 12 months (or one full tourism season i.e. April – September) within the Shire of Exmouth area.
3. All Mobile Traders operating within the Shire must hold a public liability policy of insurance in respect of the activities being undertaken, providing cover of at least \$20,000,000.
4. No permanent signage may be erected. A Moveable Advertising Sign may only be displayed during the operating times of the business.
5. As per the local law, permits and licences will not be issued for mobile trading within 300m of a competing static business (does not include other mobile traders) at the same opening times and trading in predominantly similar products unless it is in association with an approved event. For clarity, types of food e.g., pizza, hamburgers, fish and chips are not considered similar products.
6. The trader 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.
7. Traders may apply for multiple locations however are required to nominate all approved locations, operating days and times and pay for these locations in advance. Multiple bookings that in the opinion of the Shire are designed to exclude other traders can be cancelled at the Shire's absolute discretion.
8. There are no stipulations on type of food service to be approved at each location however to reduce potential conflict the numbers of permitted traders at each approved location will be limited as stipulated for each location in these attachments (excludes one off events).
9. The Shire will allocate each booking its own space on a first come first served basis and only confirmed

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once payment has been received. The Shire will maintain a booking sheet for all approved locations.

10. A licence booking will take precedence over a permit booking however the Shire reserves the right to issue a permit for a mobile trader to replace a licensee where the licensee has failed to operate at its approved location for more than 6 continuous weeks.
11. Mobile Traders wishing to operate at specific locations on a more permanent basis for greater than 12 months will be considered in accordance with this Policy. A license approach is to provide greater tenure with terms and conditions negotiated on a case-by-case basis. Any Mobile Trader will require and be subject to Council review and approved and traders will still be required to secure all trading permits.

### **APPLICATION PROCESS**

Applications are to be lodged with the Shire a minimum of 14 days prior to the proposed trading commencement date.

Applications must be submitted on the form provided for this purpose and provide all information necessary for officers to determine whether to issue a permit and apply appropriate conditions to the permit.

Shire may request additional information in support of the application.

Incomplete applications or delays in providing additional information upon 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.

Trading must not commence until all required fees are paid in full and the permits are issued.

### **WHERE MOBILE TRADERS MAY OPERATE**

#### Mobile Traders at Markets, Events and Festivals

Mobile Traders may only operate at a Market, Event or Festival when they have received the prior consent of the organiser of the Market, Event or Festival. In seeking the prior consent, the Mobile Trader should provide evidence of current public liability insurance and Food Act Registration (as appropriate).

When a pre-existing booking between the Shire and the mobile trader conflicts with a festival or one-off event the event will take precedence.

In these circumstances if the trader chooses to trade during the event the trader must abide by the event organiser terms and conditions and the agreement between the Shire and trader will be suspended for the period of the event.

The Shire will refund or credit to the trader any pre-paid booking fees for the period affected at the end of the booking period.

#### Approved Locations

The below are the approved locations identified by the Shire where a Mobile Trader may operate with the appropriate approvals. Locations outside of those described will generally not be permitted however additional locations can be approved by a decision of Council.

**A. Federation Park (maximum 4spaces)**



**B. Town Beach (maximum 8 spaces)** |



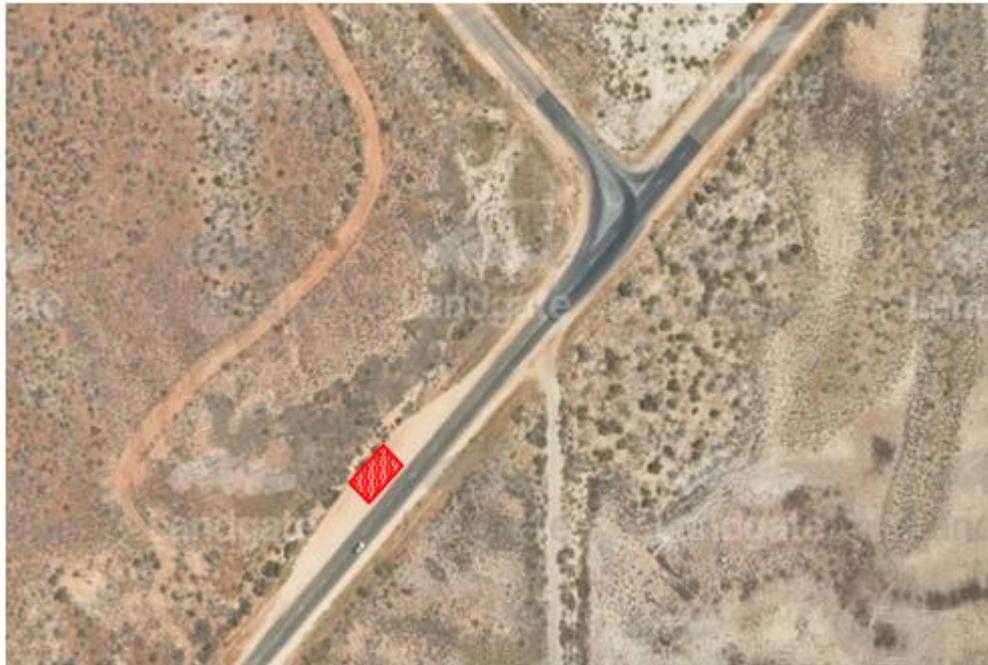
C. Town Beach Area 2 (maximum 2 spaces)



D. Payne Street (maximum 3 spaces)



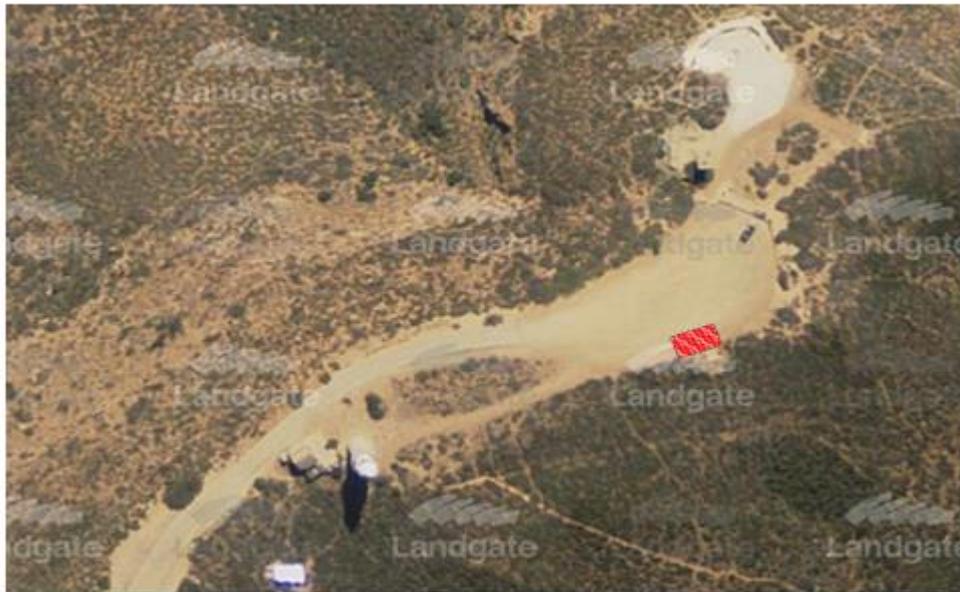
**E. Murat and Yardie Creek Road turnoff (maximum 2 spaces)**



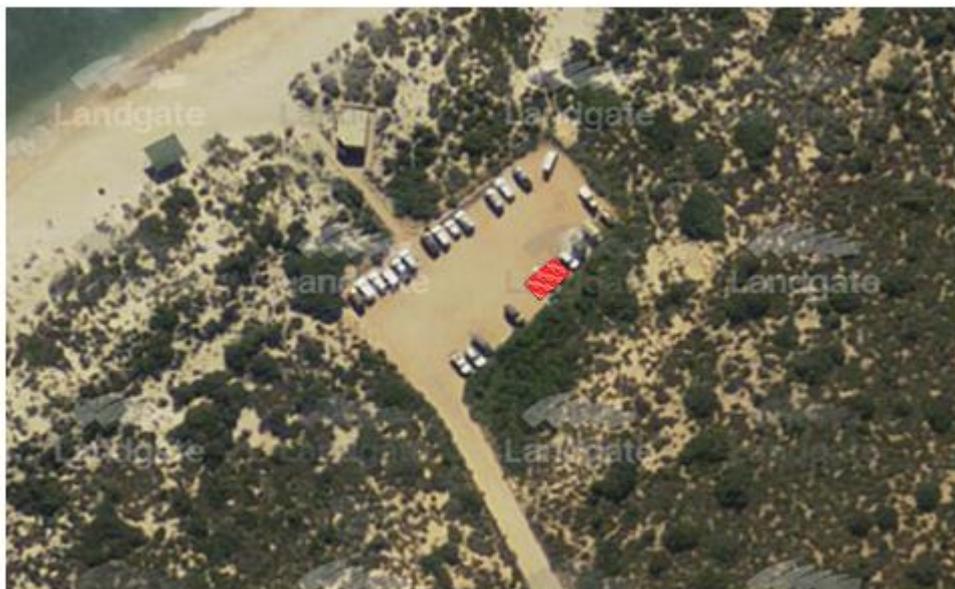
**F. Tantabiddi Boat Ramp precinct (maximum 2 spaces)**



G. Lighthouse precinct (maximum 2 spaces)



H. Dunes carpark (maximum 1 space)





Responsible Officer	Executive Manager Community and Economic Growth
Relevant Legislation	Local Government Act 1995 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
Relevant Delegation	N/A
Review History	
Date	Council Decision
25/06/2020	02-0620
26/11/2020	03-1120
22/04/2021	05-0421
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223