

Temporary Street Traders Policy

Council Policy

1. Purpose

This policy aims 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.

It is recognised that the approval process for issuing permits will consider the opportunity to enhance, add interest and enhance the vibrancy of the Council area. Permits may not be issued where a conflict of commercial interest will occur to a permanent business in the immediate vicinity of the proposed activity.

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 stationery or mobile vending. Mobile traders must not set up within 250 metres of a permanent trader unless the mobile vendor has written agreement of 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 Members	Adoption of the Policy and Guideline so as to recognise the community benefit associated with temporary vending of certain products and services from public areas within the City.
Chief Executive Officer	Allocation of resources and development of a permit system as well as ensuring that temporary vending is consistent with the objectives of Council's strategic plan, integrated business plan and budget process.
All Managers	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 and Commercial Lead	Will be tasked with delivering the levels of service required for temporary street vending.

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 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.
 - (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 event within the City and are determined on a case by case basis by the individual event provider or by Council.

4.3 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.

4.4 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 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.
Pop Up Stall	Means a business that occurs as a one off or temporary occasion at an approved location and is removable by nature.
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:	TBA
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

Next Review Date:	23/05/2027
Applicable Legislation:	Local Government Act 1999
Related Policies:	Council Enforcement Policy
Other Reference Documents:	Temporary Street Traders Guidelines Fees and Charges Register Community Land Management Plans