

MOBILE FOOD/BEVERAGE PERMIT



PERMIT to USE A PUBLIC ROAD FOR BUSINESS PURPOSES

Pursuant to Section 222 of the Local Government Act 1999

Permit Holder (Name and Address)	
Mobile Food Vending Business	
ABN	
Vehicle type	
Vehicle registration	
Commencement Date	
Permit fee	Annual Fee: \$2,000 (excluding GST) Monthly Fee: \$200 (excluding GST) <i>Indicate which fee has been paid by the Permit Holder</i>
Insurance	Public Liability of not less than \$20,000,000

The issuing of this Permit is subject to:

- A. The Permit Holder agreeing to the General Conditions of Permit as contained herein
- B. The Permit Holder agreeing to all Special Conditions that Council may determine and attach to this Permit
- C. The Permit Holder agreeing to all directions to which Council may determine from time to time
- D. The Permit Holder providing to Council evidence of all appropriate insurances as required by the General Conditions and/or the Special Conditions of Permit

Conditions of Permit

The Permit Holder further agrees:

1. The Permit Holder is authorised to conduct the Mobile Food Vending Business from the vehicle identified above on a public road in the Council area subject to the conditions set out in this permit.
2. The permit is subject to the payment of a permit fee. The Permit Holder may elect to pay either an annual fee or a monthly fee.
3. The permit will operate from the Commencement Date and will expire:
 - 3.1. in respect of a permit for which the Annual Fee has been paid, 12 months after the Commencement Date; and
 - 3.2. in respect of a permit for which a Monthly Fee has been paid, 1 month after the Commencement Date,unless cancelled earlier by the Council in accordance with the *Local Government Act* and the *Local Government (General) Regulations 2013*.
4. The Permit Holder may only operate the Mobile Food Vending Business from a location which is consistent with the location rules for mobile food vending businesses published by the Council (available at www.marion.sa.gov.au).

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5. This permit does not provide the Permit Holder with exclusive access to any location in the Council area from which to operate the Mobile Food Vending Business.
6. The Permit Holder must vacate the location in which the Mobile Food Vending Business has operated at the end of each trading period.
7. The Permit Holder must ensure that the operation of the Mobile Food Vending Business does not unduly interfere with:
 - 7.1. vehicles driven on the road;
 - 7.2. vehicles parking or standing on roads;
 - 7.3. a parking area for people with disabilities (within the meaning of rule 203(2) of the *Australian Road Rules*);
 - 7.4. public transport or cycling infrastructure (such as bus zones, taxi zones and bike lanes);
 - 7.5. other road related infrastructure; or
 - 7.6. infrastructure designed to give access to roads, footpaths and buildings.
8. The Permit Holder must comply with requirements of:
 - 8.1. the *Local Government Act 1999* and the *Local Government (General) Regulations 2013*;
 - 8.2. the *Food Act 2001*;
 - 8.3. the *South Australian Public Health Act 2011*;
 - 8.4. the *Environment Protection Act 1993*;
 - 8.5. the *Local Nuisance and Litter Control Act 2016*;
 - 8.6. the *Motor Vehicles Act 1959* and *Road Traffic Act 1961*;
 - 8.7. any law or legislative provision relating to electrical or gas installations or appliances; and
 - 8.8. any other relevant law or legislative provision relating to health, safety or the environment,when operating the Mobile Food Vending Business.
9. The Permit Holder will comply with all parking controls as signed.
10. The Permit Holder is responsible for all waste and litter created by the Mobile Food Vending Business or its customers. The Permit Holder must ensure that all waste and litter caused by the Mobile Food Vending Business or its customers is removed from the location in which the Mobile Food Vending Business has operated prior to leaving that location. Council provided rubbish bins may not be used by the Permit Holder for the disposal of waste or litter.
11. The Permit Holder must hold insurance as specified above whenever the Mobile Food Vending business is operating. Evidence of the insurance held by the Permit Holder must be provided to the Council or an authorised person on request.
12. A breach of a condition of this permit may result in a penalty of up to \$2,500 or the cancellation of this permit.
13. If the permit is cancelled, the Permit Holder must inform any council which has also issued a current mobile food vending permit to the Permit Holder of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation. A failure to provide notice may result in a penalty of up to \$500.

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14. If this permit is cancelled, the Permit Holder may be prohibited by the Council from applying for a mobile food vending business permit for a period of up to 6 months (**Prohibited Period**). The Permit Holder must inform a council to which the Permit Holder makes an application for a mobile food vending business permit during the Prohibited Period of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation. A failure to provide notice may result in a penalty of up to \$500.
15. This permit is personal to the Permit Holder and may only be transferred with the prior written approval of the Council.
16. The Permit Holder must be able to produce this permit at all times when conducting the Mobile Food Vending Business, if requested to do so by an authorised person.
17. For the term of this Permit, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Codes of Practice.
18. Where the permit relates to the sale or distribution of any food materials including drinks, the Permit Holder must lodge a food notification form as well as have had undertaken an inspection of any plant that is intended to be used in line with this permit, by an Environmental Health Officer, prior to the consideration for approval of any permit application.
19. Music or other audible means for the purpose of attracting custom is not to be used.
20. Council does not warrant that the location is fit for any purpose or is safe.
21. If Council gives a consent, approval or direction, accepts any work or inspects anything for the Permit Holder, Council does not have a duty of care to the Permit Holder for that thing and the Permit Holder is not to any extent relieved from its obligations to comply with these conditions.
22. The Permit Holder agrees to comply with any direction given by any Authority, statutory or Council pursuant to this Permit. Failure to comply with a direction will be taken as failing to comply with a condition of this Permit.
23. The Permit conditions may be amended at any time by the issuing authority with or without consultation with the Permit Holder. In this instance the Permit Holder will be notified of the changes in writing.
24. The Permit is issued for a term of 3 months commencing on the date of execution by Council, subject to review by Council from time to time.
25. The Permit Holder's vehicle and all equipment must remain in the location shown on the attached map and must remain on roads intended for public vehicular traffic or car parks at all times.
26. Council must be notified in writing, within 14 days in the circumstances where there has been a change to the ownership of the business or a change to the approved activity contained within this Permit or a change to circumstances that would affect the validity of this permit. A new Permit may need to be issued.
27. The Permit Holder is not permitted to enclose any area with screens or similar structures or provide tables and/or chairs without written approval from Council.
28. The Permit Holder must keep the area safe.
29. The Permit Holder will ensure that the operation of their business does not cause a nuisance or impact adversely on the community amenity, environmental health, the safety of visitors to the Reserve or cause a nuisance to nearby residents.
30. The Permit Holder accepts total responsibility to make good any damage that occurs to Council property as a result of the operation of a mobile vending business including damage to any grassed areas (including wheel ruts or otherwise)
31. The vehicle and all equipment must be of a quality finish and kept in good repair at all times and to a standard as determined by Council.
32. Power generators are to be EPA compliant.
33. Authorised Officers (of Council) will monitor mobile vending activities and operators are required to comply with any direction provided by such officer.

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- 34. If the Permit Holder is more than one person, each of them is bound jointly and severally.
- 35. In this permit:

authorised person means an authorised person appointed by the Council pursuant to the *Local Government Act 1999*.

operating a mobile food vending business includes:

- (a) the handling and preparation of food intended for sale;
- (b) the selling of food;
- (c) transporting the mobile food vending business to, from and within the Council area;
- (d) parking the mobile food vending business; and
- (e) setting up and dismantling the mobile food vending business.

public road has the meaning given in the *Local Government Act 1999*.

In making this application, I/we acknowledge that I/we have read, understand and agree to be bound by the Conditions of Permit and declare that the particulars provided by me/us with regard to the Business are true and accurate.

Dated the day of 2019

Signed by Permit Holder/s

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Signed for Council

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Name:

Title:

Date: 2019