

MELTON CITY COUNCIL

Minutes of the Policy Review Panel Meeting of the Melton City Council held via a videoconference

24 May 2021

24 May 2021

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24 May 2021

MELTON CITY COUNCIL

MINUTES OF THE POLICY REVIEW PANEL MEETING OF THE
MELTON CITY COUNCIL
HELD IN THE VIA A VIDEOCONFERENCE
ON 24 MAY 2021 AT 1:30PM

Present: Cr K Majdlik (Mayor)

Cr Carli Cr S Ramsey Cr J Shannon

Mr J Whitfield, Governance Coordinator

Mr S McManus, Manager Engagement & Advocacy Ms N King, Coordinator Amenity Protection

1. WELCOME

The Mayor, Cr Majdlik opened the meeting at 1:33pm and welcomed the Panel members.

2. APOLOGIES

Nil.

3. DECLARATION OF INTERESTS AND / OR CONFLICT OF INTEREST

Nil.

4. MINUTES OF PREVIOUS MEETINGS

Nil

5. OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING

This Panel meeting was convened to deal with the Agenda items of the Panel meeting held 18 May 2021 that were not dealt with at that meeting prior to its adjournment

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6. PRESENTATION OF STAFF REPORTS

6.7 REVISED MOBILE FOOD VAN POLICY

Responsible Officer: Phil Lovelace – Manager Community Safety & Sean McManus –

Manager Engagement and Advocacy

Document Author: John Whitfield - Governance Coordinator

Date Prepared: 4/05/2021

1. Recommendation:

That Council note the report.

Motion

Crs Ramsey/Carli.

That Council:

- 1. Note the report;
- Note that a Draft Mobile Food Vehicle Policy (refer Appendix 2) and Mobile Food Vehicle Location listing (refer Appendix 3) were presented to the Panel by Council officers and noting the changes made by the Panel highlighted in yellow;
- Note that legal advice has been requested by Council officers to confirm the Draft Mobile Food Vehicle Policy is validly made; and
- 4. Note that a further amendment to the Draft Mobile Food Vehicle Policy is being prepared by Council officers to address the operation of mobile ice cream vendors within the municipality.

CARRIED

2. Background

2.1 The Policy

At the Policy Review Panel meeting held 27 January 2021 the Panel resolved:

Crs Carli/Shannon.

That the Council's Mobile Food Van Policy be updated and brought to the next Policy Review Panel for its consideration.

Unfortunately Council officers have not completed a review of this policy at the date of preparing this agenda. The policy is now scheduled for the Panels next meeting on 4 August 2021.

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2.2 Sources/benchmarking

The Council's Mobile Food Van Policy is well overdue for review. The current policy is attached for the Panel's information at **Appendix 1**.

Unfortunately the review of this policy was not able to be done before preparation of this agenda.

The intent of the review is to explore whether there were any more suitable locations for food trucks to operate, being conscious to support local food truck operators and not comprise the viability of other food retailers.

The policy is now scheduled for the Panels next meeting on 4 August 2021.

2.3 Consultation

The Policy Owner and the Responsible Officer for this policy have been requested to undertake this review and report back to the Policy Review Panel.

2.4 Communication and Implementation

Not applicable. Will be addressed on presentation of the policy.

2.5 Compliance

Not applicable. Will be addressed on presentation of the policy.

2.6 Measures of Success

Not applicable. Will be addressed on presentation of the policy.

LIST OF APPENDICES

- 1. Mobile Food Vehicle Policy dated 10 March 2015
- 2. Draft Mobile Food Vehicle Policy dated 20 May 2021
- 3. Mobile Food Vehicles Location listing undated

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Item 6.7 Revised Mobile Food Vehicle Policy
Appendix 1 Mobile Food Van Policy - dated 10 March 2015

MELTON	Mobile Food Vehicle Policy
Version No.	V1.0, 10 December 2014
Endorsement	Executive, 10 December 2014 Policy Review Panel, 5 February 2015
Authorisation	Council, 10 March 2015
Expiry date	11 February 2017
Responsible officer	Manager Economic Development and Advocacy
Policy owner	Manager Compliance

1. Purpose

The purpose of this Policy is to guide Council's consideration of applications for Mobile Food Vehicle (MFV) permits under Council's Local Law and to provide a framework for management of mobile food vehicles on public land (ie. parks or reserves, streets or roads) within the municipality.

2. Scope

Melton City Council is committed to supporting and enhancing local business and in creating vibrant and active spaces for people

Council recognises that MFVs can add to the vitality of the municipality through the creation of a broad range of food options, particularly in areas where permanent food outlets are not operating in the immediate area. Melton City Council also recognises the role that MFVs can play in attracting visitors to an area and in the activation of public spaces.

Council also has a commitment to the wellbeing of the Melton City Council; economically, socially, and environmentally, and seeks to support activities which do not have a detrimental impact on surrounding residences, businesses or public property.

As detailed in Council Local Law Part 4, a permit is required for the sale of goods in or within any street, vacant land, public place or land in which he or she does not normally occupy.

This policy has been developed to support the operations of MFVs within the municipality and to provide a framework for both Council staff and mobile food van operators in regards to obtaining a permit for operation as well as the ongoing management of sites.

3. Definitions

Word/Term	Definition
Mobile Food Vehicle	A Mobile Food Vehicle (MFV) includes any:
	 Registered Vehicle, caravan, trailer or any other method of transport from which food is sold;
	 b) Non-road registered vehicles such as, but not limited to coffee carts, hot dog carts or similar vehicles.

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Appendix 1 Mobile Food Van Policy - dated 10 March 2015

Word/Term	Definition		
Public Place	As detailed in Part 4 of Council's Local Law "Public Place" includes any a) bridge, court, alley or thoroughfare formed on private land;		
	b) park, garden, Reserve or other place of public recreation or resort;c) wharf, pier or jetty;d) place of public resort; and		
	e) open place to which Members of the public have, or are permitted to have, access but excludes any land vested in a Person or a corporation other than the Crown, Roads Corporation or Council.		
Sell	Sell means the definition within the Food Act 1984 and includes: Offer or attempt to sell; or Receive for sale; or Display for sale; or		
	- Have in possession for sale.		

4. Policy

4.1 Permit Eligibility

To be eligible for a MFV permit, operators need to meet the basic standards required for the operation of a business of this nature including:-

- Australian Business Registration
- Food Act Registration Certificate
- Current VicRoads registration
- Public Liability Insurance (not less than \$10,000,000 in respect of any single occurrence)
- Registration with Streatrader

Evidence of all the above items must be submitted with the MFV permit application.

4.2 Locations

Council will nominate a number of sites annually from which MFVs can operate. These sites are reviewed on an annual basis and are selected on the following criteria:

- proximity to surrounding businesses and commercial precincts;
- no obstruction to roads, footpaths, traffic signals and road signage;
- minimum clearance of 25 metres from a school crossing or other similar traffic control facility;
- minimal disruption to surrounding residential areas;
- availability of parking

A MFV site will be allocated to the permit holder for the entire permit period (maximum of 12 months) with a maximum of three MFVs permitted at any one site.

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Appendix 1 Mobile Food Van Policy - dated 10 March 2015

4.3 Trader Responsibilities

It is the responsibility of the trader to ensure that:

- the MFV does not cause any obstructions to footpaths, roads or sightlines;
- residential amenity is not unreasonably compromised by the MFV including patron behaviour, noise, odour, lighting and disposal of litter;
- provision is made for the disposal of all litter associated with the MFV. Trade waste must not be placed in public street bins;
- the preparation, handling and serving of food and drinks to patrons must be conducted in accordance with the requirements of the Food Act 1984 and Council's Environmental Health Unit.

The trader can cancel the permit with 30 days written notice.

4.4 Trader Restrictions

To ensure a MFV does not compromise the operation of existing food businesses or future businesses and protects the wellbeing of the community:

- must only operate at the designated site
- designated MFV sites will be located a minimum of 500m from the closest food premises;
- foods offered for sale from the MFV may be restricted and described within the permit conditions:
- street furniture or additional promotional signage is prohibited;
- sale of alcohol and cigarettes is prohibited from MFV's operating in the City of Melton.

MFV trading permits will be reviewed annually to ensure local food businesses within the municipality are not compromised by MFV traders. No guarantees will be given for the following year. Permits issued within any financial period will only attract a 'pro Rata' fee.

During annual festivals, parades or special events a MFV permit located within the event precinct **will not be valid**. Permits to participate in other Council festival and events need to be obtained separately.

4.5 Council Responsibilities

Council authorised officers are responsible for the issuing and monitoring of MFV trading permits. Following a complaint or observation of a breach of the MFV permit, Council officers will contact the permit holder and take appropriate enforcement action which may include on the spot fines or cancellation of permit.

Any operators found to be selling alcohol, cigarettes or committing a criminal offense whilst selling goods from a MFV operating in the City of Melton will have their permit instantly cancelled.

Council can cancel the permit at any time with 30 days written notice.

4.6 Mobile Food Van permit process

So as to provide equal opportunity for all MFV's, Council will advertise for Expressions of Interest for MFV's once per annum. All permits will automatically expire at the end of each 12 month period. Selection of MFV's will be made on set criteria including:

- quality, diversity and uniqueness of offering
- presentation/ quality of van

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- safety and amenity
- financial/ environmental sustainability
- history with current or previous trader operations
- references
- evidence of all relevant licenses and registration as detailed in Section 4.1
- Where two or more applications are assessed as being of equal specification, Council
 may exercise its discretion in favour of a business registered within the municipality.

There are a maximum of 3 permits allocated to each site at any one time.

When submitting an Expression of Interest for a MFV, the following information is required:

- details of the size of the vehicle: a detailed plan at scale 1:100 of the vehicle must be submitted showing exterior and interior dimensions.
- copy of all registrations and licences as detailed in section 4.1
- details of preferred location/s, days and hours of operation
- menu of food to be sold
- details of associated lighting, banners, bunting
- permit application form

Failure to submit all the above details may result in the trader not being considered for a permit.

If successful for one of the twelve permits, the trader will then be required to provide a certificate of currency to indemnify the Council against all claims of any kind arising from any negligent act either by the permit holder or the permit holders agents or users, and pay the required permit fee prior to the commencement of any operation.

Social enterprises and registered charities may apply to have fees waived pending evidence of charitable or not-for-profit status.

5. Responsibility /Accountability

5.1	Coordinator Economic Development and Tourism
	Responsibility for development of policy framework
5.2	Coordinator Environmental Health
	Responsibility for ensuring compliance with the Food Act
5.3	Local Laws Officer
	Responsibility for monitoring and responding to complaints

6. References and links to legislation and other documents

Name	Location
Melton City Council Local Law	
Part 4 – Sale of Goods, Street Selling, Collections and Distributions	www.melton.vic.gov.au
City of Melton, Economic Development and Tourism Plan 2014 – 2030	www.melton.vic.gov.au

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Item 6.7 Revised Mobile Food Van Policy

Appendix 2 Draft Mobile Food Vehicle Policy - dated 20 May 2021



1. Purpose

The purpose of this Policy is to guide Council's consideration of applications for Mobile Food Vehicle (MFV) permits under Council's General Local Law 2015 and to provide a framework for management of mobile food vehicles on public land (ie. parks or reserves, streets or roads) within the municipality.

The policy does not apply to:

- · mobile food vehicles operating as part of a permitted event
- mobile food vehicles operating from private land or land operated by other government authorities

2. Scope

Melton City Council is committed to supporting and enhancing local business and in creating vibrant and active spaces for people.

Council recognises that MFVs can add to the vitality of the municipality through the creation of a broad range of food options, particularly in areas where permanent food outlets are not operating in the immediate area. Melton City Council also recognises the role that MFVs can play in attracting visitors to an area and in the activation of public spaces.

Council also has a commitment to the wellbeing of the Melton City Council; economically, socially, and environmentally, and seeks to support activities which do not have a detrimental impact on surrounding residences, businesses or public property. Council supports the growth of its local business community and therefore looks to identify local businesses first for participation in the MFV permit process.

As detailed in Part 4 of Council's General Local Law 2015, a permit is required for the sale of goods in or within any street, vacant land, public place or land in which he or she does not normally occupy.

This policy has been developed to support the operations of MFVs within the municipality and to provide a framework for both Council staff and mobile food vehicle operators in regards to obtaining a permit for operation as well as the ongoing management of sites.

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Appendix 2 Draft Mobile Food Vehicle Policy - dated 20 May 2021

3. Definitions

3.	Definitions	
	Word/Term	Definition
	Mobile Food Vehicle	A Mobile Food Vehicle (MFV) includes any:
		 Registered Vehicle, caravan, trailer or any other method of transport from which food is sold;
		 Non-road registered vehicles such as, but not limited to coffee carts, hot dog carts or similar vehicles.
	Public Place	As detailed in the definitions in Part 1 of the General Local Law 2015 which refers to the definition in the <i>Summary Offences Act</i> 1966 which says as follows:
		Public place includes and applies to—
		 (a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property;
		(b) any park garden reserve or other place of public recreation or resort;
		(c) any railway station platform or carriage;
		(d) any wharf pier or jetty;
		(e) any passenger ship or boat plying for hire;
		(f) any public vehicle plying for hire;
		(g) any church or chapel open to the public or any other building where divine service is being publicly held;
		 (h) any Government school or the land or premises in connexion therewith;
		 (i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;
		(j) any market;
		 (k) any auction room or mart or place while a sale by auction is there proceeding;
		 any licensed premises or authorised premises within the meaning of the Liquor Control Reform Act 1998;
		 (m) any race-course cricket ground football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;
		(n) any place of public resort;
		(o) any open place to which the public whether upon or without payment for admittance have or are permitted to have access; or
		 (p) any public place within the meaning of the words "public place" whether by virtue of this Act or otherwise;
- [

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Appendix 2 Draft Mobile Food Vehicle Policy - dated 20 May 2021

Sell	Sell means the definition within the Food Act 1984 and includes, in part:
	- Offer or attempt to sell; or
	- Receive for sale; or
	- Display for sale; or
	- Have in possession for sale.

4. Policy

4.1 Permit Eligibility

To be eligible for a MFV permit, operators need to meet the basic standards required for the operation of a business of this nature including:-

- Australian Business Registration
- Registration with Streatrader under the Food Act 1984,
- Current VicRoads registration
- Public Liability Insurance (not less than \$10,000,000 in respect of any single occurrence)

Evidence of all the above items must be submitted with the MFV permit application.

4.2 Locations

Council will nominate a number of sites annually from which MFVs can operate. These sites are reviewed on an annual basis and are selected on the following criteria:

- proximity to surrounding businesses and commercial precincts;
- no obstruction to roads, footpaths, traffic signals and road signage;
- minimum clearance of 25 metres from a school crossing or other similar traffic control facility;
- minimal disruption to surrounding residential areas;
- availability of parking

A MFV site will be allocated to the permit holder for the entire permit period (maximum of 12 months)

The number of permits available for each site and which days and times they can be used will be included in the 'Mobile Food Vehicle Approved Sites' which are updated annually and listed on Council's website.

4.3 Trader Responsibilities

It is the responsibility of the trader to ensure that:

- the MFV does not cause any obstructions to footpaths, roads or sightlines;
- residential amenity is not unreasonably compromised by the MFV including patron behaviour, noise, odour, lighting and disposal of litter;
- provision is made for the disposal of all litter and waste associated with the MFV. Trade waste must not be placed in public street bins or stormwater;
- the preparation, handling and serving of food and drinks to patrons must be conducted in accordance with the requirements of the Food Act 1984 and Council's Environmental Health Unit.

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Appendix 2 Draft Mobile Food Vehicle Policy - dated 20 May 2021

The trader can cancel the permit with 30 days written notice. A pro-rata refund may be provided on cancellation.

4.4 Trader Restrictions

To ensure a MFV does not compromise the operation of existing food businesses or future businesses and protects the wellbeing of the community:

- must only operate at the designated site
- designated MFV sites will be located a minimum of 500m from the closest food premises. In the case of sites that are closer than 500m, restrictions to trade times and menu will be applied;
- food and beverages offered for sale from the MFV may be restricted and described within the permit conditions.
- street furniture or additional promotional signage is prohibited;
- sale of alcohol and cigarettes is prohibited from MFV's operating in the City of Melton.

MFV trading permits will be reviewed annually to ensure local food businesses within the municipality are not compromised by MFV traders. No guarantees will be given for the following year.

Permits issued within any financial period will only attract a 'pro Rata' fee.

Events and Festivals

During annual festivals, parades or special events a MFV permit located within the event precinct **will not be valid**. Permits to participate in other Council festival and events need to be obtained separately.

Participation in Council Run events is via an EOI process,

https://www.melton.vic.gov.au/Out-n-About/Events/Get-involved-in-Council-events provides forms and appropriate dates.

Mobile Food Vehicles on Private Land

Use of private land by a Mobile Food Vehicle may require a Planning Permit. https://www.melton.vic.gov.au/Regulations/Permits-and-forms/Planning-Permits provides further information.

Permits are issued for use by individual traders and cannot be transferred or re-sold to thirdparties

If a new 'bricks and mortar' business opens up in the vicinity of MFV site which sells a similar cuisine as a MFV permit holder, the permit holder is able to operate until the permit expires at which time the 'Mobile Food Vehicle Approved Sites' will be updated and new restrictions may be added to a site.

Food Truck Parks

Under this policy, permits are issued for individual operators at specific sites. Regular groupings of Mobile Food Vehicles (Food Truck Parks or similar) will be considered on a case by case basis through Events and Planning permit provisions.

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Appendix 2 Draft Mobile Food Vehicle Policy - dated 20 May 2021

4.5 Council Responsibilities

Council authorised officers are responsible for the issuing and monitoring of MFV trading permits. Following a complaint or observation of a breach of the MFV permit, Council officers will contact the permit holder and take appropriate enforcement action which may include on the spot fines or cancellation of permit.

Any operators found to be selling alcohol, cigarettes or committing a criminal or Food Safety Act offence whilst selling goods from a MFV operating in the City of Melton will have their permit instantly cancelled.

Council can cancel the permit at any time with 30 days written notice.

4.6 Mobile Food Vehicle permit process

Expressions of Interest for MFV Permits will be called for on Council's website. Businesses can express their interest in obtaining a permit at any time of the year, and permits will be issued based on availability with fees charged pro-rata for the remainder of the financial year.

All permits will automatically expire at the end of each financial year and permit holders will have the option to reapply. Permits will designate which days of the week and times of day the permit holder is able to trade at that site. A trader may apply for and hold permits for multiple sites. Selection of MFV's will be made on set criteria including:

- quality, diversity and uniqueness of offering
- presentation/ quality of van
- safety and amenity
- financial/ environmental sustainability
- history with current or previous trader operations
- locality of operators
- prioritisation of local vendors where possible
- references
- evidence of all relevant licenses and registration as detailed in Section 4.1
- Where two or more applications are assessed as being of equal specification, Council
 may exercise its discretion in favour of a business registered within the municipality.

When submitting an Expression of Interest for a MFV, the following information is required:

- details of the size of the vehicle: a detailed plan at scale 1:100 of the vehicle must be submitted showing exterior and interior dimensions.
- copy of all registrations and licences as detailed in section 4.1
- details of preferred location/s, days and hours of operation
- menu of food to be sold
- details of associated lighting, banners, bunting
- permit application form

Failure to submit all the above details may result in the trader not being considered for a permit.

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Appendix 2 Draft Mobile Food Vehicle Policy - dated 20 May 2021

If a permit is issued the trader will then be required to provide a certificate of currency to indemnify the Council against all claims of any kind arising from any negligent act either by the permit holder or the permit holders agents or users, and pay the required permit fee prior to the commencement of any operation.

Social enterprises and registered charities may apply to have fees waived pending evidence of charitable or not-for-profit status.

Permit holders must have a copy of their current permit on display when operating.

5. Responsibility /Accountability

5.1	Coordinator Economic Development and Tourism				
	Responsibility for development of policy framework				
5.2	Coordinator Health and Building				
	Responsibility for ensuring compliance with the Food Act 1984				
5.3	Local Laws Officer				
	Responsibility for monitoring and responding to complaints				

6. References and links to legislation and other documents

Name	Location
Melton City Council General Local Law 2015	
Part 4 – Sale of Goods, Street Selling, Collections and Distributions and Special Events	www.melton.vic.gov.au
City of Melton, Economic Development and Tourism Plan 2014 – 2030	www.melton.vic.gov.au
Mobile Food Vehicle List of Approved Sites	www.melton.vic.gov.au

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Appendix 3 Mobile Food Vehicles Location listing - undated

Recommended Food Vehicle Sites

Name	Tier	Address	Details	Number of sites
Navan Park	1	Centenary Ave,	Existing site	3
		Harkness		
Taylors Hill	1	Calder Park Drive,	Existing site – consider increase in sites	5
		Tayors Hill		
Hannah Watts Park	1	High St, Melton	Existing Location	3
			Exclusions	
			Djerriwarrh Festival - Fri 5 Nov to Sun 7 Nov 2021	
			Carols by Candlelight - Date TBC	
			Community Events as permitted via Events permit	
Bridge Rd Play Space /	1	Bridge Rd, Cobblebank	3 big car parks available in the area	5
Atherstone Athletics Facility			*Will need to confirm with Lendlease	
			*if using time blocks, then recreation should be consulted for sports club usage/canteens etc	
Frontier Park / Woodlea	1	Frontier Ave, Aintree	Lots of car parking available near the oval.	5
Oval		Tronder Ave, America	Public toilet available.	
			*Quite close to the new activity centre so it will need some	
			restrictions on type of food and trading days/hours. Will need	
			to talk to Woodlea.	
			Exclusions: Flavour Fest - Date TBC	
Wiltshire Park	2	Wiltshire Blvd, Thornhill	* We'll need to speak with Wel.Co	2
		Park	* These sites are quite close to residential and there is limited	
			off-street parking	
Burnside Heights	2	Tenterfield Drive,	Car park around sports field.	3
Recreation Reserve		Burnside Heights		
			* May need to check with the football club/recreation in	
			regards to usage times/canteens etc	
Boronia Park Reserve	2	Boronia Drive, Hillside	Popular dog park and walking tracks nearby. Carpark and	3
			playground nearby.	

Appendix 6 Policy Review Panel Meeting Minutes - dated 24 May 2021

MINUTES OF THE POLICY REVIEW PANEL

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Appendix 3 Mobile Food Vehicles Location listing - undated

Name	Tier	Address	Details	Number of sites
Eynesbury Recreation	2	Avoca Street, Eynesbury	New oval/school area	3
Reserve	eserve			
			* Will need to check with the Eynesbury developers.	
Diggers Rest Recreation	2	Plumpton Rd, Diggers	* Close to the new activity centre that is being built. Would	3
Reserve		Rest	need to have restrictions on the cuisine type based on what	
			new restaurants come online	
Exford Reserve	2	Cnr Griegs Rd + Exford	* May not be a Council owned reserve	2
		Rd, Exford		
Melton Botanical Gardens	2	40 Lakewood Blvd	* Opportunity to activate site. Close to residential and limited	2
			off-street parking	
Scott Street Park/Reserve	2	Cnr Scott St & Plover St,	* Opportunity to activate site. Close to residential and limited	1
		Melton	off-street parking. Need to limit type of trade and times due to	
			proximity to shopping strip, however feedback from	
			traders/community is that a coffee van would be a benefit to	
			the strip.	
			TOTAL:	40

^{*}Hannah Watts Park and Frontier Park host public events across the year. During these festivals, parades or special events a MFV permit located within the event precinct will not be valid. Permits to participate in these events need to be obtained separately. Contact should be made with the event organiser to discuss.

^{*}Participation in Council Run events is via an EOI process, https://www.melton.vic.gov.au/Out-n-About/Events/Get-involved-in-Council-events provides forms and appropriate dates.

^{*}Use of private land by a Mobile Food Vehicle may require a Planning Permit. https://www.melton.vic.gov.au/Regulations/Permits-and-forms/Planning-Permits provides further information.

POLICY REVIEW PANEL		24 MAY 2021
7.	GENERAL BUSINESS Nil.	
8.	CONFIDENTIAL BUSINESS Nil.	
9.	NEXT MEETING To be determined	
10. The m	CLOSE OF BUSINESS neeting closed at 2:31pm.	
Confir Dated		
	CHAIRPERSON	