



MELTON CITY COUNCIL

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

23 June 2021

MINUTES OF THE POLICY REVIEW PANEL23 JUNE 2021

TABLE OF CONTENTS

1.	WELCOME	2
2.	APOLOGIES	2
3.	DECLARATION OF INTEREST AND/OR CONFLICT OF INTEREST	2
4.	MINUTES OF PREVIOUS MEETING	2
5.	OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	3
6.	PRESENTATION OF STAFF REPORTS	4
	6.1 MOBILE FOOD VEHICLE POLICY	4
7.	GENERAL BUSINESS	21
8.	CONFIDENTIAL BUSINESS	21
9.	NEXT MEETING	21
10.	CLOSE OF BUSINESS	21

MINUTES OF THE POLICY REVIEW PANEL23 JUNE 2021

MELTON CITY COUNCILMINUTES OF THE POLICY REVIEW PANEL MEETING OF THE
MELTON CITY COUNCIL
HELD IN THE VIA A VIDEOCONFERENCE
ON 23 JUNE 2021 AT 1:00PM

Present: Cr K Majdlik (Mayor)
Cr Carli
Cr S Ramsey
Cr J Shannon

Mr S McManus, Manager Engagement & Advocacy
Mr P Lovelace, Manager Community Safety
Mr J Whitfield, Governance Coordinator

1. WELCOME

The Mayor, Cr Majdlik opened the meeting at 1:05pm and welcomed the Panel members.

2. APOLOGIES

Nil.

3. DECLARATION OF INTERESTS AND / OR CONFLICT OF INTEREST

Nil.

4. MINUTES OF PREVIOUS MEETINGS**RECOMMENDATION:**

That the Minutes of the Policy Review Panel held on 12 May 2021, 18 May 2021 and 24 May 2021 and adopted by Council at the Meeting held on 7 June 2021 be noted.

Motion

Crs Carli/Shannon.

That the recommendation be adopted.

CARRIED

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

5. OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING

Nil.

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

6. PRESENTATION OF STAFF REPORTS**6.1 MOBILE FOOD VEHICLE POLICY**

Responsible Officer: Sean McManus - Manager Engagement & Advocacy
and Phil Lovelace – Manager Community Safety

Document Author: Susan Beniston – Visitor Servicing and Development Officer

Date Prepared: 16/06/2021

1. Recommendation:

That Council approve the revised Mobile Food Vehicle Policy attached at **Appendix 2**

Motion

Crs Carli/Shannon.

That Council:

1. approve the revised Mobile Food Vehicle Policy attached at **Appendix 2**; and
2. officers amend the time slots for permits on the Proposed Food Vehicle Sites attached at **Appendix 3** to be “*Sites are proposed to be available 7 days a week, with permits available for time slots 6.00am-11.00am, 11.00am-4.00pm, 4.00pm-10.00pm.*”

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.

At the Panel meeting held 24 May 2021 a draft Mobile Food Vehicle Policy was presented. As a result of the staff presentation and Panel member discussion, the following resolution was carried:

Motion

Crs Ramsey/Carli.

That Council:

1. Note the report;
2. 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;

Page 4

MINUTES OF THE POLICY REVIEW PANEL23 JUNE 2021

3. *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

Legal advice has now been received in regard to point 3 of the resolution above (**Attachment 1**). With regard to the policy it states:

- Restrictions on location (clause 4.2) – no recommended changes
- Trading time limits (clause 4.4) – no recommended changes
- Restrictions on menu conflicts within designated sites (clause 4.4) – recommendation that this aspect be reworded as guidance to Council officers to assess permits that support the policy objectives of a providing a breadth of offering. Proper application of this discretion may mean that certain sites may have multiple vendors offering similar products (perhaps because that is what the demand demonstrates is needed at that site at that time). An arbitrary limit such as one vendor type per site should be avoided.

Officers have updated the policy in line with this advice

- Restrictions on menus – proximity to bricks and mortar businesses (clause 4.4) – recommendation that Council consider removing the restrictions proposed to be imposed for designated sites closer than 500m to an existing food premises. This restriction would not be necessary if designated sites are originally selected on the basis that existing businesses will not be materially impacted by operations at that site. Such an approach supports the Policy objectives relating to broadening options for residents, minimising impact on existing businesses and activating spaces that may otherwise not receive visitors due to a lack of food and beverage options.

Officers have updated the policy in line with this advice

- Local Preference (clause 4.6) – no recommended changes

Also, in regard to point 4 in the resolution above, Council officers have reviewed policies in place in other municipalities for roaming and itinerant traders. Any operators who have been operating in the City of Melton do so without a permit.

It has been identified that there are risks to the community and operators for trade to take place on a roaming basis, and as such, traders that have previously operated on a roaming basis will not be allowed, rather will need to secure a permit to trade from the identified sites.

Identified sites have been reviewed by Engineering in regards to community and traffic safety. They also allow operators to meet other requirements of the policy. These sites will be reviewed annually to determine need and relevance.

For the purposes of this policy, no distinction is made on the type of food or beverage that is sold, and as such, Ice-Cream Vans and Coffee Vans should not need to be identified separately to other types of food or beverage sales.

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

2.2 Sources/benchmarking

Policies from the following municipalities were reviewed as part of the process of revising the Mobile Food Vehicle Policy.

Council	Outcome
Hume	Set locations for MFV & separate permit specific to ice cream van
Maribyrnong	Set locations - roaming ice cream vendors excepted
Moreland	Set locations only
Port Phillip	Set locations for MFV & separate permit specific to ice cream van (they have 1 in total and cannot trade in residential areas, only commercial)
Brimbank	Set locations only
Yarra City	Set locations only
Wyndham	Set locations only
Hobsons Bay	Roaming permit allowed for ice cream only (they have 1 in total)

2.3 Consultation

Stakeholders for specified locations were invited to provide feedback on the proposed sites.

Internal feedback has been sought through Engineering, Parks and Waste teams. Recreation has been contacted in regards to locations relating to sporting clubs. Feedback from Recreation has required a key consideration for issuing a permit for sites where sports clubs operate from. A notation on the table that lists the available sites has been included that venues that host community sporting events may have time restrictions placed upon them while sporting events are being held. This is to protect the viability of food/canteen operations of sporting clubs.

2.4 Communication and Implementation

Following approval of the policy, an EOI process will be undertaken to promote the availability of permits and encourage applications.

Promotion of the permits and process will be undertaken by

- Listing on council website
- Direct email to locally registered Mobile Food Vehicle Operators
- Direct email to existing Mobile Food Vehicle Permit Holders
- Promotion via Business newsletters via the Economic Development Unit
- Inclusion on the Venture Melton Business Network Website and Facebook page

MINUTES OF THE POLICY REVIEW PANEL**23 JUNE 2021**

On receipt of applications, Officers will review applications in line with policy and issue permits. If applications are received after the closing date for the EOI process, then these will be assessed on a pro-rata basis.

2.5 Compliance

The Policy is being revised, and all delegations remain the same.

Legal advice has been sought for the policy to ensure compliance with legislation.

2.6 Measures of Success

Successful implementation of this policy will see uptake of additional permits and opportunities for Mobile Food Vehicles across the municipality. Annual review of sites and permits will be undertaken to inform the next year's program.

LIST OF APPENDICES

1. Legal Advice - Mobile Food Vehicle Policy - dated 1 June 2021
2. Draft Mobile Food Vehicle Policy - dated 20 May 2021
3. Proposed Food Vehicle Sites - undated

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy

Appendix 1 Legal Advice - Mobile Food Vehicle Policy - dated 1 June 2021



Our ref: PWW 22102835
Contact: Paul Gray
Direct Line: 03 5225 5231
Direct Email: pgray@ha.legal
Your ref:

1 June 2021

Natasha King
Coordinator Amenity Protection
Melton City Council

cc Maree Stellini, Senior Legal Counsel

Dear Natasha,

Competition Review – Mobile Food Van Policy

You have asked for advice on the proposed Mobile Food Van Policy (**Policy**) and the application of the National Competition Policy Requirements and the Local Government Act. A copy of the Policy as provided is attached.

National Competition Policy and the Local Government Act 1989 (Act)

1. The principles underpinning the National Competition Policy are reflected in Schedule 8 of the *Local Government Act 1989 (Act)* which sets out provisions with respect to local laws.
2. We note that Schedule 8 of the Act will be repealed on 1 July 2021 as part of the transition to the *Local Government Act 2020*, however these provisions are in force at the time of this advice, and we understand, the date of the proposed adoption of the Policy.
3. Clause 2(j) of Schedule 8 of the Act states that a local law must not restrict competition unless it can be demonstrated that:
 - (a) the benefits of the restriction to the community as a whole outweigh the costs; and
 - (b) the objectives of the local law can only be achieved by restricting competition.
4. This is the 'competition test' which is intended to establish whether restrictions on competition are necessary through an assessment of the costs and benefits of proposed and alternate means of achieving the public policy objectives of a local law or policy. The test is designed to apply to the local law itself, as well as any policies or permit conditions associated with its implementation.
5. The competition test is built on the presumption that restrictions on competition impose costs on the community. It places a burden on Council in this instance to establish the case for the enactment of a policy that may restrict competition.
6. In order to discharge this burden, Council can take into account a range of factors, including non-economic factors such as economic development, equity consideration and the interests of consumers generally or of a class of consumers.

#12400746v1

70 Gheringhap Street
Geelong VIC 3220

DX 22019

PO Box 101
Geelong VIC 3220

T 03 5225 5225
F 03 5225 5222

ABN 98 076 868 034

harwoodandrews.com.au

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy

Appendix 1 Legal Advice - Mobile Food Vehicle Policy - dated 1 June 2021

2

The Policy

7. Council is proposing to adopt a policy to guide consideration by Council of applications for Mobile Food Vehicle (MFV) permits under Council's General Local Law 2015 (**Local Law**).
8. The Local Law requires persons to hold a permit for the sale of goods in or within any street, vacant land, public space or land which the person does not normally occupy.

Public policy objectives

9. The draft Policy broadly provides a framework for management of MFVs on public land within the municipality and complements the existing Food Act *Stretrader* regime (registration under which is a permit re-condition).
10. The stated objectives of the Policy include:
 - (a) Enhancing local businesses;
 - (b) Creating vibrant and active spaces for people;
 - (c) Creation of a broad range of food options, particularly in areas where permanent food outlets are not operating; and
 - (d) Attracting visitors to an area and the activation of open spaces.
11. A further key aspect of the Policy is to ensure that local food businesses within the municipality are not adversely impacted by the operation of the Policy.
12. The Policy achieves these objectives primarily by:
 - (a) Requiring MFVs to meet certain minimum standards or qualifications in order to be issued a permit (such as registration and insurance);
 - (b) Council specifying the public places in which licensed MFVs can operate (designated areas);
 - (c) Requiring MFVs to comply with certain amenity, waste and regulatory compliance obligations;
 - (d) Imposing some restrictions MFVs from operating in certain locations, limiting menu options and ability to use street furniture and signage; and
 - (e) Providing Council with a discretion to prefer MFVs registered in the municipality in certain circumstances.

Does the Policy restrict competition?

13. There are a number of aspects of the proposed policy which at least theoretically could result in a restriction of competition.
14. Although requiring a permit in itself does not necessarily constitute a restriction on competition, if the granting of permits were limited in number or issued in a discriminatory fashion, then these aspects could result in a restriction to competition. Council will need to ensure that the discretion afforded Council is used in accordance with competition principles, and the assessment below is premised on Council acting accordingly.
15. All of the following could operate to reduce competition in relation to vendors or similar products in and near each designated area.
 - (a) *Restrictions on location:* (clause 4.2) Limiting the locations where MFVs are permitted to trade may reduce the entrants to the market and make each individual business less viable
 - (b) *Trading time Limits:* (clause 4.4) Restricting the amount of time MFVs may trade could restrict competition

#12400746v1

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy

Appendix 1 Legal Advice - Mobile Food Vehicle Policy - dated 1 June 2021

3

- (c) *Menu conflicts within sites: (clause 4.4)* Council proposes to only allow a limited number of MFVs selling the same category of product in each designated site at the same time (for example, only one ice-cream van at a time in each site).
- (d) *Menu restrictions – proximity to existing businesses (clause 4.4)* A menu restriction is proposed where a designated site is close (within 500m) to a 'bricks and mortar' business selling the same food and beverage category.
- (e) *Local preference: (clause 4.6)* The Policy proposes to give the Council discretion to favour locally registered MFVs in a limited number of circumstances. We assume this may mean in those circumstances, 'non-local' operators will not be granted a permit or be offered an alternative location or time to operate.

Application of the competition test

16. See table attached for our assessment of these aspects and we are happy to assist with drafting amendments to support the recommendations.
17. Subject to the recommendations in the table, we consider the Policy does not contain material restrictions on competition, and where restrictions exist the relevant aspects of the Policy meet the competition test, in that the benefits of the relevant restrictions outweighs the costs to the community as a whole, and there is no reasonable alternative available to Council.

Yours sincerely,



Paul Gray
HARWOOD ANDREWS

#12400746v1

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy

Appendix 1 Legal Advice - Mobile Food Vehicle Policy - dated 1 June 2021

Potential restriction on competition	Are there alternatives?	Public benefit versus cost	Recommendation
<i>Restrictions on location (clause 4.2)</i>	We are unable to see a reasonable alternative to the objective of enlivening specific spaces without some designation (and therefore potentially restriction) of areas for MFV operation.	We see considerable value in the land use, social, health, safety and security impacts of grouping MFVs at designated locations which, as a whole, outweigh the potential increased costs of access and reduced value for individuals due to the limited designated areas	No recommended change
<i>Trading time limits (clause 4.4)</i>	We are unable to see a reasonable alternative to the objective of public amenity, noise and nuisance prevention without some limitation on trading times for MFV operation.	Consistent with other Council local laws, there is considerable value in social, safety and amenity created by the restriction of trading times which, as a whole outweigh the potential costs in reduction of access to MFVs outside normal trading hours. We assume these trading times are broadly consistent with times during which most residents will seek to access the sites.	No recommended change
<i>Restrictions on menu conflicts within designated sites (clause 4.4)</i>	We are unable to see a reasonable alternative to meeting the objective of ensuring a breadth of menu offerings at a Site.	Although the application of this restriction may mean there is a range of food and beverage offerings available to residents at a designated site, the value of this benefit does not seem to outweigh the potential costs of a monopoly situation at a site or the potential for insufficient supply of certain offerings.	<i>We recommend this aspect be reworded as guidance to Council officers to assess permits that support the policy objectives of a providing a breadth of offering. Proper application of this discretion may mean that certain sites may have multiple vendors offering similar products (perhaps because that is what the demand demonstrates is needed at that site at that time). An arbitrary limit such as one vendor type per site should be avoided.</i>

#12400746v1

This page was left intentionally blank

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy

Appendix 1 Legal Advice - Mobile Food Vehicle Policy - dated 1 June 2021

2

<i>Restrictions on menus – proximity to bricks and mortar businesses (clause 4.4)</i>	We consider there to be alternatives to menu restriction to achieve the objectives of the policy to protect existing local businesses, specifically having locations that are at an appropriate distance from bricks and mortar businesses (see recommendation).	Because we think there are reasonable alternatives to this restriction that will fulfil the Policy objectives, there is no assessment of whether the benefits of the restriction to the community as a whole outweigh the costs.	<p><i>We recommend Council consider removing the restrictions proposed to be imposed for designated sites closer than 500m to an existing food premises.</i></p> <p><i>This restriction would not be necessary if designated sites are originally selected on the basis that existing businesses will not be materially impacted by operations at that site. (If such restrictions were necessary, then it is arguable that the selected site is sufficiently serviced by existing businesses)</i></p> <p><i>Such an approach supports the Policy objectives relating to broadening options for residents, minimising impact on existing businesses and activating spaces that may otherwise not receive visitors due to a lack of food and beverage options.</i></p>
<i>Local Preference (clause 4.6)</i>	We are unable to see a reasonable alternative to achieving the support of local business objective of the policy,	Consistent with other similar Council policies that provide a weighting in favour of local businesses, there is established value in the social and economic impact of supporting local businesses which, as a whole outweigh the potential costs of 'non-local' firms exiting the market if they are less likely to be granted a permit. We note that this discretion is to be exercised only where there is otherwise comparable permit applications.	No recommended change

#12400746v1

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy
Appendix 2 Draft Mobile Food Vehicle Policy - dated 20 May 2021

	Mobile Food Vehicle Policy
Version No.	2.0 - 20 May 2021
Endorsement	Executive - 17 June 2021 Policy Review Panel – <insert date>
Authorisation	Council - <insert date>
Review date	31 December 2022
Responsible officer	Manager Engagement and Advocacy
Policy owner	Manager Community Safety

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 [community](#); 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.

Deleted: City Council

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy
Appendix 2 Draft Mobile Food Vehicle Policy - dated 20 May 2021

3. Definitions

Word/Term	Definition
Mobile Food Vehicle	A Mobile Food Vehicle (MFV) includes any: <ul style="list-style-type: none"> a) 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.
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 1966</i> which says as follows: <p>Public place includes and applies to—</p> <ul style="list-style-type: none"> (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; (l) 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;
Sell	<u>Sell means the definition in the <i>Food Act 1984</i> as follows:</u> (a) barter, offer or attempt to sell; and

Mobile Food Van Policy

V2.0 20 May 2021

2 of 7

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy

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

	<p>(b) <u>receive for sale; and</u></p> <p>(c) <u>have in possession for sale; and</u></p> <p>(d) <u>display for sale; and</u></p> <p>(e) <u>cause or permit to be sold or offered for sale; and</u></p> <p>(f) <u>send, forward or deliver for sale; and</u></p> <p>(g) <u>dispose of by any method for valuable consideration; and</u></p> <p>(h) <u>dispose of to an agent for sale on consignment; and</u></p> <p>(i) <u>provide under a contract of service; and</u></p> <p>(j) <u>supply food as a meal or part of a meal to an employee in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work; and</u></p> <p>(k) <u>dispose of by way of raffle, lottery or other game of chance; and</u></p> <p>(l) <u>offer as a prize or reward; and</u></p> <p>(m) <u>give away for the purpose of advertisement or in furtherance of trade or business; and</u></p> <p>(n) <u>supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment; and</u></p> <p>(o) <u>supply food (whether or not for consideration) in the course of providing services to patients in hospitals or prisoners in prisons, and</u></p> <p>(p) <u>sell for the purpose of resale; _____</u></p>
--	---

Deleted: 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 Stretrader 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;

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy

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

- 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.

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 have been identified as those not sufficiently serviced by existing businesses and to create a broader offering to the community;~~
- ~~food and beverages offered for sale from the MFV include a quality, diversity and uniqueness of offering compared to existing traders near to the location~~
- 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.

Deleted: 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

Deleted: food and beverages offered for sale from the MFV may be restricted and described within the permit conditions ¶

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy
Appendix 2 Draft Mobile Food Vehicle Policy - dated 20 May 2021

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 third parties.

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.

Roaming Mobile Food Vehicles

[To ensure the safety of the community and vehicle operators, permits for roaming operations, such as Ice Cream Vans and Coffee vans are not available under this policy. Operators are encouraged to apply for a permit to operate from a designated site.](#)

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

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy

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

- 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.

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 <ul style="list-style-type: none"> • Responsibility for development of policy framework
5.2	Coordinator Health and Building <ul style="list-style-type: none"> • Responsibility for ensuring compliance with the <i>Food Act 1984</i>
5.3	Local Laws Officer <ul style="list-style-type: none"> • Responsibility for monitoring and responding to complaints

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy

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

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

MINUTES OF THE POLICY REVIEW PANEL

23 JUNE 2021

Item 6.1 Mobile Food Vehicle Policy
Appendix 3 Proposed Food Vehicle Sites - undated

Proposed Food Vehicle Sites

Name	Tier	Address	Number of sites
Navan Park	1	Centenary Ave, Harkness	3 (existing)
Taylor's Hill	1	Calder Park Drive, Taylor's Hill	5 (expanded)
Hannah Watts Park	1	High St, Melton	3 (existing)
Bridge Rd Play Space / Atherstone Athletics Facility	1	Bridge Rd, Cobblebank	5
Frontier Park / Woodlea Oval (see feedback)	1	Frontier Ave, Aintree	5
Wiltshire Park	2	Wiltshire Blvd, Thornhill Park	2
Burnside Heights Recreation Reserve	2	Tenterfield Drive, Burnside Heights	3
Eynesbury Recreation Reserve	2	Avoca Street, Eynesbury	3
Diggers Rest Recreation Reserve	2	Plumpton Rd, Diggers Rest	3
Melton Botanical Gardens	2	40 Lakewood Blvd	2
Scott Street Park/Reserve	2	Cnr Scott St & Plover St, Melton	1
Exford Road North BioDiversity Reserve – Car Park	2	In front of 1221 Exford Road	1
			36

* Sites are proposed to be available 7 days a week, with permits available for time slots 6.00am-11am, 11.00am-4.00pm, 4.00pm-9.00pm

* 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.

* Atherstone Athletics Facility, Frontier Park, Burnside Heights Recreation Reserve, Eynesbury Recreation Reserve and Diggers Rest Recreation Reserve host community sporting events, predominantly on weekends. Permit conditions may restrict times while sporting events are being held.

* 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 PANEL23 JUNE 2021

7. GENERAL BUSINESS**Motion**

Crs Carli/Shannon.

That Council officers:

1. undertake a full review of all policies with Council's Executive to be involved in the process; and
2. provide a report back to the Policy Review Panel at its next meeting on Thursday 29 July 2021 with a listing of all policies, with this listing to include the policy adoption date and review date, and if overdue for review, the proposed date of the next review of the policy.

CARRIED**8. CONFIDENTIAL BUSINESS**

Nil.

9. NEXT MEETING

Thursday 29 July 2021 at 11:00am with the location to be determined.

10. CLOSE OF BUSINESS

The meeting closed at 1:54pm

Confirmed

Dated this

.....CHAIRPERSON