

HOBSONS
BAY CITY
COUNCIL



Hobsons Bay Mobile Vendor Policy

2022 Version 0.3

Acknowledgment of Country

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past, present and emerging.

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1. Purpose

This policy has been developed to facilitate and manage the effective operation of mobile vendors in Hobsons Bay and provide a framework for considering requests for roadside trading in the municipality.

2. Background

Mobile trading, when managed appropriately, can contribute to creating a vibrant and diverse local economy, attracting visitors and providing residents in isolated areas with local access to goods and services. Consideration must also be given to impacts on the community including potentially negative impacts on existing business owners, landowners and residents.

Hobsons Bay City Council regulates mobile vendors to ensure that temporary business opportunities are facilitated and managed in a consistent way.

There has been an increase in mobile trading activity within Hobsons Bay in recent years and this policy aims to provide an equitable and flexible approach to managing mobile and itinerant vendors. Council recognises that mobile vendors can contribute to the economic diversity and activation of the municipality and provide access to goods and services at times or in locations where there is limited access to local products and services.

Across Victoria there are a wide variety of approaches to mobile vendors. These range from minimal such as Streatrader registration only to significant limitations and restrictions and fees. Council seeks to balance the interests of mobile vendors with the interests of other businesses through the provision of an equitable and flexible approach.

This policy replaces the stationary roadside vendors tender process and allows for stationary roadside trading (trading in one approved site for the duration of the permit) or itinerant trading (roaming at least 100m away from other operators, businesses, and designated safety exclusion zones along the coastline).

In line with the policy objectives the principles of the mobile vendor policy include:

- clarity
- minimising potential adverse impacts
- increasing economic diversity and business diversification
- social connection

3. Scope

This policy replaces the stationary roadside vendors tender process and outlines the process for both stationary and itinerant/roaming vendors to operate in Hobsons Bay. Vendors would be either stationary (one approved site for the duration of their permit) or itinerant (roaming at least 100m away from other operators, businesses, and outside safety exclusion zones along the coastline).

The policy does not apply to:

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

The policy designates specific locations referred to as 'approved sites' for stationary vendors and enables other sites to be nominated to become new approved sites.

This policy is an operational policy and will be regularly reviewed and maintained by the organisation.

4. Definitions

For the purposes of this policy, the following definitions have been developed:

Mobile vendor	Any business selling products or services from a vehicle
Roadside trading	The sale of goods or services from a vehicle or stall on the side of the road, rather than from a store or office setting
Itinerant/roaming vendor	A vendor who travels from place to place to sell their goods, moving <u>regularly</u> between sites during one period of trade (e.g., ice cream truck, mobile coffee van). In Hobsons Bay for the purpose of this policy itinerant / roaming vendors must not stay in the same location for longer than one hour per day
Stationary vendor	A temporary or mobile vendor selling goods from a designated site. In Hobsons Bay stationary vendors must operate from one of the approved locations or submit a request for a new location to be considered as an approved site. If a new site is approved vendors can then apply for a permit to operate at the approved location on a monthly or annual basis

Streatrader	The Victorian Government website where businesses and community groups must register their temporary or mobile food business. Through Streatrader, businesses and community groups can apply for <i>Food Act 1984</i> registration, manage their registration, and lodge a Statement of Trade
Statement of Trade	A Statement of Trade (SOT) is a notification to a Council of where and when you intend to trade. Any mobile or temporary food premises selling to the public must lodge a SOT under the <i>Food Act 1984</i>
Existing bricks and mortar business	Refers to any business that offers products and services to its customers face-to-face in an office, store or building that the business owns or rents
Activity Centre	Areas that provide a focus for services, employment, housing, transport and social interaction. They range in size and intensity of use from smaller neighbourhood centres to major suburban centres and larger metropolitan centres
Coastline	Refers to Council roads, streets and car parking areas adjacent to the beach or foreshore areas
Safety exclusion zone	A zone along the coastline, designated by Council and indicated on the map in Appendix 2, where trading is not allowed due to safety concerns and a lack of amenities that can safely support the operation of a mobile vendor
Local vendor	Where the owner of the enterprise lives in Hobsons Bay and/or the business is registered to a Hobsons Bay address; or the mobile vendor is an extension of a business operating from a fixed address in Hobsons Bay (e.g. a café, flower shop, etc.)

5. Policy and principles

The policy aims to support a proactive and flexible approach to outdoor trading to deliver the following objectives:

- to minimise potential impact of mobile vendors on established businesses
- to increase the economic diversity of the Hobsons Bay economy
- to reduce uncertainty around mobile trading in Hobsons Bay
- to encourage new business and business diversification
- to provide local residents with access to a variety of products and services, regardless of where they reside
- to encourage social connection within neighbourhoods
- to identify and encourage opportunities to activate underutilised areas of the municipality
- to ensure public safety whilst providing access to public spaces and trading opportunities

6. Procedural guidelines

Two permit types are available:

- Stationary - one site for the duration of the permit at an approved site
- Itinerant – roaming permit for Council operated roads and land

6.1 Approved sites for stationary vendors

There are six approved sites for mobile trading identified within Hobsons Bay, including:

- Tier 1: Point Gellibrand Park (Timeball Tower), Williamstown
- Tier 2: Newport Boat Ramp
- Tier 3: Altona Boat Ramp, Altona; Cherry Lake, Altona; Apex Park, Altona & Kororoit Creek Road, Williamstown

Additional sites will be assessed upon application.

Sites situated within 100 metres of an activity centre (as identified in the Activity Centre Strategy 2019-36), an existing bricks and mortar business or a permitted mobile vendor will not be considered.

6.2 Itinerant vendors

Itinerant / roaming vendors **must remain 100 metres or further away** from an activity centre (as identified in the Activity Centre Strategy 2019-36); existing bricks and mortar business' during hours of operation; approved stationary sites; another permitted mobile vendor; and must not operate within the designated safety exclusion zones along the coastline.

Itinerant / roaming vendors must not:

- operate in the same location for longer than one hour per day (excluding setup time) and may not return within 100 metres of that location within the same day
- create a nuisance to nearby residents
- attend any sporting, festival or community event without Council's written consent or an approved application by the event organiser. If written consent has not been secured, then 100m must be maintained from the reserve or site while the event is taking place.

6.3 Requirements to operate

- Certificate of Currency for Public Liability insurance to the sum of \$20,000,000 and noting "Hobsons Bay City Council" as an interested party, and commitment to maintaining currency
- proof of business or company registration (ABN)
- current Streatrader registration (where a licence is required under the Food Act)
- current vehicle registration and insurance if the business utilises a vehicle (and towing vehicle if relevant)
- applicant's details must match ABN, licensee and licenced vehicle details
- application is submitted by the business owner and licensee under the Food Act
- for itinerant vendors, applicants must acknowledge that they will submit a statement of trade at least one business day prior to trading
- operators must provide their own power and water, and ensure all waste is removed from the site at the conclusion of each day of trade
- all waste and litter generated through goods sold or used by the mobile vendor must be disposed by the vendors and vendors must ensure the area around their site is kept clear of rubbish and refuse at all times. Refuse must be removed off site following the end of trade
- operators must register for notifications of any changes to the map indicating exclusion areas, including the safety exclusion zone, and areas where mobile vendors can operate
- the operator must abide by all parking restrictions and must not create an obstruction on any road, thoroughfare or footpath, and abstain from trading on Vic Roads nominated roads

7. Application Process

- all permit applications must be submitted online for assessment
- permits will be processed in order of receipt
- annual permit holders will be required to submit a new application prior to the expiry of the current permit (31 July). Failure to do so may result in the permit being allocated to another vendor

Applications will be assessed with permits allocated in accordance with this policy and the following criteria:

- impact on established businesses
- increased economic diversity and business diversification
- preference for businesses located within Hobsons Bay

- preference will be given to annual permits
- social connection opportunities
- activation of underutilised areas of the city
- environmental performance of vendors (e.g. eliminating use of Single Use Plastics)

8. Fees and associated costs

	Stationary			Itinerant
	Tier 1 site	Tier 2 site	Tier 3 site	
Application fee (new sites)	\$75	\$75	\$75	N/A
Monthly permit	\$960	\$640	\$640	\$960
35% Discount for local vendors	\$625	\$415	\$415	\$625
Annual permit	\$3,850	\$2,560	\$1,600	\$3,850
35% Discount for local vendors	\$2,500	\$1,660	\$1,040	\$2,500
Maximum permits available	1 per site	1 per site	1 per site	12 in total

Annual fees are valid from 1 August to 31 July and are subject to change. Permit fees will be charged annually in October or pro-rata for permits issued during the year.

If seeking to trade as a stationary vendor on a new approved site there are two steps in the process: firstly the site will need to be assessed for suitability as an 'approved location' for stationary vendors; secondly if site is approved a Stationary Vendor Permit is required.

9. Permit provision

Permits are reviewed annually to ensure equity and accessibility for mobile vendors. All permit renewals will be processed with consideration to current demand for mobile trading and the impact on local businesses and the Hobsons Bay community.

A maximum of one vendor permit per location will be issued for approved locations. A maximum ten additional sites would be considered as approved locations. Twelve itinerant mobile vendor permits will be made available during the first year after this policy is adopted by Council and comes into effect. The caps may be reviewed after the first year of policy operation to manage future demand. A maximum of two permits will be issued to individual vendors with Council reserving the right to refuse applications if they limit the diversity of goods being offered for sale.

Noncompliance to any of the conditions of the permit or this policy will render the permit void and leave the mobile vendor in breach of Hobsons Bay Community Local Laws Part 12, Sections 115 and 116.

Council reserves the right, irrespective of anything contained in this Policy, to revoke, suspend or cancel a permit that has been issued, or the approval of a specific site. Council will refund on a pro-rata basis any permit application fees that have been paid, but will not be liable for any lost business, income or other business cost associated with the exercise of this clause.

10. Related documents

Economic Development Strategy 2015-20

Footpath Trading Code of Practice

Experience Hobsons Bay Tourism Strategy 2019-24

Activity Centre Strategy 2019-36

Hobsons Bay Community Local Law 2015

11. Related legislation

Food Act 1984

Local Government Act 2020

12. Review date

As this a new policy, it will be trialled for one year from the date of endorsement by Council and then reviewed thereafter.

13. Further information

For further information concerning this policy please contact the Economic Development team on 1300 179 944 or business@hobsonsbay.vic.gov.au.

14. Document control

Policy Name	Mobile Vendor Policy
Object ID	A3668603
Agility Document Number	
Responsible Directorate	Sustainable Communities
Policy Owner	Coordinator Economic Development
Policy Type	Council Endorsed Policy
Date Adopted by Council	
Review Date	After one year from the date of endorsement

15. Version history

Version Number	Date	Authorised by
0.1	15.04.2021	Manager Strategy Economy and Sustainability
0.2	29.07.2021	Manager Strategy Economy and Sustainability
0.3	March 2022	Manager Strategy Economy and Sustainability

Appendix 1: Mobile Vendors Areas of Trade Map (March 2022)

To view the dynamic map [click here](#) and zoom in to better understand the exclusion zones and see street names. The dynamic map is updated regularly to include any additional stationary vendor sites.

