Business Use of a Road Permit – Mobile Food Vending Business

Pursuant to Section 222 of the Local Government Act 1999

A Permit is required for all Business use activity on a Road. The Permit Holder is liable for any breach of requirements set out in the Business Use of a Road Policy, including those committed by their staff and volunteers.

Business Name							
Vehicle Type & Registration (include Trailer type and registration if applicable)							
Applicant/Contact Person/s							
Email Address		**Mobile/Other Phone**					
Annual or Monthly Permit?	**ANNUAL** ☐ **MONTHLY** ☐						
Commencement Date of Permit							
Food Business Notification Number	*Note: For new businesses, a Food Business Notification Form is required to be submitted and approved with the Eastern Health Authority prior to obtaining a Mobile Food Vendor Permit.* *Note: For existing businesses, please provide your pre-existing approved Food Business Notification Number.*						
Trading Period	***Mon***	***Tues***	***Wed***	***Thurs***	***Friday***	***Sat***	***Sun***
Arrival Time *							
Departure Time *							
**** See requirements for Trading Period within General Conditions***							

DETAILS OF BUSINESS (USE) ACTIVITY – Mobile Food Vendor Business

Approval from the Department of Planning Transport and Infrastructure (DPTI) may be required at an arterial road. Council cannot guarantee DPTI will approve or decline the request for a permit.

*Proposed Mobile Food Vendor must consult **Council's Mobile Food Vendor Policy** for information regarding Location requirements.*

Proposed Business Activity (eg coffee)	
Exact Location of Proposed Business Activity	
Operational Details of Vehicle and trailer (if applicable) to undertake Activity (eg side vehicle operation or trailer)	

PERMIT FEES			
Annual Fee	$ 680	**Monthly Fee**	$ 68

DOCUMENTATION REQUIRED (to be attached with application – please tick if attached with this document)

- ☐ Current copy of Public Liability Insurance for the amount of $20,000,000 ($20 Million)
- ☐ Site sketch of proposed Vehicle and/or trailer location & operation type (rear or side)

THE ISSUING OF THIS PERMIT IS SUBJECT TO:

a. The Applicant agreeing to the General Conditions of Permit as contained herein;

b. The Applicant agreeing to any/all Special Conditions that the Council may determine and attach to this Permit;

c. The Applicant paying the prescribed fee/s;

d. The Applicant providing to the Council evidence of all appropriate insurances as required by the General Conditions and/or the Special Conditions of the Permit.

GENERAL CONDITIONS OF PERMIT

1. For the term of the Permit, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Codes of Practice.
    a. A mobile food vending business operating within the City of Prospect is subject to food safety inspections by the Eastern health Authority.
        i. Inspections are subject to fees as defined in the *Food Act 2001*, and the Eastern Health Authority Food Business Inspection Fee Policy. This Policy is available on the Eastern health Authority's website (https://www.eha.sa.gov.au/) and at 101 Payneham Road, St Peters.
    b. A mobile food vending business must not operate without a Food Business Notification Number, issued by the Eastern Health Authority (and its delegates), or equivalent authority responsible for compliance with the *South Australian Public Health Act 2011* and *Food Act 2001*, and evidence of this notification number must be provided to the City of Prospect with the permit application.
2. The Permit Holder is authorised to conduct the Mobile Food Vending Business from the vehicle and/or trailer identified above on a public road in the Council area subject to the conditions set out in this permit.
3. 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.
4. The Permit will operate from the Commencement Date and will expire:
    a. in respect of a Permit for which the Annual Fee has been paid, 12 months after the Commencement Date; &
    b. in respect of a Permit for which a Monthly Fee has been paid, 1 month after the Commencement Date,
5. 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 (**www.prospect.sa.gov.au)**.
6. 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.
7. The Permit Holder must vacate the location in which the Mobile Food Vending Business has operated at the end of each trading period.
8. The Permit Holder must ensure that the operation of the Mobile Food Vending Business does not unduly interfere with:
    a. vehicles driven on the road;
    b. vehicles parking or standing on roads;
    c. a parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
    d. public transport or cycling infrastructure (such as bus zones, taxi zones and bike lanes);
    e. other road related infrastructure; or
    f. Infrastructure designed to give access to roads, footpaths and buildings.
9. The Permit Holder must comply with requirements of:
    a. the Local Government Act 1999 and the Local Government (General) Regulations 2013;
    b. the Food Act 2001;
    c. the South Australian Public Health Act 2011;
    d. the Environment Protection Act 1993;
    e. the Local Nuisance and Litter Control Act 2016;

f. the Motor Vehicles Act 1959 and Road Traffic Act 1961;
g. any law or legislative provision relating to electrical or gas installations or appliances; and
h. any other relevant law or legislative provision relating to health, safety or the environment when operating the Mobile Food Vending Business.

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 will indemnify the Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of any negligent act or omission of the Permit Holder in relation to the granting of this Permit and the General Conditions and Special Conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.**

12. **The Permit Holder shall, for the term of the Permit, take out and keep current a public liability policy of insurance to an appropriate level of cover per claim in respect of any negligent act or omission of the Permit Holder in relation to the Mobile Vendor Business activity arising out of or from any business use granted under this Permit.**

13. A breach of a condition of this Permit may result in a penalty of up to $2,500 or the cancellation of this Permit.
14. 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.

15. 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 the Cvouncil 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.

16. This Permit is personal to the Permit Holder and may only be transferred with the prior written approval of the Council.

17. 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.

18. This Permit will not come into operation until proof of all insurances has been provided to the Council and a copy of this document, signed by the Council has been returned to you.

19. 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 to the Conditions of the Authorisation and declare that the particulars provided by me/us with regard to the Proposed Alteration are true and accurate.

I,_____, acknowledge that I have read and understand the above information and the Business Use of a Road Policy and agree to abide by and be bound by them.

Signed: _____ Date: _____

NOTES
Note 1: A road extends from property boundary to property boundary and includes the carriageway, footpaths & verges.

City of Prospect
PO Box 171, Prospect SA 5082
T: 08 8269 5355
E: admin@prospect.sa.gov.au

OFFICE USE ONLY	**(Council Authorisation)**
Application Fee Received $	Date of Payment:
Permit Approved and Processed Date:	*Economic Development Officer* Name: Signature:
Permit Number Issued: Date:	*Authorised Officer* Name: Signature:

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