

Discussion Paper – Council Agenda

8.1 Kerbside Vendors Policy

Responsible Officer – Manager Planning & Special Projects

Background

Council's Policy on the Regulation of Stalls and Kerbside Vendors is due for review in 2018. The last review was completed on 24 February 2015 (Decision ref: 21/15).

The current policy allows for the General Manager to issue a licence on a one-off, one-month, six-month or 12-month basis for:

- Food and coffee vans
- Stalls on footpaths
- Ticket boxes or site offices for events or tour companies
- Other pop-ups of any kind

Other than for temporary stalls, the current policy seeks to limit licences being issued within a town boundary or within 250m of a town boundary or any shop. Licences issued address any food handling or environmental health issues and requires \$5,000,000 minimum public liability.

The General Manager does have full discretion under the policy, including on the limitation on locating within town boundaries. Any refusals made by the General Manager may be appealed to a full meeting of the Council.

The Policy does apply to private, Council owned and Crown owned land.

On private land, vendors are exempt from planning permits if they are for an occasional event, which is undefined but taken to mean up to three months.

On Crown land, approval of Parks and Wildlife Service will also be required. PWS have detailed policy and guidelines in place and also preclude food vans from certain locations.

Report

The major use of the policy is by food vans. Given the popularity of food vans and the flexibility they afford to meet peak visitor demand, it is appropriate to consider the future direction of food vans.

The following issues have been identified for consideration in reviewing the current policy:

- Is the current limitation to outside town boundaries appropriate?
 - Do existing businesses have the capacity to meet peak tourism demand particularly after hours?
 - Are existing physical businesses adversely impacted by food vans, or are they complementary business activities? Do existing physical business wish to diversity into food vans?
- Should or can 'pre-approved' sites be identified by Council? Where can food vans be encouraged or prevented?

- Should licences be issues for a 12 month period for one site? And if so should licences be renewed to the same vendor? Or should licences be required to move around the municipal area on a regular basis? Recently, one site has had licences issues for two separate businesses on a first-come, first-serve basis.
- Should there be a cash in lieu or other payment applied where existing public car parking spaces are occupied by the licence holder?
- Should the policy consider the type of offerings and consistency with tourism branding or other relevant industry marketing?
- Does the policy appropriately clarify what types of activities do and don't require a licence?

Approaches Elsewhere

Hobart City Food Van Program

Seeks to diversify the local economy and promote use of Tasmanian product. It allows trading in certain locations during specified time periods which have a 50m separation from existing business.

Launceston City

Limit activities in the CBD and on certain roads and within 200m of an existing business and 100m of a house between specified hours to limit noise issues.

Parks & Wildlife Service – Mobile Food Vendor Policy and Procedures

The policy has a number of criteria for approval for mobile food vendor, including:

- There is no impact to natural or cultural values of the site
- The service will enhance the overall visitor experience
- There is no impact to public access, or safety and the capacity of the site to suit the vendor activities
- The service is 'not in direct competition with permanently established services' nearby

Conclusion

It is considered that a review of the current policy should be undertaken. This should involve feedback from the community and existing licence holders on the above questions ahead of further deliberation by Council.

Recommendation

That Council resolves to:

Commence proceeding to engage with the community and existing licence holders requesting feedback on this report to assist with the review of the Kerbside Vendors Licence Policy.