

<b>Policy Number:</b>	HLT 2
<b>Policy Type:</b>	Health
<b>Policy Name:</b>	<b>Mobile Shop/Temporary Premises/Street Stall</b>
<b>Policy Owner:</b>	Chief Executive Officer

**Authority:** Local Government Act 1995  
Health (Miscellaneous Provisions) Act 1911  
Shire of Nannup  
Australia New Zealand Food Standards

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## **OBJECTIVES**

To regulate the operation of Mobile Shop/ Temporary Premises and Street Stalls to ensure that there is no disruption to local businesses and/or to pedestrian traffic.

To ensure a consistent approach to the operation of retail and wholesale premises.

## **DEFINITIONS**

### **Mobile Shop/Temporary Premises:**

Retail or wholesale premises that is movable and operates from the road reserve or local government reserve and stops sufficient time only to affect a sale. It cannot remain stationary at any time to anticipate sales.

### **Stall:**

Includes a mobile shop/temporary premises or stall that has been given local government approval to remain stationary in the Road Reserve, Reserve or private land for a period on not exceeding three days.

### **Market Day:**

The fortnightly market in Warren and Brockman Street excluding special events (i.e Nannup's Music Festival, Garden Festival)

## **POLICY**

All persons intending to establish or operate any Mobile Shop/Temporary Premises, Street Stalls, either in conjunction with or independent of any Market Day, are required to make application to the local government for approval. This is additional to any other local government approvals for events and relates to the operation of the stalls and temporary premises.

Application is to be made on the application form "Conditions for approval for operating street stalls/temporary premises". The person making the application is responsible and accountable for the operation of the stall/ temporary premises.

The local government has approved “Market Days” and on the Road Reserve in Warren Road and Brockman Street under the following conditions:

1. A nominated person is to be responsible for the “Market Day”.
2. The area is to be left free of litter, stalls, signs and equipment at the end of the trading day.
3. Recipients of donations from the stalls shall be bonafide charities, sporting associations or community groups.
4. Stall holders shall not locate outside business premises unless consent of that business has been received.
5. No stall shall obstruct the passage of pedestrian traffic, which may lead to pedestrians being forced to use the road instead of the footpath.
6. All stall holders are liable for the health and safety of the public and shall ensure that there are no “hazards” caused and are liable should their stall contribute to any incident.
7. Markets are permitted fortnightly and to operate only between the hours of 8am and 2pm.

Should the sale of food be considered, the document “*Food Regulations 2009*” is to be provided and standard conditions are to apply:

1. General Conditions: *Stalls/Sausage Sizzles/All Pre-packaged Foodstuff from Registered Premises.*
2. General Conditions: *Temporary Food Premises.*
3. A copy of a current of their “Certificate of Registration” is to be provided from the local government that they have notified that they are selling food in accordance with the Food Act 2008 and Food Regulations 2009.

Before any approval is given the applicant is to:

1. Sight and sign the Shire of Nannup’s Standard Occupational Health and Safety Rules.
2. Provide a copy of their public liability insurance.

Related Policies:	LPP 14 (Adopted 22/4/2010 Revoked 25/6/2015)
Related Procedures/ Documents	<ol style="list-style-type: none"> <li>1. Application for a Mobile Shop/Temporary Premises/Street Stall <a href="#">HLT 2 Attachment 1.docx</a></li> <li>2. Food Regulations 2009 <a href="#">HLT 2 Attachment 2.docx</a></li> <li>3. Nannup’s Standard Occupational Health and Safety Rules. <a href="#">HLT 2 Attachment 3.docx</a></li> </ol>

	<p>4. General Conditions: Stalls/Sausage Sizzles/All Pre-packaged Foodstuff from Registered Premises.  <a href="#">HLT 2 Attachment 4.docx</a></p> <p>5. General Conditions: Mobile Shops/Temporary Premises/Street Stalls.  <a href="#">HLT 2 Attachment 5.docx</a></p>
Delegation Level:	CEO, Executive Officer, Development Services Officer
Adopted:	OM 25 June 2015 #9218
Reviewed:	<a href="#">OM 25 January 2018</a>

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# Mobile Shops/Temporary Premises/Stalls Application Form

(Conditions for Approval)

Applicant Name: \_\_\_\_\_  
(Nominated person responsible for the stall/market/event and accountable)

Address: \_\_\_\_\_

Email : \_\_\_\_\_ Telephone No: \_\_\_\_\_

Proposed Site Location (Address/Premises): \_\_\_\_\_

Email : \_\_\_\_\_ Proposed Dates: \_\_\_\_\_

Type of Goods for Sale: \_\_\_\_\_

## **Detail How You Will Be Dealing With The Following Food Safety Issues:**

1. Food Protection (During Transport And Operation) \_\_\_\_\_  
\_\_\_\_\_

2. Refrigeration of Food (During Transport And Operation) \_\_\_\_\_  
\_\_\_\_\_

3. Thorough Cooking or Reheating (Readily Perishable Foodstuffs) \_\_\_\_\_  
\_\_\_\_\_

4. Handling of Food (Gloves, Tongs) \_\_\_\_\_  
\_\_\_\_\_

5. Separation of Food And Money Handling \_\_\_\_\_  
\_\_\_\_\_

6. Hand washing Facilities \_\_\_\_\_  
\_\_\_\_\_

Approved Shire Fundraising Site Yes / No

**Or**

Approved By Works Manager (To Operate on Footpath or Road Reserve)

\_\_\_\_\_  
Signed

**And**

Approved By Adjacent Shop Owner Nearest The Stall Site

\_\_\_\_\_  
Signed

**Or**

Approved By Property Owner (To Operate On Shop Frontage /Private Property)

\_\_\_\_\_  
Signed

Final Approval By \_\_\_\_\_ Date \_\_\_\_\_

**Attachments:**

1. Food Regulations 2009  
[LPP014 Attachment 2.docx](#)
2. Nannup's Standard Occupational Health and Safety Rules.  
[LPP014 Attachment 3.docx](#)
3. General Conditions: Stalls/Sausage Sizzles/All Prepackaged Foodstuff from Registered Premises.  
[LPP014 Attachment 4.docx](#)
4. General Conditions: Mobile Shops/Temporary Premises/Stalls  
[LPP014 Attachment 5.docx](#)

**GUIDELINES ONLY:**  
**BASED ON MINISTRY OF HEALTH ADVICE:FOOD REGULATIONS 2009**

**Temporary food premises:**

Includes mobile shop, food vending vehicles, demountable stalls, stands and the like in the open or another structure used for the purpose of selling any article of food and any area adjacent thereto.

**1. Duration**

- 1.1. Temporary food premises at functions exceeding one day's duration shall consist of food vending vehicles which comply with the Food Regulations 2009.
- 1.2. Except that where the food is factory packaged in hermetically sealed containers, such food may be sold from an open food stall set up and operated in accordance with the requirements outlined for Temporary Food Premises at one (1) day or less functions or consist of a food stall of which the roof and three sides are covered with plastic sheeting, vinyl or other approved material.
- 1.3. Temporary food premises at functions exceeding three (3) consecutive days duration shall consist of food vending vehicles only, which shall be constructed and fitted out in accordance with the Food Regulations 2009.

**2. General**

- 2.1. A one day food stall shall consist of a food stall of which the roof and three sides are covered with plastic sheeting, vinyl or other approval material.
- 2.2. Where a one day food stall is erected on unsealed ground a suitable impervious material shall be laid over the ground area of the stall.
- 2.3. Events which are held on Council controlled property require approval from the Council prior to the event.
- 2.4. Smoking and animals are prohibited in areas where food is prepared, stored or cooked.
- 2.5. Food shall be sited at a distance of not less than 20m from stalls handling products which by their nature are liable by way of odour, dust, flames or any other characteristics to contaminate or taint any food offered for sale.

**3. Food staff**

- 3.1. To be clean and free from infectious disease.
- 3.2. To wear clean washable, protective clothing, e.g. uniform, aprons etc.
- 3.3. To have head adequately covered, e.g. hat, net, scarf.
- 3.4. To wear disposable gloves or use utensils for food handling where practicable.

3.5. To have access to adequate hand wash facilities.

3.6. To have access to an approved sanitary facility.

#### **4. Washing facilities**

4.1. Separate hand washing facilities and utensil washing facilities shall be provided within the stall (e.g. two plastic dishes of sufficient capacity for adequate cleaning of hands and utensils and a supply of hot and cold water shall be immediately available to the food stall). Disposal of all wastes are to be to the Councils satisfaction.

4.2. Hand towels, liquid soap and detergent shall be provided in each food stall where washing facilities are required.

#### **5. Protection of food**

5.1. Food that is to be delivered must be in approved food handling vehicles or containers.

5.2. Disposal eating and drinking utensils only shall be used.

5.3. All food stalls inside the stall shall be stored 750mm above the ground and covered or in closed containers.

5.4. Raw food and cooked food to be stored and handled separately to prevent cross contamination.

5.5. Food shall not be displayed so as to be openly accessible to the public. A physical barrier shall be provided by means of sandwich display type counters, Perspex glass sneeze guards or clear plastic siding to the stall.

5.6. All condiments such as sauce, mustard, etc shall be contained in squeeze type dispensers or individual sealed packs.

5.7. All disposable eating utensils shall be pre-wrapped in paper napkins, cellophane bags or similar material prior to distribution to the public.

5.8. Drinking straws, paper cups, spoons, etc, shall be enclosed in suitable dispensers or otherwise protected from contamination.

5.9. Tea, coffee, cordial and other beverages shall be dispensed from an enclosed or lidded receptacle equipped with a tap or spout.

#### **6. Food temperature control**

6.1. All takeaway foods prepared at the stall shall be for immediate sale and consumption unless a suitable food warmer or food display, maintaining the food at a temperature above 60°C (hot foods) or below 5°C (cold foods), is provided.

6.2. Pre-prepared food products or pre-cooked food consisting wholly or in part of fresh cream, custard, trifle or any similar food shall not be sold from a one day

food stall, unless stored or displayed under refrigerated conditions as prescribed in 6.1.

- 6.3.** All raw food and perishable foods such as steaks, sausages, hamburger patties, frankfurts etc shall be stored in a portable cooler together with an adequate supply of ice or a cooling medium.
- 6.4.** The sale of pre-cooked chicken or pre-cooked chicken pieces or pre-cooked rice from a one day stall is not permitted.
- 6.5.** Cold foods to be reheated on a stove or microwave prior to placement in bains marie.
- 6.6.** Raw foods that are potentially hazardous shall be stored at below 5°C and protected from contamination.

## **7. Cooking**

- 7.1.** Cooking and heating equipment shall not be within the reach of the public.
- 7.2.** All heating and cooking equipment including open flame barbecues and cooking plates shall be located within the stall or otherwise suitably protected from contamination.
- 7.3.** Raw foods awaiting cooking and foods which have been cooked shall not be displayed, stored or held outside the stall except in enclosed containers providing cooking conditions in accordance with.
- 7.4.** The cooking area shall be kept free of dust borne contamination and droplet infection (e.g. coughing, sneezing by the public).
- 7.5.** A fire extinguisher of adequate size shall be provided convenient to every stall where open flame is carried out.
- 7.6.** Where cooking is carried out adequate provisions shall be made to protect the stall walls from heat, flame and splashing.

## **8. Rubbish disposal**

- 8.1.** Suitable garbage receptacles shall be provided near the stall for the public to Dispose of used take away food containers and the like.
- 8.2.** Adequate arrangement shall be made for the storage and daily or more frequent removal of garbage generated inside and outside the food stall.

## **9. Open food stalls**

- 9.1.** Open food stalls consisting of tables only or tables and trestles, where permitted by these standards, shall be used only for the sale of factory pre-packaged food in airtight sealed containers (e.g. Canned or bottled soft drinks, canned foodstuffs).

- 9.2.** No perishable food shall be sold from an open food stall except packaged milk, packaged milk products and pre-wrapped ice cream, all of which shall be provided with approved means of appropriate temperature storage.
- 9.3.** Provision shall be required for screening or shielding the stall to protect any perishable from direct sunlight.
- 9.4.** All pre-packaged foodstuffs shall be labeled in accordance with the provisions of the relevant State legislation.

SHIRE OF NANNUP

**Occupational Health And Safety Procedures  
Procedure No. 7.5**

**CONTRACTORS CHECKLIST**

The Shire of Nannup requires you to comply with the Occupational Safety and Health Policy, Safety Rules and this Contractor Checklist. Before commencing any work, ensure you fully understand and comply with the following. Safety is for everyone's protection.

1. You have provided to Council proof of adequate insurance cover for the following; Workers Compensation, Motor Vehicles and Mobile Equipment, Public Liability, Personal Accident (Self Employed Contractors only).
2. You have been provided with a copy of the Shire of Nannup's Occupational Safety and Health Policy and Safety Rules.
3. Contractors have ensured that any task requiring a qualification or license is allocated to the person or persons who can clearly identify themselves as having such qualification or license as required to complete the task.
4. All of your workers are provided with personal protective equipment.
5. First aid kits are provided in each of your work vehicles.
6. All of your workers are instructed in the use of items found in the first aid kits.
7. All of your workers are instructed in the use of available fire fighting equipment such as extinguishers, hoses and blankets.
8. All of your workers are aware of correct road signage procedures and adequate signage is available for the work.
9. All work places are kept in a clean and tidy condition.
10. All of your workers are aware that they must report any accident, near miss or hazardous situations.
11. All of your workers are aware of the following statement;

ANY CONTRACTOR OR THEIR EMPLOYEE, CONTRADICTING THE SHIRE OF NANNUP'S GUIDELINES AND POLICY MAY BE REQUIRED TO LEAVE THE PREMISES OR WORKSITE AND MAY BE REFUSED RE-ENTRY. THE SAID CONTRACT MAY BECOME NULL AND VOID.

**1.1 Policy adopted by Council at its meeting of 26 October 2000**

**1.2 Policy reviewed by Council at its meeting of 26 February 2004**



**General Conditions**  
**Stalls/Sausage Sizzles/**  
**All prepackaged foodstuff from registered premises**

1. If permission is granted to locate the stall/temporary food premises on a footpath, stalls should usually be sited on the outer side of the footpath except where there is insufficient room to set them up without obstructing pedestrian flow. Under no circumstances are pedestrians to be forced to use the road way.
2. They must not obstruct pedestrian or vehicular traffic nor restrict the viewing of shop windows at the site.
3. The stalls/temporary food premises must be kept clear of all fire hydrants and markers so that these are clearly visible at all times and the hydrants themselves are readily accessible to the Fire Service.
4. The stalls/temporary food premises must be adequately protected from sun, wind and rain, and if it is intended to offer foodstuffs for sale, the additional, conditions relating to the sale of food must be observed (Attached: Conditions Temporary Food Premises)
5. All persons associated with the stall/ temporary food premises must comply promptly with any requests or instructions from Shire Officers or members of the Police Force.
6. At the conclusion of the day's activities the stall/ temporary food premises must be completely dismantled, all construction material removed from the public street and the site left in a clean and tidy condition.
7. Any damage caused to the public street will be made good by the Council at the expense of the stall organisers.
8. All liability for claims for damages that may arise from the positioning of the stalls/ temporary food premises on public footways rests with the holder of this permit.
9. The Shire has approved Council owned land and reserves, including road reserve and footpath areas of Warren Road and Brockman Street as permitted use for the purpose of market days held fortnightly between the hours 8am and 2pm.
10. Applicants are advised that they are to comply with the relevant legislative requirements, Food Act 2008 and Food Regulations 2009 and the Food Safety Standards Australia New Zealand, chapter 3.

**General Conditions**  
**Mobile Shops/Temporary Premises/Street Stalls**

1. A suitable vehicle that has;
  - i. Non-absorbent readily cleaned interior finishes, including work surfaces and storage areas.
  - ii. Smooth flooring covered up the walls to a height of 75mm.
  - iii. Adequate lighting and ventilation.
  - iv. Sufficient size to facilitate orderly operations, storage and thorough cleaning.
2. A sink and hand basin with an adequate supply of hot and cold water be provided in the event of any food preparation being carried out on the vehicle or where unsealed food (other than food prepacked on registered food premises) is sold.
3. A tank to receive drainage water from any fittings as in (2) including suitable approved provision for discharging the waste water.
4. Adequate refrigeration for storage of readily perishable foods.
5. Any food sold from the vehicle must be prepared on registered food premises.
6. A suitable base for the vehicle for cleaning and servicing purposes.
7. Specific street sites for vehicle will require the prior approval of the Shire's Works Officer and Main Roads Board.
8. All applications for a Temporary Food Premises require the applicant to provide such information as is necessary for proper consideration of the application, including but not limited to:
  - i) Vehicle registration;
  - ii) Electrical certificate;
  - iii) LPG cylinder annual inspection certificate - from a registered craftsman gasfitter;
  - iv) A copy of the applicant's public indemnity or liability insurance.
  - v) Supplying (on request) the evidence of their good character (personal/business reference/s).
9. Must comply with the Food Act (2008) and Food Regulations 2009.

10. Any approval shall be valid for not more than one year from their date of issue and if not revoked may be renewed, however is not transferable to another person.
11. The approval applies only to the vehicle whose registration number is specified on the licence and shall carry the licence at all times while engaged in trading and shall show it to any Police Officer, or Shire Officer on demand.
12. The licensee or operator shall operate any temporary food premises in such a manner as to avoid causing any nuisance, annoyance or danger to any person.
13. The name of the licensee and details of the product for sale shall be displayed on any stall or vehicle used in connection with the mobile trading.
14. All LPG cylinders must be stored securely outside the temporary food premises and a total of no more than 100kg LPG nett content. If the temporary food premises are likely to be unattended at any time while in a public place, the cylinders shall be secured against tampering.
15. No premises shall locate within 50 metres of any intersection or pedestrian crossing where people visiting the site may be placed in danger.
16. The licensee or operator shall remove any litter from the surrounding area of the temporary food premises that has been generated by the activities of his/her operations.