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CITY OF TEA TREE GULLY
Naturally Better

APPLICATION FOR PERMIT TO SELL ICE CREAM, ICE CONFECTIONS OR COFFEE FROM STREETS AND ROADS

SECTION 222 – LOCAL GOVERNMENT ACT 1999

Applicants name					
Address					
Daytime phone number					
Email address (required)					
Trading as or registered company/business					
Products to be sold	Ice Cream, Ice Confections	☐	Coffee and associated products	☐	

I apply for the following vehicle(s) to be licenced to sell from streets and roads in accordance with Section 222 of the Local Government Act 1999 and Use of a Road for a Business Purpose (Permit) Policy.

Make of vehicle	Registration number

Please attach the following with this application:

- Details of areas to be serviced, routes and times if known.
- A copy of your public risk insurance policy to the value of 10 million dollars ($10,000,000) see attached conditions.
- The application fee as set by Council (see Notes to Applicant)

The permit expires on 30 June annually

Prior to any permit being issued, your vehicle needs to meet the requirements of the Food Act and the Food Safety Standards for Constructional Standards for Vehicles used for the Handling of Food for Sale.

Applicants signature		Date	
Applicants name			

Office use only

Payment date		Receipt number		Payment amount	$

NOTES TO THE APPLICANT

1. The permit holder agrees to indemnify and keep indemnified and to hold harmless the Council, its servants and agents and each of them from and against all actions, costs, damages, charges, demands and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of, or as a consequence of, the wilful or negligent act, default or omission of the permit holder or any of its servants, agents or contractors.

2. The permit holder shall take out and keep current in respect of the activity of selling ice cream, ice confections and coffee from the streets and roads in the Council area, a public risk insurance policy in the name of the permit holder, insuring the permit holder for a sum being not less than ten million dollars $1,000,000,000) against all actions, costs, claims, charges and expenses whatsoever to property or persons arising out of or connected with the activities undertaken in respect of the permit.

   Such insurance policy shall contain a warranty to the effect that it will not be cancelled or amended or allowed to lapse during the currency of this permit or any period for which the permit is extended or renewed without the approval in writing of the Council and shall contain a warranty that the insurer undertakes to give notice in writing to the Council of such intentions or instructions received from the permit holder to the effect or if such policy is allowed to lapse.

3. The permit will not be issued until evidence of such public risk insurance policy is given to the Council. Such policy shall bear the endorsement of the insurer indicating the insurer accepts the indemnity given by the permit holder.

4. This is a permit for the selling of ice cream, ice confections or coffee and associated products only.

5. The permit holder is responsible to notify Council, in writing, within 7 days of any changes to the name(s) and/or address details shown on the permit due to the sale of the business or for any other reason whatsoever.

6. The permit holder shall comply in all respect with the by-laws of the Council and with the provisions of the Acts of Parliament, ordinances, regulations and rules including the Public and Environmental Health Act, 1987, the Food Act, 2001, the Local Government Act 1999 and all other orders or directions which may be made by or given by the Council, Public Health or Fire Brigade Authority including any Authorised officer of Council in respect of the business activities carried out by the permit holder in pursuance of the permit or in respect of any servants, agents or contractors of the permit holders.

7. The permit holder must take all reasonable precautions to avoid damage to services, flora an fauna and must immediately notify the Council or the appropriate Authority in the event of damage caused to any water, gas, electric or telephone or other services within the area.

8. This permit shall not be executed until the permit holder has received a signed copy of the permit from Council.

9. Permit holders or agents and servants of the permit holder are only to operate between 10.00am and 7.00pm during the months of May to September (inclusive and from 10.00am to 8.30pm at all times (ice cream only).

10. The permit does not allow sales upon a reserve or parkland or adjacent carpark or any public land. This clause does not apply if a permit holder is an official vendor or stall order of an event on public land for which a permit has been issued.

11. Permit holders, agents or servants shall not operate on a main or arterial road.

12. The music or other audible means used for attracting custom, is to be kept to a minimum so as not to create a nuisance to residents. Music is to be discontinued when the vehicle is stationery. If it is established that the music is a nuisance the permit may be revoked or modified (ice cream only).

13. The name and address of the permit holder is to be displayed on the vehicle and is to be clearly visible to customers and/or onlookers.

14. The permit issued by Council is to be displayed in the vehicle used to sell products.

15. The vehicle is to display a sign, warning motorists of the likelihood of children in the vicinity.

16. All sales and enquiries are to be conducted from the passenger side or rear of any vehicle used.

17. Notwithstanding any of the provisions of this permit, and without prejudice to any other right, power or remedy of the Council against the permit holder in respect of the permit or any breach of the permit, the Council may terminate the permit granted by notice in writing served upon the permit holder committing or suffering to be permitted any breach of this permit.

18. All enquires are to be directed to the Community Safety Team on 08 8397 7313.

Offences and Penalties

Using a public road for business purposes without a permit
Maximum Penalty - $2,500
Expiation fee $210