



**KAIKOURA
DISTRICT COUNCIL**

Mobile Shop Policy

Adopted by Kaikoura District Council on 16 October 2002

1. Objective

To regulate the operation of mobile shops within the Kaikoura District.

2. Interpretation of Terms

A mobile shop means:

“Any moveable vehicle including a truck, car, utility, trailer, bus caravan, cart or any other moveable vehicle or structure from which food produce or goods and services are manufactured, prepared, stored, sold or solicited.”

The sale of goods and services includes:

“The sale or solicitation of food, produce, transport services, souvenirs, accommodation, tourism services, recreational pursuits or any other goods or services.”

Council includes:

“The Kaikoura District Council and Council Officers acting under delegated authority from Council.”

3. Policies

3.1 Licence required to operate a mobile shop

No person shall operate a mobile shop in the Kaikoura District, whether occupying private or public land, without obtaining a mobile shop licence from the Kaikoura District Council. All licence applications are to be accompanied by:

- The required fees as may be set from time to time, unless all proceeds are for a recognised charity or volunteer organisation where the fees may be waived..
- At least two written references in support of the application.
- The consent of any affected party identified by Council.
- A sketch diagram of the mobile shop.
- A map and/or written details of the proposed area of operation.
- The name of the operator clearly marked on the outside of the vehicle.

Note: The granting of a licence may not automatically grant the right to operate. A resource consent may also be required.

3.2 Licences are to be carried at all times

Mobile shop licences are to be displayed on or near the mobile shop at all times and should be shown to Council or Police if requested.

3.3 Mobile Shop Licence Holder/s

A mobile shop licence applies to the persons stated on the licence and is not transferable to any other persons without the permission of Council.

3.4 Mobile shops requiring registration and a valid warrant of fitness

All vehicles to be used as a mobile shop or to transport a mobile shop to the site of operation must be registered and have a valid warrant of fitness if required under the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or the Traffic Regulations 1976.

3.5 Conditions on licence

The Council may place conditions on mobile shop licences. These conditions may limit, prohibit, or permit:

- Trading of mobile shops in particular places
- Trading of mobile shops at particular times
- The trade of particular goods and services
- The number of mobile shop licences permitted within the District at any given time
- Any other conditions relating to operation of the mobile shop

Conditions listed on the licence may be added, omitted, reviewed or the licence cancelled at any time at the discretion of Council for the following reasons:

- If the mobile shop operation does not comply with conditions listed on the mobile shop licence.
- If the mobile shop does not comply with the provisions of the Food Hygiene Regulations 1974.
- Operating a mobile shop in areas where mobile shops are not permitted.
- If the operation of a mobile shop in a particular location, or at a particular time or for the sale of a particular good or service contravenes an Act of Parliament, Council Bylaw, any Regional Policy Statement or any provision of the Transitional Kaikoura District Plan and Proposed Kaikoura District Plan.
- Any other reason which Council considers necessary.

3.6 Licence validity/length

All licences are valid for a period of one year from the date of issue unless otherwise stated on the licence. Applications for licence renewal may be made by payment of the annual fee applicable at the time and may involve a review of licence conditions if required.

3.7 Hours of Operation

The hours of operation of mobile shops is limited to between 8.30 am – 5.30 pm during winter (standard daylight time) and 8.30 am – 9.00 pm in summer (daylight saving time). Council may consider extending the hours of operation on application from licence holders.

All mobile shops should be removed from the site of operation within the Kaikoura township when they are not open for trading unless the applicant has gained permission from Council.

3.8 Areas of operation

Mobile shops shall be located a reasonable distance from intersections and bends to allow for the safety of persons visiting the shop.

Mobile shops are permitted in strategic areas around the Peninsula in accordance with recommendations in the Coastal Management Strategy and policies of the Proposed District Plan. These areas are:

- The Esplanade end of Margate street, adjacent to the playground
- Jimmy Armers Beach
- South Bay recreation reserve (eastern end of South Bay)
- Corner of South Bay Parade and State Highway 1, opposite the racecourse
- On privately owned land with the written approval of the land owner
- A site to which Council has given permission to the applicant

Mobile shops are not permitted in the following areas:

- Any part of the commercial area in Westend (excluding the public car park).
- Within 50 metres of a shop, including a mobile shop, which sells similar goods, services or produce.
- The Seal Colony carpark.
- Adjacent to State Highway 1 unless the prior consent of Transit NZ has been obtained.

Other areas of operation will be considered on a case by case basis.

3.9 Litter to be removed from the site of operation

All litter and rubbish is to be removed from the site of operation and immediate vicinity of the mobile shop each day and disposed of in a manner approved by Council. Litter bins provided by Council are not to be used by licence holders to dispose of rubbish.

3.10 Signage

All signage shall be attached to, or part of, the mobile shop and shall comply with the provisions of the Kaikoura District (Signs) Bylaw. Council may consider approving other signs upon application.

This section related only to those mobile shops selling perishable food

3.11 Mobile shops which sell food

Any perishable food sold from a mobile shop is to be prepared on registered food premises. Mobile shops which sell perishable food items shall ensure their mobile shop contains the following features:

- Non-absorbent easily cleaned interior work surfaces, wall lining and storage areas.
- Smooth flooring
- Adequate lighting and ventilation
- A hand basin with liquid soap and hand drying facilities
- A sink and an adequate supply of hot and cold running water. The sink shall be of sufficient capacity to enable all appliances, containers, utensils, and equipment used in connection with the preparation, storage, consumption or sale of food to be cleaned.
- A tank to receive drainage water and suitable provision for discharging waste water.
- Refrigeration facilities for the storage of readily perishable foods at a temperature between 2°C and 4°C should be provided. Such refrigerated storage shall be maintained in good repair and in clean condition. Perishable food not under refrigeration shall be maintained not less than 70°C.
- Adequate and suitable storage for food ingredients, cooking ingredients, cooking equipment and utensils.
- Food handlers are to wear suitable clean clothing, aprons, overalls and gloves.
- Any other feature Council considers necessary to ensure the safety of food sold to customers.