

A number of special events, markets and concerts are held within the Cessnock Local Government Area (LGA) and attract many mobile food businesses in the form of food stalls and vending vehicles. This Fact Sheet summarises Food Act 2003 and Cessnock City Council requirements for mobile food businesses.

What is a Mobile Food Stall?

A mobile food stall is a shade or shelter which is designed to be erected and dismantled and moves from place to place, and which is used for selling food.

For specific information relating to mobile food stalls please refer to the NSW Food Authority "Guideline for food businesses at temporary events".



What is a Mobile Food Vending Vehicle?

A mobile food vending vehicle is any means of transport, whether self-propelled or not, or otherwise designed to be moveable from place to place, and which is used for selling food.

For specific information relating to Mobile Food Vending Vehicles please refer to the NSW Food Authority "Guidelines for mobile food vending vehicles".



Obligations on selling food

A person using a mobile food business to store, prepare or sell food for human consumption is deemed to be a 'food business'. This includes not-for-profit organisations and charities.

A food business is required to sell safe and reliable food in accordance with the provisions of the Food Act 2003, Food Regulation 2010 and Food Standards Code.

Copies of the Food Standards Code are available at www.foodstandards.gov.au

Licence, Notification & Permits

To operate within the Cessnock LGA a mobile food stall must first notify Cessnock City Council. A NSW Food Authority Licence may also be required (please refer to <http://www.foodauthority.nsw.gov.au/ip/licensing> for further information).

To operate within the Cessnock LGA a mobile food vending vehicle must hold a current

- NSW Food Authority Licence,
- notification from their home Council (if garaged outside the Cessnock LGA), or
- notification with Cessnock City Council (if garaged within the Cessnock LGA).

Notification forms for both food stalls and vending vehicles can be found at www.cessnock.nsw.gov.au.

Following receipt of your completed form Council will issue you a permit providing a notification number commencing with a "37" (temporary food stalls) or "35" (Mobile Food Vending Vehicle).

Permits are valid for 12 months from the date of approval. Application to renew a permit can be made but must be lodged prior to expiry. A new notification number will be provided each time your permit is renewed. If Council receives an application to renew an expired permit a new application fee will be charged.

Food Safety Supervisor (FSS)

Please ensure that you clearly display your FSS Certificate (issued by NSW Food Authority) in your stall or vehicle. A copy must also accompany your completed Notification Form.

All businesses must appoint a FSS with exception of not-for-profit organisations, charities and low risk food businesses.



Above: Food Safety Supervisor Certificate issued by the NSW Food Authority. Please attach a copy of this certificate to your Notification Form and display within your stall or vehicle.

What is low, medium and high risk?

Low risk - sale of pre-packaged foods only (e.g. eggs, jars of ham or honey, lollies) and coffee vehicles/stalls (which may also sell pre-packaged foods, e.g. muffins)

Medium risk - storing pre-packaged food with temperature control or sampling of low risk foods (e.g. a low risk food business providing taste testing of their product, pre-packaged sausage rolls being offered for sale within their packaging)

High risk – preparing or handling foods (e.g. BBQs, hot food, cake stall selling unpackaged cakes by the serve)

Inspections

Inspections of mobile food businesses are conducted by Council’s environmental health officers (EHOs) who are authorised officers under the *Food Act 2003*. The purpose of their inspections is to ensure that good food safety practices are in place such as temperature control, cleanliness, handwashing and labelling.



Council’s inspection program was developed with a risk management approach. Please refer below –

Food Stalls

- Medium risk food: your mobile food business will be inspected by an EHO at least once per year.
- High risk food: your mobile food business will be inspected by an EHO at least twice per year.

Food Vending Vehicle

Council operates under the ‘home jurisdiction rule’ when inspecting mobile food vending vehicles. That is, if a satisfactory inspection report from the home Council can be presented upon request the EHO may choose not to conduct an inspection or to conduct an inspection at no cost.

Council’s EHO will conduct an inspection if the home Council inspection

- was not satisfactory,
- was conducted greater than 12 months ago, or
- report could not be provided upon request.

Handy Hint: Keep a folder at your stall or vehicle containing your past inspection reports, NSW Food Authority Licence, Council permit/notification and your Food Safety Supervisor Certificate.

Fees and Charges

Council charges a fee for the notification of a temporary food stall. Similarly an Annual Administration Charge applies to mobile food vending vehicles. As mentioned above an inspection fee also applies.

Fees and Charges for 2016/17 are as follows –

Fee Description	Value
Notification of a low risk temporary food premises	\$77
Urgent notification of a low risk temporary food premises	\$118
Notification of a medium or high risk temporary food premises	\$118
Urgent notification of a medium or high risk temporary food premises	\$180
Charge for inspection of non-licensed temporary food premise**	\$118

* Application submitted less than 10 business days prior to event

** Non-licensed meaning not licensed by the Food Authority

A notification fee does not apply to charitable or not-for-profit businesses subject to attaching “Australian Charities and Not-for-profits Commission” (ACNC) documentation to the notification form and the notification not being ‘urgent’. Similarly a credit request can be submitted for an inspection fee following receipt of the associated invoice.

For further information please contact Council’s Environmental Health Team.

Email: council@cessnock.nsw.gov.au

Phone: (02) 4993 4300