



Market and Food stalls

a guide for stall holders and event organisers



How to use this guide

 We use this icon when you need to take extra care. The instructions with this icon will help you to understand whether you need to complete a particular section, or remind you not to miss out important details.

 Sometimes we may ask you to send us documents, we don't need original documents but copies must be legible. We will make it clear by using this icon when you need to send us a document

How to complete the attached application form

Use this guide to help you apply for a mobile shop or food stall licence and fill in the forms.

READ ALL INSTRUCTIONS CAREFULLY

Fill in this form yourself. If you cannot fill in this form yourself because you have a disability or a language difficulty, someone else can fill in the form for you.

Check you have answered all the questions on the forms that relate to you. We can only process your application if you complete the form accurately and all required information is included. If you miss out any details we may need to contact you and there may be a delay in processing your application.

What you need to complete an application

- Application form
- A copy of your Food Control Plan or National Programme Registration Certificate

How to contact us



Compliance Solutions

Food premises, mobile shops, market stall and liquor/alcohol licencing

Rotorua Lakes Council
1061 Haupapa Street
Private Bag 3029
Rotorua Mail Centre
Rotorua 3046, New Zealand
P: 07 348 4199
W: www.rotorualakescouncil.nz
E: info@rotorualc.nz



Stall licenses

Food stalls are a common way to start a food business, promote products at events and shows or a way for existing food businesses to reach new customers or to raise funds for charitable and educational organisations.

Who needs a licence

Any person wanting to run a stall to prepare or handle packaged or unpacked food for retail sale generally needs a licence. Even if the person has a food premises registration for a fixed premises or manufacturing facility, a separate licence for Rotorua is needed for the stall.

Examples of food stalls that need a licence include (but not limited to):

- selling and/or cutting fruit or vegetables
- cakes or biscuits with dairy fillings or icings
- takeaway foods such as hamburgers, hot dogs, pizzas or hot chips
- pasta, lasagne or curry
- packaged and/or unpackaged sweets and lollies
- jams and pickles
- any other food.

Who doesn't need a stall licence


As of 1 March 2016, you can sell food to raise funds for a charity, or for cultural and community events without registering under the Food Act 2014 or obtaining a stall licence – but only up to 20 times in a calendar year.

If you're selling food as a fundraiser 20 or more times a year, you are defined as a business, and may need to adopt one of the food safety plans or programmes in the Act and apply for a stall licence. Use the Ministry for Primary Industries *Where Do I Fit?* tool to help you find out what you may need to do. This can be found at <http://www.mpi.govt.nz/food-safety/food-act-2014/where-do-i-fit/>

Registrations and Licence duration


There is a two step process in obtaining a stall licence

Step 1 – Registering a Food Control Plan or National Programme with your businesses home council or Ministry for Primary Industries. For more information on the processes and procedures in registering Food Control Plans and National Programmes, please contact the the council in which your business is located or visit the Ministry for Primary Industries website www.mpi.govt.nz.

 As part of the application a copy of the Food Control Plan or National Programme registration certificate must be provided from the local authority or Ministry for Primary Industries.

Step 2 – Market, food stall or one off event licences are available as a single event licence (up to 3 consecutive days or 6 month and 1 year licenses. If you want to operate a food stall regularly, an annual licence is recommended for convenience. An annual licence requires only one application and fee to be made and you can operate your stall a number of times in that year.

The stall licence is renewable and although renewal notices are generally issued 30 days before expiry, it is the licence holders responsibility to ensure the licence is current.

 **Note:** *The licence covers one site at a time. If you wish to operate at several markets at the same time, an individual licence and/or event licence is needed for each stall.*

Permitted locations

- Saturday morning Rotary Market – Kuirau Park, corner of Ranolf Street & Lake Road
- Rotorua Night Market – Tutanekai Street, Rotorua
- Soundshell Market – Soundshell and Village Green, Rotorua Lakefront
- Special Events – Such as the Home & Garden Show, Lakefront Concerts etc.

*** Please note that approval from the market or event organiser is also needed and simply obtaining a stall or mobile shop licence does not automatically give you permission to trade.**

Event organisers

Work with Council

When you begin planning your event, contact a licensing officer at Rotorua Lakes Council who can advise on:

- food safety legislation and any applicable local bylaws;
- what equipment or facilities will be needed at the event site to sell safe food;
- whether the people wanting to sell food can do so and what they'll need to do to sell food at the event;
- any other requirements such as building consents, liquor licensing, noise and traffic management that apply to the event site.

Selling food – what the law says

Food businesses or premises (including food stalls and mobile vans) must be registered to sell food and display a current copy of their registration certificate.

Some food operations can be exempt from registration. As event organiser, you need to ensure that each food operator is appropriately registered or exempt – contact a Licensing Officer at Rotorua Lakes Council for advice.

Food operators must have the right equipment to be able to sell their food safely. As event organiser, you must ensure that your site has the proper facilities to allow food operators to use their equipment and to operate hygienically.

It is illegal to sell food that has been caught for recreation or home-killed.

Selling food – what's needed

The event venue, types of food for sale and how it will be sold determines what will be needed at the site. As the event organiser, consider:

- how to position the food stalls so that food safety isn't affected by other site activities, e.g. animals;
- ease of access to toilets and hand washing facilities for food handlers;
- a system for replenishing soap/water/towels at those facilities;
- refrigeration for bulk storage of food stocks (if required);
- power and water for stalls and mobile food vans;
- rubbish bins and an emptying service;
- a hygienic way for getting rid of waste water;
- a person responsible for cleaning and maintaining facilities throughout the event;
- having the facilities ready early enough so food operators can set up in time for the start of the event.

Keep people informed

Organising food at an event is easier when the council knows what will be happening and food operators know what is expected of them. As the event organiser, you will need to provide information and keep everyone well informed.

Minimum stall requirements

Stall construction

Anyone operating a stall needs to ensure that it is constructed to help keep food safe.

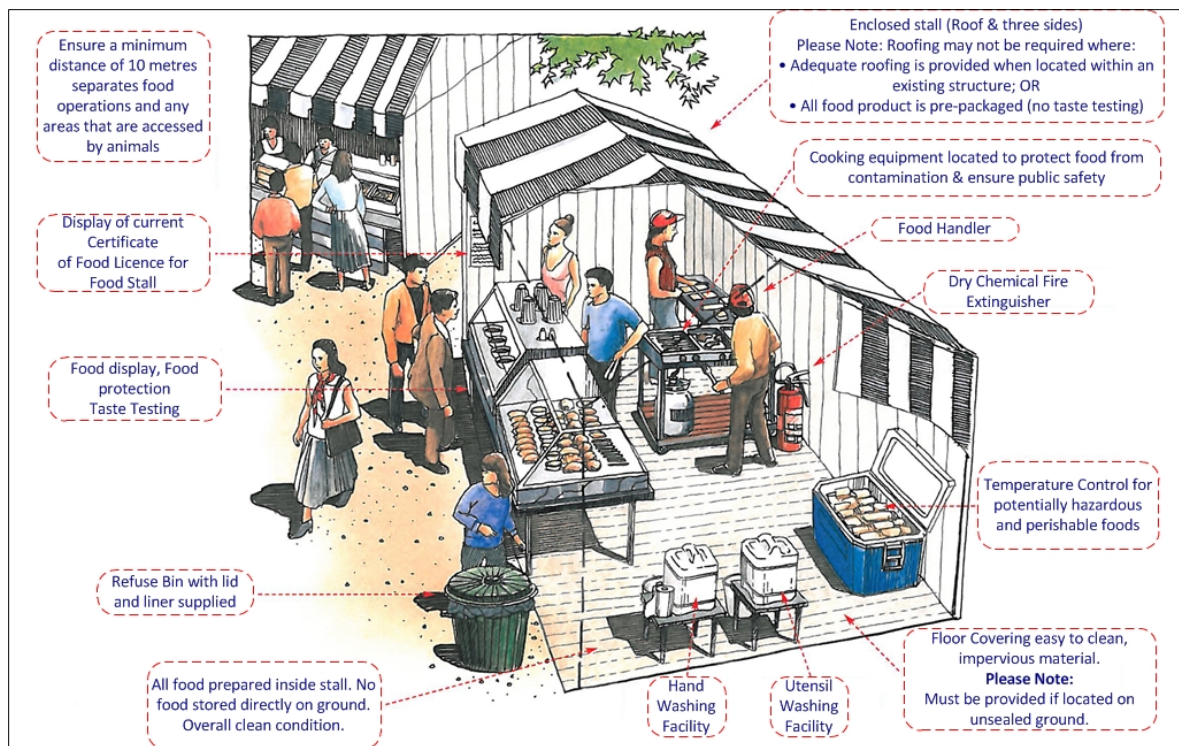
Construction will need to take into account the type of food sold and what will protect it from contamination from:

- the elements;
- people and other activities at the stall;
- people and activities at adjoining stalls; and
- customers at the stall.

Where food is prepared or is sold unwrapped the construction will need to provide a greater level of protection (eg cover, sides) than where pre-packaged ambient temperature food is sold. Surfaces directly in contact with packaging or food should not contaminate it and be:

- in good condition;
- free from potential wood/metal/rust splinters/things that could contaminate food; and
- impervious (waterproof) and able to be cleaned (and sanitised if needed).

Example of stall layout



Stall facilities

A stall-holder needs to provide facilities and equipment at the stall to help keep food safe.

Hygiene

Where unwrapped readily perishable food is handled or prepared facilities at the stall should enable:

- people handling food to wash and dry their hands;
- equipment and food surfaces to be regularly cleaned; and
- a supply of drinkable water is needed for hand washing and cleaning (see hand washing and cleaning section below).

A stall selling pre-packaged food or fruit and vegetables or one offering taster samples for pre-packaged food may be able to use instead:

- hand-wipes at the stall and on-site services (eg those provided at a market)
- a spillages kit at the stall, and on-site services to deal with emergency cleaning.

Hand washing and cleaning

A minimum water storage capacity of 25 litres is required to supply hot water for hand washing and cleaning. Extra water storage capacity required for purposes other than washing hands and cleaning should be added to this.

The water tanks should be filled at least once a day and maintained in a clean and hygienic condition.



Food transport, storage and display

Food can face microbial, physical and chemical hazards if not transported, stored or displayed properly. A stall operator needs to use practices that will keep food safe. Readily perishable food kept between 4°C and 60°C could make people ill.

Transport food to a stall:

- keeping uncooked food apart from cooked or ready-to-eat food;
- using clean, covered containers that are kept in good condition; and
- keeping parts of vehicles used to carry food clean and free from things that could contaminate it.

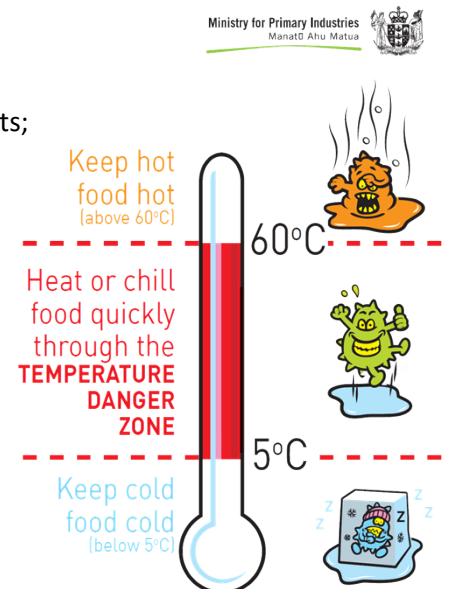
Store and display food at a stall:

- off the ground;
- protected from the elements, windblown dust, birds, pests and pets;
- in clean wrapping, or in a display cabinet or in a clean, covered container, particularly if it is ready-to-eat; and
- using equipment that is kept in good condition.

Food temperature control

The operator should provide enough equipment at the stall when:

- cold food needs to be kept cold (e.g. no more than 5°C)
- frozen food needs to be kept frozen solid
- food needs to be cooked thoroughly
- hot food needs to be kept hot (e.g. above 60°C).



Tradewaste

All waste water is to be put into a sealed waste water container for storage until it is disposed of into an approved foul water drainage system. The waste water is to have a holding capacity greater than the total water storage capacity of the food stall. The waste water container must be emptied and cleaned at least once daily or more frequently as required.

Other approvals

You may need to consider other approvals before you start trading. These approvals may include (but are not limited to):

- market organisers,
- event organisers,
- the Sports and Recreation Manager for operating on council reserves
- land owner or lease holder (if stopping on private land).

Need help?

Please call us if you need any assistance in complete the application form or require clarification about obtaining a licence

Rotorua Lakes Council licence conditions for Mobile shops and food stalls

1. At all times the licence shall be displayed in a prominent and public position at the premises (stall, mobile shop etc.)
2. That the provisions of the Food Act 2014 and any regulations thereunder are complied with.
3. That the provisions of the Transport Act, Transit New Zealand Act 1989, (Road User) Rules 2004 and any regulations or bylaws thereunder are complied with.
4. That on the grounds of likely traffic hazards, no trading is carried out in any streets within the Central Business District (CBD), generally bounded by Amohau Street, Ranolf Street, Whakaue Street, Rangiuuru Street projected to the shore of Lake Rotorua, the shore of Lake Rotorua to the projection of Hinemaru Street.
5. That on the grounds of likely traffic hazards, no trading is carried out on the street, or road or on part of any street or road in the District within 150 metres of any area zoned CC1 under the Rotorua District Plan.
6. That, on the grounds of likely traffic hazards, no trading is carried out on any State Highway other than on sites specifically approved in writing or as may be allocated by the Licensing Officer in any particular case. There being a maximum of 4 traders on Fenton Street, and one trader at the Ngongotaha site at any one time and that the "Restricted Sites" (on Ranolf Street laybys) for mobile coffee shops to be used only 1 vehicle per layby.
7. For trading on other than a designated fixed sites listed above, the Licensee shall not stand or remain stationary in any street, except for such reasonable time as is required for the transaction of his/her business with any customer, and for no longer than 30 minutes in any one place. Individual sites or localities may not be visited or frequented on more than one occasion in any one day.
8. That the hours of trade authorised by the licence shall be 8.00 am to 7.00 pm Monday to Sunday from 1 October to 31 March and 9.00 am to 5.30 pm Monday to Sunday from 1 April to 30 September, excepting on those days when trading is specifically prohibited by any Act, Regulation or Bylaw. No mobile shop or mobile shopkeeper shall remain or encamp on or adjacent to any of the approved sites outside the authorised hours of trade.
9. No business is to be carried out on any Reserve in the District vested in or under the control of the Council, without the specific written approval of the Sports and Recreation Manager of the Rotorua Lakes Council.
10. Upon the request of any officer you may be required to alter the position or remove the stall, mobile shop from any street or public place.
11. All sales and displays shall be confined to the vehicle, mobile shop stall or thing. No tables, boxes, crates, produce, goods, shelter or structures or other items or things shall be placed, set up or arranged on the road, verge or public place.
12. Every person engaged in the sale of food shall comply with any further extra condition specified by a Licensing Officer.
13. Every licensed person shall carry with them at all times their current licence together with the conditions subject to which such licence was granted attached thereto, and shall produce the same on demand to any Constable and to any officer or servant of the Rotorua Lakes Council.
14. The conditions relating to any vehicle, mobile shop stall or thing its equipment, or any depot shall be fulfilled within the time stated by the Licensing Officer before a licence is issued. Any person engaged in the sale of food who fails to comply with any such requirement shall be guilty of an offence as prescribed in the Rotorua District General Bylaw should they continue to operate.
15. No roadside signs are permitted. All signs must be attached to the vehicle, mobile shop stall or thing. The maximum size for any sign is one (1) square metre in area. The maximum number of signs per vehicle is two (2) with one facing in each direction along the road.
16. Before using a temporary mobile shop, vehicle stall, thing or depot in place of the one that is approved by Council, the Compliance Solutions team at the Rotorua Lakes Council must first be notified in writing (includes email).


Application for a market stall licence

Preparing a food stall application

If you are preparing an application for a food stall licence, the following information will assist you to get your application right the first time.

Ensure your application is properly made and avoid common application problems that may cause delays.

Incomplete and not properly made applications

 If a food stall application is not properly made at the time of lodgment, it may be held by Council until it is considered to be properly made. If held, assessment will not begin until all the outstanding information has been supplied to Council.

In order for an application to be properly assessed and decided, Council may require additional information from you. In this case a request for further information may be issued and your application placed on hold, causing delay. This may require you to submit amended plans or additional information. If after 30 days the information has not been supplied, your design application or licence application will be considered withdrawn. Withdrawn applications can be resubmitted to Council and a new establishment fee will apply.

Transferring the licence

It is not possible to transfer the existing licence to a new owner or operator. It is recommended that you contact council to discuss your options

Changing contact details

You can email or phone council to change the postal address or contact details for your licence. Make sure to quote the licence number.

More information

For further information phone Council on 07 348 4199 24 hours a day, seven days a week.

Application Checklist

This checklist is designed to help you through the process of setting up your food stall.

If you start trading before your registration and license is approved by the Licensing team, then you will be in breach of Food Act 2014 and the Rotorua General Bylaw 2011. It is your responsibility to ensure you have all the approvals before you start trading.

The sequence of the checklist items indicate the general flow of events, but may vary in individual circumstances.

Checklist

- You have checked Ministry for Primary Industries “where do I fit” tool?
<https://www.mpi.govt.nz/food-safety/food-act-2014/where-do-i-fit/>
- Have you completed the food stall application form?
- Have you included a copy of your Food Control Plan or National Programme registration certificate?
- Have you included the applicable fee has been included with the application?

Important contacts



Compliance Solutions

Food premises, liquor licencing, mobile shops & market stalls

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ROTORUA
LAKES COUNCIL



Water Planning (trade waste)

Grease trap information

Rotorua Lakes Council
1061 Haupapa Street
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Rotorua 3046, New Zealand
P: 07 348 4199
W: www.rotorualakescouncil.nz
E: info@rotorualc.nz



ROTORUA
LAKES COUNCIL



Ministry for Primary Industries

Food safety plans and general food safety information

Ministry for Primary Industries
Pastoral House
25 The Terrace
PO Box 2526
Wellington 6140, New Zealand
P: 0800 00 83 33
W: www.foodsafety.govt.nz

