

Other Legislative Requirements and Good Practice

The following does not form part of the policy on street trading; its aim is to provide useful information to applicants so that they are aware of other legislative requirements. Please note that this is not an exhaustive list.

FOOD PREMISES REGISTRATION

All food businesses, which trade in the street for more than 5 days in any 5-week period, are required to register with the Local Authority where the business operates or in the case of a mobile vehicle the Local Authority where the vehicle is kept. Registration must take place at least 28 days before the business starts trading. Registration is free and simply informs the Council that a business will be starting up. It does not mean that the Council has approved the business as complying with the law nor does it give the business any special rights to trade.

This legislation requires that any food (including drink and water), which is put on the market, is safe for consumption. Also covered by this law is food that may be given away or offered as a prize. In addition to the above legislative requirements, food business operators are also required to carry out food safety management. This is a system for ensuring the safety of food and the keeping of monitoring records. This needs to be done by food business operators to show compliance with the hazard analysis principles of the food operation.

INSPECTION OF THE STREET TRADING UNIT

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading Consents, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects with the legal requirements relating to the type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

- Food Safety Act 1990 as amended
- General Food Regulations 2004
- Regulations (EC) No. 178/2002, 852/2004, 853/2004 of the European Parliament and of the Council and the Food Hygiene (England) Regulations 2006.
- Health and Safety at Work etc Act 1974 and any regulations made under this Act
- Environmental Protection Act 1990

Further advice on any of the above requirements can be obtained by telephoning the Environmental Health Department on 01935 462462

FOOD SAFETY REQUIREMENTS

Food Safety Act 1990

The Food Safety Act requires that the food you handle and sell is safe for consumption. The detailed requirements, which you must meet to ensure that food is safe, are laid out in the various hygiene regulations. The following information gives a summary of the key requirements of these regulations.

Hazard Analysis

In addition to complying with the detailed food safety requirements, which are laid out in the regulations, you as the proprietor of a food business must carry out what is known as a hazard analysis of the food operation.

You must therefore:

- Ensure that all food is sold in a hygienic manner;
- Identify food safety hazards;
- Understand which steps in your operation are critical for food safety;
- Make sure that safety controls are in place at these points and that they are maintained and reviewed.

A hazard is anything, which may cause harm to your customers through illness and injury. This includes the potential to cause food poisoning, the presence in food of foreign material, such as glass or metal, and chemical contamination.

The controls for these hazards do not have to be complex and there are a number of systems that can be used by food businesses to ensure that hazards are identified and ways found to control the risk. We strongly recommend that you adopt the Safer Food Better Business Pack available free of charge from the Food Standards Agency by calling 0845 606 0667 or email foodstandards@ecgroup.co.uk or a recognised industry pack such as offered by www.ncass.org.uk .

Training

Everyone engaged in the handling of food must be suitably trained so that they know how to deal with food safely. For persons handling open high risk food (e.g. food which will support the growth of food poisoning bacteria) the minimum level of training that will be acceptable under the street consent scheme, will be successful completion of a 'Level 1' food hygiene course, including the exam, within the last 5 years.

Suitable food hygiene courses are accredited and run by several organisations. These include:

- The Chartered Institute of Environmental Health

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- The Royal Institute of Public Health and Hygiene
- The Royal Society of Health
- The Royal Environmental Health Institute of Scotland
- The Society of Food Hygiene Technology

Water Supply

An adequate supply is essential to food safety whether the water is to be used for the preparation of food and drinks or for washing and cleaning purposes. In most instances, the vehicle will not be connected to a mains water supply. You must ensure that plenty of clean and wholesome water is always available at your food staff or vehicle. You must be able to demonstrate that the water containers are adequate in size and number for the activities carried out and that they are cleaned both inside and out on a regular basis. A chlorine-based sterilant should be used. You must be able to demonstrate that they can carry, or have access to, sufficient water to enable you to carry out all of your functions during the hours you are open and trading.

Hand Washing Facilities

All food businesses handling open food will need to provide adequate hand washing facilities so that food handlers can ensure that their hands are free from contamination. The wash hand basin should only be used for washing hands and should always be provided with:-

- (a) adequate supplies of hot and cold water via taps over the basin.
- (b) soap, preferably liquid soap from a fixed dispenser. Soaps should not be strongly perfumed to avoid tainting the food.
- (c) an effective and hygienic way of hand drying. Disposable paper towels are the preferred option. Individual cotton towels are not acceptable; if they become contaminated then they will re-contaminate the hands of anyone who uses them subsequently.
- (d) a sign stating that the basin is ONLY to be used for hand washing.

Just providing a plastic bowl or bowls for hand washing will not be sufficient to meet this requirement under the scheme. A wash hand basin IS required.

Sinks and Washing Facilities

You must have adequate facilities for washing up and cleaning utensils and equipment. This means that you will need a proper sink, which is big enough to accommodate the largest item that you will wash during your catering activity and sufficient hot water. Washing up bowls alone are not sufficient. Draining board facilities should be provided where necessary but these should not be made of bare wood. If you intend to wash up at another location, you

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will need to demonstrate that suitable and sufficient facilities are available there.

If you intend to wash and prepare food on the stall or vehicle then separate food preparation sinks will be needed in addition to washing up sinks. If this is not practicable, large clean plastic bowls may be used for vegetable washing only. These must be kept clean.

You must always have plenty of clean hot water available for washing up and cleaning surfaces. Sufficiently large hot water heaters or boilers must be provided for this purpose and sited so that they are level and stable. Hot water should be available prior to the commencement of trading.

Food Storage and Refrigeration

Poor temperature control and cross contamination of bacteria from raw to ready to eat foods are the most common causes of food poisoning. To comply with the temperature control regulations you must have enough refrigeration to ensure that all high-risk foods are stored at temperatures below 8°C (preferably below 5°C). All stalls must therefore have a refrigerator. You must not use freezer units as refrigerators by turning them on and off. If you require a freezer on your stall or vehicle it should be capable of keeping food below -12°C.

Ensuring correct food temperatures at the critical steps in the operation are vital controls. Food temperatures, both during storage and cooking/reheating should be monitored regularly using an accurate and reliable thermometer. The legal requirements relate to the food temperature and you should therefore have a probe thermometer so that you can monitor this as necessary.

A record of the temperatures you monitor should be kept in a log book so that you can demonstrate that you have the correct controls in place and that they are working as required. A record also enables you to spot problems before they become serious so that you can take action to ensure food safety and prevent stock loss. If food is stored in fridges or freezers at your home or other address these must also comply with the above requirements. These refrigerators and freezers may also be inspected at any time (even at domestic premises).

Protection from Contamination

All open foods in storage or on display must be kept covered or protected with screens to minimise the contamination risks. Food awaiting cooking must also be covered wherever possible to discourage flies and wasps, which would contaminate the food or carry contamination onto your ready to eat products. Raw and cooked food must be kept apart at all times and separate utensils such as chopping boards, knives, etc. used for each.

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Food handlers must wear appropriate clean overclothing including a hat or hair covering to prevent food being contaminated. All external clothing should be covered. In cold weather, outdoor wear should not be worn over clean protective clothing. T-shirts, uniforms etc. used solely for the food business are acceptable.

Staff who handle or prepare open high-risk food should not travel to work in their protective clothing. They should remove their protective clothing if they leave the vehicle.

Design and Construction

The stall or vehicle must be large enough for the type of operation carried on. There should be sufficient working surfaces for the separate preparation of raw and cooked products so that cross contamination cannot occur. It should also be of sufficient size to enable the number of employees intended to operate the stall to move around without any health and safety hazards.

The vehicle or stall should be designed to avoid the risk of harbouring pests.

All internal surfaces must be in a sound condition and be easy to clean and disinfect. Stainless steel or plastic laminate cladding for walls and cupboards would be acceptable. It is recommended that all work surfaces be of stainless steel.

Cleaning

It is a legal requirement that food premises are kept clean. Stalls and vehicles used for street trading tend to have very limited space. Effective and regular cleaning is therefore an even more important control to prevent contamination than in a normal kitchen.

For cleaning to be efficient it must be managed, checked where necessary and done to a set routine. The following points may help in setting up an effective cleaning system.

- Select appropriate chemicals and cleaning techniques for the tasks required.
- 'Clean as you go' is the best policy. It prevents dirt and debris from building up which make cleaning easier and it helps to ensure that when you want to use a utensil or piece of equipment or work surface then it is ready to use. If staff are employed they should also 'clean as they go' particularly after using utensils, work tops, chopping boards, etc. and especially before handling ready to eat products after raw.

You should:-

- Set aside times in the day when cleaning can be performed and decide how much time should be devoted to cleaning.

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- Separate the cleaning tasks into daily, weekly and less frequent.
- Daily tasks should include all working surfaces, floors, sinks, wash basins, draining boards, handles and items of equipment used during the day.
- Weekly tasks might include walls, doors, windows, ovens, refrigerators, storage units etc.
- Less frequent tasks – clean items or areas not covered by the daily or weekly cleaning such as ceilings, ventilation units, upper wall surfaces etc. In addition, although floors and items of cooking equipment receive daily cleaning, they occasionally need an extra in-depth clean and this should be incorporated into your cleaning routine.
- Depending on the number of staff working in your business and the level of supervision it may be appropriate to produce a written cleaning schedule. This should allocate responsibilities and bear in mind how much time each person can devote to cleaning and when it will be done. Each individual should be given specific daily and weekly tasks based on the following principles.
- Prepare a chart or rota, detailing each individual's cleaning duties, the time to be spent on them and when to do them. This needs to be linked to what cleaning product and cleaning method is to be used.
- Ensure that staff know what their duties are and the standards expected.
- Supervision is essential to keep up standards. If staff are aware that regular hygiene checks will be made then they are more likely to do the job properly.
- If an area is found to be dirty then an effective rota will show when it should have been cleaned and who was given that task.
- Cleaning should be a habit. A set routine will make this easier.

Personal Hygiene

It is good practice for the proprietor to instruct all staff on appointment that they have a legal duty to notify their manager or supervisor, as soon as possible, if they ever suffer from, or are likely to have become a carrier of a disease, which might be transmitted through food.

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In addition, staff should be made aware of the staff sickness policy with regard to medical conditions, which are likely to affect food safety. It is recommended that new staff are given this information in writing.

Each stall holder will be expected to provide a written statement setting out their sickness policy for the exclusion of a food handler suffering from diarrhoea, sickness, sore throat, infected wounds, etc. and when they will be allowed to return to work.

Sanitary Accommodation

Suitable and sufficient sanitary accommodation must be available for use by the food handlers. This may be:-

- i) provided on the vehicle, in which case it must be completely separated from and must not open directly on to the food preparation or storage areas.
- ii) provided adjacent to the vehicle e.g. a purpose designed unit or trailer
- iii) suitable facilities nearby may be accepted. If you intend to use such sanitary accommodation, e.g. in a public house or restaurant, the sanitary accommodation must be available for use when the stall is trading, although the stall holder may continue to trade for up to one hour after the availability of the sanitary accommodation has ceased. Written permission to use such sanitary accommodation must be provided.

Whichever arrangements are made, the sanitary accommodation must be kept in a clean and satisfactory condition and maintained in working order and be available for use at all appropriate times when that stall is in use. Where the accommodation is provided by the proprietor access may be restricted for the sole use of the proprietor or employees of the food business.

Waste Disposal

The consent holder must comply with the Environmental Protection Act 1990 (as amended) and dispose of waste lawfully.

You must have adequate arrangements and facilities for the hygienic storage and disposal of solid and liquid waste. This is a very important legal requirement because you are unlikely to have the same access to the kind of waste collection and disposal facilities which conventional premises take for granted.

You must be able to demonstrate that you have made suitable arrangements for the disposal of solid and liquid waste, including fats and oils.

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This will normally be in the form of a “waste transfer note” from a registered waste disposal company.

Records showing the date and place of disposal must be kept for a minimum of 2 years and produced on demand to an authorised officer of the Council. (Environmental Protection Act, Section 34).

Refuse

No waste material must be deposited on the public highway or any adjacent property. All waste material must be subject to proper commercial waste disposal controls and therefore waste arising from the business must not be disposed of in public litter-bins or the domestic waste collection, or deposited at an amenities site.

In addition to the waste bin provided for use by the food handler you must provide at least one refuse container placed on the pavement near to the stall or vehicle so that it is available for the use of customers. A clearly visible notice shall also be displayed requesting customers to deposit litter in a waste container.

The consent holder must ensure that the area in the vicinity of the vehicle or stall is kept clear at all times of all refuse originating from the trading activities and from customers. In particular, you must leave the site clear of such refuse at the completion of trading.

Drainage

The majority of vehicles and stalls will not be connected to a drain. You, as stallholder, must therefore be able to demonstrate that a waste-water point is available or that sufficient capacity is available to contain and store all waste water generated during the catering activities. Under no circumstances must containers used to transport and/or store drinking water also be used to store waste-water.

Further advice can be obtained from the Local Authority and guidance can be found in the ‘Industry Guide to Good Hygiene Practice: Market and Fairs Guide’.

HEALTH AND SAFETY

All businesses are required to comply with the relevant statutory requirements of the Health and Safety at Work etc. Act 1974 and associated regulations. These regulations set out the requirements of the health, safety and welfare of staff and users. Further advice can be obtained from the Local Authority or the Health and Safety Executive website: www.hse.gov.uk

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Safety Policy

If an employer employs 5 or more people, he/she is required by law to produce a written health and safety policy, which their staff must read, understand and follow.

The written policy must:

- i) state their general policy on health and safety.
- ii) state who is responsible for carrying out the policy.
- iii) be revised whenever appropriate detail the arrangements the business has for ensuring health and safety
- iv) be revised whenever appropriate

Risk Assessment

An assessment of the health and safety risks associated with your business must be carried out. To do this look for the hazards (the things which can do harm) associated with your business. Then decide who might be harmed (you, your staff, customers or other members of the public) and how. The next step is to evaluate the risks (the chance, high or low that somebody will be harmed by the hazard) and decide whether the existing precautions are adequate or whether more should be done. If you employ 5 or more people you have to record your findings. Finally you need to review your assessment on a regular basis and revise it if necessary.

Further information is available in the HSE Booklet 'Five Steps to Risk Assessment'

Persons granted a street trading consent should also be aware of the Regulatory Reform (Fire Safety) Order (RRFSO), which came into force in England and Wales on 1st October 2006. Further information is available from the Council's Licensing Services section or at www.devonandsomersetfire.co.uk.

First Aid

A proper first aid kit must be provided and all staff must know where to find it. The kit must contain plenty of waterproof dressings (blue if possible), bandages and protective fingerstalls. The level of first aid cover should be determined through the risk assessment process.

Fire fighting equipment

Equipment must be provided appropriate to the types of fire that may be faced e.g. Cooking fat, LPG, electrical etc. This will normally consist of a fire blanket

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and a dry powder fire extinguisher, both of which should be located near to the door or entrance of the vehicle or stall.

A dry powder extinguisher conforming to BS 5423 1987 (for current extinguishers) or BSEN3 (for all new extinguishers) must be provided.

Extinguisher size to be determined using the following table:

Length of Vehicle	Extinguisher Capacity
Up to 3.5 metres long	1 x 2 kg
Between 3.5 and 4.5 metres long	1 x 4 kg
Over 4.5 metres long	1 x 6 kg

Extinguishers should be mounted on wall brackets approximately 1 metre from floor level and adjacent to the exit. A competent person must service extinguishers at least once per year.

Electrical safety

If an electrical generator is used or a connection is made to a permanent electricity supply the consent holder must ensure that the electrical installation is safe. If there is any doubt as to the integrity of the supply or installation the council may ask for a safety certificate from a competent person or body. In most circumstances an inspection by an NICEIC or ECA approved electrician will be satisfactory.

At no time should electric cables be draped across roadway, public footpaths or any other area where the public have access.

Electricity Generators

If a generator is to be used to supply electricity for any stall or vehicle it shall be maintained in good condition and operate without producing any visible smoke. The generator shall be suitably silenced so that it cannot be heard by anyone at the nearest premises.

Liquefied petroleum gas (LPG)

All LPG installations must be in accordance with the following code of practice:

CODE OF PRACTICE FOR THE USE AND/OR OF STORAGE OF LIQUEFIED PETROLEUM GAS IN MOBILE SHOPS, SNACK BARS AND STALLS

Storage of L.P.G. Cylinders

1. If stored *externally*, these should be:
 - (a) Sited on a firm standing.
 - (b) Fitted in an upright position with the valve uppermost in an upright stand or otherwise securely held.
 - (c) Protected from accidental damage or interference.
 - (d) So sited that the top is below the level of the stall openings, or 1 metre away from such openings.

2. If stored *internally*, these should be:
 - (a) Cylinder should be kept in a compartment that is gas-tight from the interior having half-hour fire resistance.
 - (b) The compartment should be sufficient to contain spare cylinders.
 - (c) The compartment should be positioned away from the service area.
 - (d) Access to the compartment must only be from the exterior of the vehicle and must be fitted with a lock.
 - (e) Compartment ventilation must be at both high and low levels.
 - (f) The compartment must be identified with a suitable sign conforming to BS 5378 11980, e.g. 'L.P.G. HIGHLY INFLAMMABLE'

3. The total quantity of L.P.G. available at a premises should not exceed 50kg

Gas Pipes and Fittings

1. All ferrous pipe-work and fittings to be protected from corrosion. Non-ferrous pipes to be drawn copper or stainless steel with compression-type fittings.
2. No pipes to be run through box sections or cavities.
3. All joints and unions to be easily accessible.
4. Pipes to be securely fixed in position.
5. Flexible hoses to be as short as possible. Only hoses conforming to BS 3212 are to be used and should be changed every two years. All hoses should be secured with proper hose clips.
6. All valves and fittings to be tested with soapy water at regular intervals to ensure that they are tight.

Ventilation

Ventilation in the vehicle or trailer must be sufficient to provide oxygen for gas burning appliances and to remove the products of combustion. This should be by means of permanent vents at high and low levels.

WARNING – ALL L.P.G. EQUIPMENT IS DANGEROUS UNLESS INSTALLED PROPERLY AND REGULARLY MAINTAINED BY COMPETENT PERSONS. PROFESSIONALLY QUALIFIED PERSONNEL SHOULD CARRY OUT ALL INSTALLATIONS AND MAINTENANCE. THE USE OF L.P.G. SHOULD BE TREATED WITH RESPECT AT ALL TIMES. ALL STAFF MUST BE TRAINED WITH REGARD TO PROCEDURES IN CASE OF FIRE.