

To: INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD

On: 21 MARCH 2018

Report by: DIRECTOR OF ENVIRONMENT & COMMUNITIES

Heading: NATIONAL FOOD HYGIENE STANDARDS FOR MOBILE TRADERS

1. Summary

- 1.1 A considerable number of the regulations which apply in Scotland come from the European Union and the UK Government. As part of the drive to deliver a simplified and more integrated regulatory framework the Scottish Government is working to eliminate obsolete and inefficient regulation, tackle inconsistencies in regulatory systems and enhance Scotland's competitiveness by championing five principles of Better Regulation, to ensure that it is: Proportionate, Consistent, Accountable, Transparent and Targeted.
- 1.2 To support this national agenda at a local level Renfrewshire Council agreed an integrated enforcement policy in 2016 to ensure that these five principles of better regulation were being adhered to by all Council regulatory and enforcement functions. The integrated enforcement policy was agreed at Leadership Board on 14 September 2016 with the first Annual report on compliance submitted to the Leadership Board on 19 September 2017.
- 1.3 In line with this approach the Scottish Government have now produced a National Food Hygiene Standard for mobile traders. This is the first National Standard emanating from the Regulatory Reform Act (Scotland) 2014.
- 1.4 In order to obtain a Street Traders License a mobile food unit must be inspected by a Food Authority with a focus on its structure and facilities in relation to food hygiene standards and issued with a Certificate of Compliance under Section 39 of the Civic Government (Scotland) Act 1982. Within Renfrewshire, this inspection is carried out by the Business Regulation Team within Environment & Communities.
- 1.5 The effect of the introduction of the national standard is that owners of mobile food units will now be able to obtain a valid Certificate of Compliance under Section 39 of the Civic Government (Scotland) Act 1982, from the Food Authority where the food

business is registered, which will be valid and accepted by Licensing Sections across Scotland for a period of three years.

- 1.6 Previously the owner of a unit that wanted to apply for a Street Traders License would have had to obtain a Certificate of Compliance from the Food Authority where the unit was going to be used, meaning that an individual Certificate of Compliance was needed from each local authority area where the owner wanted to trade.
- 1.7 The National Food Hygiene Standard for Mobile Traders was produced in response to issues raised by Scottish businesses who were concerned that inconsistencies existed in the issuing of Certificates of Compliance across Scottish Local Authorities.
- 1.8 The introduction of this standard will greatly simplify the regulatory position for Street Traders with Mobile Food Units. However, the inspection for a Certificate of Compliance and the issue of a Certificate does not preclude any subsequent inspection of the mobile food unit by any Food Authority while the unit is trading within its jurisdiction, ensuring that food hygiene standards can be monitored and ensured wherever and whenever the unit is being used.

2. Recommendations

- 2.1 It is recommended that the Infrastructure, Land and Environment Policy Board:
 - (i) Notes the publication of the National Food Hygiene Standard for Mobile Traders.
 - (ii) Notes that provisions within part 3 of the Regulatory Reform (Scotland) Act 2014 have amended section 39(4) of the Civic Government (Scotland) Act 1982.

3. Background

The National Food Hygiene Standard for Mobile Traders

- 3.1 It was claimed in 2011 that the existing regime was placing an unfair burden upon small businesses as traders had to apply to several Local Authorities to have the same mobile unit approved. Concerns were also raised that Authorities were applying different interpretations of hygiene legislation when assessing the acceptability of mobile units.
- 3.2 Although a considerable proportion of the regulations which apply in Scotland come from the European Union and the UK Government, the Scottish Government aims to eliminate obsolete and inefficient regulation, tackle inconsistencies in regulatory systems and enhance Scotland's competitiveness by:
 - Championing the five principles of Better Regulation - Proportionate, Consistent, Accountable, Transparent and Targeted.
 - Carefully assessing the impact of any new regulations.
 - Working closely with key delivery partners, including Local Authorities and other Regulators and the independent business-led Regulatory Review Group

- 3.3 In order for a person to obtain a Street Trader's Licence under Section 39 of the Civic Government (Scotland) Act 1982, the mobile food unit operated by that person must have a valid Certificate of Compliance from a Food Authority. As a result of the introduction of this national standard, street traders will be able to obtain a Certificate of Compliance following an inspection of the mobile food unit by the Food Authority which has registered that food business/mobile food unit. This Certificate of Compliance will be recognised by all Scottish Licensing Sections and be valid for a period of 3 years.
- 3.4 To support this change, national food hygiene standards for mobile traders have been developed to provide consistency, transparency, efficiency and effectiveness in the implementation and enforcement of food hygiene regulations. While initially developed in respect of the inspections for Certificates of Compliance required for the purposes of a street traders licence application, the standards also incorporate wider operational aspects of mobile traders' food hygiene, seeking to deliver consistency across mobile trading food hygiene more generally.
- 3.5 The national standard has been developed with key partners and stakeholders such as the Scottish Food Enforcement Liaison Committee, CoSLA, the Society of Chief Officers of Environmental Health, and Food Standards Scotland.
- 3.6 Following introduction of the national standard during 2017, the Scottish Government convened a working group to develop a strategy to ensure that all Local Authorities and relevant businesses use the standard. Renfrewshire Council contributed to this working group as a key member. The standard is now being rolled out across all Local Authorities.
- 3.7 A summary of the amendments made by the food hygiene standard include:
- A Certificate of Compliance is now issued by one Local Authority, which will be the home authority where the business is registered.
 - A Certificate of Compliance will no longer be required from each Local Authority in which a business is trading.
 - Certificates of Compliance will be accepted by Licensing Sections across Scotland.
 - All Certificates issued will be valid for a period of 3 years.
 - The Certificate of Compliance assessment carried out by a Local Authority will only consider the structure and facilities of the food unit.
 - A Certificate of Compliance will only be available to those who intend to apply for a street trader licence.
- 3.8 Inspection for a Certificate of Compliance and issue of certificate does not preclude any subsequent inspection of the mobile food unit by any Food Authority while the unit is trading within its jurisdiction.
- 3.9 All mobile traders intending to operate within Renfrewshire at a single event or at various venues will continue to require to provide evidence that they are registered as a food business and have attained a "Pass" standard otherwise they will be refused permission to operate.
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Implications of the Report

1. **Financial** – None
2. **HR & Organisational Development** – None
3. **Community Planning** – The introduction of this National Standard will simplify the regulatory framework for local businesses and Street Traders that want to trade within Renfrewshire. This will support the creation of jobs and the Community Planning partners focus on the regeneration of town centre economies.
4. **Legal** - None
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights**
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website
8. **Health & Safety** – None
9. **Procurement** – None
10. **Risk** – None
11. **Privacy Impact** – None
12. **CoSLA Policy Position** – CoSLA was part of the working group and agree with the national food hygiene standard for mobile traders.

List of Background Papers

Background Paper – The National Food Hygiene Standard for Mobile Traders

The foregoing background paper will be retained within Environment & Communities for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is the Regulatory and Enforcement Manager

Author: Oliver Reid, Head of Public Protection
Email: oliver.reid@renfrewshire.gov.uk