

**THE REGULATION OF
MOBILE FOOD BUSINESSES
WITHIN THE BASILDON DISTRICT**

A BASIC GUIDE FOR EXISTING AND POTENTIAL
MOBILE FOOD BUSINESS PROPRIETORS
TO HELP PREVENT NUISANCE AND
LEGAL CONTRAVENTIONS

INDEX

Background & introduction

I am thinking of starting trading in the Basildon area. Where will I be allowed to trade?

Will I be subject to exactly the same hygiene rules and regulations as a “normal” café or takeaway or are there any concessions for mobile food businesses?

Is there anything that the law requires me to do before I open up for business?

I intend to stay open until two o’ clock in the morning. Is this okay?

I intend to trade in a residential area, will that cause any problems?

My intended site is set back from the road and out of sight of passing traffic. Can I place a sign anywhere advertising the business?

I have seen some mobile sites where litter is scattered all over the area. Will it be my responsibility to clear the site where I trade?

I only generate a small amount of food waste and general rubbish each day, is it okay to get rid of this at home in my normal domestic refuse?

I have been told that I will not be allowed to get rid of my waste water and used cooking oil in the drainage gully that is adjacent to my site. Is that true?

Are there any Health and Safety issues that I need to be aware of?

Can I get advice about what I need to have available in case of fire?

Do I need to label the food that I sell?

General Information on Setting up a Small Mobile Business

Trade Associations

Insurance Requirements

Useful Contacts

REGULATION OF MOBILE FOOD BUSINESSES

There is often much confusion over the rules and regulations relating to mobile food vendors, particularly where terms like “licence” are used. The intention of this guide is to help clarify the situation for mobile food business operators, particularly those who are thinking of starting such a business. It only seeks to provide information on the issues within the regulatory control of Basildon District Council, Essex County Council’s Highways Department and the local Police. Sources of additional information covering issues such as VAT, food labelling and employment law are outlined in the “Starting a Small Business” section.

Many people are under the impression that a licence is required to trade. This might be true in other areas but in Basildon, the only licenses that you need to be concerned about are your driving licence, the Vehicle Excise Duty (Tax Disc) and a licence issued under the Licensing Act 2003 if you are selling hot food or drink between 11.00 pm and 05.00am.

Some local authorities use their powers under the Local Government (Miscellaneous Provisions) Act 1976 gave local authorities the power to declare streets within their area “Prohibited Streets”, “Licensed Streets” or “Consent Streets” and charge vendors for occupying approved “pitches”. Although Basildon adopted the powers granted under the Act to make such declarations, the power has never been used, and mobile food vehicles and trailers are regulated by the council, using powers available to them under other legislation.

This means that the council will ensure that your business does not cause any form of nuisance to local residents or to the public generally. Regulation will also include your home base if you are keeping or preparing food associated with the business there or if you are storing gas bottles, where health and safety may be of concern.

Frequently Asked Questions

Q 1.

I am thinking of starting trading in the Basildon area. Where will I be allowed to trade?

A.

Basildon Council does not issue Licenses or Consents to trade. If therefore you chose to trade in any street or on any piece of land within the district, you will be doing so without permission. Should you wish to trade from any privately owned piece of land, you will need to seek the owner’s permission and check with the planning department to see if planning permission would be required before you start trading. Wherever you decide to trade, the siting of the vehicle is important so as to ensure that it does not cause an obstruction (for example on the roadway or pavement) or encourages customer’s vehicles to do so. The safety of pedestrian customers accessing the vehicle should also be considered.

There are specific areas where trading is not allowed as normal parking restrictions would apply, for example:

- Roadways where they have been marked with double yellow lines
- Bus stop clearways (bus stop with thick yellow line)
- “Active” lay-bys, which may be in use for parking or as a bus stop. In these areas, action may be taken by a parking attendant or the police.

Q 2.

Will I be subject to exactly the same hygiene rules and regulations as a “normal” café or takeaway or are there any concessions for mobile food businesses?

A.

Food hygiene regulations are in place to protect the general public from all food risks and hazards. As a mobile caterer you have a responsibility to adhere to those regulations and ensure every product you sell is safe to consume. What is acceptable in your kitchen at home is not acceptable in a commercial catering environment. Safe food preparation and handling should be your number one priority.

Requirements for food safety in mobile/temporary premises are very much the same as those for “regular” food businesses. The Hygiene requirements that you must conform to are set out in the Food Hygiene (England) Regulations 2006 Regulation EC 852/2004. Briefly, these are as follows:

The operator of the food business needs to identify any step in the activities of the business that is critical to ensuring food safety. Having identified those steps, the operator needs to ensure that adequate safety procedures are identified, implemented, maintained, and reviewed in order to control the potential food hazards. These controls will often include temperature control; cleaning; avoiding cross contamination; thorough cooking of food; personal hygiene etc.

Temporary premises/mobiles need to be sited, designed, constructed, kept clean and maintained in good repair and condition, so as to avoid the risk of contaminating foodstuffs and harbouring pests. In particular:

- Appropriate personal hygiene facilities must be provided (these will include facilities for hand washing and drying)
- All food contact surfaces (worktops, cutting boards etc) must be in sound condition, easy to clean and disinfect.
- There must be provision for cleaning/disinfecting work equipment and utensils. This will normally include the provision of a sink kept separate from the wash-hand basin.
- Facilities must be provided for washing food, where necessary.
- An adequate supply of hot water must be available for hand washing, washing equipment and foodstuffs. Normally, in purpose made mobile vehicles, a gas powered water heater, providing a constant supply of hot water, will be appropriate. In temporary premises, a hot water 'boiler' may be acceptable.
- An adequate supply of clean, potable water must be provided. The water container should be protected from risk of contamination and should be regularly sterilised. Adequate facilities must be provided for the disposal of solid and liquid waste. This will normally be a waste pipe connected to a suitable container or a foul drainage gully; and a waste bin of adequate size with a well fitting lid.
- Food waste must not be allowed to accumulate in the food preparation area. You may keep small amounts of refuse in a lidded bin.
- Facilities for maintaining and monitoring food storage temperatures must be provided where appropriate. This will often include a refrigerator and some form of 'hot-holding' device such as a bain-marie. In some cases, where frozen food is used, a freezer may be required. Cool boxes may be adequate in some circumstances.

- Foodstuffs must be kept in such a way so as to avoid risk of contamination. Some form of storage facility will be required within the mobile/temporary premises, such as cupboards, plastic stacking boxes etc. Food must obviously not be placed on the ground or left in the open air.
- Vehicles used for transporting food must be kept clean and maintained in a good condition so as to protect foodstuffs from risk of contamination.
- All equipment used in the preparation of food must be in good condition, be easy to keep clean and be kept clean.
- All food handlers must wear suitable, clean and where appropriate, protective clothing. Depending on the food operations, this may just be an apron or you may need food handlers to wear full overclothing, hat etc.
- All food must be stored at appropriate temperatures to prevent harmful deterioration. Stock rotation should be followed.
- All food must be stored and handled in such a way as to prevent contamination.
- All food handlers working in the food business must be trained/supervised/instructed so that they can carry out their duties hygienically and without affecting the safety of the food handled. Where open food is prepared or cooked, a Foundation Level 1 Food Hygiene Certificate or similar qualification will be the most appropriate.
- No person who may be suffering from a disease likely to be transmitted through food shall be allowed to work in the food handling area. (For example, staff with vomiting, diarrhoea, abdominal pain, viral infections.)

Temperature Control

Foods which may support the growth of food poisoning bacteria must be stored at or below 8°C or be kept above 63°C if being kept hot, ready to serve.

These foods are normally classed as high-risk foods, and include:

- Cooked meats (e.g. boiled ham, corned beef etc.)
- Cooked meat products (e.g. sausages, pies, beefburgers)
- Prepared meals
- Cooked rice
- Dairy foods (e.g. milk, soft cheeses, cream, yoghurt)
- Cooked chicken and poultry
- Cooked fish, shellfish
- Prepared salads containing mayonnaise/egg (e.g. coleslaw, potato salad)
- Egg dishes

Q 3.

Is there anything that the law requires me to do before I open up for business?

A.

The law requires you to register your business at least 28 days before you start trading. Registration must be with the local council in whose area the vehicle is stored overnight. It will also be necessary for you to register your home premises if you store any food connected with the business there, such as back-up freezer and fridge or bulk supplies of canned drinks or dry goods for sale from the vehicle or if you prepare food for your business there.

There is also a requirement that food handlers should receive appropriate training and it would be better if this were carried out before you start trading so that you do not fall foul of the law unintentionally. One way of achieving this is by undertaking a

recognised qualification, such as the CIEH Level 2 Award in Food Safety and catering. Basildon Council Environmental Health Services periodically run this course over two evenings on consecutive weeks and there is a short multiple-choice test at the end. Bookings can be made by telephoning Mrs Chris Parker on 01268 294280 or [book online using the council web site](#).

Q 4.

I intend to stay open until two o' clock in the morning. Is this okay?

A.

Generally speaking, you can trade at any time between 5.00am and 11.00pm. If you trade in hot food or drink past 11.00pm, whether you are legally trading or not, you will need to apply for and obtain a premises licence under the Licensing Act 2003. This requirement is regardless of whether or not you have permission to trade at the chosen site. Applications for a licence can be made to the Licensing Section Basildon District Council, St. Martins Square, Basildon, Essex SS14 1DL. Telephone: 01268 294280. Currently, a licence costs £100 for the initial application and then £70 per annum for renewal. The licence is specific to a trading location and is not transferable to another pitch or to another proprietor if you sell the business.

Trading late at night in a residential area can give rise to complaints of nuisance. Legislation exists to help control nuisance and this is outlined in Q5. If you were in possession of a premises licence and local residents, the police or Environmental Health felt that your business was causing a public nuisance, or contributing to crime and disorder, they could apply for a review of your licence. Depending on the evidence available, this could result in your licence being revoked, suspended or additional conditions being imposed. Further advice on premises licences for mobile caterers can be obtained from the above telephone number.

Q 5.

I intend to trade in a residential area, will that cause any problems?

A

It is fair to say that as a general rule, local residents do not take kindly to mobiles sited too close to their houses. You should therefore think about the effect that your business might have on those living close to your site. Many of the complaints that we receive about mobiles could have easily been circumvented by a little forethought and consideration for others. Good practice would include measures such as providing receptacles for customer's litter and food waste, enclosing generators in sound-insulated covers, making sure that ventilation is adequate and working properly, discouraging rowdiness amongst groups of customers and clearing your site properly each time you finish trading. If the site causes nuisance to local residents such as cooking smells, smoke or noise, the Council will be able to take action to require the abatement of what would be considered to be a Statutory Nuisance. Non-compliance with legal Notices served in respect of nuisance could involve you in extensive fines and costs should the issue be taken to court.

Q6

My intended site is set back from the road and out of sight of passing traffic. Can I place a sign anywhere advertising the business?

A

Unfortunately not. The Highways Act 1980 makes it an offence to either mark the highway or place a fixed notice to any tree, fence, lamp post etc within the vicinity. Perhaps it would be better to try and find a better site?

Q7

I have seen some mobile sites where litter is scattered all over the area. Will it be my responsibility to clear the site where I trade?

A

The short answer to this is yes! You could be held responsible in law for any litter generated by your business that is found within a "reasonable distance" from your site. It is far easier and wiser to provide one or two decent sized receptacles for your customers' use and to check the vicinity of your vehicle for a reasonable distance and clear any litter dropped further afield.

Q8

I only generate a small amount of food waste and general rubbish each day, is it okay to get rid of this at home in my normal domestic refuse?

A

Unfortunately not. Any waste or rubbish generated by a business of any description falls under the heading of Trade Waste and not domestic waste. The Council, as well as private waste disposal companies, makes a charge for the disposal of trade waste. The Council's Environmental Enforcement Officers can demand to see a copy of your waste disposal agreement and not having one could lead to legal problems. Basildon's Environmental Enforcement Officers can be contacted on 01268 294949 and it is recommended that you discuss your needs with them.

Q9

I have been told that I will not be allowed to get rid of my waste water and used cooking oil in the drainage gully that is adjacent to my site. Is that true?

A

This is perfectly true. It is in fact a criminal offence to pollute the drainage system and your waste water would be classified as "foul" drainage. The gully so convenient to your trading site will be part of the surface water disposal system and it is not permitted to discharge foul water into the surface water system.

Waste cooking oil must not be poured down drains or sewers because this inevitably leads to blockages and odour or vermin problems and may also pollute watercourses leading to problems for wildlife. Such action could also result in potential prosecution, as it is an offence under the Animal By-Products Regulation EC 1774/2002. Nor should waste cooking oil be disposed of with the rest of the catering or kitchen waste because it may cause spillages leading to odour or pollution problems. Waste contractors may refuse to remove it. You must ensure that it is stored properly, that none is allowed to spill, and that it is collected by an authorised collector who will take it to an authorised site for recovery or disposal. Council Officers may ask to see proof of your disposal arrangements.

Q10

Are there any Health and Safety issues that I need to be aware of?

A

As most mobile businesses are run by a lone worker, other than your personal safety in what might sometimes be an isolated location, the main thing for you to consider is the safety of your gas supply. It is very important that all pipe work within the vehicle is run in metal. The only section of rubber hose should be connecting the gas bottle to the van fitting and that should be as short as reasonably practicable. The in use and spare bottles should be kept in an enclosed, locked cabinet to prevent tampering and vandalism. As the gas used is heavier than air, the bottom of the cabinet should be well ventilated to enable any accidental escape of gas to disperse into the open air at low level. You will not be permitted to store excessive numbers of gas bottles at home, in your garden or garage. It does not matter whether they are full or if they are empty ones waiting collection.

Most injuries in the mobile catering trade are caused by cuts and burns. It is therefore important that you take care when using knives or handling hot equipment and keep a well stocked first aid box. First aid should mean exactly that! The box should not contain any form of medication but only dressings to deal with burns and waterproof adhesive dressings to deal with minor cuts. Specialised "food safety" first aid boxes can be obtained from most chemists.

Other health and safety issues that you need to be aware of include manual handling and slips and trips. There is often the temptation to lift weights that are too large for safe handling, such as cases of soft drinks. Make sure that you only lift and move weights that are well within your capability. To help minimise the risk of slips and trips in your unit, ensure that the floor is kept clear of spillages and that appropriate footwear is worn at all times

Q11

Can I get advice about what I need to have available in case of fire?

A

Yes, you need to be aware of what type(s) of extinguishers you need to have available in addition to a fire blanket. Advice can be obtained from the local Fire Prevention Officer. See details in the Useful Contacts section below.

Q12

Do I need to label the food that I sell?

A

If you are only preparing "ready to eat" food on demand, then the answer is no. If however you prepare pre-packed food items such as sandwiches and give them a shelf life of the day of preparation plus twenty-four hours or more, then you will need to meet certain labelling requirements, including displaying the legal name of the business. Advice on these provisions can be obtained from Essex County Council's Trading Standards Service at the address given below.

Generally

If you are thinking of starting a mobile food business, there are other aspects that you need to be aware of but are beyond the scope of this guide. These include issues such as insurance, fire safety, trade associations, and general guidance on starting up a small business. Guidance on these matters can be found as follows:

Starting a small food business:

The Food Standards Agency -

Gives a concise [guide to setting up a small food business](#).

<http://www.businesslink.gov.uk/> provides information on starting up a business, including advice on VAT, employment law, etc.

The following two sites offer practical guidance in the setting up of a mobile food business as well as explaining the pitfalls. Much useful information including specialist suppliers and advice on siting the vehicle:

Small Business Family Resources –

<http://www.small-business-family-resources.co.uk/smallbusinessopportunities.html>

Mobile Business Start Up –

<http://www.villagefetes.co.uk/startup/mobilecatering/index.htm>

Trade Associations:

Nationwide Caterers Association –

<http://www.ncass.org.uk/default.aspx?id=1002>

A development from the previous organisation known as MOCA – Mobile Outside Caterers Association and membership can offer discounts in insurance premiums etc., as well as giving notification on forthcoming events.

Insurance:

Public liability insurance

Will cover you for claims made against you or your business if you unintentionally cause food poisoning or injury to any member of the public or cause damage to property. These types of claims although rare can be for huge sums of money so adequate public liability cover is essential, usually £5m - £10m. Find yourself a reputable Insurance Broker and take out specialist mobile catering insurance cover.

Employers Liability Insurance

Is a legal requirement if you employ staff. It will cover you for claims made against you or your business by any of your employees should they have an accident or incident resulting in a claim. Again, although rare can be for huge sums so adequate cover is essential, usually £10m plus. This insurance is often combined with public liability insurance cover.

Food Safety and Health & Safety:

If you require any further advice or information than is contained in this document, please contact Environmental Health Services, Food, Health & Safety and Licensing Section, Basildon District Council, The Basildon Centre, St. Martin's Square, Basildon Essex. SS14 1DL. Tel: 01268294080 or email ehs@basildon.gov.uk

USEFUL CONTACTS

Basildon District Council
Environmental Health Services
The Basildon Centre
St. Martin's Square
Basildon
Essex SS14 1DL

Tel: 01268294280
ehs@basildon.gov.uk

Basildon District Council
Planning Services
The Basildon Centre
St. Martin's Square
Basildon
Essex SS14 1DL

Tel: 01268 294155
planning@basildon.gov.uk

Basildon District Council
Environmental Enforcement (Street Care)
Barleylands Depot
Barleylands Road
Billericay
Essex CM11 2UF

Tel: 01268 294949
streetcare2@basildon.gov.uk

Essex County Council
Basildon District Highways
Festival Business Park
1 Endeavour Drive
Basildon
Essex SS14 3WF

Tel: 01268297500
highways.southarea@essexcc.gov.uk

Essex County Council
Trading Standards Service
2 Beaufort Road
Chelmsford
Essex CM2 6PS

Tel 0845 603 7626
trading.standards@essexcc.gov.uk

Essex Police
Basildon Police Station
Great Oaks
Basildon
Essex SS14 1EJ

Tel: 01268 532212
(no generic email)

Essex County Fire and Rescue Service
Fire Prevention Officer
Basildon & Castle Point Community Command
9 Argent Court
Sylvan Way
Southfields
Laindon
Essex SS15 6TH

Tel: 01268 548804
bc.command@essex-fire.gov.uk

If you require this document in a different format (e.g. different language, Braille, large font etc), please contact the Council on 01268 294731