

Consultation on Mobile Traders Food Hygiene National Standards

CONSULTATION ON MOBILE TRADERS FOOD HYGIENE NATIONAL STANDARDS

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I - MINISTERIAL FOREWORD



Better regulation has an important role to play in making Scotland a more successful country and providing a favourable business environment in which companies can grow and flourish.

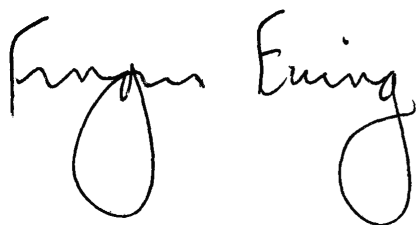
This Government actively pursue policies which promote better regulation and we are working to deliver changes to the existing stock of regulation, the flow of new regulation and the culture to ensure that regulation is proportionate and effective.

We listen to business and remedy issues where we can. The Regulatory Reform (Scotland) Act 2014 addressed concerns business and others raised and it seeks to improve the way regulations are developed and applied in Scotland. This included changes to the requirements for street traders' licences to address concerns business raised with me about inconsistency and associated disproportionate costs.

These draft national standards for mobile traders food hygiene aim to provide the detail which is essential for the effective implementation of the new approach enshrined in the Act, providing clarity for local authority regulators and the mobile food business they regulate, and making it simpler for business operating across local authorities. By including operational as well as structural requirements they seek to promote and achieve this consistency and clarity even more widely.

Government, business and regulators must work in partnership to deliver better regulation, reduce and avoid barriers to growth and I am particularly grateful to Food Standards Scotland and to the Scottish Food Enforcement Liaison Committee who have given freely of their time, energy and expertise.

To ensure the solution delivers for all, I urge everyone with an interest to respond.

A handwritten signature in black ink that reads "Fergus Ewing". The signature is written in a cursive style with a large loop at the end of the last name.

Fergus Ewing MSP
Minister for Business, Energy and Tourism

II - CONSULTATION ARRANGEMENTS

Consultation on Mobile Traders Food Hygiene National Standards

We are inviting written responses on this consultation by 19 October 2015.

Please send your response with the completed Respondent Information Form (see "Handling your response" below) to the Scottish Government's Better Regulation team:

By Mail to: Wendy McCutcheon

Sponsorship and Better Regulation
Scottish Government
6th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

By Telephone: 0300 244 1210

By Email to: betterregulationconsultation@scotland.gsi.gov.uk

We would be grateful if you would use the consultation questionnaire contained in Annex C. However, responses in any format are welcome – please clearly indicate in your response which questions or parts of the consultation paper you are responding to, as this will aid collation of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government now has an email alert system for consultations <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). This system complements, but in no way replaces Scottish Government distribution lists. It is designed to allow stakeholders to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form (Annex D) which forms part of the consultation questionnaire as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002. We would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Where respondents have given permission for their response to be made public (see the attached Respondent Information Form), these will be made available on the Scottish Government consultation web pages by 16 November 2015.

What happens next?

Following the closing date, all responses will be analysed and considered, along with any other available evidence from individuals, organisations and other interested parties. We aim to issue a report on this consultation in early 2016. The report will be posted on the Scottish Government Better Regulation webpages at <http://www.scotland.gov.uk/Topics/Business-Industry/support/better-regulation>.

Comments

If you have any comments about how this consultation exercise has been conducted, please send them to the Better Regulation team. We welcome your views on any of the issues covered by this paper.

III – INTRODUCTION AND BACKGROUND

1. The Purpose of the Scottish Government is to make Scotland a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth. Making Scotland the best place to do business in Europe requires a regulatory landscape that protects our citizens, our heritage and our environment while providing a favourable business environment in which companies can grow and flourish.
2. Scotland's Economic Strategy continues to recognise the important role of better regulation in delivering a more successful and sustainable Scotland. The Regulatory Reform (Scotland) Act 2014 created a more diverse toolkit to deliver better regulation and to further improve the way regulations are applied in Scotland. It will protect our people, our environment and help businesses to flourish and create jobs. Where regulation – or the way it is applied - does not meet the principles of better regulation it can hinder growth in business, employment and in the economy generally.
3. Business has provided examples of growth being constrained or unnecessary burdens being placed on them from inconsistent application of regulation. One complaint from a food business and its trade association concerned the inconsistent application of standards in respect of street trading vehicles which operate in different local authority areas. Under the Civic Government (Scotland) Act 1982 for the purposes of a street trader's licence application a mobile food business required a certificate of compliance from the food authority in which the application is being made. As a result mobile food vans had to be inspected separately by each authority in which the business wished to operate in order to obtain a certificate. This duplication of effort costs businesses and local authorities time and money.

Case Study:

Scottish Bakers, the trade association for all bakers in Scotland, provided details of regulatory inconsistency involving one of their members which sell hot savouries and bakery products in their local area using a specially purchased van. As the van operates across two local authority areas, it is subject to inspections by environmental health in both local authorities. These inspections include compliance with food hygiene regulations. One Council used a risk based case-by-case approach and was satisfied with the van which has hand washing facilities and procedures in place to ensure hygiene and quality is maintained (keeping a supply of utensils in the van and returning to the bakery if all utensils have been contaminated). However the other Council asked that a utensils sink be installed in the van at a total cost estimated at £1000. This is consistent with their published guidance, which is intended to provide clarity to businesses and manage the volume of inspections in a way which is efficient for both the Council and businesses, and which requires all hot food units to have the capacity to clean equipment without resorting to a wash station at a home base.

4. The Consultation on Proposals for a Better Regulation Bill¹ sought views on this issue and proposals to require local authorities to accept as valid a certificate of compliance issued by another local authority, and require all food authorities to comply with relevant national standards. This would enable moveable food businesses to have vans inspected, for certificates of compliance, only by the local authority in which the business is registered and have clear and transparent standards for this. Responses to the consultation indicated a high level of support for these proposals.

5. Provisions within part 3 of the Regulatory Reform (Scotland) Act amend section 39(4) of the Civic Government (Scotland) Act 1982 to make it clear that the certificate to be produced for the purposes of a street trader's licence application for a mobile food business is to be from a food authority that has registered that establishment (rather than the food authority for the area in which the application for the licence is made). These changes mean that if a mobile food business wishes to trade in more than one local authority area in Scotland it can, for each street trader's licence application, produce a certificate from the same registering food authority.

6. National standards have been developed to provide consistency and transparency, efficiency and effectiveness in the implementation of regulations and inspections of mobile food business in respect of certificates of compliance for a street trader's licence application. They also incorporate wider operational aspects of mobile traders food hygiene. This consultation seeks views on those standards.

IV – Mobile Traders Food Hygiene National Standards

7. The Scottish Food Enforcement Liaison Committee (SFELC) is a group that co-ordinates the food law enforcement and sampling and surveillance activities of Scottish local authorities and comprises representatives of central and local government, consumers and industry. It has developed these draft national standards for mobile traders food hygiene. We believed the range of representatives on SFELC, and their combined experience and interests, made them best placed to produce standards setting out the key requirements to ensure food safety compliance and provide transparency without placing unnecessary burdens on business.

8. The proposed national standards for mobile food business are contained in Annex A. These would apply to mobile food units where the operation of such requires a street trader's licence under the Civic Government (Scotland) Act 1982. The standards also reflect the Scottish Government's policy intent, seeking to ensure food safety compliance while providing proportionality and transparency without placing unnecessary burdens on business.

9. As currently drafted the standards incorporate both structural and operational requirements for mobile food units. This work provided the opportunity to take a holistic approach and seek to deliver, for the benefit of both regulators and the regulated, consistency across a range of aspects relating to the certificates and food hygiene for mobile food traders more generally. It is recognised that at the time of

¹ [Proposals for a Better Regulation Bill: Consultation](#)

inspection for a certificate of compliance to support a street trader's licence application it may not be possible to review or inspect operational procedures as these can only be assessed during normal trading.

10. These draft standards do not change the protection afforded to Scottish citizens. Rather, they seek to ensure that regulations are applied in a consistent and transparent way which assists mobile food business and do not impact on a food authority's ability to inspect a food business trading within its jurisdiction.

11. Following this consultation, responses will be fully considered. Once agreed and finalised the standards will be used to support consistency across Scotland for both the structural and operational requirements for food hygiene for mobile traders.

12. A Business and Regulatory Impact Assessment will be produced. We will continue to engage with stakeholders on this and it will be published on the Scottish Government website in due course. To ensure the assessment is as robust as possible, the Scottish Government welcomes comments and information on the impact and costs of the proposals contained in this paper.

V – CONSULTATION QUESTIONS

We are seeking views on the standards contained in Annex A with the following questions.

Question 1 – Do the standards provide clear and practical guidance?

Yes No

Please explain your view

Question 2 – Do you consider the standards meet the legislative requirements?

Yes No

If no, please explain with reference to the standards and legislation

Question 3 – Are there any requirements which are not included but should be?

Yes No

Please explain your answer

Question 4 - Does the period of validity for the certificate reflect a risk based approach?

Yes No

Comments

Question 5 – Does the proposed certificate template (Annex 1) incorporate the necessary information to provide assurance to both environmental health officers and licensing boards?

Yes No

If no, please explain further

Question 6 – Do you agree national standards should be established for both structural and operational aspects of mobile food units?

Yes No

Please explain your answer

Question 7 – Do you have any other comments you wish to offer?

MOBILE TRADERS FOOD HYGIENE NATIONAL STANDARDS

Introduction

This document only relates to mobile food units where the operation of such requires a street trader's licence under the Civic Government (Scotland Act) 1982 (as amended).

For the purposes of this document, the term "mobile traders" includes mobile premises, kiosks, stalls, vehicles, trailers and other such premises. All such categories shall henceforth be referred to within this document as "mobile food units".

Notification of the Food Authority [Registration]

The food business operator must ensure that the Food Authority in which the mobile food unit is normally based (even when not trading) is notified of the existence of that food business. The information duly requested must be provided by the food business operator in order to enable relevant details to be entered on the register of food premises held by the Food Authority.

Any other premises used for preparation of food which is to be sold from a mobile food unit must be registered as such by the Food Authority within which it is located.

Street Trader's Licence

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 be subject of a valid Certificate of Compliance from a Food Authority.

A copy of the current street trader's licence must be displayed on the mobile food unit and any identification badge worn as required.

Certificate of Compliance

In order to obtain a Certificate of Compliance under Section 39 of the Civic Government (Scotland) Act 1982, the mobile food unit must be inspected by the Food Authority which has registered that food business/mobile food unit.

If the trader/unit is not registered in Scotland, the inspection and issue of a Certificate of Compliance must be undertaken by the Scottish Food Authority in which the application for a street trader's licence is made, or another authority to which an application for a street trader's licence in respect of this activity is or has been made.

Period of validity

Any Certificate of Compliance so granted will be valid for the period determined by the Category to which the Unit is deemed to belong, as set out below.

- Category 1 Units – Certificate of Compliance must be renewed every 3 years
- Category 2, 3 and 4 Units – Certificate of Compliance must be renewed every year

Inspection for a Certificate of Compliance and issue of certificate does not preclude the subsequent inspection of the mobile food unit by any Food Authority while the unit is trading within its jurisdiction.

Structural and operational requirements

These standards cover both structural and operational requirements for mobile food units. The standard text represents structural aspects which shall be considered as core requirements for the assessment for a Certificate of Compliance. The text in the shaded boxes relates to operational matters which can only be assessed during normal trading.

MOBILE TRADERS FOOD HYGIENE NATIONAL STANDARDS

GENERAL FOOD HYGIENE REQUIREMENTS

Note. The standard text represents structural aspects which shall be considered as core requirements for the assessment for a Certificate of Compliance. The text in the shaded boxes relates to operational matters which can only be assessed during normal trading.

1.0 WATER SUPPLY

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(c)(d)(e)&(f)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VII, (1)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VII, (4)

1.1 General

- 1.1.1 Mobile food units must be provided with an adequate, piped supply of hot and cold water or warm water at a suitably controlled temperature.
- 1.1.2 All water supplied to hand, equipment and food washing facilities must be potable water.
- 1.1.3 Potable water must be used:
- for cleaning food;
 - for cleaning surfaces which may come into contact with food;
 - for cleaning hands;
 - for using as an ingredient in food and drinks;
 - for cooking of food;
 - any other operations where there is a risk of contaminating foodstuffs.
- 1.1.4 Ideally, mains water or a private supply should be used. Where there is no direct connection to a suitable supply, containers may be used. This water must be potable.
- 1.1.5 A “piped supply” includes the use of a tap mechanism that delivers hot and cold water independently or provides warm water via a mixer tap that is manually (or sensor) controlled.
- 1.1.6 The supply must be from a tap or taps at adequate pressure and temperature.
- 1.1.7 The supply must provide a sufficient volume of water, by capacity or means, for the trading hours.
- 1.1.8 Containers used for holding water and any associated pipe work must be:
- made of food grade materials and be enclosed;
 - kept clean and disinfected frequently to avoid the risk of contamination;
 - readily identifiable as being for water use only and visibly different from any containers used for receipt and storage of waste water;

- disinfected using chemicals which satisfy either BS EN 1276 or BS EN 13697;
- emptied and refilled regularly so as to avoid unacceptable contamination by micro-organisms;
- of sufficient capacity to store enough water for the business' potable water needs.

1.2 Hot water

- 1.2.1 The pipe work must be fixed and deliver the water supply directly to all sinks. The practice of using jugs etc. to transfer water from an urn to the sink is not acceptable.
- 1.2.2 Where services are readily available, a constant piped supply or an instantaneous water heater (gas/electric) can be used. Alternatively, insulated containers for hot water storage would be acceptable provided they are of suitable capacity and capable of storing the water at an adequate temperature and deliver water to the sink(s) via fixed pipe work.

1.3 Ice

- 1.3.1 Any ice that will come into contact with food and drink must be made from potable water.
- 1.3.2 Ice machines must be regularly cleaned as must containers and utensils used to store and dispense ice. Parts of the ice machine and utensils which come into contact with ice must be disinfected at intervals.
- 1.3.3 Utensils must be made from durable materials that will not present a foreign body hazard.
- 1.3.4 Utensils used to dispense ice must be stored in suitable containers, and not inside the ice machine or other surfaces.

2.0 WASH BASINS

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(a)

2.1 Wash Basin Provision

- 2.1.1 All units must be provided with a wash basin for the purpose of maintaining personal hygiene.
- 2.1.2 The wash basin must be located in an accessible position.
- 2.1.3 A suitable and sufficient supply of liquid soap and single-use paper towels for hand-drying must be provided.
- 2.1.4 The wash basin must be provided with an adequate, piped supply of hot and cold water or warm water at a suitably controlled temperature.
- 2.1.5 The pipe work must be fixed and deliver the water supply directly to the wash basin. The practice of using jugs etc. to transfer water to the basin is not acceptable.
- 2.1.6 Waste water from the wash basin must be piped to a suitable closed container which is readily identifiable as being designated for that purpose. Alternatively, it could be clearly marked 'Waste Water'. (See Section 9 – Waste)

3.0 SINKS

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(c)

3.1 Sink Provision

3.1.1 Sinks must be located in an accessible position.

3.1.2 The requirement for sinks is in addition to wash basins. The provision of a sink or sinks is for the washing of food and the cleaning and disinfecting of work tools and equipment and is not for the washing of hands.

3.1.3 Sinks must be of sufficient size to accommodate all equipment that requires to be washed during trading.

3.1.4 The minimum provision for sinks in each Unit Category is as listed in 3.1.5 below. Categories 1 to 4 are defined in Annex 2.

3.1.5 • **Category 1 Unit** - No sink required

• **Category 2 Unit** – Minimum of 1 Sink Required

A sink will **not** be required in a Category 2 Unit in the following circumstances:

- Where food is only served and not prepared; and
- Where there is an adequate provision of multiple/duplicate items of equipment, e.g. knives, spoons, tongs etc; and
- Where adequate alternative arrangements have been made for the cleaning and disinfection of non-replaceable food contact surfaces in the event of spillage or other contamination.

• **Category 3 Unit** – Minimum of 1 Sink plus Sterilising Unit required (See also Section 16)

One sink as detailed above plus a 3-compartment unit for cleaning, sterilising and rinsing scoops.

• **Category 4 Unit** - 2 Sinks required (positioned adjacent to one another)

Where no sink is provided and ready-to-eat food is sold, e.g. fruit, signage is required to advise customers that such items must be washed prior to consumption.

4.0 EQUIPMENT

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(b)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter V(1)(a)(c&d)

4.1 Equipment Standard – Installation and Maintenance

- 4.1.1 Food equipment, work surfaces and fittings must be constructed using smooth surfaces that allow effective cleaning/disinfection.
- 4.1.2 All internal surfaces must be constructed and/or finished with washable materials.
- 4.1.3 Food equipment, work surfaces and fittings must be installed so that they allow access for cleaning or they must be capable of being moved or dismantled to allow such access.
- 4.1.4 Walls immediately behind and adjacent to food preparation surfaces and equipment must be capable of being cleaned and, in high risk food areas, disinfected.
- 4.1.5 Tables, work surfaces, food display cabinets, counters, equipment, utensils and display containers must be in good repair in order to be easy to clean and must be kept clean and maintained in good condition at all times. Surfaces coming into direct contact with food or are in such close proximity that they could contaminate the food if dirty must be capable of being disinfected and should be duly disinfected as appropriate.

5.0 CLEANING AND DISINFECTION

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(c)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter V(1)(a)

EC Regulation 852/2004, Article 5

5.1 Cleaning and Disinfection - General

5.1.1 All equipment and areas within the unit require to be kept clean.

5.1.2 All surfaces in the unit which come in to contact or are liable to come in to contact with food must be cleaned and disinfected at a suitable frequency.

5.1.3 Where both cleaning and disinfection are considered necessary, the process must be conducted in 2 stages – i.e. clean and then disinfect.

- **Clean** – Remove excess waste, wash with hot water and detergent; and
- **Disinfect** – Disinfect with clean water and an appropriate food safe disinfectant.

5.2 Cleaning and Disinfection – Using Sinks

5.2.1 Where equipment is to be cleaned and disinfected in a sink (or sinks), a 2-stage process must be used regardless of the number of sinks available. The overall process must be (or equivalent to) the following:

- **Pre-clean** – remove leftover food and residues;
- **Main Clean** – wash in the sink with clean hot water and the correct amount of detergent;
- **Rinse** – if required;
- **Disinfect** – in the sink with clean water and an appropriate food safe disinfectant, for the required contact time;
- **Second Rinse** – (if required) in the sink with clean water;
- **Dry** – ideally using single-use drying cloths.

5.3 Cleaning and Disinfection – Cleaning In Place

5.3.1 Where equipment such as surfaces, worktops etc cannot be washed in a sink, they may be cleaned and disinfected “in place”. As with sink washing, this process must include the stages of cleaning followed by disinfection and should be as follows:

- **Pre-clean** – remove loose debris;
- **Main Clean** – clean the surface using hot water and the correct amount of detergent;
- **Disinfect** – treat with a food safe disinfectant spray;
- **Dry** – ideally air dry.

5.4 Cleaning and Disinfection – Prevention of Cross Contamination

5.4.1 Where both unwrapped raw and ready-to-eat foods are handled within the unit, the processes referred to at 5.2 and 5.3 above must be conducted using a disinfectant which meets either BS EN 1276 or BS EN 13697.

5.4.2 “Raw Foods” include:

- **Raw Meat** – e.g. beef, pork, lamb, chicken, turkey and game;
- **Raw Meat Products** – e.g. sausages, burgers etc;
- **Other raw foods** – e.g. fish, shellfish, eggs;
- **Vegetables and fruit** – i.e. those that have not been labelled as ready-to-eat and especially vegetables that are visibly dirty.

5.4.3 Where both unwrapped raw and ready-to-eat foods are handled, any equipment or utensils used with either must be cleaned and disinfected separately. For example, raw food utensils must be cleaned and disinfected separately from utensils used for ready-to-eat foods.

The only exception to this would be where such equipment is washed in a dishwasher (See 5.4.4 below).

5.4.4 Equipment and utensils which come into contact with raw food must not be used for ready-to-eat food unless they are cleaned in a dishwasher which is maintained and used in accordance with the manufacturer’s instructions. The dishwasher must be capable of achieving a temperature which is high enough to disinfect the equipment.

5.5 Cleaning Schedule

5.5.1 The disinfection process must be detailed within a Food Safety Management System for the business. A documented cleaning schedule must be devised, detailing the frequency and method of cleaning and disinfection. Any chemicals used must be specified along with relevant dilution rates. (See Section 14 – Food Safety Management System)

6.0 PERSONAL HYGIENE

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(a)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VIII

6.1 General Personal Hygiene

6.1.1 All staff must observe good personal hygiene and refrain from unhygienic habits and practices which may expose food to the risk of contamination.

- Wash hands regularly, particularly:
 - after going to the toilet
 - before starting work
 - before handling food
 - after handling raw food and raw food packaging
 - after touching bins or handling waste
 - after every break
 - after eating and drinking
 - after cleaning
 - after blowing your nose
 - after sneezing/coughing
- Do not eat, drink or chew gum where open food is handled.
- Cover any spots, skin cuts and abrasions (on exposed areas such as hands or lower arms) with waterproof dressings.
- Do not wear jewellery, nail varnish or false nails which may present a risk of contamination. As well as physically contaminating food itself, jewellery can harbour dirt and bacteria.

6.2 Hand Washing

6.2.1 Effective hand washing must follow an appropriate technique. The technique used must include the following:

- Wetting of hands prior to applying soap
- A prescribed technique for hand rubbing, aimed at physically removing contamination from all parts of the hands
- Rinsing of hands
- Hygienic drying

6.2.2 Taps should not be a source of contamination and therefore hands should not come into contact with taps after they have been washed. For example, taps should be turned off using a paper towel. (This should be a fresh towel and not the same one as used to dry hands.)

6.2.3 Where the piped supply is taken directly from an urn, safety must be considered. One option would be to put hot water and cold water in the bowl (plugged), with cold water tap still running. Hands can then be put into the water and rubbed together using the running cold water to rinse. The plug could then be removed.

6.2.4 Hand washing requirements apply to every person working in a food handling area whether or not they handle food.

6.3 Clothing

6.3.1 Clean clothing must be worn by each food handler at all times.

6.3.2 Where open, high risk food is handled, clean protective clothing must be worn by each food handler at all times.

6.3.3 The protective clothing must include a clean tunic, coat or uniform and suitable head covering. It must be kept in good condition and changed when dirty, particularly when moving from a 'dirty' operation such as cleaning raw vegetables to a 'clean' operation such as making sandwiches.

6.3.4 Where only packaged food or raw fruit and vegetables are handled, suitable, clean clothing is sufficient.

6.4 Reporting Illness

6.4.1 The food business operator must take appropriate action as soon as he/she suspects or becomes aware that a member of staff is suffering from any of the symptoms or conditions listed below. This may involve temporary exclusion from work or exclusion from specific duties.

Conditions/Symptoms:

- o Diarrhoea
- o Vomiting
- o Discharge from gums/mouth, ears or eyes
- o Sore throat with fever
- o Recurring bowel disorder
- o Recurring skin ailment
- o Any other ailment that may present a risk to food safety

6.4.2 Alternative duties must not involve any likelihood of directly or indirectly contaminating food, e.g. direct contact with open food, surfaces and equipment in areas where open food is stored or processed, or high risk food handlers.

6.4.3 Excluded staff may only return to work when they can show that the illness no longer presents a risk.

6.4.4 Any person working in a food handling area must report certain illnesses or conditions to the food business operator where there is any likelihood of them directly or indirectly contaminating food. They must immediately report if they:

- Know or suspect that they are a carrier of a disease likely to be transmitted through food; or
- Are afflicted with an infected wound, skin infection, sores, diarrhoea or any analogous medical condition such as stomach upset or vomiting.

7.0 PROTECTING FOOD FROM CONTAMINATION

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)
EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(f)&(h)
EC Regulation 852/2004, Article 4(2) and Annex II, Chapter V, (1)(b)&(c)
EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX
EC Regulation 852/2004, Article 4(2) and Annex II, Chapter X

7.1 Layout/Structure

7.1.1 The unit must be large enough for the type of operation carried out. In particular, there must be sufficient space to prevent contamination of foods to facilitate adequate cross contamination prevention procedures.

7.2 Food Protection

7.2.1 Layout, facilities and equipment must be capable of protecting food from any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.

7.2.2 Food being transported to mobile food units must be wrapped, covered and/or placed in suitable containers to prevent contamination. Where appropriate, the containers must be capable of maintaining an appropriate temperature.

7.2.3 All wrappings, containers etc. in contact with food must be made of food grade material. Food grade, washable material, such as containers and crates should be used to transport higher risk (perishable) food (e.g. cooked meats, sandwiches, cheese etc.) and bakery goods.

7.2.4 Containers must be kept clean and in good repair.

7.2.5 Food must be kept separate from non-food items or materials which may cause contamination, e.g. fuel.

7.2.6 If both raw and cooked foods are to be transported at the same time, the items must be wrapped or kept in separate containers and placed so that no cross contamination can occur.

7.2.7 Likely sources of contamination and examples of protection include:

Public

High risk food on display must be protected from the public touching, coughing or sneezing over it. This could involve wrapping, screening or covering the food or keeping it out of reach.

Animals must not be permitted in units.

Food must not be placed on the ground or floor.

Natural Elements (i.e. weather)

The unit must be protected from the elements where open food is sold.

Cross Contamination

Raw and cooked foods must be stored and displayed separately unless they are wrapped so as to prevent cross contamination. (See Section 5.4 – Prevention of Cross Contamination)

7.2.8 Food must not be placed in contact with toxic, flaking or splintering surfaces.

7.2.9 Food must be placed so as to avoid risk of contamination by waste, unfit food, raw food, or any drips or leaks from these.

8.0 PEST CONTROL

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(h)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (4)

8.1 Exclusion of Pests

8.1.1 Mobile food units must be designed to prevent the access of pests, such as rats, mice, birds and flying insects.

8.1.2 Doors in mobile food vans should be kept closed where at all possible. If the door is to be left open to further increase ventilation then a washable insect proof screen should be installed at the entrance.

8.2 Measures to protect against contamination of food by Pests

8.2.1 Food must be placed where it cannot be contaminated by animals or pests. This may be by placing food at a suitable height, behind barriers or screens, under covers or in suitable containers, wrappers, storage or display equipment.

8.2.2 Bins must be lidded.

8.2.3 Regular cleaning must be carried out to reduce pest problems.

9.0 WASTE

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)
EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(f)
EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VI (1-4)

9.1 Waste - General

9.1.1 A suitable receptacle, with a close fitting lid, must be provided for the storage of waste materials on the unit.

This must be cleaned and disinfected if necessary on a regular basis. The use of pedal bins and bin liners will reduce the risk of cross contamination.

9.1.2 Refuse and waste must not be allowed to accumulate on the floor. Any waste awaiting disposal later, must be kept in suitable containers that are large enough, emptied regularly and not allowed to overflow. If disposal facilities are not available on site then the bin must be large enough to hold waste produced during the trading period.

9.1.3 Refuse/waste must not be stored in any way that it will be an attraction to pests.

9.1.4 Traders must make their own adequate arrangements for waste storage and its legal removal from site after trading.

9.2 Waste – Receptacles and Containers

9.2.1 The internal and external surfaces of non-disposable waste containers must be washable and in good repair.

9.2.2 For businesses where the only solid waste produced is dry waste, such as packaging, a closable container may not be necessary.

9.2.3 Strong plastic refuse sacks may be used to store waste, provided that they are used in a manner that avoids the contamination of hands or food and the attraction of pests (e.g. regular removal, adequate strength and appropriate location).

9.3 Liquid Waste/Drainage

9.3.1 Where liquid waste cannot be linked directly to the mains drainage system, holding containers may be used. These containers must be readily identifiable so that their intended use is understood and that they are visibly different from potable water containers.

9.3.2 Waste water must be collected in a readily identifiable sealed container. It must not be discharged directly onto the unit's stance or surrounding area. It must be disposed of to a suitable drainage system at the end of each trading day. This excludes the disposal down surface water drains.

9.3.3 External surfaces of the container must be cleaned and disinfected at a suitable frequency. The procedure must include any hoses/pipes which connect the container to the unit.

10.0 TEMPERATURE CONTROL

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(g)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (5)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (6)

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (7)

10.1 Temperature Control – Facilities and Equipment

10.1.1 Mobile food units must be provided with suitable and adequate temperature controlled storage facilities for perishable and frozen foodstuffs.

Adequate temperature controlled storage facilities must be provided for the storage of perishable foods outwith trading times.

10.1.2 Where temperature controlled storage facilities are used, suitable means of monitoring temperatures must be provided.

In this respect a suitable probe thermometer must be provided. The use of disposable probe wipes is also recommended for the hygienic cleaning of your probe thermometer.

10.2 Temperature Control – Specific Requirements

Detailed below are the key areas in relation to Temperature Control, some or all of which will apply to your business, depending on the extent of your food activities.

10.2.1 Refrigeration

A food temperature of 8°C or below is effective in controlling the multiplication of most bacteria in perishable food. It is recommended practice to operate refrigerators and chills at 5°C or below.

10.2.2 Frozen Storage

Holding food at temperatures of -18°C or below will prevent bacteria multiplying.

10.2.3 Cooking

Temperatures of 75°C or above are effective in destroying almost all types of bacteria. However, cooking temperatures below this level are also effective provided that the food is held at these temperatures for a suitable time period.

10.2.4 Hot Holding

Food which is kept hot must be held at above 63°C.

10.2.5 Cooling

Food should be cooled as quickly as possible and then refrigerated.

10.2.6 Reheating

All food which has previously been heated or cooked in your business and is then to be re-heated, must be raised to a temperature of 82°C or above.

10.2.7 **Ice Cream**

If soft serve ice cream is sold, the temperature of the pasteurised liquid mix (or sterilised mix once open) must never exceed 7.0°C. If pasteurised mix goes above this temperature it should be discarded. The hopper of the soft serve ice cream should be capable of maintaining the ice cream mix temperature below 7.0°C.

11.0 TRAINING

Legal References:

EC Regulation 852/2004, Article 4(2) and Annex II, Chapter XII

11.1 General

11.1.1 All food handlers must be able to demonstrate that they have received an appropriate level of food hygiene training or supervision for the tasks they are required to undertake.

11.1.2 All food handlers must receive instruction to ensure they work hygienically. In particular they must receive written or verbal induction instruction before commencing any food handling activities. Induction instructions must include:

- the standards of personal hygiene expected
- the need to inform management of any illness or circumstances that could pose a risk to the hygienic operation of the business (See Section 6.0 – Personal Hygiene)

11.2 Low Risk Food Handlers

11.2.1 Food handlers who only handle low risk open foods or pre-wrapped, canned or bottled goods should be supervised and instructed in key hygiene matters, i.e.

- Stock rotation and date labelling procedures
- Responsibilities and procedures for cleaning and/or disinfection
- Requirements for hygienic and efficient use of refrigerated/display units
- Procedures for dealing with unfit and out of date foods
- Responsibilities and procedures for reporting defects regarding the structure of the unit or equipment or signs of pest infestation
- Any supervisory responsibilities
- Awareness of any other hazards and control measures as identified within the food safety management system

[Source – Industry Guide – Markets and Fairs]

11.3 Open High Risk Food Handlers

11.3.1 Food handlers who handle open high risk foods should undergo structured training to Elementary or Basic Level. This training should cover the following as a minimum:

- Key hygiene matters as listed at 11.2.1 above, plus
- Causes of food poisoning, its symptoms and prevention
- Sources of food contamination and its prevention
- Personal hygiene
- Elementary design and construction of food premises
- Cleaning and disinfection
- Pest identification and control
- Food storage and temperature control
- Food processing and temperature control

12.0 VENTILATION

Legal References: None

Note – No specific provision for the provision or adequacy of ventilation exists in relation to mobile vehicles from a food safety perspective.

- 12.1 Every mobile food unit must be provided with sufficient ventilation, not including the open service hatch of the unit.
- 12.2 Ventilation openings and mechanisms must be kept clean and be designed to prevent the entry of dust and all pests.

13.0 LIGHTING

Legal References: None

- 13.1 Vehicles must be provided with sufficient natural lighting and suitably protected artificial lighting.

14.0 FOOD SAFETY MANAGEMENT SYSTEM

Legal References:

EC Regulation 852/2004, Article 5

14.1 All food business operators must implement permanent procedures based upon the HACCP principles.

14.2 The HACCP principles consist of the following:

- a) identifying any hazards that must be prevented, eliminated or reduced to acceptable levels;
- b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;
- c) establishing critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
- d) establishing and implementing effective monitoring procedures at critical control points;
- e) establishing corrective actions when monitoring indicates that a critical control point is not under control;
- f) establishing procedures, which shall be carried out regularly, to verify that the measures outlined in subparagraphs a) to e) are working effectively; and
- g) establishing documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the measures outlined in subparagraphs a) to f).

When any modification is made to the products handled, the process or any step, the food business operator must review the procedure and make the necessary changes to it.

The food business operator must ensure that the said procedures are up to date and be able to present the aforementioned permanent procedures to any Local Authority officer conducting a food hygiene inspection within the mobile food unit. Records associated with the said procedures must be retained for an appropriate period.

14.3 Satisfactory completion of any of the following may, where appropriate, be deemed to meet the requirements of 14.1 and 14.2:

- CookSafe
- RetailSafe
- Safer Food Better Business

15.0 ADDITIONAL REQUIREMENTS RELATING TO THE SALE OF ICE CREAM

- 15.1 The following standards apply to mobile food units selling ice cream in addition to the general standards applying to all mobile food units.
- 15.1.1 Scoops, servers and other utensils must be maintained in good condition and replaced if their surfaces become cracked or broken. They must be cleaned and disinfected each day before use and at frequent intervals during trading. The disinfectant used should be non-tainting. Disinfectants specially formulated for this purpose may be obtained from your ice cream supplier.
- 15.1.2 Between uses, scoops and servers should be rinsed in clean water and then stored in a solution of disinfectant. Before the scoop server is next used, the disinfectant residues should be rinsed off in a separate bowl of clean water (the “three bowl method”). The contents of the bowls should be changed frequently during the day (at least every hour or more frequently if they become heavily soiled). Proprietary three-compartment scoop holders are available for this purpose. A supply of disinfectant solution and enough clean water for the day’s trading should be carried on the vehicle.
- 15.1.3 Suitable freezers/conservators must be provided to ensure that the temperature of the ice cream is satisfactory. Bulk freezers should maintain ice cream at -18°C (or colder). Display freezers (conservators) should maintain ice cream at -10°C (or colder). If ice cream melts it should be discarded or returned to the manufacturer. Conservators/freezers must be well maintained and thoroughly cleaned. They must be defrosted regularly and should be used only for the storage of ice cream, liquid ice cream mixes and ice lollies. Returnable/refillable containers should be rinsed out and returned to the manufacturer for proper cleaning and disinfection.
- 15.1.4 If soft serve ice cream is sold, the temperature of the pasteurised liquid mix (or sterilised mix once open) must never exceed 7.0°C . If pasteurised mix goes above this temperature, it should be discarded. The hopper of the soft serve ice cream should be capable of maintaining the ice cream mix temperature below 7.0°C . The cleaning of soft serve equipment is complex and should be conducted according to the manufacturer’s instructions. The correct cleaning materials must be used.
- 15.1.5 A suitable thermometer must be provided and used to check that the above temperatures are maintained.
- 15.1.6 Wafers, cones and other confectionery items used in conjunction with the serving of ice cream may be used directly from their packages provided these are raised off the floor and not exposed to the risk of contamination by customers and insects, etc. Toppings, fruit sauces and syrups, if not packaged in ready-to-use containers, should be decanted into suitable lidded, impervious containers before use. This is particularly important once canned fruits have been opened.
- 15.1.7 Suitable facilities must be available for cleaning ice cream vehicles and equipment. At the end of every working day, or more frequently if required, all ice cream equipment should be thoroughly cleaned and disinfected. Counters and other working surfaces should be cleaned with a warm solution of a disinfectant.

ANNEX 1 - Sample Certificate

COUNCIL
LOGO

COUNCIL NAME
SERVICE NAME
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
MOBILE FOOD UNIT CERTIFICATE OF COMPLIANCE
FOOD HYGIENE (SCOTLAND) REGULATIONS 2006
EC REGULATION 852/2004
HEALTH AND SAFETY AT WORK ETC ACT 1974

Photograph of
Mobile Food Unit

Name and Address of Applicant: _____

Type of Licence: **Street Trader**

Mobile food unit to which
Certificate applies:

Vehicle Registration:

Vehicle Category:

Certificate Valid Until:

On behalf of xxxxxxxxxxxxxxxx Council, I hereby certify that the said mobile food unit, as stated above, on the above date of inspection, met with the requirements of the Food Hygiene (Scotland) Regulations 2006, EC Regulation 852/2004 and the Health and Safety at Work Etc Act 1974.

Officer's Signature _____ Date of Inspection _____ Section _____

Ref No: _____ Officer: _____ Name: _____

Date Issued: _____ Designation: _____

Tel: _____

Email: _____

ANNEX 2

Definition of Mobile Food Unit Categories

Category	Types of Operation	Period of Validity
Category 1	<ul style="list-style-type: none"> • Tea, coffee only • Wrapped food only • Raw fruit and vegetables only • Wet fish only • Any combination of the above 	3 Years from date of issue
Category 2	<ul style="list-style-type: none"> • Ice cream (soft-serve) • Any unwrapped, open food other than wet fish, raw fruit and vegetables • Hot dogs (cart) • Crepes • Doughnuts • Butcher (Unwrapped raw meat only or also selling wrapped ready-to-eat foods) • Wet fish <u>and</u> unwrapped ready-to-eat food • Hot food (burgers, kebabs, chips, pizza, baked potatoes, noodles etc) where there is no food preparation (i.e. chopping of raw vegetables, washing of salad vegetables etc) • Unwrapped sandwiches, wraps, baguettes etc where hot and cold fillings are sold and cold fillings are prepared <u>elsewhere</u> (i.e. not in the unit) • Any hot food where there is preparation of foods but where all such food is subsequently cooked (e.g. onions for filled rolls and hot dogs) 	1 Year from date of issue
Category 3	<ul style="list-style-type: none"> • Scoop ice cream vendors 	1 Year from date of issue

<p>Category 4</p>	<ul style="list-style-type: none"> • Any hot food where there is food preparation involved and where any of the food prepared is not subsequently cooked (e.g. salad vegetables) • Unwrapped sandwiches, wraps, baguettes etc. where hot and cold fillings are sold and cold fillings are prepared <u>within</u> the unit • Butcher selling unwrapped raw meat and unwrapped ready-to-eat foods 	<p>1 Year from date of issue</p>
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THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically, Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government website enabling a wider audience to access the paper and submit their responses.

Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (e.g. analysis of response reports) can be accessed at: <http://www.scotland.gov.uk/consultations>. The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Consultation on Mobile Traders Food Hygiene National Standards

CONSULTATION QUESTIONS

Question 1 – Do the standards provide clear and practical guidance?

Yes No

Please explain your view

Comments

Question 2 – Do you consider the standards meet the legislative requirements?

Yes No

If no, please explain with reference to the standards and legislation

Comments

Question 3 – Are there any requirements which are not included but should be?

Yes No

Please explain your answer

Comments

Question 4 – Does the period of validity for the certificate reflect a risk based approach?

Yes No

Comments

Question 5 – Does the proposed certificate template (Annex 1) incorporate the necessary information to provide assurance to both environmental health officers and licensing boards?

Yes No

If no, please explain further

Comments

Question 6 – Do you agree national standards should be established for both structural and operational aspects of mobile food units?

Yes No

Please explain your answer

Comments

Question 7 – Do you have any other comments you wish to offer?

Comments



Consultation on Mobile Traders Food Hygiene National Standards

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Forename

2. Postal Address

Postcode

Phone

Email

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis
Please tick ONE of the following boxes

Are you content for your **response** to be made available?

Please tick as appropriate
 Yes No

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No



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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78544-534-7 (web only)

Published by The Scottish Government, July 2015

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS53049 (07/15)

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