

## Mobile Units at Markets & Special Events Guidance on Trading Law Requirements



Regulatory Services Team  
Southend Borough Council  
[www.southend.gov.uk](http://www.southend.gov.uk)



## Introduction

These notes are intended as a practical guide to people responsible for running businesses from stalls, exhibition stands or similar. The guidance is an interpretation of the requirements of the legislation covering Food Safety, Food Standards, Health & Safety at Work and Trading Standards. They are mainly intended for food businesses but the health & safety and trading standards advice will apply to all businesses.

General Advice about town centre events can be obtained from the Town Centre Manager on 01702 215448

Regulatory advice is covered by the Regulatory Services Team within the Public Protection section at Southend Borough Council. For further advice please contact the following;

|                      |              |
|----------------------|--------------|
| Food/Health & Safety | 01702 215820 |
| Trading Standards    | 01702 215860 |

*Steve Ramm*

Regulatory Services Officer  
[steveramm@southend.gov.uk](mailto:steveramm@southend.gov.uk)

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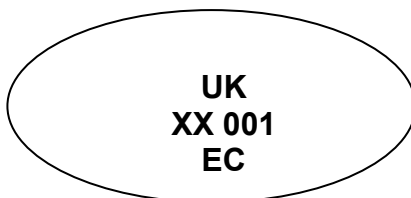
## Food Control

### **Prerequisites to trade at a Southend Market or similar**

1. If you sell food you need to have registered your business with the U.K. Local Authority where your stall is normally kept overnight. You are strongly advised to have at your stall a copy of the last inspection report from your registering Authority (or from another Authority if a more recent **full** inspection was made). If you are applying to the Southend Events Team to trade at an event, they will wish to see a 5 or 4 rating under the national Food Hygiene Rating Scheme (FHRS) (or equivalent).
2. You are required by law to properly implement a documented food safety management system (Regulation (EC) No. 852/2004, Article 5). In order to trade in Southend you will need to be able to produce, at your unit, adequate documents and records. An exception to this is where food safety risks are very small indeed, such as the sale of fruit or unfilled bread only. Your documents will either be
  - Produced by you
  - Produced on your behalf by a consultant
  - Produced by you from a recognised model such as “Safer Food – Better Business” (it is accepted that the SFBB pack for retailers isn’t ideal for market traders but it can be a suitable basis for your own system if used thoughtfully).
3. The person operating the system to comply with Article 5 must be able to demonstrate they have adequate knowledge of how to do so. If you are in any doubt about your ability to operate a HACCP based system, “Level 3” food hygiene training is recommended.
4. It is useful for food handlers to have Level 2 certificates in food hygiene but legal compliance will be judged on the level of food hygiene ability demonstrated by the food handlers at the time of any inspection.
5. Gas or plug-in refrigerators are normally necessary to maintain cold temperatures in the summer. At an organised market insulated containers may only be used if there is prior agreement with the Food Team. If insulated containers are relied upon they will need to be of high insulation efficiency (as defined by British Standard). All cold storage units **must** maintain foods below 8°C. Foods on display may take advantage of the relevant tolerance period. If this tolerance is used the method of control must be fully documented as part of Article 5 compliance. (You are advised to consider how long your customers may take to get the foods home in warm temperatures – it pays to be able to prove minimal temperature abuse at your own market stall or unit.)
6. If your foods need refrigeration you **must** have at least one thermometer with which to monitor storage temperatures. If you thaw and/or cook foods the need for probe thermometers etc. will depend upon your own documented Article 5 procedures.
7. The law requires washing and drying facilities for hands. Alternative hand hygiene methods will not be accepted. Gloves may be suitable for some tasks but there is still a need to wash hands. Food handlers must regularly wash their hands thoroughly

with hot soapy water. You will therefore need to plan how you will meet this requirement so that you do not run out of hot water etc.

8. Manufactured products containing food of animal origin will need to have a 'health mark'. Normally the health mark looks similar to this, but it may be a little different from approved premises outside the EC (third country approvals).



Products of animal origin that should have, but do not have, a genuine health mark will need to be seized for destruction if not voluntarily destroyed under supervision.

9. In Southend, Environmental Health Officers enforce the Food Labelling Regulations 1996 (in many Boroughs these regulations are dealt with by County Council Trading Standards Officers). You are expected to have checked that all of your food products intended for sale comply with composition and labelling laws.

## **Further Advice**

### **Floors**

In all kitchen areas, food preparation areas, bars, food serveries, mobile vans and stalls, a floor surface is expected, which must be level, clean and washable and, so far as possible, non-slip.

### **Structure**

The internal structure of kitchens, food preparation areas, food serveries, mobile vans and stalls must be washable. If food is to be prepared next to tent style walls, the walls must be capable of being cleaned easily.

### **Washing up Facilities**

Sinks are required for washing up equipment for food preparation. They should be supplied with controllable hot and cold water. These sinks must be large enough to wash up your large pieces of equipment. All wash up sinks must be protected from the weather.

Separate food preparation sinks may be needed in addition to wash up sinks. If this is not practicable, large clean plastic bowls must be provided for washing food. Tea towels for drying items must be clean and changed regularly.

### **Hand Washing**

A separate basin must be conveniently accessible with a controllable supply of hot and cold water, soap, towels and nail brush. Disposable paper towels are recommended and a suitable lidded (pedal operated) refuse bin should be provided. In large operations a hand basin must be provided near to **all** food preparation areas. A purpose built unit [e.g. a 'Teal' unit] is expected. If such a unit

cannot be provided then clean plastic bowls can be used, provided that hot and cold water is made available.

## **Water Supply**

In order to have available an adequate supply of potable water you must consider in advance what your arrangements will be. This will include how much wholesome water you will need, where you will get it, what containers you will use, how you will transport it to your unit, how you will safely pour quantities into basins etc and where relevant, how you will heat it. Calculate how much water you will need for regular hand washing and general cleaning etc. Please ensure that all water containers are cleaned inside and out. Chlorine tablets e.g. "Milton" should be regularly used for this purpose.

Where there is a suitable source of potable water at a site, the location will be made known to you. Otherwise you must ensure that your water source (and means of filling containers) is free from risk of contamination.

## **Waste Water Disposal**

You must have adequate arrangements and/or facilities for the hygienic storage and disposal of waste liquids. Foul water may not be disposed of in a rain water drainage system but must be transported to a suitable foul water drain. An on-site foul water disposal location will be made available wherever possible. Otherwise you must ensure that your waste water is disposed of at another suitable foul water drain. Camping style 'walkable' foul water containers may be appropriate for your needs. Waste water containers should be clearly marked as waste.

## **Refuse**

Bins with close fitting lids should be provided for the temporary storage of waste. Refuse must be regularly removed from the food stall/unit in sealed bags and stored tidily to await collection or removal. Containers need to be sealed to minimise the presence of flies etc. Wash hands thoroughly after dealing with waste.

You will be informed of any local arrangements for refuse disposal. Otherwise you must make your own arrangements to ensure that all of your waste is properly disposed of.

## **Lighting and Power Supply**

Arrangements should be made for the provision of artificial lighting, together with sufficient electric power socket outlets for refrigerators, freezers etc. All electrical connections and adaptations should be made by a competent electrician, in accordance with the IEE Wiring Regulations (16th Edition).

At some locations local arrangements will permit you to use a 32 Amp supply from Local Authority lighting columns. In these circumstances you will be responsible for the safety of your connections including use of purpose made weatherproof fittings and the elimination of trip hazards.

## **Temperature Control**

Under the provisions of the regulations you are required to keep perishable foods at a temperature of 8°C or below. Make sure that you have sufficient storage space

for all the foods that need refrigeration. You must also keep records of your temperature control checks (if using SFBB, these are mainly covered in the opening & closing checks). For your safe cooking or cooling procedures you should prove that your methods are safe and record your “prove-it” in the pages provided within SFBB.

Examples of food to be kept refrigerated

- Salads
- Cream cakes
- Cooked meat, fish or vegetable pies, pasties and pates
- Sausage rolls, spring rolls
- Dairy desserts
- Soft cheeses
- Cooked products containing meat, fish, eggs and vegetarian substitutes, cheese, cereals, pulses or vegetables.
- Smoked or cured fish
- Cut or sliced smoked or cured meat
- Sandwiches or rolls containing meat, fish, egg, soft cheese, etc
- All other foodstuffs labelled “Keep Refrigerated”

On no account should these high risk foodstuffs be stored or left to cool overnight at room temperature on food stalls, in pavilions, in kitchen areas or stored in the back of un-refrigerated vehicles. These requirements are intended to reduce to a minimum the growth of food poisoning organisms and hence to prevent a risk of food poisoning. Food not handled in accordance with food laws is considered unfit and action will be taken to have it formally destroyed.

Ensure all relevant raw food is properly cooked before sale. Once food is cooked it must be kept hot, above 63°C, or quickly cooled and refrigerated to below 8°C.

### **Protection against Contamination**

All open food that you have on display must be adequately protected from risk of contamination. Normally food should be kept covered or protected by screens. You will need to make practical decisions dependant upon conditions. Foods awaiting cooking must also be kept covered wherever possible to discourage flies etc.

Raw and cooked food must be kept apart at all times. Surfaces and equipment should be regularly cleaned with an anti-bacterial food-safe cleaner to generally reduce bacteria and to reduce the risks of cross-contamination.

### **Protective Clothing**

Persons engaged in the handling of open food must wear clean and washable protective over-clothing. These must be changed daily or more frequently if they become dirty.

Outdoor clothing and footwear should be stored away from food preparation areas. Long hair should be tied up or covered by a hairnet or hat.

## **Storage**

Foodstuffs stored or displayed for sale should not normally be placed directly on the ground. To protect all foodstuffs from the risk of contamination they should be at least 18 inches (0.5 metres) from the ground.

Keep tinned and packet goods dry and tidily stacked. Ensure you have enough food storage containers in which to store put packet foods once opened. Don't store food outside, in direct sunlight or where it may get wet or damp.

## **Equipment**

All equipment intended to be used in connection with food operations must be kept clean, safe and in good repair.

## **Cleaning**

Equipment and work surfaces must be regularly disinfected or sanitised. It is recommended to draw up a cleaning schedule, itemising equipment and areas which require cleaning, frequency and who should do it. (Those using SFBB will have an example to follow.)

## **Delivery Vehicles**

Only vehicles which have been purpose designed or suitably adapted to comply with the regulations should be used for the transport, storage or delivery of food.



## Health & Safety at Work

### Prerequisites to trade at a Southend Market

You must act to eliminate or minimise all workplace risks to the safety of your staff and others. This will include making assessments of the health & safety risks associated with your business and then doing what is necessary to remove or minimise those risks. If your organisation employs more than 5 people, the important points from your own risk assessment must be available in writing for inspection. Particular care should be given to vehicle movement on and off site, safe stall construction and dismantling, safety of gas and electricity supply, safe control of hot equipment and trip/slip hazards, control of chemicals hazardous to health (COSHH), manual handling and young people at work. Where necessary you must assess fire hazards. If you are in any doubt about controlling fire risks, further advice should be sought from your local fire prevention officer before you leave for the event. In Southend, Environmental Health staff enforce health and safety laws at markets. Please note that in some circumstances, health and safety matters may fall for enforcement purposes to the Health & Safety Executive.

### Further Advice

The following work activities cause the most accidents at outdoor events and you must consider whether you can avoid the activity and if not whether you have appropriate equipment to do the job and that your employees are properly trained.

#### General

- Working at height – Who is to put up the stall? Will ladders be used? Are they suitable for the task?
- Transport issues – How will deliveries be managed? Are vehicles suitable and drivers competent? Can reversing be avoided? Are there restrictions on times of deliveries to protect the public? Where the Local Authority operates a specific access and departure system, this will be made known and you must follow it.
- Manual handling – Can manual handling be avoided? Do you have handling aids available? Do staff know how to use them?
- Slips, trips and falls – Are floor coverings in good condition and kept clean? Are walkways kept clear? Is lighting adequate at night? Do you clean up spillages straightaway? What footwear does the staff have?

In addition to these more general risks associated with work in the kitchen, you also need to consider the following:





## **First Aid Kit**

Each stall, stand or catering unit should be provided with a fully stocked first aid kit including bandages and waterproof dressings. Someone needs to take responsibility for taking charge of arrangements for example in the event of an accident.

## **Guarding of Machinery**

- Operators shall ensure that all machinery used for cutting, slicing, mincing etc is properly guarded to prevent injury to personnel.
- All persons operating such machinery shall be trained and instructed in its proper use.
- No person under the age of 18 years shall be allowed to clean such a machine.
- Suitable clear and precise notices should be displayed in the vicinity of the machine working area with a statement to the effect:

“Guards to be fixed in position before operation of the machine”

“No person under the age of 18 years is allowed to clean this machine”

## **Carbon dioxide cylinders**

Carbon dioxide (CO<sub>2</sub>) cylinders should be securely restrained in the vertical position when connected up to e.g. beer dispensing equipment.

- Restraint may be in the form of straps, chains or by mobile cylinder support.
- Full cylinders not in use and empty cylinders, should be either securely restrained in the vertical position or alternatively if laid on the floor, they should be securely wedged to prevent rolling.

## **Safe use of LPG**

The storage and use of Liquid Petroleum Gas (LPG), i.e. Propane or Butane, may lead to hazardous situations and is therefore potentially dangerous.

When using LPG in cylinders you should ensure that:

- LPG cylinders are stored and connected outside of tents and marquees (for mobile vans see 8<sup>th</sup> point below).
- Cylinders stand with the valve at its highest point (unless specifically designed to be stored otherwise).
- The maximum quantity of LPG in cylinders on any stand, including LPG connected to appliances or equipment should not exceed a day's supply. If it is proposed to use or store greater quantities then prior discussion and agreement with the event organisers should take place.
- The change over procedure when coupling to appliances should be properly understood and staff properly instructed and supervised.
- So called “empty” cylinders still contain gas and therefore should be carefully handled. The “empty” cylinders should be stored in the open air with the shut off valve in the closed position.
- Fixed piping is to be used where possible. However, if flexible tubing is used, it should be suitable for its purpose, e.g. to the appropriate British standard and if necessary, provided with mechanical protection to minimise damage.

- Tubing should be crimped or secured by a suitable hose clip (not a screw-driven clip), or similar and be gas tight. When not required, gas supplies should be isolated at the cylinder as well as at the appliance.
- Propane cylinders may be used to supply gas to frying and catering appliances in mobiles providing that the cylinders and regulators are situated in a separate ventilated and fire resistant (not less than 30 minutes fire resistance) compartment having access from outside the vehicle.
- The cylinders must be fitted in the vertical position with the valve at its highest position and must be fastened securely to prevent movement during transit. Service and reserve cylinders should preferably be connected through an automatic changeover device in order that the reserve cylinder can automatically come into operation when the service cylinder has been exhausted.
- It is important that all barbecues and grills are screened to prevent the public and staff being burnt by them. Please ensure all your gas operated equipment has been checked by a competent Corgi registered gas fitter and certified safe. You should bring copies of inspection documentation to the event so it is available for inspection.

### **Fire-Fighting equipment**

Provision shall be made for fire-fighting and any appliances provided shall be kept readily available for use.

All catering stalls should be provided with a 5kg dry powder extinguisher and fire blanket as a minimum. All extinguishers should be properly maintained and regularly inspected and all staff should be made familiar with the use of the appliances. Some extinguishers are not suitable for certain types of fires, e.g. a foam extinguisher is unsuitable for tackling an LPG fire.

Further advice on fire safety is available from your local fire prevention officer.



## **Trading Standards**

At Southend Borough Council, pricing and weights & measures issues are enforced by our local Trading Standards Officers. Visit the Trading Standards web site [www.tradingstandards.gov.uk/southend](http://www.tradingstandards.gov.uk/southend)

### **Advice on legal requirements**

#### **Business names**

All businesses must clearly display their legal name and an address where for example legal documents may be served. Any business which trades using any names other than their **legal name** must display the required information on the business premises and on business stationery. It applies to:

- Limited companies using any name other than their corporate name (e.g. ABC Limited trading as Fix It All)
- Partnerships not trading using the names of all partners
- Sole or individual traders not trading using the surname (or full name) of the owner (e.g. John Brown trading as Brown's Gardening Services).

#### **Describing goods**

Most goods are sold with a description of some sort - any description given in the course of business must be accurate and not misleading.

#### **Trade marks**

The law allows companies to register their names, logos, slogans, crest and badges as Trade Marks. This means that nobody else is allowed to produce merchandise bearing registered trademarks without the consent of the trademark holder. It is a criminal offence to deal in trademarked merchandise that has not been authorised or licensed by the trademark holder. If you are found dealing in such goods you may be arrested and the goods can be seized and forfeited.

#### **Pricing of Goods**

The price of the vast majority of goods that are available for sale to consumers must be indicated inclusive of VAT, other taxes and any other **compulsory** charges (e.g. delivery charges). Guidance on the *Price Marking Order 2004* can be obtained from your Trading Standards Officer.

Prices can be indicated in any of the following ways:

- on the goods themselves,
- on a ticket or notice near to the goods or
- grouped together with other prices on a list or catalogue in close proximity to the goods.

The price indication should be **unambiguous, easily identifiable and clearly legible**. The general rule of thumb is that a customer should be able to establish the price of any goods without needing to ask for assistance. **It is a criminal offence to provide incorrect or misleading price information for goods or services.**

## Weighing Machines

If you sell goods by weight you must make the weight known to the buyer before the sale and use weighing equipment that has been stamped by an Inspector of Weights and Measures (Trading Standards Officer) to verify that it has been tested for accuracy. The stamp consists of a crown, a date and the inspectors' number and is on a lead plug on the equipment. Newer weighing machines may alternatively have a green sticker with the letter "M" in black on it, a pale blue sticker with an identification number of the verifier (the person who has tested the accuracy) and a CE mark.

When weighing goods in front of the customer you should ensure that the customer has a clear view of the scales and indications.

All weights should be in **metric** units, although you can also give the imperial equivalent as a supplementary indication. You must not do anything to the equipment that would affect its accuracy as this is an offence.

To ensure that you get accurate readings from a weighing machine you should:

- Use equipment on a level surface, most machines are fitted with a spirit level or other levelling device, check this frequently to ensure the machine remains level
- Make sure the machine is properly balanced or reading zero before beginning any weighing
- Ensure that there are no strong breezes or drafts near the equipment as this can affect the readings, particularly for high accuracy machines
- Check machines regularly using stamped weights or have them serviced regularly by the manufacturer or scale fitter.
- Keep the machine clean, any debris caught in the mechanism could affect the accuracy.
- Make sure that the weighing plate is clear of obstruction so that it can move freely.

Keep records of any checks carried out on the equipment.

## Weight of bread

All loaves weighing 300g or more must weigh either 400g, or multiples of 400g i.e. 800g or 1200g, these are known as the prescribed weights.

There are permitted tolerances as bread may be baked to an average weight, therefore in any batch some loaves may be lighter and some may be heavier.

