

Notes and action points

Licensing – Food safety and standards Planning and preparing for London 2012

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Present

William Adolph	Newham
Sandra Edmeade-Walters	JLARS
Vanessa Karakilk	JLARS
Peter Turvey	Bromley
Nigel Riley	Bromley
David Baachas	Southwark
Rosalind Hick	Westminster
Ray Wood	Tower Hamlets
Hope Robinson	Barking and Dagenham
Andrew Bourlet	Havering
Alison Cockerill	Waltham Forest
Trudi Penman	Havering
Tay Potier	CIEH
Keith Hill	ALEHM
Richard Block	Westminster
Peter Davenport	City of London
Sally Oakley	City of London
Nichola Stratford	Westminster
Earl Legister	Southwark
Kulwant Randhawa	Slough
Joanna Smith	Hackney
David Locke	LGR
Steve Miller	JLARS
Sharon Smith	CIEH
Alison Nugent	ODA

Introduction and Aims

The workshop was aimed to consider the use of licensing as an effective means of managing enforcement during Games time for events, street trading and mobile vending. This workshop was supported by CIEH and JLARS.

The CIEH continues to lobby for a high profile of the contributing role that environmental health can make to a healthy and safe Olympics/ Paralympics in 2012. With just over 600 days to go and with the venues now taking shape it is now imperative that environmental health services confirm arrangements for managing the impact of the event. The co-ordination across the entire services remains complex but CIEH together with JLARS aims to focus on professional consistency and ensuring the legacy of improved public health.

The two main strategies that are now being circulated (Food Safety and Standards and the Mobile Vending Strategy) provide a comprehensive overarching framework and we now need to drill down into the critical issues of implementation. The process was started with the Enforcement and Compliance (Making it Happen) seminar that took place in April 2010. Generally the outcome of the seminar highlighted confidence among professionals that there were sufficient legislative tools and localised enforcement policies. However, the normal escalating approach taken in enforcement action would not be appropriate to London 2012. This has led to the need to review alternative mechanisms for enforcing minimum standards. One of these areas considered at the "Making it Happen" seminar was the use of Licensing as an effective means of managing enforcement. This workshop aimed to explore further this idea.

The presentations are available on the CIEH Olympic/Paralympic web page:
http://www.cieh.org/policy/2012_london_olympics_eh_activities.html

Licensing and London 2012 Steve Miller JLARS

Steve explained the role of JLARS (Joint Local Authority Regulatory Services) and that this role has been supported through funding from the Olympic Delivery Authority (ODA) under planning legislation. JLARS has an active remit in managing the licensing function related to the Olympic Park. LOCOG (London Organising Committee for the Olympic Games) are seeking help and support and Licensing is one of the key areas that they hope to second a specialist to facilitate the Licensing process. JLARS is intending to manage and support this role.

The London Event Calendar is being co-ordinated through GOE (Government Olympic Executive) and is one way that we will be able to assess the level and numbers of events taking place and the potential impact on licensing services. It is a Jubilee year too so the impact of this will also need to be considered in licensing terms.

London during Games time will be in "lock down" as the Olympic Route will put strain on roads due to numerous closures and restricted access. Although there has been some consideration of capacity and capability this has not been co-ordinated and each local authority has bid independently for additional funding to support the impact on local services. It is therefore difficult to assess how this will impact on collaborative working among host authorities.

Throughout London the approaches to licensing vary and are often politically driven through Licensing Sub Committees. The Temporary Event Notices (TENs) provide a quicker mechanism for licensing community events. The process is too short for it to be a meaningful way for local authorities to respond to managing the smaller events within their communities. There is also a

question as to whether there will be enough facilities to cover these events such as portaloos, stewards and others.

Although the Event Calendar will help in mapping a cultural diary there is no means of stopping events taking place other than through persuasion! The calendar aims to incorporate events taking place from 1 May – 31 October 2012.

Licensing the Olympic Park

Applications will be placed in New Year and there is to be one legal representative managing the applications across the four Olympic Park host authorities. There are two Safety Advisory Groups (SAG) – One for the Olympic Park and one for the Olympic Stadium. The key issues here for licensing is the crowd management with 3-400 thousand visitors it is difficult to measure flow in and out of the Park site.

The three Augmented SAG focuses attention outside of the Olympic Park and cover Central London, Park environs, River including Greenwich.

JLARS is expecting to have a presence on the Olympic Park and contribute to venue operation planning meetings that take place. These meetings are site specific and will be taking place with all venues.

Street Trading and Olympics -Peter Turvey, Head of Street Environment, L.B. Bromley

Peter is part of a London wide "Benchmarking" group for street trading. The Benchmarking group meet 3-4 times a year and provides an informal forum for discussing street trading and market matters. The group has been actively considering the impact of the Olympics and keeping all members updated and informed of key issues as they arise.

Peter informed the meeting of the London local authority Act 1990 as amended and explained the main requirements of this legislation that controls the selling, offering of articles, purchasing or offering to purchase tickets and the supply or offering to supply services. The importance of local intelligence and the sharing of information about itinerant and illegal traders is always important for future planning. The group has a good network of professionals that facilitate this sharing of expertise and information.

The Olympic Advertising and Street Trading Act will be a key part of their consideration and a waiting for further information on the legislation and how this will be implemented through out London. The Act restricts the advertising and trading within a certain distance of all Olympic/Paralympic venues. The concern is that traders will move on to other areas to avoid the restrictions. This is where sharing intelligence is vitally important about illegal traders and using a web based system to improve accessibility. The ODA will be providing further information to local authorities on the regulations and guidance on implementing the regulations.

Street Licensing Lessons from Westminster -Nichola Stratford, Senior Practitioner Street Licensing Westminster City Council

The Licensing process in Westminster is underpinned by the City of Westminster Act 1999 which provides 2 main powers:

1. To designate street for trading. There are 5 markets and some isolated pitches for instance in Oxford Street and Victoria

2. Specifies goods articles and services that are given per location. This also enables then to prohibit any hot food such as hot dogs (because of smell and litter) in Oxford Street.

There is a list of commodities that can be sold

The Council can vary or rescind these conditions and the public may make representations to the Licensing Sub committee if they have concerns.

The standard conditions for street trading licenses include the size of pitch/stall, what they can sell, the receptacle, removal of stalls and litter at end of day, compliance with food hygiene legislation and all other relevant legislation. If a license is revoked there is good networking between licensing professionals and this can prevent the trader setting up elsewhere if it is a persistent problem.

Westminster City Council designate specific streets for ice cream traders and this is usually through a consultation process. Westminster has experience of managing TENs for instance Notting Hill Carnival, Chinese New Year and other community festivals. There is a special events team that manage the requirements associated with monitoring of the day of the event. Guidance and information is given prior to the event but if there is a problem on the day environmental health legislation is used to stop trading.

Temporary street trading licenses are used to regulate table and chairs on the street for seasonal or event use (short periods). The street trading licences provide powers to remove receptacles and allow for the recovery of costs in doing so. There is also the power to remove perishable goods and to dispose of them if necessary.

Currently the Team plan to ensure that there is information on the website for traders to access that provides details of the Olympics Act and any other restrictions.

Westminster make charges for the licences to cover costs such as cleansing and enforcement services.

There are no late night cafe licences provided in Westminster (after 11pm).

Advertising and Olympic Act – Alice Nugent ODA

Alice introduced herself as a Trading Standards Officer seconded from Hertfordshire County Council to the ODA

The Act imposes a number of duties on the ODA in relation to advertising and street trading in the immediate vicinity of venues. The draft strategy includes the ODA's areas of responsibility and will require the Secretary of States approval by the end Dec 2010 /Jan 2011. This will include:

- An authorisation strategy for existing street traders to continue trading.
- Provision of a detailed notice of the affect of the regulations
- Provide advice and assistance to those affected by the regulations
- Enforce the regulations against illegal street trading or ambush advertising

Unless authorised (by the ODA/LOCOG) or exempt, the regulations will prevent all street trading and advertising within the vicinity of Olympic venues and carry a penalty of up to £20,000.

With LOCOG and the GOE the ODA are in the process of defining the vicinities around the event venues and identifying those traders who are, may or will be affected by the regulations. Local authorities have supplied the details of licensed street traders locations and the commodities that they sell.

For street trading on the highway/public land the ODA can only authorise those traders who already have a street trading licence from the local authority. All existing street trading legislation applies. The ODA is considering on what basis they will authorise traders to continue trading during games times. The Assessment Criteria for authorisation is based on prevention of ambush, sale of counterfeit or unauthorised goods and safety & security. This will include consideration of

goods sold, footfall for event, proximity of pitch to venue/queue lines, trading history particularly in relation to sale of counterfeit unauthorised goods, security matters, potential for congestion, noise & litter, number of days affected.

Terms and conditions can be granted that are more onerous than existing licence conditions granted by the local authority. For instance, the terms and conditions may prevent the sale of certain goods or trading at certain times of the day – to reduce the risk of ambush trading and to compliment any security requirement. The ODA would look to revoke a licence for serious breaches of our conditions such as counterfeit or unauthorised goods.

In making the decision as to whether to authorise or not the ODA must have regard to the provisions of the Host City Contract (to prevent / terminate ambush marketing). The preferred approach is to authorise licensed street traders to continue trading where possible.

General Notice has been given which needed to be a minimum of 2 years before the event. The ODA will need to also provide the "Detailed notice", Website information, FAQ's and a contact email address at least 6 months before the event. This will be in the form of an accessible pamphlet style document with more detailed information on the website. In order for the regulations to be in place for a test event in late 2011 the ODA will need to publish the detailed notice May/June 2011. The information will be shared with Local Authorities and made available on websites as part of an overall communications strategy for the regulations.

Consideration has been given to moving traders to alternative pitches. The ODA have also discussed with Local Authorities' their approach to new or temporary licences, licensing of tables and chairs outside cafes etc so that together the approaches can be consistent.

The Act specifies that the ODA may provide financial assistance to street traders or support compensation payments (Protection of property interference with the peaceful enjoyment and/or deprivation possessions). The ODA are also looking at providing financial assistance to those traders who are prevented from trading. Approximately 200 traders have already been identified for financial assistance.

Enforcement of the regulations can be carried out by the police or enforcement officers designated by the ODA. Local authority Trading Standards Officers have been identified as having the required skills and competencies to do the work and exercise the powers given to the ODA under the Act. The ODA are working closely with local authorities' to secure these resources. This may include designating a small number of host authority officers for each venue for their local knowledge and powers or from a neighbouring authority if necessary.

Designated officers can enforce the regulations at any venue and are not bound by 'borough boundaries'. There are teams at every venue to 'police' the vicinity but with mobile teams for some of the London venues to give us greater efficiency & flexibility. The ODA are currently in the process of discussing / securing police assistance with officers with the home office.

The ODA are working out competence or designation criteria that are the skills and knowledge necessary for an officer to carry out this work. For instance experience of seizures and evidence handing, dealing with conflict situations, applications for warrants, PACE interviews, CRB checks. The ODA are also developing Memorandum of Understandings with the local authorities that provide the enforcement officers. Local authority co-operation for the storage of seized items is also being sought.

Also in development are the training programmes to provide them with the knowledge – definitions, exemptions, powers, and importantly the ODA's expectations around inspection. Training events in London and in other host authorities will be organised. A test event is being

planned for late 2011 for team leaders for the venues. Lessons learnt at that training / test event to shape the main training events that are anticipated to be held in March April May 2012.

Similarly to LA policies the ODA plan to prosecute the most serious / persistent offences/ in the public interest.

Food and health and safety requirements are not covered within the legislation but would be covered through the trader needed to comply to obtain the LA license in the first place. The ODA are looking at the issues of private land and how this may impact on licence conditions.

There will be consultation on the regulations in the New Year together with maps and impact assessments. The regulations can be used to manage illegal trading within the vicinity covered by the regulations. The aim will be disrupt the trader rather than worry about prosecution unless serious.

Group discussion and action points

The groups discussed the critical issues around planning and preparation using Licensing as a tool for managing food safety during London 2012. Annex 1 lists the feedback from the group discussions at the event. Some of the issues highlighted are linked to the expected support required by the ODA and the Advertising and Street Trading regulations. Outside of the area managed by these regulations is for local authority enforcement and management only. Working in partnership can be the only effective way forward and the following actions have been suggested by the group:

- Media and publicity- agree key messages to put to individual local authority communications teams as a template.
- Legislation and Court time- to discuss with Food Standards Authority
- Licensing policy positions – to provide information on the various policy positions and the rationale behind them
- Share the range of licence conditions that could be used
- Consider more effective ways of intelligence sharing
- Continue to support collaboration and encourage partnership working across professionals
- Consider the MOT document review and promote

The Mobile Vending Strategy group agreed to review these actions at the next meeting in the New Year. It was agreed to circulate the notes of the workshop to other Licensing and street trading networks and groups that may be able to contribute to a comprehensive strategy for managing food safety and standards.

Date: November 2010
Sharon Smith
Strategic Projects Director, CIEH

Annex 1 Results of group discussions

Key issues for clarification and further action:

- Court time - do we need to change legislation?
Seizures protocol
National intelligence protocols- first borough take action?
Provide increased emphasis on the trader to appeal
- Prosecution policy- do we need to prosecute?

- Media campaign with clear communication messages consistent across the UK supported by a education and support initiative for businesses
- Sufficient staff capacity needs to consider staff welfare during the intensity of the Games time.
- Co-ordination and collaboration both internally within local authority and with other relevant agencies
- Front garden- issues such as letting it out to traders, crowd management need internal communication process to manage information about this and prevent over zealous enforcement. Potential traders need to be targeted with information and advice.
- Town Centre Management key partners
- Local policies vary in London alone from No additional pitches to tolerance of new traders
- Policies are influenced by political and community issues
- Legacy will be a shared learning from this experience
- Conditions can be shared for street trading
- "Big Team" approach to cross professional training for managing street trading
- Link with road closures to check impact on street scene currently lack of information on ORN.
- Food waste and seizure need further investigation – controlled waste
- Ice cream Vans- use DVLA searches and will be controlled by Olympic Route network. Registered or Itinerant?
- Storage of food by the trader as road access may be restricted so may use different storage areas than normal.
- Markets – control over who enters/ restrict new traders /priori checks by EH
- Charter markets such as Greenwich/Havering/Bromley
- Marketing manual – report on star rating
- Isolated sites
- Centralised management or single point of contact for complains such as dialling 101
- TENS can be more than one of an event (as components can apply rather than need licence for whole event).