

Review of Mobile Catering (Coffee Truck) Licensing

Date:	May 21, 2009
To:	Licensing and Standards Committee
From:	Jim Hart, Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	p:\2009\cluster b\mls\l&s committee\june\mobile catering report doc.doc

SUMMARY

To report on a review of the regulatory provisions found in the City of Toronto, Municipal Code, Chapter 545, Licensing regarding the licensing of the mobile catering industry, as they pertain to licensed coffee trucks in the City of Toronto.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards, recommends that:

1. This report be received for information purposes.

Financial Impact

The recommendations in this report will have no financial impact beyond what has already been approved in the current year's budget.

ISSUE BACKGROUND

The Licensing and Standards Committee at its meeting of November 17, 2008, referred a communication dated October 31, 2008, (see the link below) from Tony O'Donohue, President, Environmental Probe Ltd.

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-17217.pdf>

Further to this, at its meeting of November 17, 2008, the Licensing and Standards Committee referred to the Executive Director, Municipal Licensing and Standards

Division a communication dated October 27, 2008, (see the link below) from Louie Belcastro, President, The Classic Cuisine.

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-17218.pdf>

The Licensing and Standards Committee referred these communications to the Executive Director, Municipal Licensing and Standards Division, for review and comments back to the Licensing and Standards Committee and requested that Toronto Public Health and mobile catering industry operators and stakeholders in the City of Toronto be notified and consulted in this review.

COMMENTS

Mobile Catering Issues

A number of issues arose as a result of the consultations undertaken by Municipal Licensing and Standards (ML&S) staff with the mobile catering industry. The comments below regarding these issues resulted from consultations with staff of ML&S and Toronto Public Health (TPH).

Requirement for Regulating of Coffee Truck Drivers

The mobile vending industry requested that ML&S remove from the City of Toronto Municipal Code, Chapter 545, the requirement for licensing for the drivers of coffee trucks along with the requirement for the driver's criminal background check and the requirement for food handler certification for these drivers.

Consultation with ML&S issuing management staff revealed that there is a need to licence the drivers of coffee trucks in order to regulate their business activities. The licensing of coffee truck drivers allows for the requirement of a criminal background check on the licensee as is required for all other licensees in order to protect the general public to whom they provide services.

During consultations regarding food handler certification for coffee truck drivers, concerns were expressed by TPH staff that even though TPH consider coffee trucks to be low risk because they do not prepare hazardous food, the trucks and their drivers still store, handle and serve pre-packaged hazardous foods and are responsible for the sanitation and maintenance of their vehicles. TPH identified the fact that the drivers must be aware of the requirements for the safe storage and handling of food, including their minimum and maximum storage temperatures, cleaning, sanitizing and personal hygiene. TPH considers that the Municipal Code requirements regarding food handler certification for coffee truck drivers is required in order to protect the general public from food-borne illnesses in the delivery of their services.

Temporary Licences for Coffee Truck Drivers

The mobile vending industry also made a request that ML&S provide for temporary licences for newly hired coffee truck drivers who are assessing the viability of working in the mobile vending industry. This was viewed as problematic by both ML&S and TPH

staff as the requirement for both the driver's criminal background check and food handler certification for these new drivers would not be met and could result in a lack of consumer protection by the City for the general public availing themselves of their services.

Replacement Coffee Truck Vehicles

The mobile vending industry expressed concerns regarding the use of replacement coffee truck vehicles in instances unanticipated vehicle breakdowns or maintenance. ML&S will undertake to provide a central phone number where licensed coffee truck operators can inform the City of the necessity for them to utilize a replacement vehicle for a given period of time.

Toronto Public Health Inspections of Coffee Truck Vehicles

The mobile vending industry raised concerns regarding the health inspections required for coffee truck vehicles. TPH currently charges a fee of \$153.00 for health inspections of Toronto licensed coffee trucks. TPH has no plans to eliminate the fee for their health inspections of Toronto licensed coffee trucks as they are recovering costs for these vehicle inspections and can no longer absorb the cost of these inspections.

Another concern of the mobile vending industry was the possibility of ML&S accepting health inspections for coffee truck vehicles from public health units outside Toronto. During the consultations TPH staff stated that they would have no problem with ML&S accepting health inspections for coffee truck vehicles from public health units outside Toronto and ML&S will accept these inspections for the purpose of licence applications and renewals.

Concerns were also expressed regarding the refusal of TPH to attend commissaries outside the boundaries of Toronto to conduct health inspections of coffee truck vehicles. TPH as a matter of policy does not attend locations outside the boundaries of Toronto to conduct inspections. However, TPH is willing to coordinate the inspections of coffee truck vehicles with ML&S staff at our vehicle inspection facility at 843 Eastern Avenue or will arrange for health inspections of Toronto licensed vehicles at another location which is more convenient for the mobile vending industry.

Municipal Licensing and Standards Coffee Truck Inspections

The mobile vending industry enquired as to whether ML&S staff would attend a company's commissary to perform the physical inspections of their coffee trucks required for renewal of the licences for these vehicles. ML&S informed the mobile vending industry that they would be able to provide this service if requested by the industry.

Review of the Licensing Thresholds for Multiple Licence Holders

The mobile vending industry expressed concerns regarding the thresholds for licence application and renewals having a greater impact on multiple licence holders due to the fact that they may incur more infractions in a year than a single licence holder. ML&S staff informed the mobile vending industry representatives that we are currently

reviewing the licensing thresholds in this context in order to address the concerns that have been expressed by a number of multiple licence holders who have been impacted adversely due to the current administration of the thresholds.

Consolidation of Renewal Dates for Multiple Licence Holders

The mobile vending industry also made a request that ML&S provide for coordinated renewal dates for multiple licence holders, to prevent them from having to attend the ML&S offices at 850 Coxwell Avenue numerous times during the year to renew the various licences. ML&S staff informed the mobile vending industry representatives that we are currently reviewing this issue and will be addressing it in an exercise to streamline the licensing issuance and renewal processes.

This report was prepared in consultation with Toronto Public Health.

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SIGNATURE

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