



STAFF REPORT ACTION REQUIRED

Review of Mobile Catering (Coffee Truck) Licensing

Date:	December 17, 2009
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2010\Cluster B\MLS\Ls10004

SUMMARY

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

RECOMMENDATIONS

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

1. the City of Toronto Municipal Code, Chapter 545, Licensing, be amended to remove the requirement for coffee truck drivers who drive City licensed mobile catering (coffee truck) vehicles to be licensed by the City;
2. the City of Toronto Municipal Code, Chapter 545, Licensing, be amended to require that licensed coffee truck owners ensure that the drivers of Toronto licensed coffee trucks be trained and certified as food handlers in a manner satisfactory to Toronto Public Health; and
3. all other appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

Public notice has been given in a manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

Financial Impact

The recommendations in this report will result in a reduction in licensing revenues of approximately \$50,000 in 2010, due to the amendment to the City of Toronto Municipal Code, Chapter 545, Licensing, removing the requirement for the licensing of the drivers of mobile catering (coffee) trucks.

DECISION HISTORY

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 in March, 2009, 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.

Subsequently, at its meeting of June 10, 2009, the Licensing and Standards Committee considered a report from the Executive Director, Municipal Licensing and Standards Division, dated May 21, 2009, (see the link below) regarding a review of the mobile catering (coffee truck) licensing.

<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-21379.pdf>

The Licensing and Standards Committee referred the report to the Executive Director, Municipal Licensing and Standards with requests to review and report further on the possibility of reciprocal licensing arrangements with other Greater Toronto Area (GTA) municipalities and on the replacement of coffee truck drivers.

ISSUE BACKGROUND

In 2008, Municipal Licensing and Standards (ML&S) was approached by the mobile catering (coffee truck) industry regarding issues arising with regards to the licensing of coffee truck drivers, replacement vehicles and drivers, the varying renewal dates for the holders of multiple coffee truck vehicle owner's licences and concerns regarding the application of the business licensing thresholds by ML&S.

COMMENTS

Removal of Requirement for Licensing of Coffee Truck Drivers

During consultations undertaken with the stakeholders in the mobile catering industry, a recommendation was made that ML&S remove the requirement for licensing of coffee truck drivers from the City of Toronto Municipal Code, Chapter 545, Licensing. This amendment was recommended due to the fact that the drivers of coffee trucks, in the course of their business, handle pre-packaged foods prepared at a commissary, which is inspected on a regular basis by the local Public Health unit. The mobile vending industry stakeholders made a comparison of coffee truck drivers to drivers who deliver food items from various restaurants and fast food outlets.

During consultations with Toronto Public Health (TPH) concerns were expressed by TPH staff that even though coffee trucks are considered 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.

In response, the mobile catering industry revealed that various mobile vending companies undertake to educate their coffee truck drivers in food safety in order to protect the health of their clientele. The mobile catering industry also undertakes annual driving record checks for all their coffee truck drivers as required, for the purpose of providing liability insurance for their coffee trucks. The cost of insurance for the owners of Toronto licensed coffee truck vehicles would be prohibitive if the individual driving their vehicle had a bad driving record. This requirement by the insurers of the mobile catering industry is similar to the requirement by ML&S for the production of driving record checks for licensees.

Food Handler Certification Requirement for Drivers of City Licensed Coffee Trucks

Given that ML&S is removing the requirement for licensing of coffee truck drivers from the City of Toronto Municipal Code, Chapter 545, Licensing, the Municipal Code will be amended to require the owners of Toronto licensed coffee trucks to ensure that the drivers of Toronto licensed coffee trucks be trained and certified as food handlers in a manner satisfactory to TPH.

Replacement Coffee Truck Drivers

The mobile vending industry expressed concerns regarding the use of replacement coffee truck drivers when, due to illness or other unforeseen circumstances, a regular driver could not operate the vehicle. With the removal of the requirement for the licensing of coffee truck drivers from the City of Toronto Municipal Code, Chapter 545, Licensing, the only requirement for a licensed coffee truck owner in replacing a driver would be to ensure that the driver be trained and certified as a food handler in a manner satisfactory to TPH.

Replacement Coffee Truck Vehicles

The mobile vending industry expressed concerns regarding the use of replacement coffee truck vehicles in instances of 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.

Reciprocal Licensing by GTA Municipalities of Coffee Truck Vehicles

The mobile vending industry raised concerns regarding the multiple licences they are required to acquire if their coffee truck vehicles operate in the various municipalities bordering the City of Toronto. For example, some of the licensed coffee truck vehicles apply for, and annually renew licences obtained from Mississauga, Vaughan and Markham.

ML&S through its ongoing membership, since 2002, in the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) Municipal Law Enforcement Project Team (MLEPT), meets regularly with numerous municipalities from across the Province. The current membership of the MLEPT includes representatives from the cities of Ottawa, Mississauga, Oshawa, Kitchener, Burlington, Oakville, Waterloo, Timmins, Thunder Bay and Windsor.

The issue of reciprocal licensing of various categories of businesses is currently included in the work plan of the MLEPT. However, impediments to the instituting of such a program have been identified by the team. Not the least of these is coordinating the recommending and implementation of such a program across a number of municipalities simultaneously. The current consensus is that this issue should be deferred until after the 2010 municipal elections as the various municipalities have a limited number of resources, and the issue that the individual Councils have chosen to deal with in this election year do not include reciprocal licensing.

This report was prepared in consultation with the various stakeholders in the mobile catering (coffee truck) industry Toronto Legal Services and Toronto Public Health.

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SIGNATURE

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