



LEGALS - COMPLIANCE

Introduction

The below is the legal guidance of what is required as a basic for any store trading in the UK.

License to trade

Every store in the UK is required to hold a license to trade with an additional 'late night refreshment' trading license for any store trading after 11pm. You may need to apply for a late trading license with your local authority. They will determine the hours you can trade (after 11pm), decisions will usually depend on the impact on the local area.

Typically, our UK stores will hold A5 (now renamed Sui Generis) - the sale of hot food for consumption off the premises) with an additional premises licence for serving hot food & drinks between the hours of 11pm and 5am.

Regardless of whether you are trading in a stand-alone unit, a shopping mall or inside a service station, a license is still required.

Signage

Any store in the UK with illuminated signage must apply for consent from the local authority. This can be a problem for residents. When applying, all considerations must be made, this may include agreeing to turn the signage off after midnight for example.

Extraction

One of the most important permits to obtain is to erect a canopy and flue both inside and outside the store. The canopy inside must be correctly installed and be legally compliant with current legislation. Therefore, when planning you must ensure this is done by a qualified installer. It is vital that any store understands the detail which is required when presenting an application for extraction.

The local authority will provide guidance on what is required and often visit the site to advise. Residents and councillors will also be given the opportunity to have their say on the matter and measures to ease any concerns should be provided. This may include noise reducing fans, air pollution filters or a full clean air system.

Firefighting equipment

All stores are required to have the correct quantity and type of firefighting equipment installed in order to allow them to meet the minimum statutory guidelines as laid out by the local authorities.



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Insurance

Before building commences any owner should obtain full public liability insurance. This must be renewed annually. If there are any changes to the company, the property or the use of the store, the business owner should also notify the insurance to ensure coverage remains valid. Certificates should be held on site and digitally/off site.

If you are employing staff, you will also need Employers Liability insurance, which needs to be renewed each year. You can be fined if you are an employer and are not insured correctly.

Canopy cleaning

Often the most forgotten piece of legislation is the TR-19. This legislation details that all canopies in the UK must be cleaned, not just the hood but the flue and all ducting. This means a professional company will complete the clean and ensure that it is in line with legislation. The business owner must book the cleans in and ensure that they do not fall overdue.

In the event of a fire, the insurance company will request the most recent certificate. Typically, if this is over 6 months old for a store open more than 12 hours per day then the insurance will be void and not paid out, check your insurance policy. Certificates should be held on site and digitally/off site.

Gas certification

A qualified gas engineer must attend site once every year to ensure all gas pipes, meters, hoses, outlets, and equipment are safe to use. If there are any issues, then remedial work must be completed immediately. Certificates should be held on site and digitally/off site.

5 Year fixed wire certification

A qualified electrician must attend site once every 5 years to check all wiring, including the meter and any consumer units. The electrician will provide a certificate at the end of the visit. If there are any points which are not acceptable, then remedial work must be completed immediately. Certificates should be held on site and digitally/off site.

PAT Testing

As a standard all appliances in the UK in a commercial setting must be PAT tested by a qualified electrician. A report with all appliances tested will be provided at the end of the visit. Any unsafe devices must be remedied on site at that time or condemned. Certificates should be held on site and digitally/off site.



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CCTV

Any site with a CCTV system which is recording should publicly notify all customers either on entry to the store or inside the store that their images are being recorded. The law states that the business must inform the customer of who the CCTV company is and how to contact them. If the store uses a localised system, then the contact would be the manager or franchisee. Companies such as Verisure, will provide all notices (usually free of charge), to ensure the store is legally compliant.

Pest Control

Any food business trading in the UK must also comply with food safety regulations. This includes pest control. Any store must have at least 4 visits per year from a qualified and registered pest control professional. Some stores may wish to have more frequent visits. Stores in cities such as London are advised to have a monthly visit to ensure no pest activity is found at any point.

Employing Staff

If you are employing staff, you will need to:

1. Pay your employees at least the minimum wage www.gov.uk/national-minimum-wage
2. Ensure that your staff have the legal right to work in the UK www.gov.uk/legal-right-work-uk
3. Have Employers' liability insurance in place www.gov.uk/employers-liability-insurance
4. If you are employing someone for more than 1 month, you must give them a written statement of employment www.gov.uk/employment-contracts-and-conditions/written-statement-of-employment-particulars
5. Register as an employer with HMRC www.gov.uk/register-employer
6. Check if you need to automatically enrol your staff on a workplace pension scheme www.gov.uk/workplace-pensions-employers

Music License

You will usually need to get a music license if you play recorded music in public or at your business (including background music on a CD, radio or music channel). You may be infringing copyright if you play music in public without a license and you could be sued for damages.

UK GDPR/The Data Protection Act 2018

GDPR protects the rights and freedoms of individuals with respect to their personal data. The regulations are relevant to any business which handles any personal data (this includes staff, suppliers and customers). You must follow the law and take responsibility for handling personal data. You may also need to register with the ICO (Information Commissioners Office).

For more information www.ico.org.uk/for-organisations/sme-web-hub/