

ANGUS COUNCIL

ENVIRONMENTAL AND CONSUMER PROTECTION COMMITTEE - 7 NOVEMBER 2000

BUTCHERS' SHOPS LICENSING

REPORT BY DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION

**Abstract**

**The implementation of the Butchers' Shops Licensing Scheme defined in the Food Safety (General Food Hygiene) (Butchers Shops) Amendment (Scotland) Regulations 2000.**

**1. RECOMMENDATION**

It is recommended that the Committee note this report for its interest.

**2. INTRODUCTION**

The Food Safety (General Food Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000 came fully into force on 2 October 2000. The legislation amended the Food Safety (General Food Hygiene) Regulations 1995 to require the annual licensing by food authorities of retail butchers' shops in Scotland handling unwrapped raw meat and selling raw meat and ready to eat foods from the same premises.

The regulations enabled food authorities to issue licences from 8 May 2000. The licences issued during this lead in period did not come into effect until 2 October 2000.

The Council as food authority for Angus received twenty six applications by the deadline of 21 August 2000. Twenty four of these licence applications were considered to be correct in terms of the legislation. The remaining two applications related to shops selling pre-wrapped raw meat and in the opinion of staff these shops did not require to be licensed.

**3. THE DEPARTMENT'S APPROACH**

Due to the decentralised nature of the Department's organisation it was decided that the best approach would be the formation of a team made up of representatives from each area office.

This team approach in the opinion of senior management could lead to the inconsistent enforcement of the legislation. To overcome the problem of inconsistency regular meetings of the team were held.

Unfortunately, the General Guidance Notes relating to the legislation were not published until mid July 2000. The Department received these notes approximately a month before the application deadline of 21 August 2000.

The guidance notes for enforcement officers were not received in the Department until 28 August 2000 a week into the forty two day period in which the department had to process the applications. This was contrary to the Council's request during the consultation exercise for the guidance on the legislation to be issued to food authorities at the commencement of the lead in period not at the end of August.

The Department continued to receive advice and information from the Food Standards Agency as late as the last week in September only days before 2 October 2000.

In hindsight the guidance for enforcement officers should have been provided to food authorities earlier in the process and the problem of interpretation which caused concern in the butchery trade and amongst enforcement officers should have been resolved prior to the application deadline in August.

**4. RESULTS OF THE LICENSING PROCESS**

By 2 October twenty four retail premises had been assessed in terms of the legislation. Of these premises twenty three were judged to have complied with the following legal requirements:

- the general hygiene and temperature control regulations.
- staff training requirements.
- Hazard Analysis Critical Control Points (HACCP) procedures in place or complete separation.

They subsequently received their licences prior to 2 October 2000.

Nineteen of the twenty three applicants opted for the HACCP management route to licensing. The remaining four opted for the complete separation route.

The one business which did not obtain a licence by 2 October failed because the proprietor did not implement his HACCP system in accordance with his documentation and also failed to comply fully with the general hygiene regulations. This applicant however has since re-applied and has recently received his licence.

## **5. FINANCIAL IMPLICATIONS**

The Regulations require the applicant to pay £100 prior to obtaining their annual licence. The total income generated from the licence fee for 2000/01 was £2,400. The estimated time spent by staff in processing an application for a licence amounted to eighteen hours at a cost of £18.12 per hour. The approximate cost of processing an application was £326. This cost does not include the administration of the scheme or the costs incurred by Law and Administration which amounted to £550. From the estimated costs it is obvious that the licence fee was insufficient to cover the cost of licensing inspections and visits to the premises etc. It could be argued however, that the cost of licensing will not be so great next year since the officers involved will not have to spend time advising and visiting premises to the level they did this year.

However, the guidance for enforcement officer requires the officer to question and assess a proprietor as well as carrying out a detailed inspection of the premises. To comply with this Guidance the interview of the proprietor, staff etc and the inspection will take approximately five hours. This time period does not include travel time, expenses and the administration and processing of cheques and licences.

It is obvious from our experience in licensing butchers this year that the fee the Council can legally charge is not sufficient to cover the cost of the licensing procedure either this year or in future years.

This financial short fall will therefore have to be financed from our existing Food Safety budget resulting in reduced funding for more general food safety work.

## **6. CONSULTATION**

The Chief Executive, Director of Law and Administration and Director of Finance have been consulted on the contents of this report.

**S R Heggie**  
**Director of Environmental and Consumer Protection**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.