

ANGUS COUNCIL

ENVIRONMENTAL AND CONSUMER PROTECTION
23 MAY 2000

LICENSING OF BUTCHERS' SHOPS

REPORT BY DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION

ABSTRACT

The Food Safety (General Food Safety Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000 were laid before the Scottish Parliament on 30 March 2000. This Amendment will require Butchers' Shops where ready to eat food and raw meats are handled and sold to be licensed from 2 October 2000.

1. RECOMMENDATIONS

It is recommended that the Committee:

- a) note the contents of the report,
- b) welcome this limited use of licensing to control food safety, and
- c) forward a copy of this report to the Food Standards Agency expressing concern at the failure to issue adequate guidance to Food Authorities prior to the Regulations becoming law.

2. BACKGROUND

The Pennington Group recommended the licensing of Butchers' Shops in its published Report. The Government after some deliberation decided to act on the recommendations and these new Regulations amend the Food Safety (General Food Hygiene) Regulations 1998 to facilitate the licensing regime.

3. THE NEW LEGISLATION

Regulations one and five come into force on 8 May 2000 enabling Butchers to apply for a licence from that date. The remaining Regulations ie two , three and four and Schedule 1(a) become law on 2 October 2000.

These new amendment Regulations will introduce the requirement for Butchers' Shops to be licensed by food authorities. A Butchers' Shop can either be fixed or moveable premises, in which unwrapped raw meat is handled and from which both raw meat and ready to eat foods are sold or supplied to the consumer.

Regulation five contains the transitional provisions to enable licences to be issued by a Food Authority prior to the first day ie 2 October 2000 on which the licence is required. Any licence issued during the transitional period will remain in force for the period of one year beginning on that day.

The remaining Regulations of this Statutory Instrument amend the Food Safety (General Food Hygiene) Regulations 1995 to enable the provisions outlined in Schedule 1(a) which provides the detail relating to HACCP (Hazard Analysis Critical Control Point System), training of staff and supervisors etc, which proprietors of butchery businesses must comply with before the licence can be issued by the Food Authority.

The Amendment Regulations make it an offence to operate a butchery business without a licence. The cost of the Licence to the proprietor of the business will be £100.

According to the information received by staff the guidance, proformas etc, for the implementation of these Regulations will not be issued to Food Authorities until the end of May 2000 at the earliest. This is causing concern within the Department since a butcher can apply for a licence from 8 May 2000.

The Director of Law and Administration has commented that the licensing procedures adopted by the Council will not require to comply with the legal requirements (expressed or implied) incumbent on the Council when acting in a quasi-judicial capacity in determining licence applications. Accordingly, this issue is likely to have resource implications for her Department as well as in advising upon the implementation of such procedures.

4. FINANCIAL IMPLICATIONS

There will be a cost for implementing these new regulations in both human and capital resources. This however, will be offset to a degree by the licence fee of £100 which will be paid annually by every butcher. The total cost of implementing the licensing scheme will not become apparent until the Food Standards Agency provides suitable guidance to Food Authorities on the implementation of this new legal provision.

5. CONSULTATION

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

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.

S R Heggie
Director of Environmental and Consumer Protection

JB/FMCI
2.5.00