

## **Guidance Notes**

### **Food Safety (General Food Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000**



## Revised Guidance on Butchers' Licensing in Scotland

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## **Introduction**

1. The Food Safety (General Food Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000 (referred to in this note as "the Amendment Regulations") cover Scotland only and came into force on 8 May 2000. They amend 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.
2. These guidance notes have been produced with the aim of providing informal, non-statutory guidance on the new legal requirements and should be read in conjunction with the Amendment Regulations. They should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power. Every effort has been made to ensure these guidance notes are as helpful as possible. Ultimately, it is the responsibility of individual businesses to decide, in consultation with their Local Authority, the most appropriate way forward for them. Any examples given are illustrative and not comprehensive.

## **Scope of the Licensing Scheme**

3. The Pennington Group identified cross-contamination from raw meat to ready-to-eat food through poor hygiene and handling practices in a butcher's shop as the main cause of the Central Scotland E. coli O157 outbreak. The Group recommended the selective licensing of premises handling open raw meat alongside cooked meats and other ready-to-eat foods subject to enhanced hygiene conditions being in place. Several of the definitions in paragraph 1 of Schedule 1A work together to establish the intended scope of the licensing scheme, and these are explained below.

## Relevant Definitions

### *Butcher's shop*

4. For the purposes of the Amendment Regulations, a butcher's shop is a retail food premises in Scotland engaged in the handling of unwrapped raw meat and its subsequent sale either wrapped or unwrapped together with ready to eat foods. Such premises would typically include retail butcher shops, mobile shops, butchers' market stalls, some fishmongers and some on-farm shops.

### *Meat and Raw Meat*

5. Taken together these definitions encompass fresh meat, which is not ready to eat food, to include red meat, poultry, rabbit, and wild and farmed game meat within the meaning of the three product-specific hygiene regulations listed under the definition of “meat”. In Schedule 1A, ‘meat’ includes chilled and frozen meat. The definition of meat can include mince (which is defined under the Minced Meat and Meat Preparations Regulations 1995, as meat which has been minced into fragments or passed through a spiral mincer and includes such meat to which not more than 1% salt has been added). It does not include sausages, burgers or other similar products.

### *Proprietor*

6. A proprietor means a person who uses, or intends to use, premises for the purposes of a butcher’s shop. A proprietor can be an individual, a company or a partnership.

### *Unwrapped*

7. For the purpose of the Amendment Regulations, unwrapped meat means meat that is open. Food, which is wrapped in a food grade material, which is designed to prevent leakage and prevent the passage of micro-organisms, should be classed as suitably wrapped.

### *Ready to eat food*

8. Ready-to-eat food is defined as any food for consumption without further treatment or processing. This definition covers both unwrapped and pre-wrapped ready-to-eat foods and is intended to apply whether the ready-to-eat food may be consumed hot or cold. The expression “further treatment or processing” is not intended to include food preparation activities such as light washing, slicing, chopping, portioning, marinating or preservation carried out by the consumer by way of preference to an otherwise ready-to-eat food item.
9. Examples of ready-to-eat food items may include:

cooked meats, cooked meat products and preparations such as pies and sausage rolls, cooked/roast chickens, sandwiches and filled rolls, dairy products such as milk and cheese, fruit, pre-washed/topped and tailed vegetables, prepared vegetable salads, whole salad items such as tomatoes or cucumbers, quiches, scotch eggs, savoury pies, ready-to-eat and tinned ready-to-eat fish and fish products such as salmon, tuna or sardines, preserves and jams, condiments, bread, confectionery and biscuits.

10. The definition of ready-to-eat food is not intended to include raw foods which should be cooked prior to consumption for food safety reasons, such as raw shell eggs, or foods such as potatoes which would normally need to be cooked before being eaten or dried foods requiring reconstitution prior to consumption, e.g. packet soups and stuffing mixes.
11. Certain foods, such as black puddings (either bought in or manufactured on site), may be ready-to-eat or require further cooking before consumption. It remains for the proprietor of the food business to assess the status of such foods and to display them in the appropriate manner. To ensure that the purchaser is provided with appropriate information, it is recommended that the retailer indicates that the product needs to be fully cooked prior to consumption.
12. Steak Pies may be considered ready-to-eat or require further cooking prior to consumption. Steak pies that have been fired off should be considered ready-to-eat while those with raw pastry should be considered as a raw product and should be displayed in the appropriate manner. To ensure that the purchaser is provided with appropriate information, it is recommended that the retailer indicates that the product needs to be fully cooked prior to consumption.
13. The inclusion of wrapped ready-to-eat foods in this definition recognises the importance of controlling and minimising any contamination of the outer wrapping of these foods within handling, storage and display arrangements.

Handling is defined as manufacturing, preparing, processing, packaging, wrapping and re wrapping. Handled has a corresponding meaning.

## Who will require a licence?

14. A licence will be required if premises handle unwrapped raw meat and sell either unwrapped or wrapped raw meat together with ready-to-eat foods. These may include:

- Retail butchers' shops
- Supermarkets
- Mobile shops
- Grocers' shops
- Delicatessens
- On-farm shops
- Market stalls
- Fishmongers
- Poulterers
- Retail activities of premises approved under product specific legislation
- Premises exempt from product specific legislation.

15. Premises selling a range of goods such as supermarkets with a butchery

outlet are also covered by the Amendment Regulations. A licence will be required for each individual premise, which may be under the multiple ownership of one proprietor.

16. Where in, e.g., a supermarket, a secondary business operates as an independent and completely separate butcher's shop, the secondary business would require to be licensed. However, nothing in the Amendment Regulations would prevent the host premises applying for and holding a licence on behalf of the secondary business, provided this did not compromise a food authority's' ability to enforce the licensing requirements effectively in the franchise operation.

17. In cases where the franchise business relates to raw meat only and the host company operates a ready-to-eat food area, a licence is required by the composite business of the supermarket. In these circumstances, the host premises should apply for and hold the licence.

18. A mobile butcher's shop will only need to obtain a single licence whether or not it operates across a number of local authority areas. The appropriate licensing authority in this case would be the authority in whose area the shop is ordinarily kept or the authority which has registered the shop under Regulation 2 of the Food Premises (Registration) Regulations 1991. This arrangement does not preclude an authority from taking appropriate enforcement action under existing hygiene regulations against a mobile butcher's shop trading in its area but which has been licensed by another authority.

### **Premises not covered by the licensing scheme**

19. The amendment Regulations do **not** apply to the following types of premises:
- retail outlets handling and selling raw meat only;
  - retail food outlets which do not sell any raw meat, as defined;
  - premises handling and selling only raw meat, raw meat products and meat preparations;
  - premises selling cooked meats and other ready-to-eat foods but not selling any unwrapped raw meat alongside the ready-to-eat food;
  - outlets handling and selling pre-wrapped bought in raw meat together with ready-to-eat foods;
  - activities carried out in food premises that are Licensed or Approved by the product-specific food hygiene legislation listed in Regulation 3(2) (including any relevant amendments) of the Food Safety (General Food Hygiene) Regulations 1995;
  - catering premises;
  - delicatessens, convenience stores, bakers and similar outlets unless they handle and sell unwrapped raw meat together with ready-to-eat foods from the same premises.
20. Many shops subject to the Amendment Regulations may provide a delivery service to their customers. A delivery vehicle, which is not a mobile shop, would not need a separate licence, as it would be covered by the licence relating to the premises. However, hygiene measures taken by a licensed butcher's shop to comply with the licensing conditions would need to include delivery activities and operations.

21. Premises such as delicatessens and grocers, which may handle and sell products, such as sausages, bacon, burgers etc, which are not included in the definition of 'meat' will not require a licence unless unwrapped raw meat is handled on their premises. These types of premises are covered by other provisions in the Food Safety (General Food Hygiene) Regulations 1995 and are subject to the requirements in those Regulations to control the cross-contamination risks from any raw foods to cooked products.

### **The licensing conditions**

22. Paragraph 5 of Schedule 1A lists the conditions which premises must satisfy before a food authority can grant a licence. These conditions are explained under the following headings together with advice on the issues which food authorities should take into account when assessing satisfactory compliance for licensing purposes.

### ***Compliance with the general hygiene and temperature control regulations – Schedule 1A, Paragraph 5(1)(a)***

23. Satisfactory compliance with the Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety (Temperature Control) Regulations 1995 where appropriate is a condition of the licence. It is not envisaged that minor issues relating to the General Food Hygiene or Temperature Control Regulations would result in immediate refusal, suspension or revocation of a licence. Such breaches may be better and more readily pursued through other enforcement approaches in the first instance.

24. Enforcement officials should use their professional judgement when assessing regulatory compliance in this regard and act proportionately. Due consideration should be given to any guidance and advice in the Retail Industry Guide to Good Hygiene Practice in respect of the general food hygiene and temperature control regulations when assessing regulatory compliance.

***Staff training requirements – Schedule 1A, Paragraphs 5(1)(b)(i) and (ii)***

25. Food businesses need to ensure that food handlers are supervised, instructed and/or trained so as to enable the safe preparation and handling of food (Schedule 1, Chapter X of the General Food Hygiene Regulations 1995). All supervisors of persons handling meat working within the butcher's shop must have received a level of training to at least the standard of the REHIS Intermediate Food Hygiene Course or the RSH Certificate in Food Hygiene Management to enable him/her to supervise the food activities in the business and the operation of the HACCP or separation systems. It is the responsibility of the proprietor or manager to determine the member(s) of staff who will fulfil a supervisory role and who will therefore require to be trained to Intermediate level.
26. In addition to the existing requirements for supervision, instruction and/or training contained within the Food Safety (General Food Hygiene) Regulations 1995, all persons handling meat in a butcher's shop must have received a level of training in food hygiene to at least the equivalent of the REHIS Elementary Food Hygiene Course or the RSH Certificate in Essential Food Hygiene. New employees should receive this training within six weeks of employment. During this period, they should be closely supervised by a trained member of staff in accordance with Schedule 1, Chapter X of the General Food Hygiene Regulations 1995. Staff handling raw meat within a Butchery counter e.g., a supermarket will be required to take the appropriate level of training. However, staff in supermarkets that are exempt from the licensing requirements by selling only wrapped raw meat do not need to meet the specified training in the Amendment regulations.

27. The Amendment Regulations allow for training to be provided by other training organisations such as RIPHH, CIEH, which are of an equivalent standard. It will be the responsibility of industry to demonstrate to the food authority whether any in-house or other training courses undertaken are of an equivalent standard to those provided by the recognised awarding bodies. Where there is uncertainty about an equivalent course to those mentioned above, the details of the syllabus, method of presentation, etc should be sent to the Food Standards Agency for clarification.
28. In all businesses, including the case of a single person business, if the HACCP route is followed, one person must ensure that the HACCP procedures are in place and operating satisfactorily. It is recommended that, in the case of a single person business, that person should have received intermediate training.
29. The requirements for elementary and intermediate training will also apply to temporary and casual staff as appropriate.
30. Staff may have completed a required training course but may not have undertaken a written examination. In these circumstances, staff may be assessed by other means. This may include an oral examination or competency assessment by the awarding training body. In all cases, it remains the responsibility of the proprietor to satisfy the enforcement authority that the relevant training meets the criteria. In some circumstances, it may be necessary for a competency assessment in the core hygiene training requirements to be undertaken by the enforcement authority to establish compliance with these Regulations.
31. It will be the continuing responsibility of the proprietor to ensure staff handling meat retain a current up-to-date knowledge of food safety issues.
32. Enforcement officers should satisfy themselves that staff handling meat are using their skills in a practical way consistent with food hygiene and have a thorough knowledge of food safety issues to the expected standard commensurate with the level of training undertaken rather than relying totally on training records to assess compliance with the training requirements (see paragraph 45 below on training records).

***HACCP procedures or Separation Option – Schedule 1A, Paragraph 5(c)(i) and (ii)***

33. Proprietors of butcher's shops will have to consider whether they wish to apply for a licence based on an effective HACCP scheme or by ensuring the strict physical separation between raw meats and ready-to-eat foods. It is envisaged that the separation option will be an interim measure until a European requirement for total HACCP compliance in food premises takes effect.

## **HACCP (Hazard Analysis and Critical Control Points)**

34. HACCP is a documented food safety management system which consists of seven principles as laid out in pages 35/36 of Codex Alimentarius Food Hygiene Basic Text.

### The Principles of the HACCP System

1. Conduct a hazard analysis.
2. Determine the Critical Control Points (CCP's).
3. Establish critical limit(s).
4. Establish a system to monitor control of the CCP.
5. Establish the corrective action to be taken when monitoring indicates that a particular CCP is not under control.
6. Establish procedures for verification to confirm that the HACCP system is working effectively.
7. Establish documentation concerning all procedures and records appropriate to these principles and their application.

This involves the systematic identification of hazards in a food processing business, and the introduction of control, monitoring and verification procedures at chosen steps in the processing operation which are considered essential for the control of food safety hazards.

35. Proprietors who opt for the HACCP scheme must operate documented HACCP food safety management procedures as described in paragraph 1 of Schedule 1A of the Amendment Regulations. In assessing the adequacy of the HACCP procedures, food authorities will need to be satisfied that the business has correctly identified the food hazards within the shop and has put effective arrangements in place to control the steps and activities which are critical for food safety. The HACCP plan should describe the checks or monitoring arrangements in place for any controls, which are critical for food safety, including the corrective action to be taken if critical limits are breached. It should also include procedures and documentation for dealing with physical and chemical hazards. The HACCP plan should be reviewed at least annually by the proprietor to ensure it is still relevant.

36. Whilst the determining factor for a licence is the handling and sale of open raw meat and ready-to-eat foods, **all food products** sold from a licensed 'butcher's shop' are covered by the licensing conditions and would need to be addressed in the shop's food safety management arrangements and HACCP plan. This would include uncooked meat products and meat preparations, such as sausages and burgers, even though such products have not been included in the definition of 'raw meat'.

37. Each butcher's shop should have its own, individual, HACCP food safety management plan which reflects each food product, its source, method of production and the processing facility. As well as focusing controls and resources where they are most effective in achieving food safety in each business, the approach allows control procedures to adapt to new products and production techniques. While the HACCP plan should cover all of the food processes in the shop, the emphasis should be on encouraging the operation of practical and manageable arrangements consistent with ensuring food safety. A simple system integrated with existing commercial operations is likely to be best. The business may group food items with similar characteristics and common process steps and critical control points within the HACCP plan for the shop. To operate effectively, a HACCP plan requires the business to have committed management and a sound prerequisite programme that delivers a hygienic food system.

A prerequisite programme normally includes such things as:

- staff training;
- design and maintenance of hygienic premises and equipment;
- policy and procedures for hygiene and personnel;
- sanitation and clean up procedures for food contact surfaces;
- control of chemicals; potable water quality; pest control; waste disposal;
- specification, handling and storage of food contact materials.

## **Separation**

38. Where butchers have chosen to introduce a strict physical separation regime, a licence can be obtained if all of the detailed conditions in Schedule 1A, paragraph 5(2) are met.
39. The Pennington Group concluded that, in the interests of food safety, they did not wish to move significantly from their view of the need for wholly separate equipment. The Group recommended that there should be separation, in storage, production, sale and display, between raw meat and unwrapped cooked meat/meat products and other ready-to-eat foods. This should include the use of separate refrigerators and production equipment, utensils and, wherever possible, staff.

40. Whilst cross-contamination between raw and cooked foods should be minimised at all times, the specific conditions of separate refrigerators, equipment, tools and utensils and separate staff, required as part of the separation option, are only required where **unwrapped**, ready-to-eat foods are handled in conjunction with raw meats. However, where **wrapped** ready-to-eat foods are handled in conjunction with raw meats, the proprietor will still be required to demonstrate compliance with Regulation 4(3) of the Food Safety (General Food Hygiene) Regulations 1995.
41. The Amendment Regulations require that “raw meat shall be kept separate at all times from unwrapped ready-to-eat foods”. The word ‘separate’ is not defined but has its common meaning of being physically disconnected and to fulfil this requirement the butcher’s shop, including the retail and manufacturing/storage area, must display full physical separation within the operation including by the use of:
- separate refrigerators, chill units, freezers
  - separate display units and servery counters
  - separate tools, including cutting boards, knives, saws, display trays, utensils, tickets, tongs, imitation decorative garnishing, temperature probes
  - separate equipment, including slicers, scales, vacuum packing equipment, mincers
  - separate cleaning equipment, including cloths, scourers, brushes, mops, buckets
  - separate work preparation tables, cooling and serving areas.
42. In addition, tools, equipment, utensils and cloths should be colour coded to enable staff to clearly identify their use. The storage of any item should be such as to prevent cross-contamination and all items should remain for use on the premises.
43. It is recognised that some equipment and fittings may potentially provide a vehicle for cross-contamination, for example door handles, tills, light switches, sink washing areas etc. In these cases, where it is impracticable to require separate units, proper control in terms of cleaning schedules, staff supervision, hand-washing regimes and best possible product flow must be applied.

## Record keeping

44. The Amendment Regulations require certain records to be kept in respect of HACCP and separation procedures and staff hygiene training. The proprietor or manager (as appropriate) of a butcher's shop is required to make available to the appropriate food authority on request records of HACCP procedures which apply in the shop and the training which staff have undertaken to fulfil the legal requirement. They will also be required to make available records of the cooking and cooling process, temperature monitoring of the preparation, storage and display, and cleaning where the physical separation option is undertaken.
45. Such records can be in written form or, where there is a means by which they may be read, electronic form. Records setting out how the HACCP procedures apply in the butcher's shop, i.e., the overall HACCP plan, must be retained at the premises until they are replaced by a new or amended HACCP plan for the shop. Records which show how the HACCP plan has been implemented, e.g., temperature logs and cleaning schedules and records, must be retained at the premises for at least 12 months from the date they are created.
46. In the case of retail butchers, including supermarkets etc, with multiple outlets operating a centralised HACCP plan or policy, sufficient information would need to be available at individual shop level to enable the enforcement authority to check local compliance with the corporate arrangements. The information held locally would need to reflect the extent to which any HACCP arrangements were devolved to local shop level. It is envisaged that local authority assessment of HACCP systems in multiple outlets will be carried out in accordance with the Home Authority principle. Separate LACOTS guidance will advise on how these arrangements should work in practice in this context. **The application of the Home Authority principle in relation to butchers' licensing will be without prejudice to the responsibility of individual local authorities to assess licence applications and enforce the Amendment Regulations in individual stores at local level. Enforcement officers should refer to the current LACOTS document 'Licensing of Multiple retailer Butchers Shops and the Home Authority Principle.**

47. Records of relevant training undertaken by staff working in the butcher's shop must be retained on the premises. They must be retained until the member of staff to which they relate cease to be employed by the business or are no longer engaged in meat handling or supervisory duties.
48. Records required of the temperature monitoring of cooked meats under the separation option must be retained for a period of 12 months.

### **Product Recall**

49. The proprietor or, where appropriate, his delegated representative, e.g., the manager of the butcher's shop, shall maintain accurate records of the description, quantity, date of production, date of delivery and delivery address of all products supplied by him to other commercial operations, i.e., caterers; and to large 'event deliveries' (i.e., weddings, parties and functions) so that, in the event that food sold or supplied from the shop involves, or may involve, an imminent risk of injury to health, the proprietor or manager can ensure the recall of any food sold or supplied from the shop which is likely to present the same risk.
50. In relation to such food sold at retail level, the licence holder shall arrange at his/her own expense adequate publicity, such as a newspaper advertisement and/or by sufficiently clear and prominent notices in the shop, to ensure that customers are alerted to the risk and informed of the recall procedure.
51. The licensing authority should be advised of any product recall being undertaken.

### **Other conditions on licence holders**

52. Paragraph 8 of Schedule 1A requires a licence holder to inform the appropriate food authority in writing of any material change. Such as a material change to the layout of the shop, occupancy or ownership of the shop or the operation of the food business, which may reduce the safety of food sold or supplied from the shop. Significant changes to

the layout of display counters or storage arrangements are examples of the kind of changes that businesses would be expected to notify. This does not imply that new licences would have to be issued. It is merely intended to ensure food safety arrangements are not compromised by any changes that may be made within the premises.

## **Licence applications**

53. An application for a licence has to be submitted by the proprietor of the premises which can include the owner of the premises, a tenant, a franchisee of the business or, if the premises is part of a chain, the recognised headquarters of the business. A manager of a butcher's shop may also apply for a licence, acting as an agent for the proprietor. For ease of administration, food authorities are encouraged to accept applications from the headquarters of a multiple retailer in respect of individual outlets operating in their areas. Appropriate arrangements should be discussed and agreed with the applicant company and with the home authority.
54. Licence applications must be submitted in writing to the appropriate food authority at least 42 days before the licence is required (see paragraph 3(1) of Schedule 1A). The appropriate food authority is the food authority for the area in which the shop is situated or the food authority which has registered the shop under Regulation 2 of the Food Premises (Registration) Regulations 1991. In the case of moveable premises, such as a mobile shop or market stall, the appropriate food authority is the authority for the area in which the shop is ordinarily kept.
55. Applications should give the address of the premises for which the licence is intended. In the case of movable premises, the application should give as the address the place where the shop is ordinarily kept, together with any other information, which identifies the premises (see paragraph 4(1)(a)). This could include such information as the address of the depot of a parent company where the shop is parked overnight or, if independently owned and run, the name and home address of the proprietor and the vehicle registration number if appropriate.

56. Licence applications should also contain any other information as reasonably requested by the food authority to assist in determining whether the premises fulfils the licensing conditions listed in paragraph 5 of Schedule 1A (see paragraph 4(1)(b)). Food authorities may also draw on any relevant information acquired during an inspection of the premises or otherwise. It will be for individual food authorities to satisfy themselves that they have obtained sufficient information to be able to identify the premises for licensing, inspection and enforcement purposes.
57. To assist the enforcement authority in determining an application, information such as HACCP documentation, staff training records and, if the physical separation route is to be taken, records of cooling, cooking, storage display and cleaning schedules should be submitted, if possible, with the application.
58. A standard application form, which food authorities may wish to use and make available to prospective applicants, **is attached to this guidance at Appendix 1.**  
Applications may be made in other written formats provided such applications contain the information required under Schedule 1A, paragraphs 4(1)(a) and (b) of the Amendment Regulations 60. An application in respect of a new business not yet operating as a butcher's shop should include information on the commercial operations, staff training and whether HACCP control procedures or separation procedures are proposed for the shop (see paragraph 5(8)(a) of Schedule 1A). The application should also indicate how many staff are to be employed in the shop. Food authorities may wish to revisit the premises once opened to ensure the licensing conditions are being met in practice.

## **Determining Licence Applications and Issuing Licences**

59. Food authorities must determine licence applications and inform applicants of the outcome in writing within 42 days of receiving an application (see paragraph 3(2) of Schedule 1A). Due to the short timescale permitted for the determination of licences, food authorities will need to have in place a robust mechanism for the handling of applications. This could include appropriate delegation of authority for

the granting or refusal of the applications. The handling of notifications in respect of outlets, which are part of a multiple chain, should be agreed with the applicant company and its home authority. If notifications concerning the outcome of licence applications are to be sent to the corporate headquarters, the arrangements should ensure the management at the local premises for which the licence has been requested is made aware as soon as possible of the outcome of the application. Such arrangements should be kept under review to ensure they are working as intended.

60. Where a food authority decides to refuse a licence, it must specify in writing which of the licensing conditions listed in paragraph 5 of Schedule 1A have not been satisfied and inform the applicant of his or her right to appeal against the decision and the appeals mechanism that will apply (see paragraph 3(3) of Schedule 1A).
61. Where an authority decides to grant a licence, **it must be satisfied that the terms of the Amendment Regulations are fully met.** It should issue the licence together with the notification to the applicant confirming the outcome of the determination. The notice of determination should inform the person (or corporate body) to whom the licence is issued of his or her legal requirement to notify the appropriate food authority of any material change to the shop which may reduce the safety of the food sold or supplied (see also paragraph 53). **A suggested format for a licence is attached at Appendix 2.** Authorities using other formats should ensure that all licences quote the name of the proprietor or the name under which the company trades, as appropriate, the address of the premises, the date the licence comes into force and the expiry date. In the case of moveable premises, information by which the premises can be identified should be included in the licence. The licence should also clearly state that the premises “is licensed under the Food Safety (General Food Hygiene) (Butchers’ Shops) Amendment (Scotland) Regulations 2000 to carry out commercial operations in relation to the supply or sale of ready-to-eat foods and raw meat”.
62. The Amendment Regulations do not require licences to be displayed, although authorities may wish to encourage their display.

## **Licence fee**

63. The food authority should not issue a licence until the £100 fee has been paid by the proprietor. Payment of the licence fee may accompany an application but any such payments must be refunded if an application is refused. The Amendment Regulations contain a provision to allow a food authority to recover as a civil debt any unpaid fees in respect of licences it has issued.

## **Duration and renewal of licences**

64. A licence shall remain in force for one year commencing on the day it is issued (see paragraph 6 of Schedule 1A).
65. An existing licence holder should be encouraged to contact the food authority up to four months before the existing licence is due to expire to discuss the renewal of his licence. The new licence will come into effect when the existing one expires (see paragraph 7 of Schedule 1A). This is a practical arrangement intended to facilitate effective administration of the licensing scheme at local level. Responsibility for applying for licence renewals rests with businesses, although food authorities are encouraged to issue a reminder as part of their licensing arrangements. Applications for licence renewal must be submitted to the appropriate food authority not less than 42 days before the new licence is required.
66. A licence will cease to have effect when the proprietor to whom the licence was issued ceases to be the proprietor of the premises named on the licence. Such a change will require a new application for a licence to be made. The Amendment Regulations do not allow for the transfer of a licence from one proprietor to another.

## **Revocation and suspension of licences and right of appeal**

67. The Amendment Regulations give the appropriate food authority the discretionary power to suspend or revoke a licence which it has issued in respect of a premises which has ceased to satisfy any of the licensing conditions listed in paragraph 5 of the Schedule 1A (see

paragraph 9 of Schedule 1A). A food authority should give notice to the proprietor of the shop of any decision to revoke or suspend the shop's licence specifying which of the licensing conditions have been breached. Any such notification should be in writing. The notification should contain details of arrangements for the appeal.

68. The licence holder may appeal against a decision by the appropriate food authority to refuse, suspend or revoke his/her licence. The appeals mechanism is that contained in section 37 of the Food Safety Act 1990. A decision to refuse or revoke a licence will not take effect until the time for bringing an appeal has expired (one month from the date of the refusal or revocation), or if a section 37 appeal is brought, until the appeal is finally disposed of or abandoned. In practice, this means that a premises which has had its licence refused or revoked may continue to trade until the appeals mechanism has been exercised as described. Any conditions imposed by the food authority on the proprietor during this interim period, which are considered necessary for the protection of public health should be issued in writing to the proprietor. Where there is an imminent risk to public health, the food authority may wish to use the existing powers under the Food Safety Act 1990 to seek immediate closure alongside revocation action.
69. The proprietor is not permitted to continue to use the premises as a butcher's shop if the food authority has suspended the licence or emergency procedures are in place within the premises as detailed in Schedule 1A, paragraph 9(5). However, the premises may be permitted to trade in either the sale of raw meat only or ready to eat foods only (see definition of butcher's shop).
70. Where a food authority has suspended a licence, the proprietor will not be allowed to continue to operate the premises as a butcher's shop until such times as the licensing conditions which have been breached have been remedied. The food authority must notify the proprietor in writing of their intention to suspend the licence and the reasons for doing so. A suspension of the licence should only be considered where any of the conditions detailed in Schedule 1A, paragraph 5, have been breached. A food authority will have regard to the nature and seriousness of the breach.
71. Food authorities should approach enforcement of the Amendment Regulations in accordance with the relevant Codes of Practice issued under section 40 of the Food Safety Act 1990. As such, suspension or revocation of a licence should not generally be considered as the first option where breaches are found on inspection, where other enforcement approaches are likely to secure compliance with the licensing requirements within an appropriate time scale.

72. A food authority should consider revoking a licence for a significant or persistent breach of the licensing conditions, for example, where the authority has very little confidence in the ongoing hygiene arrangements and conditions at the premises. A revocation amounts to permanent removal of the licence which has been issued and cannot be reversed other than by a sheriff in the course of giving a decision on a section 37 appeal taken by the proprietor. Revocation of a licence is therefore a serious step which authorities should not take lightly.
73. The revocation arrangements will not prevent a proprietor whose licence has been revoked from applying for a new licence for the same premises at some later stage or for a premises other than the one which has had a licence revoked, with the attendant charge of £100.
74. Only the authority, which has issued a licence to a mobile butcher's shop, may suspend or revoke it. Authorities which have concerns about compliance with the licensing requirements in mobile shops which have been licensed by other authorities, are encouraged to contact the licensing authorities with a view to discussing their concerns and any appropriate enforcement action. The Amendment Regulations are intended to permit the licensing authority to suspend or revoke the licence of a mobile shop for breaches of the licensing requirements, which had occurred outside its jurisdiction.

## **Offences**

75. Subject to the exceptions set out in paragraph 9 of Schedule 1A, it will be a criminal offence for any person to use premises as a butcher's shop without a current licence. The exception is where an application for a licence has been refused in respect of an existing butcher's shop for which a licence is already in force on the day the new application is made.
76. Any premises operating as a butcher's shop not in possession of a licence is committing an offence if it begins trading before receiving a licence from the appropriate authority.



## APPENDIX 1

### FORM OF APPLICATION FOR A LICENCE UNDER THE FOOD SAFETY (GENERAL FOOD HYGIENE) (BUTCHERS' SHOPS) AMENDMENT (SCOTLAND) REGULATIONS 2000

1. Name of applicant:

Address of applicant:

Post code:

Telephone no:

2. Name of proprietor (if different from above):

Address:

Post code:

Telephone no:

3. Address of premises to which this application relates (for moveable premises give address at which the premises are ordinarily kept):

Post code:

Telephone no:

Vehicle registration no:

(for moveable premises if appropriate)

4. Name of the butcher's shop:

(trading name)

5. Type of premises (please tick as appropriate):

Fixed

Moveable

Existing

New

6. Applicant's position in relation to the butcher's shop at the premises to which this application relates (please tick as appropriate):

Proprietor

Manager

Agent

Other.....

(Please specify)

7. Address of business head office or registered office

(if different from address of premises) :

8. Please provide a brief description of the products that are or will be handled and sold on the premises:

Raw:

Ready to Eat Foods:

9. Please state which of the following licensing options are or will be in place:

HACCP

Separation

10. Number of staff employed or to be employed in shop:

**Declaration:**

I confirm that all relevant documentation will be made available to the appropriate food authority on request to assist in its determination of this licence application.

Applicant's signature:

Date:

Name:

(BLOCK CAPITALS)

**Please complete Notes Overleaf.**

## Notes for Application Form

To assist in the determination of licensing, it would be helpful if the following information is submitted with application (please tick where included):

1. Licence fee of £100 made payable to [Food Authority]

2. Staff training records

3. a. If the HACCP licensing option is to be taken,  
then a copy [of the full] document; or

b. If the separation licensing option is to be taken, then the following records for products manufactured on the premises, where available, are required –

Cooking records

Cooling records

Storage records

Display records

Cleaning schedules and cleaning records

Applications for licensing of **new** premises must include staff training records with the application form.

The completed application form and enclosures should be sent to

[ ]

[ ]

**Note: This application form must be submitted to the above food authority not less than 42 days before the date on which a licence is required.**

**Prior to a licence being issued by the food authority a fee of £100 is required.**

**Subsequent applications can be submitted up to four months prior to requirement of licence.**



**SUGGESTED FORMAT OF LICENCE**

[insert Trading Name of butcher's shop]

at

[insert shop's address or, in the case of moveable premises, information by which it can be identified]

is licensed under the Food Safety (General Food Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000 to carry out commercial operations in relation to the supply and sale of ready-to-eat foods and raw meat. This licence is issued subject to the condition that the proprietor to whom this licence is issued shall give notice to the food authority of any material change or intended material change which may reduce the safety of food supplied from the above-named shop to which this licence relates, including any material change to the layout, occupancy or ownership of the shop or the operation of the food business.

Date of issue\_\_\_\_\_

Expiry date\_\_\_\_\_

Name of licence holder on behalf of the above named premises  
[insert name of licence holder]

Name of issuing authority.....

Signed on behalf of the issuing authority by:.....

Name (BLOCK CAPITALS).....

[Note: Not for inclusion on issued licences.

The recognised logo or seal of the issuing authority should be displayed prominently on the licence]