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**GUIDANCE NOTES**

**THE FOOD SAFETY (GENERAL FOOD HYGIENE) (BUTCHERS'  
SHOPS) AMENDMENT (SCOTLAND) REGULATIONS 2000**

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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 come 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 Licensing 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.

3. These guidance notes have also been produced with the aim of providing informal guidance at Annex 1 and Annex 2 to assist in assessing the minimum acceptable criteria to be met prior to the issue of a licence for those butchers' premises opting for either the HACCP route or the physical separation option.

### Licensing - 6 month lead -in period

4. Regulation 5 provides for a lead-in period of six months from the date the Amendment Regulations were laid before Parliament. From 2 October 2000 any butcher's shops as defined will need a licence to trade where they handle and sell unwrapped raw meat together with ready-to-eat foods. Food authorities may issue licences on or after 8 May 2000, although such licences are not required, and do not come into effect, until 2 October 2000. Local authorities and business are advised to make use of the lead-in period to ensure early determination of licenses.

## Scope of the Licensing Scheme

5. 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 0157 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*

6. For the purposes of the Licensing 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.

#### *Meat and Raw Meat*

7. Taken together these two 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 does not include sausages, burgers or other similarly processed meat products. [Mince may be included as raw meat provided no more than 1% is comprised of additives – to be confirmed.]

#### *Proprietor*

8. 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*

9. For the purposes of the Amendment Regulations, unwrapped meat means meat that is open, ie, without any wrapping surrounding or covering it, or wrapped in material or packaging which does not prevent the passage of micro-organisms. Whilst each case must be considered individually, the use of domestic cling film would be unlikely to prevent the passage of micro-organisms.

*Ready to eat food*

10. Ready-to-eat food is defined as any food for consumption without further treatment or processing. This definition covers both open and pre-wrapped ready-to-eat products 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.

11. Examples of ready-to-eat food items may include:

sliced 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.

12. 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

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being eaten or dried foods requiring reconstitution prior to consumption, eg, packet soups and stuffing mixes.

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.

### **Who will require a licence**

14. A licence will be required for the following types of premises handling unwrapped raw meat and selling either unwrapped or wrapped raw meat together with ready-to-eat foods:

- Retail butchers' shops
- Supermarkets
- Mobile shops
- Grocers' shops
- Delicatessens
- On-farm shops
- Market stalls

15. Premises selling a range of goods such as supermarkets with a butchery outlet are also covered by the Licensing Regulations. A licence will be required for each individual premises which may be under the multiple ownership of one proprietor.

16. Where in, eg, a supermarket, a secondary business operates as an independent and completely separate butcher's shop and that business shares no facilities with the host premises, the secondary business would require to be licensed. However, nothing in the Licensing 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 authorities' ability to enforce the licensing requirements effectively in the franchise operation.

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17. Premises selling raw meat wrapped in packaging which does not prevent the passage of micro-organisms (eg, cling film) together with ready-to-eat foods will require to be licensed.

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

19. 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 (see paragraphs 15 and 16 above). This arrangement does not preclude an authority from taking appropriate enforcement action under existing hygiene regulations against a mobile butcher's shop which has been licensed by another authority but trading in its area.

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

20. The amendment Regulations do not apply to the following types of premises:

- (a) retail outlets handling and selling raw meat only;
- (b) retail food outlets which do not sell any raw meat, as defined. As explained in paragraph 7 above, premises selling only uncooked meat products and meat preparations, but no unwrapped fresh meat, together with ready-to-eat foods fall into this category, as do outlets operating hot rotisseries and cooking fresh meats for sale as ready-to-eat food, but not selling any unwrapped raw meat alongside the ready-to-eat food. (Rotisseries are covered, however, where operated in a licensed butcher's shop.)

(c) outlets handling and selling pre-wrapped bought in raw meat together with ready-to-eat foods. The wrapping around the raw meat must remain intact throughout the time it is in the shop up to and including the point of sale to the consumer;

(d) catering premises;

(e) delicatessens, corner shops, bakers and similar outlets are excluded unless they handle and sell unwrapped raw meat together with ready-to-eat foods from the same premises;

(f) 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. Premises engaged in wholesale activities which have had those activities approved under product-specific legislation would also require a licence to cover the retail activities falling within the scope of the Amendment Regulations.

21. Many shops subject to the Licensing 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.

22. Premises such as delicatessens and grocers, which may sell products, such as sausages, bacon, burgers etc, which are not included in the definition of 'meat' will not require a licence unless open fresh 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

23. 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 - Paragraph 5(1)(a)*

24. 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 or technical issues relating to the General Hygiene or Temperature Control Regulations would result in immediate refusal or removal of a licence. Such breaches may be better and more readily pursued through other enforcement approaches in the first instance.

25. 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 – Paragraphs 5(1)(b)(i) and (ii)*

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

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Course or the RSH Certificate in Essential Food Hygiene. New employees should receive this training within six weeks of employment and should be closely supervised by a trained member of staff pending this formal training being undertaken. New employees should not be permitted to handle raw meat until formal training has been undertaken.

27. All staff at supervisory level working within the 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. It is intended that in the case of a single person business, that person should have received intermediate training to meet the supervisory requirements.

28. It is anticipated that one person with the intermediate level of training in food safety management would be present in each licensed butcher's shop in normal circumstances, although practical allowance for holidays or absences due to other business needs should be made.

29. The requirements for elementary and intermediate training will also apply to temporary and casual staff handling raw meat.

30. The Licensing 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 determine 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.

31. 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

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proprietor to satisfy the enforcement authority that the relevant training meets the criteria (see paragraph 30). In some circumstances, it may be necessary for a competency assessment in the core hygiene training requirements to be undertaken by the enforcement authorities to establish compliance with these Regulations.

32. 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.

33. 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).

34. Staff handling raw meat in a butchery counter within, eg, a supermarket, will be required to undertake the appropriate level of training. Staff within other areas of the premises who handle raw meat, either wrapped or unwrapped, will also require to undertake the appropriate level of training although this will not apply to staff in those premises which host independent and completely separate butcher's shop.

### *HACCP procedures or Separation Option – Paragraph 5(c)(i) and (ii)*

35. 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**

36. Premises 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,

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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 final food safety. The HACCP plan should describe the checks or monitoring arrangements in place for any controls which are critical for final food safety, including the corrective action to be taken if critical limits are breached. The HACCP plan should be reviewed at least annually by the proprietor to ensure it is still relevant.

37. 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 [mince], sausages and burgers, although such products have not been included in the definition of 'raw meat'.

38. 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 which lends itself to integration with existing commercial operations is likely to be best. The business may wish to group food items with similar characteristics and common process steps and critical control points within the HACCP plan for the shop. The HACCP plan should include procedures and documentation for dealing with physical and chemical hazards although this need not be as exhaustive as that required for the microbiological procedures. More detailed information on the minimum acceptable criteria which must be met for those premises opting for the HACCP scheme is contained at Annex 1.

## Separation

39. 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:

40. The detailed conditions of separate equipment, tools, etc, and separate staff, required as part of the separation option, are not required if only **wrapped** (ie, wrapped in such a way as to prevent the passage of micro-organisms) ready-to-eat foods are handled in conjunction with raw meats. However, the proprietor will still be required to demonstrate compliance with Regulation 4(3) of the Food Safety (General Food Hygiene) Regulations 1995.

41. More detailed requirements for those premises opting for the physical separation route is attached at Annex 1.

### **Record keeping**

42. 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.

43. 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, ie, the overall HACCP plan, must be retained in 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, eg, temperature logs and cleaning schedules and records, must be retained at the premises for at least one year from the date they are created.

44. 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

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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. Discussions are currently under way on the development of separate LACOTS guidance on how these arrangements should work in practice in this context. **The application of the Home Authority principles in relation to butchers' licensing will be without prejudice the responsibility of individual local authorities to assess licence applications and enforce the Amendment Regulations in individual stores at local level.**

45. 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.

46. Records required of the manufacturing process and the temperature monitoring of cooked meats under the separation option must be retained for a period of 12 months.

## Product Recall

47. The proprietor or, where appropriate, his delegated representative, ie, 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, ie, caterers; and to large 'event deliveries' (ie, 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. Wholesale supplies to other premises will come under product specific legislation.

48. 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

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by sufficiently clear and prominent notices in the shop, to ensure that customers are alerted to the risk and informed of the recall procedure.

49. The enforcement authority should be advised of any product recall being undertaken.

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

50. Paragraph 8 of Schedule 1A requires a licence holder to inform the appropriate food authority of any material change, such as a material change to the layout of the shop, which may reduce the safety of food sold or supplied from the shop. A significant change to the layout of display counters or storage arrangements are examples of the kind of changes that businesses would be expected to notify. This arrangement 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**

51. 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.

52. 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

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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.

53. 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.

54. 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.

55. 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.

56. A standard application form, which food authorities may wish to use and make available to prospective applicants, **is attached to this guidance at Appendix A**. Applications may be made in other written formats provided such applications contain the information required under paragraphs 4(1)(a) and (b) of the Amendment Regulations

57. 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**

58. 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 rejection 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.

59. 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).

60. Where an authority decides to grant a licence, **it must be satisfied that the terms of the 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 [50] below). **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

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appropriate, the address of the premises, the date the licence comes into force and the expiry date. In the case of a 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”.

61. The Amendment Regulations do not require licences to be displayed, although authorities may wish to encourage its display.

### **Licence fee**

62. 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**

63. A licence shall remain in force for one year commencing on the day it is issued (see paragraph 6 of Schedule 1A). Any licences issued during the lead-in period will come into force for one year commencing on 2 October 2000.

64. An existing licence holder should be encouraged to apply for a new licence up to four months before the existing licence is due to expire. The new licence would 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

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submitted to the appropriate food authority not less than 42 days before the new licence is required.

65. 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. A change in ownership of the premises will require a new licence to be issued. The Regulations do not allow for the transfer of a licence from one proprietor to another.

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

66. The Licensing 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 must 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 the appeals arrangements.

67. 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(5) of the Food Safety Act 1990. A decision to refuse or revoke a licence would not take effect until the time for bringing an appeal had expired (one month from the date of the suspension or revocation), or if a section 37(5) 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 would wish to use the existing powers under the Food Safety Act 1990 to seek immediate closure alongside revocation action.

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68. 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).

69. 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.

70. Food authorities should approach enforcement of the Licensing 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.

71. In deciding whether to suspend or revoke a licence, a food authority will have regard to the nature and seriousness of the breach of the licensing requirements. In practice, it is envisaged that the **suspension** power will be used only in exceptional circumstances, such as during an extensive refurbishment period which would render the premises unsuitable to trade.

72. The Act under which the Amendment Regulations are made do not provide for an authority to lift a suspension before the specified time period has expired or to attach conditions which would need to be met before a suspension could be lifted. Authorities may wish to use the suspension power alongside other enforcement measures, such as improvement notices, in which the desired improvements and time limits can be specified. There may, therefore, be some benefit in having the same period for the improvement notice and suspension, taking into account the time period allowed for appeals.

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73. 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(5) appeal taken by the proprietor. Revocation of a licence is therefore a serious step which authorities should not take lightly.

74. The revocation arrangements would not prevent a proprietor whose licence had 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.

75. 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 Licensing 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**

76. Subject to the exceptions set out in paragraph 9 of Schedule 1A, it will be a criminal offence for any person to use a premises as a butcher's shop without a current licence. The exceptions are where an application for a licence has been refused in respect of an existing butcher's shop

- (i) which has applied for a licence before the lead-in period mentioned above has ended, ie, before 2 October 2000; or

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- (ii) for which a licence is already in force on the day the new application is made.

77. A new premises applying for a licence on or after 1 November 2000 would be committing an offence if it began trading before receiving a licence from the appropriate authority.

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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:
2. Address of applicant:  
  
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
6. Existing  New
7. Applicant's position in relation to the butcher's shop at the premises to which this application relates (please tick as appropriate):  
  
Owner Manager Other .....  
(Please specify)
8. Address of business head office or registered office if different from address of premises:
9. Please provide a brief description of the products that are or will be handled and sold on the premises:  
  
Raw:  
  
Ready to Eat Foods:
10. Please state which of the following licensing options are or will be in place:  
  
HACCP  Separation
11. 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:



APPENDIX 2

SUGGESTED FORMAT OF LICENCE

[insert Trading Name of butcher's shop]

at

[insert shop's address or, in the case of a 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]

**DRAFT**

2 October 2000 should be entered as 'Date licence comes into force' for licences issued during the lead-in period, ie, between 8 May and 2 October 2000.]