

NORTH LANARKSHIRE COUNCIL

REPORT

To: ENVIRONMENTAL SERVICES COMMITTEE	Subject: Licensing of Butchers' Shops - Consultation Document
From: DIRECTOR OF ENVIRONMENTAL SERVICES	
Date: 19th May, 1998. Ref: GB/MC	

PROPOSED DECISION

To homologate the action of the Department in sending the comments at Appendix 1 to COSLA in response to the Consultation Document on the Licensing of Butchers' Shops from the Scottish Office.

REPORT

The Scottish Office have through COSLA requested comments on their proposals to introduce licensing of Butchers' Shops as per the Pennington recommendations and the Department's comments on these proposals are contained at the Appendix to this report.

The proposals would introduce licensing of Butchers' Shops with an annual fee of £100 payable to the Council to cover administration costs. The proposals include provision for the revocation of licences in circumstances where the proposed Regulations are not met with a right of appeal to the Sheriff. The licence would be dependent amongst other things on the business having a satisfactory HACCP in place and the staff being suitably trained in food hygiene.

The Consultation Document seeks comments on the proposal for HACCP, whether or not complete separation of cooked and raw products is desirable and whether or not the proposals should be extended to other high risk food establishments.

RECOMMENDATION

That the Committee homologate the sending of the comments contained in the Appendix to the Report to COSLA.

M'Kenzie G. Hutton

COMMENTS BY NORTH LANARKSHIRE COUNCIL ON DRAFT REGULATIONS TO AMEND THE FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS 1995 TO INTRODUCE AN ANNUAL LICENSING SCHEME FOR RETAIL BUTCHERS

Paragraphs (I) TO 2 (II) - Licence Applications and Revocation

It is assumed from the proposals that businesses operating mobile premises as well as fixed premises will have to pay a fee in respect of each mobile shop.

Paragraph 2 (IV) to 6

There are two comments here, the first dealing with the proposal to have licensing based on HACCP as opposed to the Pennington recommendation to have licensing as an interim measure until full HACCP is attained. While the consultation proposals will concentrate the efforts of butchers to achieve HACCP by the date set there will be no interim safety measures in place such as licensing before that date and that was what the Pennington Proposals were meant to achieve and certainly before the summer of 1999.

The second point, worthy of clarification, is the training requirements which do not define the level of training required and will certainly leave local authorities open to criticism from trade associations as there will be varying standards of training accepted by the various food authorities.

Paragraph 7

Experience has shown that "uniform" HACCPs are not the answer. For a HACCP to be worthwhile it has to be site specific and "owned" by the staff at that location. HACCPs should not therefore be considered for the Home Authority principle.

Consequently there can be no reduced requirement for enforcement action in individual local authority areas.

Paragraph 8

Accepted.

Paragraphs 9 to 13

Separation should still be a requirement of the proposed licensing scheme as, even if HACCP is in place, there is still scope for mistakes and we have learnt from recent experience that mistakes made in the handling of raw and cooked meats can lead to fatal results.

Paragraph 14

All storage, display areas, equipment and where possible staff should be specifically separate if the safety of food is to be the prime consideration.

In small outlets where cost is a factor they would have the option of selling only sealed wrapped cooked meat products which have been manufactured and wrapped elsewhere on licensed premises.

Paragraphs 15 to 16

The scheme should be extended to cover all premises which fall into the A & B risk category and handle both raw and cooked meats.

Paragraph 17

This review is urgently required particularly with regard to the Meat Products (Hygiene) Regulations 1994 where the guidance currently available is, to say the least, confusing.

Annexe A Legislation Scheme 1A**Paragraph 3 (2)**

This should be changed to 3(1)(c) and made a condition of the licence.

Paragraph 4 (1) (b)

The wording used here, "to the standard required" is ambiguous. Who will define what "required" is, each local authority? This will lead to different interpretations throughout the UK and will result in the trade making complaints of inconsistency.

Paragraph 4 (1) (c)

As for paragraph 4 (1) (b). the level of training should be stated.

Paragraph 4 (2)

In the circumstances described here there should only be a grant of an "interim" licence as the food authority would not be able to verify the HACCP or the staff training prior to the shop opening. In the circumstances proposed, the licence could not be withdrawn until the appeal procedures were concluded. However, with an interim licence for say 2 to 3 weeks, if the staff training and HACCP were found to be deficient then the official period of business would be much shorter.

Paragraph 7

Presumably this means that for whatever reasons a licence could run for 16 months. This section needs clarification as to the situations where a second or subsequent application can be made or is it just meant to cover the situation where an applicant applies for his next 12 months licence 4 months before his existing licence expires.

Paragraph 8

This paragraph does not specifically mention a change of staff requiring notification. If it is intended to cover such a situation particularly the employee with special HACCP training then it should be specifically stated.

Paragraph 9 (3)

A reference here to Section 37 of the Food Safety Act 1990 would be helpful in the same way as it explained in the Explanatory Note.