

**REPORT TO: ENVIRONMENTAL AND CONSUMER PROTECTION COMMITTEE
21ST AUGUST, 2000**

REPORT ON: BUTCHERS' SHOPS LICENSING

REPORT BY: DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION

REPORT NO: 505-2000

1.0 PURPOSE OF REPORT

1.1 To make the Committee aware of the Food Safety (General Food Hygiene) (Butchers Shops) Amendment (Scotland) Regulations 2000 which come into force on 2nd October, 2000 and to seek the Committee's agreement for proposed arrangements for the handling of applications for Butchers' Licences.

2.0 RECOMMENDATIONS

2.1 That the authority to grant a licence be delegated to the Director of Environmental and Consumer Protection

2.2 Where the Director of Environmental and Consumer Protection declines to grant a licence, he will refer the matter to a Sub-Committee of the Environmental and Consumer Protection Committee, for the consideration of the licence application. Instructions are requested on the composition of the Sub-Committee.

2.3 The power to revoke or suspend a licence is to be delegated to the Director of Environmental and Consumer Protection but he may refer the matter to the Sub-Committee where he considers it appropriate who will then have the delegated power to revoke or suspend the licence.

2.4 Any applicant, whose application has been referred to the Sub-Committee, will have the right to appear before the Sub-Committee and to be represented at the meeting of the Sub-Committee.

3.0 FINANCIAL IMPLICATIONS

3.1 The costs of inspection and reporting will be absorbed in the Environmental and Consumer Protection Department's Revenue Budget for 2000/2001.

3.2 If all existing affected businesses apply for a licence, income of approximately £3,000 will be realised.

4.0 DUNDEE 21 IMPLICATIONS

4.1 Health is protected by pursuing the highest standards of food safety in the supply of raw and cooked meats.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 None.

6.0 BACKGROUND

6.1 The Food Safety (General Food Hygiene) (Butchers Shops) Amendment (Scotland) Regulations 2000 come into force on 2nd October 2000. These Regulations are enacted under the Food Safety Act 1990 and are considered necessary by the Scottish Executive for securing that the supply of cooked food complies with food safety requirements.

- 6.2 The Regulations introduce a requirement for the proprietors of butchers' shop premises to be licensed by food authorities in specific circumstances. The City Council is a food authority for these purposes.
- 6.3 Butchers' shops for these purposes are fixed or moveable premises in which unwrapped raw meat is handled and from which both raw meat and ready to eat food are sold to consumers. The supply of raw meat alone will not require a licence. The Regulations make provision for application for licence and provides that a charge of £100 is payable in respect of licences. The Regulations also allow for the imposition of license conditions.
- 6.4 The Regulations provide that licences remain in force for a period of one year, or until the proprietor ceases to be the proprietor of the premises.
- 6.5 The Regulations provide for the suspension and revocation of licences. It will be a criminal offence to operate a butchers shop otherwise than in accordance with a licence following the introduction of these regulations.
- 6.6 Although guidance has been issued by the Scottish Executive, it is for each individual food authority to decide how they will administer a licensing system.
- 6.7 As the parameters for deciding on the grant or refusal of a licence are technical in nature, it is considered appropriate, to minimise time and expense, that the grant of a licence be delegated to the Director of Environmental and Consumer Protection.
- 6.8 Where the Director of Environmental and Consumer Protection declines to grant a licence, the requirements of Natural Justice and the Human Rights Act 1998 (which also comes into force on 2nd October) require that there is a hearing at which the applicant for a licence should have a chance to be heard.
- 6.9 The Environmental and Consumer Protection Committee is considered too large to be an appropriate forum for the consideration of such licence applications, and in particular, for holding a hearing where the applicant may be represented.
- 6.10 A Sub-Committee of the Environmental and Consumer Protection Committee would sit as and when necessary.
- 6.11 The Sub-Committee will sit in a non-partisan non-political quasi judicial fashion and have full delegated powers to deal with any business laid before it.
- 6.12 The regulations also allow for the suspension for revocation of a licence. As this will require to be done, often within a tight timescale, the power to suspend or revoke the licence under these regulations shall be delegated to the Director of Environmental and Consumer Protection. However, the Director may remit the matter to the Sub-Committee in terms of paragraph 2.3 above whenever he considers this appropriate. In addition, in an emergency situation, the Council still has the other powers under the Food Safety Act 1990 to apply to the Court for an Emergency Food Prohibition Order.
- 6.13 The Sub-Committee shall meet during day-time hours at an appointed time, to ensure that the applicant has the opportunity to appear.
- 6.14 There is a right of appeal against the refusal of a licence or suspension or revocation of a licence to the Sheriff Court.

7.0 CONSULTATIONS

- 7.1 The Chief Executive, Director of Finance, Director of Support Services have been consulted and are in agreement with the contents of this report.

8.0 BACKGROUND PAPERS

- 8.1 The Food Safety (General Food Hygiene) (Butchers Shops) Amendment (Scotland) Regulations 2000.

Signature

Date