

Heads of Environmental Health Services (England)
Directors of Trading Standards
Chief Port Health Officers
cc: LACORS, CIEH, APHA

Reference: ENF/E/05/035

31 August 2005

Dear Colleagues

ENDING BUTCHER SHOP LICENSING IN ENGLAND – EXTENSION OF EXISTING LICENCES

This letter contains important information for all Local Authorities in England about new legislation taking effect on 24 September that will extend all butcher shop licences valid on that day until the end of the year. I should be grateful if you would forward this letter for action to officers in your authority responsible for the butchers' licensing arrangements.

You will be aware that following a public consultation earlier this year, the Agency Board decided on 10 March not to propose new butchers' licensing legislation when the current requirements lapse on 1 January 2006. From this date, butchers selling unwrapped raw meat and ready to eat food will be subject to the new EU hygiene regulations and will not require a licence to operate.

A second period of public consultation, on how best to bring about an end to the licensing scheme, ended on 11th August. The result was overwhelming support for extending existing licences until 31st December 2005 when the butchers' licensing scheme is withdrawn. The consultation package and a summary of the comments received can be found on our website at:

www.food.gov.uk/foodindustry/Consultations/completed_consultations/compconsulteng/generalfoodhyregs

The Agency has pursued the necessary regulatory changes as quickly as possible, and this has enabled the Food Safety (General Food Hygiene) (Amendment) (England) Regulations 2005 (SI 2005 No. 2359) to **come into force on 24 September**. As envisaged in our consultation proposals, all butchers' licences that are valid on 24 September will be extended until 31 December 2005 without the need to undertake the usual application and

determination process or for payment of any further licence fee. Authorities should therefore not send out the standard end of year licence renewal application / reminder letters to these butchers and should not process any licence renewals due on or after 24 September. I would also be grateful if you would inform any qualifying butchers in your area that they do not need to submit a renewal application or pay the associated fee. A copy of the amendment Regulations is now available on the Office of Public Sector Information web site at: www.opsi.gov.uk/si/si200523.htm.

However, butchers whose licences are due for renewal before 24 September, and butchers who come within the scope of licensing for the first time after that date, but before 1 January 2006, must apply for a licence and pay the full licence fee. In the former case, the regulatory process did not permit earlier introduction of the Regulations. In the case of the latter, it is considered appropriate for these butchers to be licensed to underpin public health protection until the new EU hygiene rules take effect on 1 January 2006. An option to charge pro-rated licence fees for butchers needing a licence between 24 September and 31 December was considered but not included in the consultation proposals. It was judged that it would add to the administrative burden if licence fees had to be calculated individually for each butcher, and this was not thought to be balanced by potential benefits. We believe the number of such butchers is likely to be small.

Standards in all licensed butchers' shops must be adequately maintained and all licence conditions complied with until the end of the year. Enforcement officers may also wish to advise all licensed butchers in their area that the new EU regulations contain very similar HACCP requirements as the butchers licensing scheme, so their current approach to HACCP should be maintained when the new legislation takes effect. Additionally, from 1 January 2006, those responsible for developing, maintaining or operating the HACCP-based procedures in the business should have enough relevant knowledge and understanding to ensure the procedures are operated effectively. Enforcement officers may wish to cover these aspects in a visit, which would also allow them to risk rate the business in the interests of appropriate use of enforcement resources after the turn of the year.

Authorities will also wish to ensure that butchers in their area who decide to start selling ready to eat foods for the first time from 1 January 2006 have appropriate HACCP-based food safety procedures in place to address the associated risks. This includes butchers who previously exempted themselves from licensing by concentrating on the sale of raw meat but who now wish to resume selling ready to eat foods.

This letter follows my earlier ones of 14 June (Ref: ENF/E/05/026 - drawing attention to the consultation) and 3 May (Ref: ENF/E/05/017 - about the FSA Board's decision to end licensing). If you have any queries, please contact my colleague Michelle Bayliss on tel: 0207 276 8964 or by email at michelle.bayliss@foodstandards.gsi.gov.uk

Yours sincerely

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