

ANNEXES TO BOARD PAPER ON IMPLEMENTING FOOD SAFETY MANAGEMENT

LEGISLATIVE BACKGROUND

1. New EU food hygiene regulations¹ came into force on 20 May 2004 and will apply directly in the UK from 1 January 2006. The most notable change from existing legislation will be a requirement on all food businesses (other than primary production) to operate food safety management procedures based on HACCP principles. In negotiating the legislation the main aim for the FSA representing the UK was the achievement of effective, proportionate and risk-based controls. The focus was on high-level objectives with a view to securing less prescription and more proportionate, risk-based and flexible controls, particularly in relation to the application of HACCP-based procedures.
2. The Board has been kept informed on the progress of the negotiation of the new legislation. The Board was last updated by an information paper in September 2004 [FSA 04/09/01].

¹ Regulation EC No. 852/2004 - applying general food hygiene rules to all food businesses. Regulation EC No. 853/2004 – applying specific food hygiene rules on food businesses for certain products of animal origin. Regulation EC No. 854/2004 – applying official controls on the products of animal origin covered by 853/2004.

TRIALS 3 APPROACHES TO FOOD SAFETY MANAGEMENT IN SMALL CATERING BUSINESSES IN ENGLAND

1. The FSA commissioned a large scale randomised control test to compare the Safer Food, Better Business model with the more traditional models developed in Scotland, 'HACCP in Practice' and Northern Ireland 'Safe Catering', to determine which models are most appropriate for which situations and to add statistical rigour by comparing to a nil intervention. The pack 'HACCP in Practice' has been substantially refined since the trials and has evolved into the current pack called 'CookSafe'. The work was undertaken by CMI Ltd who were selected following a competitive tender. Evaluation work was undertaken by the University of Wales College of Medicine (UWCM). The trials were in England only, working with independent (i.e. non-chain) catering micro-businesses [EU definition >10 full time staff equivalent & turnover > €2m p.a.]
3. The trial tested the three approaches in some 1000 randomly selected businesses in 40 randomly selected Local Authorities (LAs). The packs were introduced into the businesses through one to one coaching and evaluated in terms of systems implementation, improvements in understanding and behaviour on a scale (0-10) devised by the UWCM.

Headline information:-

4. All three models led to improvements in the businesses with the early prototypes of the evolving HACCP-based methodology, 'Safer food, better business' providing comparable improvements to the more traditionally implemented HACCP-based approaches developed in Scotland and Northern Ireland. All models show marked improvement against a nil intervention. Qualitative findings, indicate that each model is appropriate for different types of business, with the 'Safer food, better business' model being indicated as most effective in both small and micro businesses. The 'Safe Catering' pack developed in Northern Ireland was found to be very effective within businesses with less than two staff and simple menus. 'HACCP in Practice' the approach developed in Scotland, has been found to be most applicable for the larger of the small businesses where there is a greater understanding of the technical issues associated with a food safety management system.

5. The table below summarises the findings.

Model		SFBB	Safe Catering	HACCP in practice
Previous experience and understanding of food safety required?		No	Yes	Yes
Types of business where most effective ^a		Smaller businesses	Very small simple businesses	Larger Small businesses
Range of increase in food safety management Min movement – max movement (0-10 point scale) ^b	Understanding	1.3 – 3.8	2.2 – 5.2	0.5 – 4.5
	Behaviour	0.7 – 3.2	1.4 – 4.4	0.5 – 3.8
	Systems implementation	1.2 – 3.7	2.4 – 5.1	0.5 – 5.2
Average model Implementation time ^c		4 hrs 11 mins ^d	5 hrs 14 mins	6 hrs 28 mins

^a Qualitative feedback - all businesses were independent with <10 FTE staff

^b increase from 1st to 2nd assessment for mid 50% range of businesses trialled for each model

^c implementation through 1 to 1 direct assistance

^d results from phase 2 trialling of latest version of SFBB are stated.

PILOTS OF SAFER FOOD, BETTER BUSINESS IN ENGLAND

Section A - Summary of trials using Safer Food Better Business, in 16 English Local Authorities

1. Trials of Safer Food, Better Business (SFBB), undertaken by local authorities during 2004, focussed on alternative ways of engaging and coaching businesses. The aim was to allow local authorities to see and use the pack and provide feedback for future refinement, and to establish which were the best ways of delivering it to businesses. Sixteen local authorities adopted a variety of approaches to this.
2. The trials demonstrated that SFBB could be effectively implemented through Local Authorities. The most successful delivery method was a combination of a workshop to introduce SFBB and provide practical guidance on how to develop Safe methods, supplemented with post-workshop one-to-one support. Local authorities with distinct advisory services proved most successful in delivering SFBB (6 of the 16 authorities in these trials in England had a distinct advisory service/unit separate from enforcement, a further 1 authority had a reputation for providing guidance to businesses away from their inspection programme even though they did not have a separate unit).
3. Local authority staff gave positive reports about their experiences and described how the project had improved food safety management in the small businesses they worked with. There was a consensus in all the local authorities that SFBB provided businesses with a useful training tool and a good source of best practice guidance. Most businesses also appreciated involvement in the project and welcomed the opportunity to discuss their specific practices with staff in a non-enforcement setting.
4. Major factors perceived as affecting the delivery of SFBB by LAs are summarised below:

Success factors for local authorities

- Initial workshop with ~ 10 managers of businesses providing practical assistance working through SFBB;
- Subsequent 1-to-1 coaching in the businesses premises;
- A tradition of educational work in the local authority;
- Where the local authority provides a distinct advisory service (i.e. coaching visits were not seen as inspections);
- Selection of businesses – most success from those in risk category C (defined by a number of factors including type of food handling & processing undertaken and assessment of confidence in management).

Success factors for businesses

- Coaching by enforcement officers in the businesses premises through direct and programmed 1-to-1 support;
- Coaching of between 2 – 3 hours using SFBB;
- Coaching received within 2 weeks of initial workshop;
- Previous understanding of food safety management;
- Management commitment and motivation;
- Where the business had simple and consistent menus.

Section B – Details of trials with N.W. Regional Development Agency

1. Collaborative work with the North-West Development Agency has established an important link to help businesses in that region with food safety management. The project has demonstrated that the RDA and its networks are effective means to deliver the Agency's aims, and that Safer Food, Better Business is an effective tool that does improve small businesses in general.
2. Two core projects were established to test and develop a case study for working with Regional Development Agencies (RDAs). These were:

- To establish a Regional Support Centre as a source of information and assistance for food businesses and as a portal for communication between the North West RDA, the FSA, Local Authorities, (the DTI funded) Business-Links network and food businesses.
- To work with Business Links to determine the economic benefits of linking food safety management and other work to improve business viability. Investigating methods of delivering food safety management skills, integrating food safety management into the Business Links system and identifying businesses/managers who will most benefit. This to develop case studies showing how food safety management can be improved.

3. The table below highlights the results of the project:

Project	Outcome
Regional support centre	<ul style="list-style-type: none"> • Training by qualified staff organised for 50 businesses and over 100 EHO's at the regional support centre • 'Mentors' available to businesses • Portal established to provide a route to other sources of advice • Over the period April – December 2004: • 2938 website 'hits' since establishment • 120 telephone enquiries received • 20000 information leaflets distributed
Working with Business Links to determine economic benefits	<ul style="list-style-type: none"> • Business link advisors attended awareness sessions. • A number undertaking specific training in SFBB. • Advisors able to immediately link businesses to expertise - at Regional Resource Centre and in local authority enforcement departments. • Significant economic benefits and improved management skills seen in test sample of 50 small businesses (separate from the 50 businesses helped by the regional support centre). • Consequent benefits include: <ul style="list-style-type: none"> • increased productivity; • reduced management overhead; • reduced food preparation time; • reduced time to train staff; • reduced waste; • increased employee retention. • Tests of alternative delivery methods indicate support for 'bite sized' training in up to 3 hour sessions. • Grouping of attending businesses (10-20) reduces the overall cost of training significantly from that of mentoring.

Section C – trials to adapt Safer Food Better Business to different industry sectors and different ethnic cuisines (HCIMA & University of Birmingham)

Background

1. The original trial version of SFBB was developed for 30-seater restaurants producing European style cuisine. Given the enormous diversity of the catering industry it was clear that the Agency needed to adapt guidance for different sectors and cuisines.
2. Following a competitive tender, the Agency let a contract to a major professional body for the catering industry: the HCIMA (Hotel & Catering International Management Association) who undertook to adapt SFBB for six main sectors and cuisines. These were Chinese, South Indian, Thai, care homes, sandwiches, and function catering. A contract was also let to the University of Birmingham who looked to adapt the pack for Balti restaurants.
3. The projects sought to develop links and networks with each industry sector, develop new safe methods as required and adapt the rest of SFBB for each sector. Communications issues were also investigated and recommendations as to the format, delivery and translation given. All the work was done with an industry lead (usually a professional/ trade body), businesses within each sector, an enforcement representative and an academic lead.

Results

3. Results from work with the HCIMA indicate that the SFBB approach is relevant to all sectors and cuisines but that the adaptations and inclusions suggested by the working parties improved the relevance and utility of SFBB. Significant links and communications routes with the industry have been established through the project.
4. Safe working methods have been developed for all cuisines and sectors. Both the Thai and South Indian cuisines working groups have developed more pictorial versions of safe methods, whereas Chinese cuisine has taken a more process based approach to reflect the wide range of menu items. It is apparent that where

SFBB has been developed for different cuisines it will require translation into the relevant languages.

5. Adaptations of SFBB for the ethnic cuisine sectors centred on cooking methods and communications issues; although Chinese cuisine also has a particular focus on cleaning due to the nature of the production process. The emphasis of special events catering was on managing and planning the process; with sandwiches it was producing and displaying products; and with care homes it was the considerations of dealing with vulnerable groups. Testing of safe methods is complete and has brought positive results in terms of the acceptability of methods to their sector/cuisine.
6. The University of Birmingham results indicate that SFBB is applicable to wide range of different types of cuisine and that with modification can be implemented within Balti restaurants. The research carried out undertook a traditional HACCP analysis of Balti cuisine including the underpinning scientific work to determine hazards, the threshold between acceptable and unacceptable microbiological loads and control of those hazards. Safe methods were developed in the Safer Food Better Business format building on this work. This project shows clearly how the outputs of a traditional 7-step HACCP approach undertaken by experts can be converted into the simple fact-sheet Safer Food Better Business format to achieve the desired outcome in businesses that could never have undertaken the traditional approach themselves.
7. SFBB may require translation into the relevant languages, or it will need to be heavily visual and pictorial given a low level of literacy within many of the sectors. A version with visual cues has been trialled and found to be successful in demonstrating good and bad practice.
8. These projects have been successful in bringing together trade associations, ethnic restaurants with a diverse range of skills and abilities, local authorities and academics in a participative process that has added to the reputation and acceptability of SFBB.
9. It is clear from this work that SFBB can be readily adapted for different sectors of the catering industry and for different cuisines. As work progresses into new sectors, there are fewer wholly new methods that need to be explored, so that future adaptations should be easier and quicker. Work to translate SFBB into

appropriate languages is soon to commence and work to produce the images required for more pictorial versions of SFBB is underway.

DETAILS OF PROPOSED ACTIVITY IN ENGLAND AND PROJECTED PROGRESS

1. SFBB was developed to meet the needs of small catering businesses in England, reflecting the priorities agreed by the Board in numerous discussions. The content has been considered and approved by the HACCP Working Group of the Agency's Project Management Board of Foodborne Disease Strategy in order to ensure consistency with Agency advice. The trials detailed in Annex 2 have shown that the pack is effective in introducing a practical food safety management tool into its target businesses, and is well-liked by small businesses.
2. It is proposed to roll-out the proven Safer Food, Better Business approach to food safety management, largely through local authorities and trade associations, with 4 strands of work:-
 - A core set of resources;
 - A grant aided scheme to provide assistance to some local authorities;
 - Further collaborative working with trade bodies and community groups;
 - Focussing local authority advice activity on new food businesses and those businesses that currently have undocumented hazard analysis in place and who should be easily moved to compliance with the new legislation.
3. This activity for the first two strands is described below:-:

[A] Core Resource Activity Proposed

4. Building on the success of pilot studies of SFBB and the trials with local authorities, it is proposed to provide a core package of support for SFBB during 2005. This package will be available to all local authorities and many elements will be available to other support organisations such as colleges, trade bodies, local chambers of commerce etc. The package will evolve and is based on evidence from trials where coaches and enforcement officers have described what would be helpful to support implementation with businesses. The exact nature of the package is still being refined and will be discussed and produced as

a collaborative project between the Agency's Food Hygiene Implementation Division & Communications Division. In outline, the core support will be:-

Guidance Material

- SFBB 'core' pack – diary, safe methods factsheets, case studies and information on how to use the pack
- Supplementary factsheets for different types of cuisine, such as Thai, Chinese, South Indian and Balti with appropriate, and for specific operations such as function catering, sandwich making and small care homes.

Support Resource

- Update training (Continuous Professional Development) for enforcement officers – describing SFBB, how to use it with businesses and how to audit it;
- Website – Including downloadable safe methods factsheets & diary pages, backing information and support material – largely aimed at enforcers not individual businesses;
- Telephone Support – for both enforcement and businesses providing office hours help and messaging service out of hours for answers to technical queries as well as practical help on implementing SFBB;
- Supporting guidance – including posters, leaflets, training material etc. to be available to EHOs, in cash & carries and chambers of commerce etc.;
- Supporting materials - video / audio material - requirement drawn from pilots and research to aid training / engagement with businesses;
- CD-ROM version of web-based material if a need is identified.

Reference Resource – Backing Material To Help Deliver SFBB


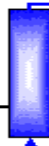

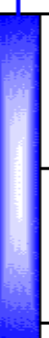
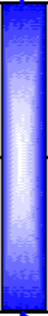


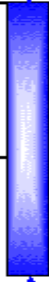

- Delivery / Implementation material – support material to enforcers - including material to help enforcers and others run workshops for businesses;
- RDA case studies – to enable local authorities and others to bid for other resources such as European Social Funds;
- Training Reference material - Practical guidance for catering colleges about SFBB.

[B] Additional Grant Aid Scheme proposed



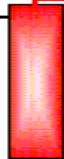



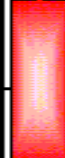


5. Building on the core support package, it is proposed to establish a grant scheme to assist some local authorities make accelerated progress raising standards in small businesses towards compliance with the new legislation. The Imported Food 'Step Change' initiative has shown that it is possible to fast-track and increase food safety activity at a local level with targeted grant aid direct to enforcement authorities. Local authorities and LACORS have been enthusiastic for a similar scheme for food safety management.
6. It is proposed to establish a step-change scheme, inviting bids from local authorities for a pool of money to establish schemes to fast-track businesses using Safer Food, Better Business. Joint and collaborative bids with other authorities, local organisations, colleges, Regional Development Agencies etc. would be encouraged in order to create synergy and to draw in match funding and match resourcing to maximise the results. Bids would be evaluated by the Agency, collaboratively with other stakeholders, including LACORS, against success criteria and evidence drawn from the successful pilots and trials that have already taken place.
7. The Agency would begin this scheme during 2005 with the expectation that the first grants would be available by Autumn 2005. The scheme would be run for a minimum of 3 years, with successive bidding 'windows' enabling all local authorities to participate.
8. The scheme will follow a formal bidding and award process. It is expected that the following criteria will form the basis of selection:-
 - Focus on small catering and retail businesses;
 - Number of businesses assisted;
 - Use the SFBB toolkit;
 - Value for money;
 - Collaborative working with local organisations and networks (e.g. catering colleges, RDAs, LAs in Regional Food Groups);
 - Capacity building - assistance to neighbouring areas - centres of excellence;
 - Quality control ;

- Match or added funding in kind to increase value.
9. An outline project plan for the core support material and the grant-aided scheme is (for the first stage in 2005) is given below :-

Safer food, better business Development Timeline

Milestone	Indicative Dates								
	Mar	Apr	May	June	July	Aug	Sept		
1. Development Agreement with Agency on content and development of SFBB toolkit to support LA's.									
2. Guidance Material Production of redesigned and revised version of core SFBB pack Development and production of Supplementary Safe Methods									
3. Support Resources Production of electronic support resources Website DVD / Video / Audio material Further resources targetted at EHP's, experienced caterers and trade associations Case Studies									
4. Special editions Development, design and production of Special Editions – appropriately translated where necessary									
5. Reference Resources Development, design and production of reference and guidance material									
6. Training Development of training material and flexible presentation/training courses and seminars									
7. Rebranding of FHC material Rebrand Food Hygiene Campaign material in line with SFBB. Includes production of posters and leaflets.									
8. Collation of final LA toolkit Printing, collation & distribution of LA toolkit									

LA Grant Scheme Timeline

Milestone	Indicative Dates								
	Mar	Apr	May	June	July	Aug	Sept		
1. Publicise outline of initiative with outline of timescales									
2. Invite Expressions of Interest via letter to all LAs									
3. Receive Expressions of Interest									
4. SFBB toolkit for LAs produced									
5. Assess Expressions of Interest									
6. Invite bids from successful Expressions of Interest									
7. Receive bids from successful Expressions of Interest									
8. Appraise bids and provide feedback									
9. Contract negotiation/project commencement									

Projected Progress

10. Based on the evidence from trials, the Agency has now refined the assumptions that have informed projections of progress. This, together with a clearer understanding of the resources available in England allows the projections given in the March 2004 Board Paper [FSA 04/03/03] to be refined.
11. Modelling suggest that with the resources available targeted as suggested, the likely progress will be to assist 20,000 businesses each year towards compliance. The model and assumptions are given below.
12. The model identifies and excludes some 15% of all food establishments that represent the simplest form of business like greengrocers and sweet shops. These businesses are already subject to an alternative enforcement strategy that requires less frequent inspections by enforcement officers. They are the focus of discussion in the European Commission about flexibility in the legislation. It is assumed here that these businesses will not require intervention on the scale of Safer Food, Better Business or any other 'system', but rather that simple guidance on food hygiene available in the shop will be recognised as compliance. Given this, the target businesses in England is reduced from a total of 480,000 establishments to 408,000. With the baseline compliance figure of 30% [reported to the Board in 2004: FSA 03/03/04] as being 30% of 408,000.

Table projecting business compliance									
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
Total number of business establishments (1)	480000								
Total number of establishments requiring HACCP-based procedures (2)	408000								
Net effect of turnover - gained HACCP compliant businesses(3)		3060	3060	3060	3060	3060	3060	3060	3060
Conversions:									
Central package of FSA materials (4)		10560	9575	8586	7636	6724	5849	5008	4202
Grant Aided Support (5)		11000	12100	12100	12100	12100	12100	12100	12100
Business Compliance (End of year)									
Number of compliant businesses + those 'exempted' (6)	216000	240620	265355	289101	311897	333781	354790	374958	394320
Number of non-compliant businesses (7)	264000	239380	214645	190899	168103	146219	125210	105042	85680
% compliant businesses (excluding businesses subject to alternative enforcement regimes)	30	35	40	45	50	55	59	63	67
% compliant businesses (as above) plus assuming businesses subject to alternative enforcement strategies are also compliant	45	50	55	60	65	70	74	78	82
Assumptions:									
(1) number of establishments remains constant									
(2) 15% of simple establishments [greengrocers etc.] effectively 'exempted'									
(3) turnover constant 15% each year									
(3) 5% more HACCP-compliant businesses gained than lost									
(4) Central package of SFBB material available to all local authorities + conversions through industry bodies - converts £% of establishments p.a.									
(5) Grant Aid Support to selected Local Authorities - conversion based on cost of coaches to businesses and average coaching time for SFBB									
(6) 'exempted' used as shorthand for simple businesses that are subject to alternative enforcement strategy									
(7) non-compliant businesses that are the target of the programme									

DETAIL OF PROGRESS IN SCOTLAND

1. There are some 53,000 food establishments in Scotland, of which approximately 30,000 are catering premises. Scottish Ministers granted an additional £4M over two years, commencing in April 2004, to assist catering businesses with the implementation of HACCP-based food safety management procedures.
2. Advice was taken from the Scottish Food Advisory Committee on how best to engage small businesses and from the Society of Chief Officers of Environmental Health in Scotland on how to target effort effectively. An implementation strategy was produced in response to this advice. This strategy has allocated £3.5M to Local Authority initiatives over the two-year period. All 32 Authorities have been awarded funding for agreed projects in response to their applications for the first year of funding. These projects will provide support to local catering businesses in accordance with an agreed risk-based targeting strategy.
3. FSAS objectives for the overall funding are to provide support to 9,000 catering businesses by 2007. However, the actual Local Authority proposals suggest that support can made be available for some 12,000 businesses over the two-year period, although the actual number supported will depend very much on uptake by the businesses. The types of support include classroom courses, on-site training and one-to-one mentoring. Most authorities are providing a range of measures to suit individual needs and local circumstances and many involve partnerships with colleges, consultancies and. One involves a consortium of five Local Authorities.
4. Review of existing evidence did not provide sufficient grounds for developing an economic model for the allocation of funds. The allocation has therefore been based on the experience of Local Authorities carrying out similar work in the past. During the course of the funded projects, standardised information will be collected on every intervention with a business. This will be stored electronically and analysed to allow adjustment of the direction of work in the light of emerging evidence and also as a tool for use in the final evaluation of the projects against the initial baseline data collected at the beginning of the project. The starting baseline indicated that some 38% of caterers have documented food safety management systems.

5. The remaining funding of £0.5M is being used by FSAS to provide central support through the following 'toolkit' of measures:

- FSAS has provided support material developed for catering businesses by the Scottish Food Enforcement Liaison Committee. This document was submitted to the HACCP Working Group of the Agency's Project Management Board of our Foodborne Disease Strategy in order to ensure consistency with Agency advice. It was printed and made available to local authorities in September 2004 under the title **CookSafe** (Formerly entitled *HACCP in Practice*). To date, training has been provided to approximately 500 Local Authority staff and their partner providers on the practical application of the manual.
- Other materials such as Safer Food Better Business will be made available as alternative learning methods as soon as they are finalised.
- FSAS has extended the pilot of the FSA Northern Ireland *Eat Safe* award scheme to Scotland in order to recognise the achievement of businesses that implement documented food safety management procedures ahead of the legal requirement. 30 out of the 32 Local Authorities have indicated that they wish to participate in the scheme. FSAS launched the scheme in Scotland on 20 January 2005. FSAS has also provided a programme of training on the rules and procedures of the scheme to enforcement staff across Scotland.
- Development of an e-learning version of the **CookSafe** manual is underway and this is due for release in April 2005.
- Translation of the **CookSafe** manual into Urdu, Punjabi and Cantonese is underway and will be delivered by May 2005
- FSAS will fund trainers to assist caterers with the implementation of food safety management procedures in Urdu, Punjabi and Cantonese. These trainers will be made available to Local Authorities for work with ethnic catering businesses.
- FSAS will encourage colleges to offer modules on food safety systems to students on appropriate courses ahead of National Occupational Standards. This will include provision of training materials for use by colleges and trainers by mid-April 2005
- FSAS will collate a register of HACCP trainers operating in Scotland.

13. The communications strategy has thus far centred on support for local publicity. This approach recognises the need for Local Authorities to match demand on their services to their individual strategies for targeting of businesses. The nature

of the Local Authority approaches in many areas will mean that much of the communication will be directly targeted through mailings and visits.

14. The communications strategy for the programme will seek to promote the role of these local authority services providing support to businesses. By promoting this business support and guidance role for enforcement officers, it is expected to help overcome recruitment and retention difficulties facing Local Authorities.
15. During the next twelve months FSAS will increase general publicity through greater participation in local and trade events and through promotion of the successes of local authorities and businesses in the implementation of food safety management systems.

DETAIL OF PROGRESS IN NORTHERN IRELAND

Background

1. A model for assisting caterers in setting up documented Food Safety Management (HACCP based) systems was developed and has been in use in Northern Ireland for a number of years. The most recent version is known as '*Safe Catering – Your Guide to HACCP*' ('*Safe Catering*'). A considerable amount of time effort and funding has been expended by FSANI, it's predecessor The Dept. of Health Social Services and Public Safety and the district councils in developing and promoting this model. It is now widely accepted in NI as the model of choice by caterers and enforcers (all 26 District Councils are using it). The success of the pack in terms of improvement in understanding, change in behaviour and implementation of a food safety management system is borne out by findings of the CMI National Feasibility trial as reported in Annex 2.
2. Prior to development of a new version of the Safe Catering pack, around 3,450 copies of a previous version had already been supplied to the 9,450 (approx.) caterers in Northern Ireland. A survey of EHOs carried out in late 2003, to establish a base-line prior to the roll-out of the new version, estimated that around 3,300 caterers (35%) already had a documented Food Safety Management System in place, mostly based on use of the previous version of the pack. FSA NI has also funded the free distribution of a further 2,750 (approx.) copies of the most recent version by district councils meaning that around 6,200 caterers have received a guidance pack. Any catering business operating fully in accordance with any version of Safe Catering is in compliance.
3. There is a total of around 16,250 food businesses in Northern Ireland. The late 2003 base-line survey of EHOs mentioned above also indicated that around 4,850 (30%) had a documented Food Safety Management System in place and that a further 6000 (37%) were compliant with the current 'hazard analysis' requirement.
4. Catering Colleges in Northern Ireland have been briefed on both the Safe Catering pack and the Eat Safe award scheme and are keen to support both initiatives.

5. The Food Safety Authority of Ireland wishes to work jointly with FSA and intends to co-operate with us in developing a version for use in the RoI. Joint activity with FSAI would ensure a common approach throughout Ireland and be a novel mutually beneficial approach between two member states.
6. The Eat Safe Award scheme, launched in Northern Ireland in June 2003, is an integral part of the NI HACCP strategy. The criteria requires that businesses must have a documented Food Safety Management/HACCP system such as that provided by the Safe Catering pack.

The Way Ahead

7. The views and recommendations of the NI Food Advisory Committee have been taken into account. A bid for additional funding for the NI HACCP Strategy has resulted in only £125K being made available for the 2005/6 financial year.
8. It is proposed to allocate this funding to the following 'toolkit' of measures :
 - *Further revision of the Safe Catering pack*
 - Continuing feedback from EHOs/caterers, further clarification of the exact requirements of EU hygiene legislation, progress with Safer Food Better Business etc., indicate that it is already appropriate to further revise and update the Safe Catering pack. Safer Food Better Business has been piloted by a number of Local Authorities in NI and there is enthusiasm for the revision of Safe Catering to incorporate some of the practical guidance from SFBB and to perhaps allow for simpler record keeping by some businesses as per the Scottish CookSafe model. It may be possible to develop the pack in such a way that it is suitable for use by some parts of the retail sector, particularly those which carry out 'catering type' operations e.g. filling stations with hot food takeaway, supermarkets etc. It will be important to keep both EHOs and industry representatives 'on board' by maintaining 'ownership' through again involving them fully in any revision and by maintaining the look and 'feel' of the current pack. It is proposed to involve FSAI and possibly EHO and caterers representatives from the RoI in the revision of the pack with a view to a version for use there also being produced. It is intended to have a revised version ready for distribution by December 2005.

- *Supply of further copies of Safe Catering (amended version)*
 - During 2005/6 it is proposed to supply at least a further 1500 caterers with copies of the updated pack. The SFBB and CookSafe models will also be made available in NI, although the 'locally produced' Safe Catering pack will be promoted as the 'preferred option'. This will provide businesses with the option to choose a route to compliance that best meets their business needs and preferred management style. Some caterers also use other models of HACCP and they will of course be free to continue to use these provided they facilitate compliance with the law.

- *EHO training*
 - District council EHOs will be trained in the use and delivery of the new updated Safe Catering model through at least 4 training workshops during 2005/6.

- *Training seminars for caterers*
 - Training seminars for caterers have proved very successful in the past consequently it is proposed to develop an ongoing programme of at least 5 seminars throughout Northern Ireland during 2005/6. The possibility of involving other organisations such as the Food and Drink Sector Skills Council as a multiplier in training will be investigated.

- *Business support*
 - It is proposed to continue with the approach of using existing district council EHOs to deliver the Safe Catering guidance supported by additional district council staff funded by FSA NI if resources permit.

- *A Chinese pack/training*
 - Chinese caterers form by far the largest ethnic minority group in Northern Ireland but have benefited least from previous HACCP support work by reason of language barriers. Work ongoing in development of Ethnic translations of both SFBB and Cooksafe will be taken into account in providing guidance materials and training seminars for this sector as will work already done in this area by The Food Safety Authority of Ireland.

- *Catering Colleges*
 - As indicated earlier, there is considerable enthusiasm within Catering Colleges in NI, for supporting use of Safe Catering and other Agency HACCP models. FSA NI proposes to supply Safe Catering packs to each final year catering college

student and to 'train the trainers' in their use. This will involve supply of approximately 250 packs per year.

- *Eat Safe*

- A proposal to further widen the scope of the scheme to include schools and workplace canteens is already under consideration by the Implementation Group.

- *Targets*

- FSANI has set targets of at least 4,725 (50%) of caterers having a documented food safety management in place by April 2006 and at least 75% of all businesses being in compliance by April 2011.

Progress in Wales

1. There is no one FSA Wales model for assisting caterers in setting up a documented Food Safety Management (HACCP) system. Several local authorities have developed their own guidance packs over the years and FSA Wales has encouraged the sharing of these packs throughout Welsh local authorities. Most authorities have produced packs based on that developed by Wrexham CBC some years ago that is now available bilingually. A pack developed by Flintshire County Council is also popular and is available in English/Welsh; English/Bengali; English/Chinese and English/Turkish.
2. For the past three years FSA Wales has worked very closely with local authorities, giving direct support by means of two initiatives – funding projects on raising HACCP awareness; and directly funding the development and printing of guidance materials. The initial projects aimed to promote the uptake of HACCP in high risk catering premises. There were 10 project bids involving 18 of the 22 unitary authorities amounting to a total of £170,000. The Welsh Development Agency's Agri-Food division co-sponsored the scheme. All local authorities provided training for catering staff and also provided guidance materials. Almost 1,000 staff from 600 food premises were trained on level 1 and 2 certificated courses. 750 staff from 640 premises attended seminars of 4 or 6 hours duration. In addition several courses were run in the Chinese and Bengali languages. Valuable lessons were learned should similar training exercises be considered in future, they included:-
 - There were more advantages than disadvantages to joint working between authorities but appointing an events organiser or nominated individual to control matters is vital.
 - All of the different methods used could be successful in the right environment. Tests and/or exams were seen to be optional but mentoring and support were vital after training. For many businesses a forceful approach was necessary to get them to attend formal training courses.
 - Overall it was thought that the project definitely increased HACCP uptake and increased the awareness and understanding of what local authorities wanted of

businesses. Relationships with the catering trade were improved in most authorities but there was a question mark about whether the right people attended the training.

3. Evaluation seminars were run involving all participating Welsh Authorities but were not able to provide comprehensive statistics on the number of HACCP plans written as a result of the training. However all local authorities reported an increase in record keeping in their businesses and a reduction in risk rating scores. The ethnic language courses were problematical to run as there was low turnout on early courses, thought to be due to communication problems, but later courses were oversubscribed. This was seen as an area where further investment would be profitable.
4. In 2004 FSAW gave local authorities £65,000 to produce or purchase guidance materials or equipment that would help them provide advice to businesses.
5. The Welsh Food Hygiene Award Scheme was formally launched in Wales on 1st March 2002 and has been adopted by all 22 Local Authorities within Wales. The Scheme is supported by FSA Wales, with whom the Local Authorities work in partnership, and both the issuing Local Authority and the FSA Wales logos appear on the Certificates. The Scheme gives recognition to premises which have attained and maintained high standards of cleanliness and food hygiene practices, by issue of an Award Certificate at either Gold, Silver or Bronze level which can be displayed in the premises. A full written HACCP system is a requisite for the Gold level award.
6. The local authority Food Safety Technical Panel reviewed the first year of operation when approximately 1,000 certificates had been awarded. Overall the initial evaluation of the Scheme provided a very positive encouragement for the Scheme from both participating local authorities and food businesses in receipt of an Award.
7. There are 34,000 food businesses in Wales, nearly 22,000 of them being catering premises. The 2001 Agency exercise to estimate uptake of HACCP showed that of these catering establishments, some 4000 establishments had documented HACCP, some 10,000 were operating undocumented hazard analysis and a further 8,000 had no systems at all.

8. For the next financial year a budget of at least £100,000 has been identified and a steering group involving FSA Wales and representatives from each of the three regional food groups has been formed to agree the most appropriate implementation strategy for Wales. The group is considering the use of the FSA and LA guidance toolboxes, methods of funding training and materials, the use of ethnic languages and the identification of a method for more robust monitoring of Food Safety Management/HACCP.
9. The steering group will look closely at possible sectoral approaches. It will concentrate on those areas within catering that cause most problems during inspection visits. This approach may enable better monitoring. Hotels and public houses that serve food have been identified previously by EHOs as problem sectors in parts of the country. Tourism is a very important economic sector in Wales and other agencies and tourism bodies have indicated a willingness to enter joint working relationships. In the local authority areas where tourism is not a priority it is often take away premises that present problems, often related to communications difficulties.
10. FSA Wales continues to work with the Welsh Development Agency who are able to fund projects which improve business competitiveness, pending the EU Regulations coming into force.
11. Members of the Welsh Food Advisory Committee have met members of the Wales Tourist Board who are very interested in the wider promotion of the Welsh Food Hygiene Award. FSAW will participate in a further review of the award scheme and facilitate meetings between tourism bodies, local authorities and the Welsh Development Agency.
12. FSAW is working with the Tourism Training Forum for Wales and the Hospitality Awarding Body in order to publicise food safety management guidance and training within the industry.

PROGRESS WITH TRAINING & INFLUENCING THE NATIONAL OCCUPATIONAL STANDARDS

1. The Agency is working with Sector Skills Councils to ensure training courses in food safety are revised to take account of the new legislation. This is being achieved by working closely with the Sector Skills Councils (SSC) to review the content of National Occupational Standards (NOS) for vocational training in food safety. Only syllabi for courses that meet these NOS will be approved. Managers and staff from the food industry who attend such courses will be taught appropriate food safety competencies and so be able to play their part helping businesses to comply with the new legislation.
2. The SSCs set these NOS for those working in their industry sector. The Qualifications and Curriculum Authority (QCA) and its equivalents in devolved administrations approve NOS, and accredit syllabi submitted by the awarding bodies that are consistent with the NOS. The Learning and Skills Council (and their devolved equivalents) only fund courses that have QCA accreditation.
3. People 1st, the SSC for the hospitality sector, has been commissioned by the QCA, as part of its on-going review programme, to review the NOS for those working in the catering and hospitality industry. The Agency has been closely involved in this. This revision was completed in February 2005 and the QCA anticipate that revised syllabi (and therefore courses) should come on stream during 2005-6. The Agency intends to have similar involvement when the QCA reviews other relevant NOS as part of its rolling programme over the next 5 years. This means that all sectors should have appropriate training provision in food safety management in place by 2008.

THE FUTURE OF BUTCHER SHOP LICENSING IN THE UK

Issue

1. To decide the future of our national legislation on butcher shop licensing.

Recommendation

2. It is recommended that the Agency **does not propose new butcher shop licensing legislation** to replace the current requirements that will be repealed on 1 January 2006 when the new EU hygiene Regulations take effect.

Background

3. Butcher shop licensing was introduced across the UK in 2000 and 2001 following a recommendation of the Pennington Group², which examined the fatal outbreak of *E.coli* O157 food poisoning in Central Scotland in 1996. The outbreak caused 17 deaths and more than 500 cases of illness. The Pennington Group recommended that butcher shops be licensed pending the introduction of a HACCP requirement for all food businesses through EU legislation. Regulators have therefore viewed butchers' licensing as a temporary measure. There are separate licensing regulations in England, Scotland, Wales and Northern Ireland.
4. The cause of the outbreak was cross contamination from raw meat to ready to eat foods in a butcher shop. Consequently, only butchers selling both unwrapped raw meat and ready to eat food require a licence to trade. Butchers selling only raw meat are exempt. Butchers must satisfy certain hygiene conditions over and above the EU General Food Hygiene Directive (93/43/EEC) before a licence can be issued. These are compliance with current general hygiene and temperature control legislation, the operation of documented HACCP procedures and mandatory HACCP and hygiene training for staff. (In Scotland, butchers can get a licence by following strict separation between raw meat and ready to eat food as an alternative to documented HACCP). Licences may be suspended or revoked if licensing conditions are breached. Licences cost £100 and must be renewed annually. The issuing authority retains the licence fee.

² The Pennington Group: Report on the circumstances leading to the 1996 outbreak of infection with *E.coli* O157 in Central Scotland, the implications for food safety and the lessons to be learned. Edinburgh: The Stationery Office, April 1997.

5. The butchers' licensing requirements were enacted by amendments to the Food Safety (General Food Hygiene) Regulations 1995. These Regulations will be revoked on 1 January 2006 to make way for the new EU food hygiene legislation. This would remove the current butchers' licensing requirements unless the UK specifically makes new national provisions to replace them. It has therefore been necessary to consider whether the UK should make new butchers' licensing provisions in addition to the new EU rules.

Options

6. The Agency has considered the following two options:

- **Option 1** – Apply only the new EU hygiene regulations to retail butchers handling both unwrapped raw meat and ready to eat food (i.e. those butchers that are currently required to be licensed). These regulations will apply automatically to this group of butchers in any case on 1 January 2006.
- **Option 2** - Make new national legislation to continue the licensing of these butchers beyond 1 January 2006, to apply in addition to the new EU hygiene requirements.

7. Implementing **option 1** would mean that from 1 January 2006, butchers selling both unwrapped raw meat and ready to eat food would no longer require a licence to operate, although they would, as now, have to register with their local food authority. These butchers would be subject to the specific hygiene requirements in Regulation (EC) 852/2004³ and the relevant national requirements, including temperature control, in the draft Food Hygiene (England) Regulations 2005⁴ (and the corresponding regulations in Scotland, Wales and Northern Ireland). The requirement for mandatory hygiene training of food handlers in licensed butchers' shops would be replaced by a more flexible training requirement applying equally to all food businesses. Option 1 would bring these butchers under the same hygiene requirements as apply to all other retail and catering food businesses.

³ Corrigendum to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs. OJ L 226, 25.6.2004, p.3.

⁴ These Regulations will apply the new EU hygiene legislation in the UK. They are the subject of the separate Board paper [FSA 05/03/03].

8. Under **option 2**, the same licensing conditions would apply as now except that the conditions relating to compliance with general hygiene requirements, the operation of HACCP-based procedures and HACCP training would be those in Regulation (EC) 852/2004. The condition to comply with temperature control requirements would relate to the requirements set out in Schedule 4 of the draft Food Hygiene (England) Regulations 2005 (and the corresponding requirements in Scotland, Wales and Northern Ireland). The requirement for mandatory training of food handlers in licensed butchers' shops would be maintained. It would be necessary to notify the European Commission and the EU Member States of any proposal to make new butchers' licensing legislation which introduced requirements in addition to those in the directly applicable EU hygiene legislation, e.g. food handler training. The Commission and/or the Member States could object to any such proposals.

Public consultation and summary of results

9. The Agency invited comments on these two options in a public consultation exercise⁵, which ended on 17 February. Separate consultations were held in England, Scotland, Wales and Northern Ireland. We received responses from seventy-three stakeholders across the UK. These reflect a wide range of interests, including consumer groups, local food authorities and other enforcement groups, individual Environmental Health Professionals, food businesses, trade associations and other interested individuals and organisations. A general summary of the consultation responses is in the attached Appendix. A more detailed summary of the comments has been placed on the Agency's web site.

10. Among the seventy-three responses received, a majority (61.6%) supports option 1 while 31.5% favour option 2. A small proportion (7%) commented on various aspects of the consultation proposals but expressed no particular preference. Responses from enforcement bodies and individual Environmental Health Professionals accounted for nearly 63% of all UK replies. Opinions were divided among the enforcement community, but 63% supported option 1.

11. Industry groups contributed approximately 20% of all replies, of which 87.5% supported option 1. The National Federation of Meat and Food Traders, which

⁵ Public Written Consultation: The Future of Butcher Shop Licensing (in England, Scotland, Wales and Northern Ireland); 16 December 2004 to 17 February 2005. Full details on the FSA web site www.food.gov.uk.

represents the interests of several thousand independent retail butchers in England and Wales, indicated support for re-licensing but only if the £100 fee is abolished and concerns about onerous HACCP paperwork requirements are addressed. Otherwise, they would not support re-licensing, and would favour option 1. The Scottish Federation of Meat Traders Associations has suggested they might support option 2 if the licence fulfilled the approval requirements for butcher shops supplying more than 25% (marginal) of product to other food businesses. It would appear they propose this as an alternative to applying the more onerous requirements for products of animal origin in Regulation 853/2004⁶, and the associated veterinary supervision, to these butchers. This is not a viable option, however, because the requirements of a directly applicable EC Regulation would supersede any conflicting national requirement. Butchers' trade associations in Northern Ireland support option 1, as does the British Retail Consortium. The Meat and Livestock Commission supports option 2.

12. Comments were received from a number of other stakeholder organisations. The Scottish Food Advisory Committee has recommended the adoption of option 1. *Which?*, formerly the Consumers' Association, have proposed as a third option the introduction of a system of prior approval for all new food premises. In the absence of this, they would favour continuation of butchers' licensing as in option 2. The Scottish Consumer Council also supports option 2 on the grounds that the threat of having a licence revoked is a powerful deterrent against falling standards. The Haemolytic Uraemic Syndrome Help (HUSH), a support group for sufferers of *E.coli* O157, would like to see butchers' licensing maintained in view of the continuing risks posed by *E.coli* O157.

Specific issues and arguments

13. In considering which option to recommend, officials have examined the public health arguments and Better Regulation issues, and actively sought views on these in the public consultation exercise.

Public health considerations

14. Although proposing new licensing legislation would be a continuation of an existing legal requirement, the justification would need to be set out in a

⁶ Corrigendum to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin. OJ L 226, 25.6.2004, p.22.

Regulatory Impact Assessment and would be subject to Better Regulation scrutiny by the Cabinet Office. The Food Safety Act provisions allowing Ministers to make licensing legislation are tightly drawn, and any proposal to make new butchers' licensing provisions would need a clear public health justification.

15. Butchers' licensing was introduced to improve public health protection through stricter hygiene controls on butchers than were required under general food hygiene legislation at the time of the Central Scotland outbreak. The Pennington Group recommended licensing until such time as HACCP principles applied to all food businesses. With the exception of primary production, the new EU hygiene regulations require the application of HACCP-based procedures across the food chain from 1 January 2006.
16. Independent evaluations⁷ of butchers licensing commissioned by the Agency show that the initiative has had a good measure of success in raising hygiene standards and supporting the application of HACCP-based procedures. Many of the consultation responses we received, including from several that would like to see butchers' licensing end, make the same point. Arguably, butchers are now better placed than many small retail and catering businesses to comply with the forthcoming EU regulations, especially the operation of documented HACCP-based procedures. We therefore consider that butcher shop licensing as envisaged by the Pennington Group has served its purpose. The majority of those who replied to our consultation in support of option 1 share this assessment.
17. The new EU hygiene regulations introduce substantially equivalent hygiene requirements on butcher shops as apply to them now under licensing. Butchers that are licensed at present would therefore be subject to the same hygiene requirements and enforcement controls as other retail and catering establishments presenting similar risks. We consider that the requirements in the new EU hygiene rules, together with those in the draft Food Hygiene (England) Regulations 2005, (and the corresponding regulations in Scotland, Wales and Northern Ireland) will provide an equivalent level of public health protection to that available under the current butchers' licensing arrangements. Again, a majority of those consultees who support option 1 share this view.

⁷ Evaluation of the Butchers' Licensing Initiative in England. R. Gaze *et al*, Campden and Chorleywood Food Research Association, 28 July 2003. An Evaluation of the Butchers' Licensing Initiative in England. Food Research and Consultancy Unit, University of Wales Institute Cardiff, August 2003. Evaluation of Butchers' Shop Licensing Initiative in Scotland. J. V. Wheelock, 2002.

18. The only real difference between the new EU regulations and the current butchers' licensing conditions is the mandatory requirement in the latter for food handlers in licensed butcher shops to receive hygiene training. Under option 1, butchers would be subject to the general requirement for all food handlers to be instructed and/or trained in food hygiene commensurate with their duties. This is more flexible than now, but would nevertheless require that butcher shop personnel have sufficient knowledge and competence to handle food safely to ensure public health protection is maintained. We do not believe that new licensing legislation could be justified solely to maintain the mandatory training requirement. Relevant training provision will continue to remain available, and we would expect good practice guidance to address the circumstances under which formal training is considered appropriate.
19. We have considered whether a new licensing requirement could be justified in order to consolidate and maintain the improvements that licensed butchers have achieved in recent years. The discipline of having to renew licences annually would provide a strong incentive for butchers to maintain standards on an ongoing basis. The power to suspend or withdraw a licence for a breach of conditions would remain an important deterrent against falling standards. A number of stakeholders consider this to be a strong argument for making new licensing requirements as they are concerned that some butchers will allow standards to slip if licensing is discontinued. The Meat and Livestock Commission in particular has pointed out that modern butcher shops sell and often produce a large variety of high risk products and remain a significant risk to food safety through possible contamination with food-borne pathogens. They argue that the incentive of annual renewal is an important element of protecting public health in this high-risk area.
20. While we recognise these arguments, we believe the new EU hygiene requirements are sufficient to ensure public health protection is maintained in respect of butcher shops, provided the new requirements are properly applied and enforced, and supported by appropriate guidance. In reaching this view, we have taken into account the fact that other emergency sanctions are available in food law to enforce closure of a food business or suspension of a particular process that poses a risk to human health. We have also heard from trade associations and some local authorities in the consultation exercise that having gone to considerable effort to raise standards in the first place, butchers are unlikely to allow these to slip if licensing is discontinued. In view of these factors,

the case for arguing that butchers should continue to be treated differently to similar retail and catering businesses, where raw meat and ready to eat food are handled, is not particularly strong.

21. It has also been put to us in consultation that some raw meat butchers, who are currently exempt from licensing, may start selling ready to eat food if licensing is discontinued, thus introducing a risk of cross-contamination where none previously existed. If licensing were retained, such butchers would be required to satisfy the necessary hygiene standards before commencing to trade in unwrapped raw meat and ready to eat food. However, under option 1 such butchers would have to comply with the same hygiene requirements as similar premises, including the application of procedures based on HACCP principles, and would be subject to the normal enforcement sanctions for a breach of these requirements. If butchers' licensing is discontinued, we expect that local food authorities would want to review the risk ratings of these premises and the frequency at which they inspect them. The Agency would give authorities appropriate advice on this issue.

Better Regulation issues

22. Government policy is 'regulation last', and any proposals for new legislation must target the specific problem or issue and be proportionate to the risk. We believe that as well as protecting public health, option 1 is more consistent with Better Regulation principles⁸. Although option 2 would continue to target those butchers for which licensing was originally introduced, it would amount to gold plating⁹ the new EU requirements because they provide substantially equivalent public health protection to the current butchers' licensing arrangement. The propriety and underlying policy objectives of proposed new butchers' licensing legislation would be considered by the House of Lords Select Committee on the Merits of Statutory Instruments.

Cost issues

23. Maintaining licensing would continue to impact on butchers handling both unwrapped raw meat and ready to eat food, and on local food authorities

⁸ Proportionality, accountability, consistency, transparency and targeting. Better Policy Making: A Guide to Regulatory Impact Assessment. Cabinet Office (2003).

⁹ Gold plating is when legislation goes beyond the minimum necessary to comply with an EU requirement.

responsible for enforcing the requirements. The main costs to butchers would be the £100 licensing fee, which we estimate would cost UK industry approximately £1.3 million per annum. Other costs, such as for compulsory hygiene training for food handlers and time preparing annual licence applications, would also be incurred. There is an issue about the extent to which continuing to levy a licence fee on butchers, but not on other retail or catering sectors subject to identical EU provisions, is equitable.

24. Option 1 would leave butchers handling both unwrapped raw meat and ready to eat food under the same food safety requirements and controls as other retail and catering food businesses from 1 January 2006. There would be no new compliance costs as these butchers have operated to substantially equivalent requirements since 2000. The £100 licence fee would no longer be payable to local authorities.

25. With regard to administrative costs, the revenue from licence fees would be lost to local authorities. Several authorities told us that the £100 fee does not cover the cost of administering the licensing scheme and that resources would be better directed towards other food law activities. One authority said its income will be reduced without a resulting loss of workload if licensing is discontinued.

Conclusions

26. The current butcher shop licensing requirements will fall when existing domestic legislation is revoked on 1 January 2006 and the new EU hygiene regulations take effect. We could propose fresh licensing requirements to Ministers, but would have to argue the case from first principles as with a new regulatory proposal. The supporting public health and better regulation arguments for this are not strong. Butchers will become subject to equivalent hygiene legislation and the same enforcement controls as other retail and catering establishments posing similar risks, so the arguments for continuing to treat them as a special case are not obvious. They would, of course, remain subject to any wider consideration of licensing and/or prior approval of food businesses generally. On balance it is considered that butchers' licensing can no longer be justified in terms of additional public health benefit or proportionality, and that new licensing provisions should not be proposed. The results of consultation overall support this conclusion.

27. If the Board decides that the Agency should propose legislation to implement option 2, it will be necessary to undertake a further public consultation on draft regulations and to notify Europe. This would need to commence soon to ensure that draft regulations and supporting justification can be put to Ministers in time to take effect by 1 January 2006. Such fresh regulations would be prepared as described above under option 2, i.e. they would extend the current conditions beyond the end of 2005. The option exists to specify a time limit by which any new butchers' licensing regulations should be reviewed, perhaps to coincide with any consideration of a wider prior approval policy. This would be appropriate given that the Pennington Group did not envisage a permanent licensing arrangement for butcher shops.

FUTURE OF BUTCHER SHOP LICENSING IN THE UK: - GENERAL SUMMARY OF THE CONSULTATION RESPONSES

Executive Summary

Separate consultations were undertaken in England, Scotland, Wales and Northern Ireland. The full consultation packages are available on the FSA web site at the addresses shown in the footnote¹⁰.

The following figures reflect the combined UK position. Responses were received from 41 stakeholders in England, 25 in Scotland, 4 in Wales and 6 in Northern Ireland. Of the total responses, 46 were from enforcement bodies and individual Environmental Health Professionals, 18 from industry representative bodies and 12 from other interested parties. The total number of responses for the UK is therefore 76, although this figure is adjusted (*) to 73 to remove double counting resulting from three organisations responding in similar terms to consultation exercises in separate parts of the UK. The full list of respondents is shown in table 1 below.

A general summary of the consultation responses is given below. Statements have been generalised to reflect the views of several stakeholders on the same point. Consequently, they may not reflect precisely the comments of any individual stakeholder. A more detailed summary of the comments received is available on the FSA web site and copies of individual replies are available in the FSA library.

BREAKDOWN OF RESULTS BY COUNTRY

COUNTRY	No. of Responses	Support option 1	Support option 2	No preference
England	41	24	17	0
Scotland	25	16	6	3
Wales	4	3	0	1
Northern Ireland	6	4	1	1
SUB-TOTAL	76	47	24	5
ADJUSTED TOTAL (*)	73	45	23	5
PERCENTAGE		61.6%	31.5%	6.9%

¹⁰ <http://www.food.gov.uk/foodindustry/Consultations/consulteng/butcherlicensingeng> (England consultation package)
<http://www.food.gov.uk/foodindustry/Consultations/consultscot/butcherlicensingscot> (Scotland consultation package)
<http://www.food.gov.uk/foodindustry/Consultations/consultwales/butcherlicensingwales> (Wales consultation package)
<http://www.food.gov.uk/foodindustry/Consultations/consultni/butcherlicensingni> (Northern Ireland consultation package)

Table 1: List of respondents

CODE	ORGANISATION	CATEGORY ⁺
ABDC	Aberdeenshire Council	ENF
AG	Angus Council	ENF
BCBC	Bridgend County Borough Council	ENF
BHA	British Hospitality Association	IND
BOBC	Boston Borough Council	ENF
BOOCC	Booker Cash and Carry	IND
BRBC	Breckland Borough Council	ENF
BRC	British Retail Consortium*	IND
CBC	Craigavon Borough Council	ENF
CBMDC	City of Bradford Metropolitan District Council	ENF
CECECSD	City of Edinburgh Council Environmental Consumer Services Department	ENF
CEHOG	Chief Environmental Health Officers Group NI	ENF
CFLG	Cheshire Food Liaison Group	ENF
CHDC	Chichester District Council	ENF
CNES	Comhairle Nan Eilean Siar	ENF
COOG	Co-operative Group	IND
CS	Craig Smith (Principal EHO, West Lothian Council – private opinion)	ENF
CSCCC	Cyngor Sir Ceredigion County Council	ENF
CWMDC	City of Wakefield Metropolitan District Council	ENF
DCC	Dundee City Council	ENF
DJB-NDDC	David J Bennett (Principal EHO – North Devon District Council – private opinion)	ENF
DMBC	Dudley Metropolitan Borough Council	ENF
EAYC	East Ayrshire Council	ENF
EDBC	East Dunbartonshire Council	ENF
ELC	East Lothian Council	ENF
FPB	Forum of Private Business**	IND
GMFLG	Greater Manchester Food Liaison Group	ENF
HALFA	Halal Food Authority	Other
HBC	Halton Borough Council	ENF
HGHC	Highland Council	ENF
HUSH	Haemolytic Uraemic Syndrome Help (HUSH) ***	Other
JCRSL	J.C. Rook & Sons Limited	IND
KHCC	Kingston Upon Hull City Council	ENF
KLMC	Kirklees Metropolitan Council	ENF
LACORS	Local Authorities Co-ordinators of Regulatory Services (LACORS)	ENF
LC-GCC	Liz Corbett (Glasgow City Council – private opinion)	ENF
LCC	Liverpool City Council	ENF
LMCNI	Livestock and Meat Commission for Northern Ireland	IND
MBANI	Master Butchers Association Northern Ireland	IND
MLC	Meat and Livestock Commission	IND
MTKC	Milton Keynes Council	ENF
NAMB	National Association of Master Bakers	IND
NBOGA	Nizar Boga (UK Halal Corporation Ltd and Faith Regen UK Ltd)	Other
NFMFT	National Federation of Meat and Food Traders	IND
NICOOP	Northern Ireland Co-operative Group	IND
NL	Norman Louis	Other
NLKC	North Lanarkshire Council	ENF
NIMEA	Northern Ireland Meat Exporters Association	IND
NSDC	Newark and Sherwood District Council	ENF
NT-GBC	Nick Tempest (Food Safety Officer, Guildford Borough Council – private opinion)	ENF
PKC	Perth & Kinross Council	ENF
QMS	Quality Meats Scotland	IND

RBKC1	EHO1 (Royal Bough of Kensington and Chelsea – name not supplied; private opinion)	ENF
RBKC2	EHO2 (Royal Bough of Kensington and Chelsea – name not supplied; private opinion)	ENF
RCTCBC	Rhondda Cynon Taf CBC	ENF
RFC	Renfrewshire Council	ENF
SAYC	South Ayrshire Council	ENF
SCC	Scottish Consumer Council	Other
SFAC	Scottish Food Advisory Committee	Other
SFMTA	Scottish Federation of Meat Traders Associations	IND
SFSOA	Scottish Food Safety Officers Association	ENF
SHCS	Stafford Historical and Civic Society****	Other
SOFD	Somerfield	IND
SR-SBS	Steve Ramm (EHO, Southend Borough Council – private opinion)	ENF
TWA	Tyne & Wear Authorities	ENF
USDAW	Union of Shop Distributive and Allied Workers	Other
VWAL	Verner Wheelock Associates Limited	Other
WDBC	West Dunbartonshire Council	ENF
WCC	Winchester City Council	ENF
WHICH	Which	Other
WLC	West Lothian Council	ENF
WMFLG	West Midlands Food Liaison Group	ENF
WYCTC	West Yorkshire Chambers of Trade and Commerce	Other

- * British Retail Consortium responded to both the English and Scottish Consultations
- ** The Forum of Private Business responded to both the English and Welsh Consultations
- *** HUSH responded to both the English and Scottish Consultations
- **** Requested that personal details not be published
- + ENF + enforcement body or professional
IND = industry representative body
Other = other interested party

1. Consultation Options

The consultation package invited comments on two options:

- **Option 1** - Should we apply the new EU hygiene regulations to retail butchers handling both unwrapped raw meat and ready to eat food. This option entails **not** extending butchers licensing.
- **Option 2** - Should we make new national provisions to continue licensing of retail butchers handling both unwrapped raw meat and ready to eat food beyond 1 January 2006 in addition to the new EU hygiene legislation.

The following 45 stakeholders support option1:

ABDC, BHA, BOOCC, BRBC, BRC, CBMDC, CEHOG, CHDC, CNES, COOG, CS, CSCCC, DJB-NDDC, EAYC, ELC, FPB, HGHC, JB-AG, JCRSL, KHCC, KLMC, LACORS, LC-GCC, LMCNI, MTKC, NAMB, NBOGA, NFMFT, NICOOP, NLKC, NIMEA, NT-GBC, QMS, RBK1, RBK2, RCTCBC, RFC, SAYC, SFAC, SFSOA, SOFD, SR-SBS, WCC, WDBC, WYCTC

The following 23 stakeholders support option 2:

BOBC, CBC, CECECSD, CFLG, CWMDC, DCC, DMBC, EDBC, GMFLG, HALFA, HBC, HUSH, LCC, MLC, NL, NSDC, SCC, SHCS, TWA, USDAW, WHICH, WLC, WMFLG

The following 5 stakeholders expressed no particular preference or their preference was unclear:

BCBC, MBANI, PKC, SFMTA, VWAL

2. Public Health Considerations

We asked what the public health justification would be for making new butchers' licensing requirements. We invited consideration of the following questions/issues:

(i) Whether licensing as envisaged by the Pennington Group had served its purpose?

- The following respondents consider that the Pennington Group recommendation has served its purpose:

BHA, BOOCC, COOG, ELC, FPB, HGHC, JCRSL, LMCNI, NAMB, NBOGA, SMFTA, SOFD, WYCTC

- The following respondents consider that licensing stills serves a purpose:

HUSH, KLMC, NSDC (It is presumed that all stakeholders who support option 2 would agree with this view, although they did not expressly say so in their responses).

(ii) Whether a new licensing provision could help consolidate and maintain the improvements that licensed butchers have achieved in recent years?

- A number of respondents, including several that supported option 1, considered that the various butchers' licensing initiatives had helped to raise hygiene standards in butcher shops.

ABDC, AG, CS, GMFLG, LC-GCC, NLKC, SAYC, WLC

- The following stakeholders were concerned that standards might fall if licensing were discontinued:

DCC, EDBC, ELC, HUSH, MLC, USDAW, WHICH

(iii) Whether the new EU hygiene regulations, together with the national legislation to implement these, provide equivalent public health protection to that available under the current butchers' licensing regime?

- The following respondents consider that the new EU hygiene regulations provide equivalent public health protection to butchers' licensing or that licensing would duplicate the new EU provisions:

ABDC, BHA, BOOCC, BRBC, CHDC, COOG, DJB-NDDC, FPB, KHCC, LACORS, MTKC, NAMB, NBOGA, NT-GBC, SOFD, SR-SBS, WYCTC

- The following respondents consider that the new EU hygiene regulations are not as prescriptive as they are in the present Butchers Licensing regulations and will be more difficult to enforce:

HBC, HUSH

(iv) Whether new licensing legislation could be justified solely to maintain the mandatory requirement for food handler hygiene training when the general training requirement is considered appropriate for all other food businesses.

- The following stakeholders considered that the general hygiene training requirement in the new EU regulations would be adequate for food handlers in butcher shops:

ABDC, BOOCC, CSCCC, FPB, LMCNI, NICOOP, QMS, SAYC, VWAL,

- The following stakeholders considered that the mandatory requirement for food handlers in butcher shops to receive hygiene training had contributed to higher standards, and so should be retained:

CBC, CWMD, HBC, KLML, MLC,

3. Better Regulation Issues

We asked how would new butchers' licensing requirements match up with Better Regulation principles. We invited consideration of the following questions/issues:

(i) Whether maintaining the butchers' licensing requirement would gold plate the new EU hygiene regulations?

- The following stakeholders considered that the introduction of new butcher's licensing requirements would gold plate the new EU hygiene regulations:

AG, BHA, COOG, FPB, NAMB, NT-GBC

- The following stakeholders considered that the introduction of new butcher's licensing requirements would not gold plate the new EU hygiene regulations:

HUSH, SFMTA, WHICH

(ii) The cost implications of new butchers' licensing requirements.

- The following stakeholders considered that new butchers' licensing requirements would have cost implications that could not be justified and/or were unfair on butchers:

BOBC, DJB-NDDC, JCRSL, NSDC, SAYC

- The following stakeholders considered that any cost implications arising from new butchers' licensing requirements could be justified and were a price worth paying for better public health protection:

CBC, MLC, SFAC, USDAW

PRIOR APPROVAL

Background

1. In November 2001, as part of a discussion on the HACCP strategy, the Board considered licensing as a means of increasing the application of HACCP-based controls. Prior approval was also identified as a possible way of achieving this goal. Whilst licensing/prior approval of all premises was not seen as an automatic next step, the possibility of such an option in the future was not ruled out. During further Board discussion on HACCP in February 2003, it was agreed that the issue of prior approval should be revisited after the target for the implementation of HACCP in 30% of food businesses had been reached.
2. The factors that would need to be considered in establishing and operating a prior approval mechanism are outlined in the following paragraphs. These are then discussed in the context of the two main issues which influenced the Board's earlier position. Firstly, the need to evaluate the outcome of research commissioned on the effectiveness of butchers' licensing. Secondly, the need to be clear about the actual provisions for food safety management that would be required by the new hygiene legislation that at that time was still being negotiated in Brussels.

Definition of 'prior approval'

3. In any discussion on 'prior approval', it is important to define what is meant by the term and to distinguish it from 'licensing' or 'approval'. 'Prior approval' is approval for a food business to commence trading conditional on meeting certain criteria. On-going approval to trade is not necessarily needed but rather, after opening, the establishment is subject to the normal legal requirements and inspection regimes. 'Approval' or 'licensing' regimes, on the other hand, are on-going requirements for businesses wishing to trade.

Current position and potential options under the new hygiene legislation

4. Currently, certain establishments producing foods of animal origin, such as fresh meat, meat products, dairy products, and egg products, are required

to be licensed or approved under EU hygiene directives in order to trade. The licence or approval is issued subject to certain hygiene requirements being satisfied. The UK also has national requirements for certain retail butchers' shops to be licensed, and these licences must be renewed annually. The conditions for butchers' licensing include the implementation of documented HACCP procedures in addition to compliance with other requirements of general food hygiene legislation. (In Scotland, licensing of butchers is allowed on the basis of strict separation between cooked and raw meat as an alternative to documented HACCP).

5. When the new hygiene regulations apply from 1 January 2006, establishments producing foods of animal origin will continue to require approval as under current legislation. This will operate by means of an initial 'conditional approval' (a development from the current legal provisions) followed by full 'approval'. The condition for approval will be compliance with the relevant requirements of the new hygiene legislation. Other food establishments will be required, as now, to register with their local authority. Member States have the option of maintaining or introducing additional requirements. This provides the UK with the opportunity to introduce wider prior (conditional) approval or approval requirements for other businesses.

Prior approval in practice

6. The existing registration requirements provide information to local authorities about businesses opening in their area. However, there are no powers to prevent opening of unsatisfactory premises or where compliance with hygiene requirements cannot be demonstrated prior to opening. Enforcement action can only be taken after the business opens. This would include closure of the business if an imminent risk to public health could be demonstrated. The advantages of a prior approval requirement are that enforcers would have a mechanism for making new businesses address any shortcomings evident in food establishments before they commence trading and this should be easier and perhaps less costly than tackling such problems during trading.
7. A prior approval system would require that establishments be inspected before opening (experience of the meat sector indicates that more than

one visit may be needed) and assessed against set criteria. Clearly, however, these will be limited to requirements where a realistic assessment of compliance could be made before trading commences, e.g. structural requirements.

- 8 Key elements that may be considered in this respect are the provisions relating to supervision and training of food handlers, and the requirements to have in place effective food safety management procedures based on HACCP principles. With regard to training, however, it would not be possible to assess the quality of any supervision or instruction before the establishment opens. Similarly, for food safety management procedures, the extent to which these may be assessed before opening is limited to checking that procedures are in place. It would not be possible to assess their implementation, maintenance and effectiveness until after the business commences trading. This could be overcome if a process of 'conditional approval' was introduced followed by full approval on satisfactory assessment of the operational arrangements. Prior approval could apply to new establishments only but it would be appropriate to require prior approval again when ownership and/or use of establishments change.
- 9 If prior approval were to be a mandatory requirement for all new establishments (other than those subject to other approval or licensing regimes), regardless of nature and size, it could not be considered as a risk-based measure. This could be overcome by making the requirement apply to specific categories of establishments which were selected on the grounds of potential risk to public health.

Sanctions for non-compliance

- 10 If a prior approval system is to be effective, it would be essential for local authorities to have the power to prevent the business from opening or to close it if conditions are not met on opening or to apply sanctions if it fails to seek approval before trading. This approach is consistent with 'butchers licensing' where businesses may well be refused a licence even though the risks may be lower than for a catering business.

Proportionality of prior approval

11 Prior approval of all businesses would be additional to the mandatory requirements of the new hygiene legislation so its introduction would need to be justified on the basis that this would be a proportionate measure with public health benefit and in line with Cabinet Office Better Regulation principles. It follows, therefore, that it would seem appropriate to assess the effectiveness of the new hygiene legislation before forming a view as to whether prior approval would add value in terms of enhanced public health protection.

Resource implications

12 Prior approval would be granted or refused on the basis of an inspection, so it is important to consider what impact this would have on enforcement resources. If there were no new resources, prior approval (and the associated bureaucracy) could erode the resource available for the inspection of existing establishments. It should be noted that many local authorities provide advisory visits to new businesses at present, either at the request of the proprietor or when new businesses are flagged up through the Planning/Building control processes. There are also potential offsetting resource savings. Prior approval should create better conditions from the start, and this may reduce the risk rating of establishments, thereby reducing the number of subsequent inspections. Further, it might also reduce the need for time consuming enforcement action.

13 The option of local authorities charging for prior approval to make it self-financing would be possible. However, given that the cost of approvals in establishments producing foods of animal origin are currently met from the public purse, and they may involve an assessment of compliance with a broader range of legislation, justification would not be straightforward. Further, such a fee would need to be sufficient to actually cover the costs, of both administration and inspections, and consideration would need to be given to setting this centrally to avoid inconsistency in charging, and to whether a flat fee would be charged or sliding scale applied depending on size of business. Any fee charged would go to Local Authorities.

Learning from butchers licensing

14 Experience from the introduction of butchers' licensing should be considered in any decision to introduce prior approval. Reports of research undertaken to evaluate the effectiveness of butchers' licensing are relevant. In summary, although improvements in food safety management were identified, other factors, including the introduction of HACCP procedures, the free HACCP training and support or increased local authority enforcement activity in butcher shops may have been more influential than the issue of the licence itself. The findings therefore indicate that it is possible to introduce a successful HACCP-based licensing scheme for a small, clearly defined sector and within a well-funded and focused support programme (a £4.5 million HACCP training and support scheme was delivered by the Meat and Livestock Commission). However, the resources and support required for the butchers' initiative suggests that the extension of licensing to other sectors would have significant resource implications, especially for local authorities.

Views of stakeholder groups

15 Prior approval was discussed by the Agency's Enforcement Liaison Group at its August 2003 meeting. The views expressed at the meeting, together with those included in responses to the recent consultation exercise on the new hygiene legislation, are summarised here. The Consumers' Association (now Which?), together with the Chartered Institute of Environmental Health Officers, LACORS and the Institute of Food Science and Technology, favour prior approval of all new businesses (other than those requiring approval or licensing under current arrangements) and see this as the first step towards a comprehensive licensing scheme. In their view, the scheme should be consistent with existing approval requirements such that all businesses comply with hygiene and safety requirements before they can open and that there should be a mechanism for revoking approval where requirements are subsequently infringed. We are also aware that this view is supported by the Trading Standards Institute, the Royal Environment Institute of Scotland and the Welsh Local Government Association.

16 The Food and Drink Federation, the British Retail Consortium and the British Hospitality Association, on the other hand, are not convinced that prior approval will increase food safety and do not believe that such a scheme is proportionate or practical. Instead, they believe that a strengthening of current registration requirements, including more stringent penalties for non-compliance, combined with more effective inspection and policing, offers a better approach.

Conclusions

17. Prior approval has the potential to raise standards and in the longer term reduce the level of enforcement action needed. It may be a more effective measure than registration although non-compliance could remain a problem. However there would be significant resource implications for food businesses and/or local authorities. And there are already considerable new demands being placed on business and local authorities at this time by the new EU hygiene legislation which requires implementation of food safety management systems by all businesses.

18. The introduction of a prior approval requirement for all those businesses not subject to approval under the new hygiene legislation needs to be considered in the context of the expected benefits of the new requirements for food safety management systems based on HACCP. In fact only when the impact of these requirements are assessed will it be possible to decide if the introduction of prior approval more widely would represent a proportionate measure and offer significant increased public health protection. Therefore, whilst some potential benefits of prior approval are recognised, the Board is recommended to agree that the position should be kept under review, and a further report presented two years after the commencement date for the new regulations. The report will need to provide firm evidence of the nature and scale of continuing problems against an evaluation of options and their resource implications.