



Starting a food and drink business in Dumfries & Galloway

When starting a food or drink business there are many things to consider and be aware of. This guide is intended to give an overview of the key considerations and details of who to speak to for further advice. For the most up to date guidance and legislation you should liaise directly with the relevant organisation contact given within each section.

General information

Here is some of the information you are going to need and rules you need to be aware of:

- General Food Law Requirements
- Ingredients information
- Allergen information
- Written records of all the suppliers that provide you with food or any food ingredients
- Putting food safety management procedures in place and keeping up to date records
- Food and hygiene training for staff
- Licensing requirements in respect of the sale of alcohol
- Health and safety and fire safety arrangements

1 Register your business – Environmental Health

By law you must register most types of food and drink business. Registration is free and you should register your premises with the environmental health service of the local authority at least 28 days before trading. If you have more than one premises, you will need to register all of them. Registration will apply to all types of food and drink businesses that serve customers directly, such as:

- restaurants, cafes, bars and takeaways
- food businesses run from home, B&Bs, mobile catering and temporary businesses
- marquees, food stalls, food pop ups and food vans
- nurseries, schools and care homes
- distance selling, mail order and food delivery including online

You will need to register your food business if you:

- sell food
- cook food
- store or handle food
- prepare food
- distribute food

Companies involved with food distribution or food supply that operate from an office should also register as food businesses. This applies even if no food is kept at the premises.

You may be fined and/or imprisoned for up to two years if you run an unregistered food business. Registering is a very straightforward process, and you can download the registration forms here:

<https://www.dumgal.gov.uk/article/15644/Register-your-food-business>

Establishments which need approval under European Commission Regulation 852/2004 are exempt from registration. These businesses must apply instead for approval. Premises which require approval are food business premises which handle or process certain products of animal origin. Products of animal origin include meat, poultry, fish, eggs and milk. Some examples of premises which require approval are:

- Cold stores
- Manufacturers

For more information about approved food establishments please refer to the Scottish National Protocol from Food Standards Scotland:

https://www.foodstandards.gov.scot/downloads/Approved_establishments_working_group_-_2019_-_Scottish_National_Protocol_Update_-_January_2020.pdf

2 Choosing the right premises

The premises you choose for your business must comply with the necessary regulations and allow you to prepare food safely. The following rules apply to your whole premises, not just the areas used for preparing food.

- You must have enough washbasins for staff to wash their hands with hot and cold running water and materials for cleaning hands and drying them hygienically
- You must provide adequate facilities for staff to change their clothes, where necessary
- Your premises must also have adequate ventilation, lighting and drainage

For food preparation areas, the floors and walls must be:

- maintained in a good condition
- easy to clean
- disinfected
- smooth, hard-wearing, washable and in a good state of repair

Ceilings should be:

- in good condition
- easy to clean to prevent dirt from building up
- free from condensation and mould
- free from flaking paint or plaster

Windows and any other openings such as doors must be constructed in a way that prevents dirt from building up. If they open to the outside, they must be fitted with insect-proof screens that can be easily removed for cleaning.

Doors must be easy to:

- clean and disinfect

Surfaces (including surfaces of equipment) in areas where food is handled, particularly those that are touched by food, must be:

- maintained in a good condition
- easy to clean
- disinfected

Separate sinks must be provided, where necessary, for washing food and cleaning equipment in food preparation areas.

Every sink must have an adequate supply of hot and cold water for washing food and be of drinking quality. These facilities must be kept clean and be disinfected.

All items, fittings and equipment that food touches must be:

- kept in good order, repair and condition
- cleaned effectively and be disinfected frequently enough to avoid any risk of contamination

3 Planning permission and building standards

The building you are going to occupy for your business may require planning permission for change of use depending on its current classification. If you employ an architect or agent for your project they should deal with this on your behalf, otherwise you should contact the planning department for further advice. If you intend to build, alter or extend premises, a building warrant may also be required.

- <https://www.dumgal.gov.uk/article/15327/Planning-advice-and-enquiries>
- <https://www.dumgal.gov.uk/article/15934/Changing-the-use-of-buildings-or-land>
- https://www.dumgal.gov.uk/media/18877/Guidance-planning-for-small-and-medium-businesses/pdf/Planning_for_SMB.PDF?m=636827085786370000
- <https://www.dumgal.gov.uk/building>

4 Licensed premises

You need to apply to the local authority for a licence to sell alcohol in Dumfries and Galloway. The sale of alcohol without the appropriate licence is a criminal offence. The types of licences available are:

- Premises licence: is required by anyone who intends to sell alcohol from their premises
- Personal licence: allows an individual to supervise the sale of alcohol

Licensed premises must have a designated 'premises manager' and they must hold a personal licence. An individual cannot be the premises manager of more than one licensed premises. Applicants must be aged 18 or older and need to have a licensing qualification/training certificate from an accredited trainer. Refresher training must be undertaken every 5 years.

For more information and advice contact the Dumfries & Galloway Council Licensing Service. It is advisable that you seek independent legal advice if you wish to apply for a licence.

<https://www.dumgal.gov.uk/article/15194/Alcohol-licensing>

The Alcohol Wholesaler Registration Scheme (AWRS)

If you sell alcohol to another business you may need to apply for approval for the Alcohol Wholesaler Registration Scheme (AWRS). HMRC introduced the scheme to tackle alcohol fraud. You'll face penalties if you trade without approval.

You'll need to apply for AWRS if all the following apply:

- your business sells, or arranges the sale of alcohol, and has an establishment in the UK
- your sales are made at, or after, the point where excise duty is due
- any sales to other businesses are made for onward sale or supply

All businesses that supply alcohol to other businesses for resale need to apply. This includes:

- breweries and microbreweries
- wine producers and vineyards
- spirit producers
- cider producers who make more than 70 hectolitres of cider a year
- wine importers
- general wholesalers selling alcohol, including cash and carry businesses
- specialist wine wholesalers

<https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>

Warehousekeepers and Owners of Warehoused Goods Regulations (WOWGR)

A certificate obtained under these regulations allows a business to move goods without payment of excise duty from one bonded warehouse to another, most typically used in the whisky sector. You need to apply to HMRC for registration as an owner of duty suspended goods held in an excise warehouse. This process can be lengthy and complex therefore you may wish to seek the support of an appropriate agent to manage this on your behalf.

<https://www.gov.uk/government/publications/excise-warehousing-application-to-be-an-owner-of-duty-suspended-goods-held-in-excise-warehouses-ex60>

5 Fire safety

You must carry out a fire risk assessment at your premises and take fire safety precautions to help protect you, your staff and customers. The type of precautions you need to have will depend on the outcome of the fire risk assessment of the premises.

If you are planning to adapt your premises, it is a good idea to get fire safety advice before you start the work.

<https://www.firescotland.gov.uk/>

6 Waste and recycling collection

Businesses and charities can't use the general kerbside waste collection service and must have a legal contract with a registered waste collection company. Private commercial operators are available or alternatively the local authority can also provide this service:

<https://www.dumgal.gov.uk/article/15593/Commercial-waste-collection>

You must have adequate facilities for storing and disposing of food. You must remove food waste and other rubbish from rooms containing food as quickly as possible to avoid it building up and attracting pests.

The three main groups of pests that are encountered in food businesses are:

- rodents - rats and mice
- insects - cockroaches, beetles, ants and flies
- birds - pigeons etc

Zero Waste Scotland exists to lead Scotland to use products and resources responsibly, focusing on where we can have the greatest impact on climate change. For businesses, there's money to be made – and saved in repurposing waste. For more information and guidance:

Zero Waste Scotland <https://energy.zerowastescotland.org.uk/>
Circular economy accelerator <https://ceaccelerator.zerowastescotland.org.uk/>

7 Health and safety

The Health and Safety Executive (HSE) has developed an easy guide to help small and medium sized businesses understand health and safety.

<https://www.hse.gov.uk/abc/index.htm>

This site provides helpful areas of advice which apply to all workplaces e.g. the law, preparing a health and safety policy where there are five or more employees, first aid, risk assessment, training, workplace facilities and rights, reporting accidents, employing young people etc. The site also provides information on workplace specific topics such as personal protective equipment, manual handling, slips, trips and falls, gas safety and working at heights.

Food safety

There are a number of issues that must be considered by businesses that prepare and handle food including:

- contamination
- temperature controls
- storage and preservation
- personal hygiene
- pest control
- cleaning and disinfection
- food safety management

These areas are covered by environmental health who can offer further assistance and advice. Food Safety Management procedures:

<https://www.foodstandards.gov.scot/publications-and-research/publications/cooksafe-manual>

Food Composition and Labelling

The law sets out rules that cover the preparation, composition and labelling of food supplied for human consumption. In broad terms:

- the quality must meet the expectations of the consumer
- it must be as described and not presented in a way that misleads the consumer
- nothing may be added or removed that would make it harmful to health

If you sell food that is pre-packed you must give the following information:

- the name of the food
- a best-before or use-by date
- quantity
- any required warnings - for example, if food contains aspartame the following wording must be given: 'Contains a source of *phenylalanine*'
- a list of ingredients (if there are two or more)
- whether the food contains any of the 14 specified allergens
- the name and address of the responsible food business operator
- the lot number (or use-by date if you wish)
- any special storage conditions
- instructions for use or cooking, if necessary

If you sell non-prepacked food loose - or package it for sale in your shop or you run a catering business, the rules are different. You only need to show:

- the name of the food
- if any ingredients have been irradiated
- if any ingredients have come from GM sources
- certain warnings
- allergen information (or a notice advising that this is available on request)

Some food and drink products are subject to additional guidelines. It is your responsibility to know and understand all regulations relevant to your food and drink category.

Environmental health can give more detailed advice on labelling requirements for more specific food or alcohol products.

<https://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/labelling>
<https://www.dumgal.gov.uk/article/15808/Trading-standards-advice-for-businesses>
<https://www.foodstandards.gov.scot/consumers/food-safety/food-allergies/allergens>

Staff training

To comply with regulations, anyone handling food must receive written or verbal instruction in the essentials of food hygiene before they start work at an establishment for the first time. By law, food business operators must ensure that food handlers receive the appropriate supervision and training in food hygiene, which is in-line with the area they work in and will enable them to handle food in the safest way. In the UK, food handlers don't have to hold a food hygiene certificate to prepare or sell food.

The skills taught in official training programmes can also be learned by:

- training on-the-job
- self-study
- relevant prior experience

Official food training courses are available from a number of suppliers across Dumfries & Galloway including Dumfries & Galloway college:

<https://bit.ly/37r1tWO>

Royal Environmental Health Institute Scotland has more links for training:

<https://www.rehis.com/search/node/training>

8 Trading standards

Trading standards provides business advice and regulates the local trading and farming sectors.

A limited calibration service can be provided for the calibration of trader weights (depending on number and capacity) and the provision of calibration certificates for some types of weighing machines used for trade.

Within the agricultural sector there is also an obligation for those businesses involved with animal feed use/provision to either register or obtain approval from trading standards in relation to feed hygiene which is linked to food standards.

Trading standards also offer a Trusted Trader Scheme for businesses providing goods or service for consumers.

<https://www.dumgal.gov.uk/trustedtrader>
<https://www.dumgal.gov.uk/article/15808/Trading-standards-advice-for-business>

9 Trading at Markets

Many new food and drink businesses find farmers' and producer markets a good place to begin trading. Dumfries & Galloway has a large number of established markets that provide valuable trading opportunities for new and established businesses.

Trading at markets provides several benefits, including:

- Low cost way to access a large number of potential customers
- Opportunity to meet other local businesses
- No long term commitment to premises
- Direct feedback from customers
- Great way to test new product ideas

Farmers' and community markets in Dumfries & Galloway are all run independently and most take place monthly. To enquire about trading at a market contact the relevant market organiser. The easiest way to do this is often through their Facebook page or by visiting the market in person.

Venues vary but in most cases the market is central to the town or village that hosts it, either on the street under stalls or marquees or in the local town or village hall. Organisers of the market make sure that tables and stalls are set out before the market commences and that publicity and banners for the market are displayed in advance of the market date.

If accepted by a market, the market organiser will provide you with market guidelines, and should be able to give you advice and tips. Market organisers will require all traders to evidence that they have registered with Environmental Health, and any other necessary licence. You will also need to hold Public Liability Insurance before you can trade at a market.

<http://www.dgmarkets.org/>

Check List

- Planning permission
- Register business with environmental health
- Building warrant
- Written record of suppliers
- Food safety management procedures and records
- Trading standards
- Licensing
- Fire safety
- Food and hygiene training for staff
- Waste and recycling collection

This information compliments the business start-up advice available through the Council's Business Gateway service:

Business Gateway Dumfries & Galloway

Monreith House

The Crichton Estate

Dumfries DG1 4ZZ

Telephone: 01387 808 738

<https://www.bgateway.com/local-offices/dumfries-and-galloway/local-support>

Business & Enterprise Service

Economy & Development

Dumfries & Galloway Council

Monreith House

The Crichton Estate

Dumfries DG1 4ZZ

Telephone: 030 3333 3000

<https://dumgal.gov.uk>

