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Boston trying to make 'common victualler' license less uncommon

Posted by Matt Rocheleau November 18, 2011 05:49 PM

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By **Matt Rocheleau**, Town Correspondent

Until recently, the common victualler license was among the most overlooked of city permits, according to Boston licensing officials. The license is required of every establishment capable of cooking, preparing and serving food.

An official in the city licensing department says that, in the past, the office had lacked solid communication with other city departments that also issue permits and the licensing division's small staff has been unable to keep close tabs on whether businesses that need the license actually have one.

Meanwhile, some food service providers, including major, longstanding Boston institutions, have overlooked, for years if not decades, their need to ever obtain the permit that renews annually.

Some organizations that provide food service as a secondary function to their core business, like hospitals, say that in the past they did not think their food courts and cafeterias needed the license.

"For years, a lot of these places didn't have them," the chief handler of "CV" license application and issuance, licensing board administrative clerk Nancy Mickiewicz, said by phone recently. "There are so many places in Boston that sometimes some go unnoticed."

Now, tthe Boston licensing department has launched a new effort aimed at making the common victualler license less rare.

Mickiewicz said that this year the city has been sending letters announcing a new requirement: in order to obtain a health permit – a more-closely monitored annual certification and administered by another city department – organizations that require a CV license would need to either show an existing copy of one or arrange a hearing to request a new one.

She said that officials are also clarifying that while the license is not required in areas where access is restricted – for example, at employee-only or student-only cafeterias – the license is required in order to sell food in places that can be accessible to the general public.

Since the notices began being delivered to Boston establishments, Mickiewicz said the department has been flooded with application and requests for hearings before the licensing board.

She expects that between the beginning of last month and the end of this month the licensing department will issue about 100 new common victualler

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month, the licensing department can issue about 100 new common victualler licenses – far more than the five to 10 the city would normally issue in October and November.

And, the majority of those approximately 100 new licenses will go to businesses and organizations that have been running for more than the one year CV licenses are valid for before. But, Mickiewicz said, there is no penalty for having been in operation without the license.

Hearings before the licensing board are only required for new applications, not renewals, she said. Because both CV licenses and health permits expire at the calendar year's end, the current hearing schedule for new common victualler licenses is particularly busy -- booked about three weeks further ahead than usual, the licensing clerk said.

Among those longstanding entities that have recently either received, or are in the process of receiving, a CV license: businesses inside Logan Airport, hospitals and colleges, according to Mickiewicz.

The main cafeteria at Massachusetts General Hospital, The Eat Street Café, had a hearing scheduled this week before the licensing board. The café on the lower level of the Ellison Building opened 15 years ago last month and is seeking its first-ever common victualler license, which the hospital hopes will also cover any other public retail spaces on its West End campus.

“We received word of the need to apply for a ‘Common Victualler’ License at the end of September, which we did then apply for,” hospital spokesman Ryan Donovan said in an e-mail.

He said that after applying for a seven-day permit, the licensing board issued a temporary license to the hospital so its food service spaces could remain open while it awaited a hearing before the licensing board that the hospital was told has been “inundated with applications.”

“The Licensing Board told Susan [Barraclough, director of Nutrition and food services at the hospital] that hospitals had not been included in the past, but it had been deemed reasonable to assume that because some areas were open to the public, we should also need one of these licenses,” hospital spokesman Ryan Donovan said in an e-mail.

Some other longstanding area organizations that have submitted applications for a new CV license this year declined to comment for this story.

Some permits required to open and operate a business are handled by departments housed in City Hall, Mickiewicz said. Other certifications, including safety-related licenses, are issued out of a municipal building several miles away in Dorchester. In past years, poor communication between the two sites may have contributed to the CV license being overlooked at times, she said.

Staff constraints limit how well the licensing board can monitor whether organizations that need a CV license have one, the clerk said. The department relies largely on calls from residents, community groups and police, who can cite businesses to require owners to set up a hearing with licensing officials.

Not having a CV license can lead to a business being shutdown, but that usually a last resort for the city to take, according to Mickiewicz. Normally, the city will work with the business to arrange a hearing and help them obtain a temporary license until their date before the licensing board. CV requests are rarely denied, she said.

Applying for the permits is free, but once granted, license holders must annually pay a \$100 fee along with \$1 for every seat, or a \$210 flat-fee if the business only offers take-out. Outdoor seating costs an additional \$170 fee in order to pay for a newspaper advertisement.

With around 1,300 CV licenses currently active according to Mickiewicz, the

city took in a minimum of \$130,000 on the permits this year.

State law allows municipalities to decide whether or not to require common victualler licenses. In Boston, every food service establishment capable of cooking, preparing and serving food is required to have such a license, according to the city's website.

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