



Subject:	Consultation response to Food Standards Agency on the Draft Food Hygiene Rating (Online Display) Regulations (NI) 2023
Date:	22nd September 2022
Reporting Officer:	Siobhan Toland, Director of City Services
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Over recent years, there has been significant growth in the online sale of food, including from cafes, fast food and restaurant outlets, via online apps (including online aggregator outlets/apps such as 'Just Eat, Deliveroo, Uber Eats'), websites and via social media channels.
1.2	Food businesses that offer food for sale at a physical premises are legally required to display a food hygiene rating sticker. Currently online food sales are not required to display a food hygiene rating at point of sale.

1.3	The Food Standards Agency (FSA) is now seeking views and comments of stakeholders on draft Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2023 and the potential impact on food businesses and district councils. The consultation focuses on the introduction of secondary legislation needed to implement the online display provision within the statutory food hygiene rating scheme established by the Food Hygiene Rating Act (Northern Ireland) 2016.
1.4	The Council's Food Safety team have reviewed the FSA consultation questionnaire and have prepared a draft response for committee approval. The draft response indicates general support for the implementation of the regulation, however makes comment on a number of technical points and queries in relation to implementation.
2.0	Recommendations
2.1	The Committee is asked to approve and endorse the draft consultation response, subject to ratification at the October meeting of Council.
3.0	Main Report
3.1	The Food Hygiene Rating Act (Northern Ireland) 2016 introduced a statutory food hygiene rating scheme in Northern Ireland. The legislation includes provisions which make it mandatory for food businesses to display food hygiene rating stickers at their premises and, if consumers can order online, to display their rating online in a specified manner.
3.2	Secondary legislation has been implemented to require the display at physical establishments however a separate piece of legislation is required to implement the requirement for display on an online ordering platform. Without this legislation there exists an asymmetry of information available relating to a business' food hygiene compliance, therefore increasing consumers' risk of illness attributed to foodborne disease. This absence of accountability to consumers also limits compliance incentives for businesses, exacerbating regulatory burdens. Secondary legislation mandating online display of food hygiene ratings (FHRs) will seek to correct these shortcomings and ensure the scheme delivers its intended benefits in all settings.
3.3	While it should be anticipated that this secondary legislation will ensure consistency of Food Hygiene Rating display across all platforms and provide authorised officers with the appropriate tools for enforcement, and the consultation response indicates support in this respect, Food Safety Officers within Belfast City Council have also raised a number of

	<p>reservations with regard to implementation of the legislation and future enforcement. These concerns have been reflected in the consultation response to assist FSA in taking forward the proposed legislation and to seek further clarification on specific points.</p> <ul style="list-style-type: none"> - The requirement for a sitting NI Executive/NI Assembly to introduce new legislation may affect the suggested commencement date. - There may be an increase in complaints from consumers with regard to display of Food Hygiene rating information on sales via Social media. We anticipate there may be difficulties in finding sufficient information to locate these businesses to enable appropriate investigation and follow up. FSA will need to undertake further engagement with social media platforms to address these difficulties.
3.4	<p><u>Finance and Resource Implications</u></p> <p>None</p>
3.5	<p><u>Asset and Other Implications</u></p> <p>None</p>
3.6	<p><u>Equality or Good Relations Implications/ Rural Needs Assessment</u></p> <p>None.</p>
4.0	Appendices – Documents Attached
	Appendix 1 – Draft consultation response