



## Belfast City Council

<b>Report to:</b>	Health and Environmental Services Committee
<b>Subject:</b>	<b>Update on the introduction of the Food Hygiene Rating Bill to the Northern Ireland Assembly</b>
<b>Date:</b>	7 <sup>th</sup> January 2015
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<b>1</b>	<b>Relevant Background Information</b>
1.1	Belfast City Council adopted the voluntary Food Hygiene Rating Scheme (FHRS) in June 2011, shortly after its introduction by the Food Standards Agency (FSA).
1.2	The FHRS is seen by the FSA as being a key public health measure and a driver for businesses to improve and maintain compliance with food hygiene law. It works by Local Authorities publishing on the website the standards of hygiene found by their food officers during inspections. Window stickers are also provided by the council to businesses and they are encouraged to display the result. This aims to allow consumers to make informed choices about where they wish to eat and shop so providing a powerful incentive for businesses to improve and maintain compliance.
1.3	FSA research shows that consumers make decisions about where to eat quickly, and they reported that the best way to influence them is to be able to see the FHRS rating on the premises before they go in or make a decision about eating there. The green and black FHRS sticker, with ratings numbered 0 to 5, is now recognised by 83% of consumers across Northern Ireland. The rating 0 means urgent improvement is necessary whilst 5 means hygiene standards are very good. The ratings are based on a number of criteria including how hygienically food is prepared, cooked, cooled and stored, the condition and cleanliness of the premises and the procedures in place to ensure the production of safe food
1.4	The success of the scheme relies on consumers being able to access the information; however, businesses have not to date been required to display their rating. Research by the FSA has shown that only 50% of businesses in Northern Ireland display the rating and it is visible before entering in only 38% of cases. For the businesses with poorer hygiene ratings only 22% are displaying their rating. The FSA considers that making it mandatory for businesses to display their rating in a prominent position would ensure consumers can access the information easily and make the scheme more effective.
1.5	On 4 <sup>th</sup> November 2014, the Food Hygiene Rating Bill was introduced into the N. I. Assembly. The Bill will, if passed, make it compulsory for Northern Ireland food businesses such as restaurants, takeaways and supermarkets, to prominently display their hygiene ratings under the 'Food Hygiene Rating Scheme' (FHRS). It is anticipated by the FSA that The Food Hygiene Rating Bill will help improve food hygiene standards in eateries across Northern

	Ireland and introduce a simple but effective way of helping consumers to make better choices 'at a glance' when buying food.
1.6	The Bill is currently at the Committee stage for detailed scrutiny. On 20 <sup>th</sup> November 2014 Council received an invitation to submit written evidence on the contents of the Bill to the NI Assembly, Committee for Health, Social Services and Public Safety by 12 <sup>th</sup> December 2014.
1.7	At its meeting on 2 <sup>nd</sup> December this Committee agreed, as the deadline for written evidence did not provide an opportunity for the Committee to consider this in advance, an officer's response would be submitted before 12 <sup>th</sup> December and this would be brought back to the committee for ratification. The response submitted is attached.

<b>2</b>	<b>Key Issues</b>
2.1	The response endorses the views of the NI Chief Environmental Health Officers' Group (CEHOG) which represents all 26 District Councils. This response was drafted by a specialist working group, including Belfast City Council's Environmental Health Manager (Food Safety and Port Health) taking on board the views of the district councils. Members of that working group are scheduled to present oral evidence to the Assembly committee on behalf of CEHOG on 14 January 2015.
2.2	<p>The key points within the response are:</p> <p>CEHOG supports the introduction of the Food Hygiene Bill requiring businesses to display food hygiene ratings and recognises this Bill has the potential to better inform consumers whilst encouraging business to comply with the hygiene requirements.</p> <p>Some councils have expressed concerns about the detail of the Bill and particularly:</p> <ol style="list-style-type: none"> <li>1. The scheme may be resource intensive and if, at some stage in the future, councils consider that the scheme is not making the best use of their limited resources to improve the health and wellbeing of their citizens, they would consider it appropriate that an option to opt out is available otherwise funding to support this additional work would need to be considered. Consultation was carried out with the existing 26 councils and the support for a mandatory scheme may need to be re-assessed in line of the forthcoming Local Government Reform and resultant 11 councils. This scheme locks councils in at a time when FSA focus is increasingly on food standards work, food fraud and health improvement. These concerns are within the context of increasing budgetary stress, the aftermath of the horse meat scandal and the Elliot review. The focus is now shifting from Food Hygiene where compliance levels are high towards Food Standards.</li> <li>2. The scheme is prescriptive in nature especially in terms of response times for councils and there are detailed requirements around provision of the service. CEHOG recognises the need for agreed standards but is of the opinion that they should not be an absolute legal requirement and are more appropriately dealt with in the form of statutory guidance rather than in the Bill itself.</li> <li>3. Whilst recognising the need for safeguards to protect businesses the appeals and re-rating requirements may be overly protective of businesses awarded poor ratings, and this could be to the detriment of the consumer – the main stakeholder.</li> <li>4. FSA policy to reduce the inspection burden through introducing flexibilities in the intervention requirements contained within the Food Law Code of Practice (FLCOP)</li> </ol>

	and the financial stress councils are facing may result in many food premises not being inspected as often or in the case of lower risk premises being removed from inspection programmes altogether.
2.3	Considering some of these concerns the response welcomes the inclusion of the clause within the Bill requiring the FSA to review the operation of the Act within three years and to prepare a report which will be subsequently published by the Department. CEHOG have commented that this review should estimate the resource burden placed on councils and seek their views as to how successful the scheme has been, considering value for money and where they would like to see the scheme improved. The clause would enable the Department to amend the Act based on the findings of the report. This point will be emphasised in our response in terms of the fact that Councils will have to make their own critical decisions and direct resources to the areas of most risk and need in fulfilling the many other functions over the next number of years.

<b>3</b>	<b>Resource Implications</b>
	The Bill will generate some income through administration of fixed penalty notices and charging for re rating inspections, however, these are not expected to cover the total costs of implementation. There is no resource additionality offered by the FSA to help implement this new approach and it will therefore have to be managed within existing budget allocation, in our response we have advised the FSA this will need to be kept under review given the current financial stresses Council is facing under LGR.

<b>4</b>	<b>Equality Implications</b>
	None

<b>5</b>	<b>Recommendations</b>
5.1	The Committee is requested to: <ol style="list-style-type: none"> <li>1. Ratify the officers' response on the Food Hygiene Rating Bill to the NI Assembly's Committee for Health Social Security and Public Safety as contained in Appendix 1.</li> <li>2. Agree the Environmental Health Manager (Food Safety and Port Heath) to present oral evidence on behalf of CEHOG, including Belfast City Council, to the NI Assembly Committee for Health, Social Security and Public Safety on 14 January 2015.</li> </ol>

<b>6</b>	<b>Decision making</b>

<b>7</b>	<b>Key to Abbreviations</b>
	FHRS: Food Hygiene Rating Scheme FSA: Food Standards Agency CEHOG: Chef Environmental Health Officers group FLCOP: Food Law Code of Practice

<b>8</b>	<b>Documents Attached</b>
	Appendix 1: Written response to DHSSP committee on the Food Hygiene Rating Bill Appendix 2: The Food Hygiene Rating Bill is available at <a href="http://www.niassembly.gov.uk/globalassets/Documents/RaISe/Publications/2014/health/11714.pdf">http://www.niassembly.gov.uk/globalassets/Documents/RaISe/Publications/2014/health/11714.pdf</a>