



Subject:	Consultation on requirements for The Mandatory Food Hygiene Rating Scheme
Date:	10 th May 2016
Reporting Officer:	Nigel Grimshaw, Director of City and Neighbourhood Services
Contact Officer:	Siobhan Toland, Head of Environmental Health and Lead Operations Officer, City and Neighbourhood Services Damian Connolly, Environmental Health Manager, (Food Safety and Port Health)

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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	The Food Standards Agency (FSANI) is seeking views and comments from stakeholders on the draft Food Hygiene Rating (Northern Ireland) Regulations 2016, the draft Food Hygiene (Fee and Fixed Penalty Amount) Order (Northern Ireland) 2016, the draft Food Hygiene Rating (Commencement and Transitional Provisions) Order (Northern Ireland) 2016 and the potential impact on food businesses and district councils. It is also seeking views and comments on guidance for district councils on the operation of the new statutory scheme. The full consultation pack can be found at: http://www.food.gov.uk/sites/default/files/consultation/pack/fhrs-consult-pack2016ni.pdf
1.2	Attached in the appendix is a proposed Belfast City Council response to this consultation.
2.0	Recommendations
2.1	The Committee is asked to: <ul style="list-style-type: none">Consider and agree the attached response to the consultation attached at Appendix 1.

3.0	Main report
3.1	<p data-bbox="256 226 408 255"><u>Key Issues</u></p> <p data-bbox="256 275 1449 707">Belfast City Council adopted the Food Hygiene Rating Scheme in June 2011, shortly after its introduction by FSANI. The Food Hygiene Rating Scheme (FHRS) is seen by FSANI as 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.</p> <p data-bbox="150 779 1449 1160">3.2 The success of the scheme relies on consumers being able to access the information; however, businesses have not to date been formally required to display their rating. Research by FSANI 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. In 2013 FSANI proposed making it mandatory for businesses to display their rating in a prominent position in an effort to ensure consumers can access the information easily and thereby make the scheme more effective.</p> <p data-bbox="150 1232 1449 1568">3.3 On 4th February 2013, FSANI launched a consultation exercise to assess the impact of making it mandatory for businesses to display their food hygiene rating. On 10th April 2013 the Health and Environmental Services Committee considered this proposal. The Committee agreed with the proposal to require the mandatory display of ratings on the basis that it will make it easier for consumers to make informed choices and will provide a greater incentive for businesses to maintain and improve hygiene standards which should in turn reduce the risk of food poisoning. This decision was ratified by Council.</p> <p data-bbox="150 1639 1449 1921">3.4 This current consultation is about secondary legislation needed to implement the statutory food hygiene rating scheme established by the Food Hygiene Rating Act (Northern Ireland) 2016. These proposals include new provisions for charging for rerating and for issuing of fixed penalty notices as detailed below. It is also about guidance for district councils operating the new statutory scheme. The consultation deals with the technical detail associated with operating a mandatory scheme such as:</p> <ul data-bbox="292 1939 1449 1973" style="list-style-type: none"> ▪ Cost of rerating fee – i.e. where a business wishes to get a revisit for rerating

purposes, the legislation establishes a fee based on cost recovery for Council of £150; the consultation response recognises that the rerating fee has been costed by FSANI on a cost recovery basis for District Councils and is the same as the rerating fee in Wales where the statutory scheme already operates. However, it states that it should be noted that the fee in Wales is currently under review and may increase; it is therefore important that the fee in NI is also kept under review.

- Fixed penalty amount; the regulations allow for the issuing of Fixed Penalty Notices to businesses which do not comply with the legislation; the amount of the fixed penalty notice is set at £200 with a 25% reduction if paid within 14 days of service; the attached response agrees with the amount of the fixed penalty as this is consistent with the figure set in Wales; it also welcomes the reduction in the fee if paid within 14 days of service.
- Commencement date – proposed 1st October 2016
- Types of businesses included - Ratings will be given to food businesses supplying food directly to the consumer such as restaurants, takeaways, cafés, sandwich shops, home caterers, pubs, hotels, schools, hospitals and residential care homes. Places where you shop for food, such as supermarkets, bakeries, and delicatessens will also be given a rating. Some places will not be given a rating. This is generally because they are a low risk to people's health, for example, a newsagent selling only wrapped sweets.
- Format of the mandatory sticker and how / where it should be displayed – attached response recommends that the Council's name and branding should be on the sticker rather than simply having the FSANI name and branding.
- Who should pay for the stickers – attached response recommends that FSANI should pay for the stickers rather than Belfast City Council.
- Information to be sent to businesses – e.g. how the ratings are calculated, information on when, where and how the rating must be displayed, details of the food business operator's rights such as how to appeal the rating, how to request a rerating, how to comment about the rating given (right to reply) and how to obtain further information. Form and method of payment of fixed penalty notices
- Guidance for enforcement officers; the attached response welcomes the guidance. In particular it welcomes the fact that FSANI acknowledges that it is a live document and recommends regular review and updates in conjunction with District Councils as issues arise which may need clarification in the roll out of the statutory scheme.

Financial & Resource Implications

3.5

It is anticipated that the additional resources required to implement the legislation will be

3.6	<p>on a cost recovery basis.</p> <p><u>Equality or Good Relations Implications</u></p> <p>None</p>
4.0	Appendices – Documents Attached
4.1	<p>Appendix 1 - Draft Belfast City Council response to the Consultation on The Food Hygiene Rating Regulations (Northern Ireland) 2016, and associated Orders, and guidance for district councils on operating the statutory Food Hygiene Rating Scheme</p>