

FOOD STANDARDS AGENCY CONSULTATION
Impact of mandatory display of food hygiene ratings in Northern
Ireland
CONSULTATION RESPONSE FORM

Please return this response by 10 June 2016 to:

By email: Anthony McLaughlin

executive.support@foodstandards.gsi.gov.uk

By post: Local Authority Policy and Delivery Team, Food Standards Agency in Northern Ireland, 10A-10C Clarendon Road, Belfast BT1 3BG

Your name:	Tom Crossan
Your organisation or businesses (if appropriate):	Belfast City Council
Your postal address:	The Cecil Ward Building, 4-10 Linenhall Street Belfast BT2 8BP
Your email address:	crossant@belfastcity.gov.uk
Your telephone number:	02890320202 x 3475

PROPOSALS FOR THE DRAFT FOOD HYGIENE RATING REGULATIONS (NORTHERN IRELAND) 2016

Question 1-Do you have any comments regarding the proposed commencement date? If you consider an alternative date appropriate please provide a rationale for this.

Answer

Belfast City Council is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is representative of all eleven Councils in Northern Ireland.

Question 2 - Do you have any comments regarding regulation 2 (Interpretation)?

Answer

Belfast City Council does not have any comments regarding Regulation 2 “Interpretation”.

Question 3 - Do you agree with the categories of food business establishment that will be exempt from rating under the Regulations? If you think that certain categories should be included or excluded in the scheme please provide details.

Answer

Belfast City Council agrees in general with the types of establishments that are exempt from receiving a rating under the Regulations.

Question 4 - Do you have any comments on the forms of the food hygiene rating sticker detailed in Schedule 1 of the Regulations?

Answer

Belfast City Council is content with the format of the food hygiene rating scheme stickers as this is the same format which is currently used in the voluntary scheme.

Question 5 - Do you agree that the statutory scheme should make provision for the two forms of stickers detailed above (those with and without the district council name and branding on the front of the sticker)? Please provide comments explaining your answer.

Answer

Belfast City Council agrees that the statutory scheme should make provision for both types of stickers. Council would prefer to use a sticker with the Council’s name and branding on it. Council feels that it is important that the mandatory scheme and therefore the sticker is seen by businesses to relate to the Council as it is the council which will be implementing and enforcing the scheme.

Question 6 - Do you agree with the proposals regarding who must pay the cost of producing the different forms of the food hygiene rating sticker?

Answer

Belfast City Council feels that the Food Standards Agency should pay the cost of producing food hygiene rating stickers. This is particularly relevant in that the mandatory scheme requires display of stickers at all entrances to premises; the voluntary scheme only required 1 sticker to be displayed per premises.

Question 7 - Do you have any comments on regulation 5 regarding the location and manner of display of food hygiene rating stickers?

Answer

Belfast City Council has no comment to make on Regulation 5 regarding location and manner of display of the sticker but would ask that the Food Hygiene Rating Implementation Group ensure that this is considered through their work in the roll out of the statutory scheme to ensure consistency on location of stickers by all eleven Councils.

Question 8 - Are there any food businesses that you think regulation 5 does not provide for in terms of the display of food hygiene rating stickers? If so please give examples.

Answer

Belfast City Council feels that all food businesses should be able to comply with Regulation 5 in terms of the display of Food Hygiene Rating Stickers. This issue should also be considered by the Food Hygiene Rating Implementation Group if issues arise as the statutory scheme is rolled out across Northern Ireland.

Question 9 - Is there any other information you consider a district council should send to operators of new food businesses in their area that would help them to understand the food hygiene rating scheme and their obligations under it? If so please provide details.

Answer

Belfast City Council is generally content with the information that will have to be provided to new businesses regarding the scheme; however Council would ask that consideration is given to including some details on the 're-rating' cost in this information. Council also feels that information should be provided in relation to the consequences of non compliance i.e. potential for the issuing of fixed penalties and / or the prosecution.

Question 10 - Do you have any comments regarding the form and method of payment of a Fixed Penalty Notice set out in Schedule 2?

Answer

Belfast City Council is satisfied with the form and method of payment of the Fixed Penalty Notice.

PROPOSALS FOR THE DRAFT FOOD HYGIENE RATING (COMMENCEMENT AND TRANSITIONAL PROVISIONS) ORDER (NORTHERN IRELAND) 2016

Question 11 - Do you have any comments regarding the proposed commencement date? If you consider an alternative date appropriate please provide a rationale for this.

Answer

Belfast City Council would recommend that consideration be given to a different commencement date. 1st October is a Saturday. Businesses may wish to contact District Councils for advice and guidance on the commencement date. It might be easier for businesses to make contact with District Councils during the normal working week i.e. Monday – Friday.

Question 12 - Do you have any comments regarding the proposed appointed day? If you consider an alternative date appropriate please provide a rationale for this.

Answer

See previous answer.

Question 13 - Do you agree with the procedure set out in Article 3 for migrating those food businesses rated under the voluntary scheme to the new statutory food hygiene rating scheme?

Answer

Belfast City Council agrees with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme as this has been agreed by the Food Hygiene Rating Implementation Group members.

Question 14 - Do you agree with the 12 month timescale for district councils to provide a food business establishment previously rated under the voluntary scheme with a food hygiene rating under the new statutory food hygiene rating scheme? If not please provide comments and a rationale for an alternative date.

Answer

Belfast city Council agrees with the 12 month timescale as this will allow low risk establishments to be phased into the statutory scheme as resources permit and was agreed by the Food Hygiene Rating Implementation Group.

PROPOSALS FOR THE DRAFT FOOD HYGIENE RATING (FEE AND FIXED PENALTY AMOUNT) ORDER (NORTHERN IRELAND) 2016

Question 15 - Do you have any comments regarding the proposed commencement date? If so please provide comments and a rationale for an alternative date.

Answer

Belfast city council is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is representative of all eleven Councils in Northern Ireland.

Question 16 - Do you have any comments on Article 2 (The re-rating fee)

Answer

Belfast City Council recognises that the re-rating fee of £150.00 has been costed by Food Standards Agency NI on a cost recovery basis for District Councils and is the same as the re-rating fee in Wales where the statutory scheme already operates. However 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.

Question 17 - Do you have any comments on Article 3 (Fixed penalty amount)?

Answer

Article 3 refers to alleged offences under Section 10 (1) and / or (2) of the Act. Within these sections, defences are cited on the grounds of “reasonable excuse”. Belfast City Council recommends that FSANI provides detailed advice to enforcement officers as to what constitutes a “reasonable excuse”.

Question 18 - Do you agree with the fixed penalty amount stated? Please explain your reasons.

Answer

Belfast City Council agrees with the amount of the fixed penalty as this is consistent with the figure set in Wales. Council also welcomes the reduction in the fee if paid within 14 days of service.

Question 19 - Do you have any other comments or views on the draft Regulations and Orders described in this document?

Answer

Belfast City Council notes that the term “reasonable excuse” in relation to a breach of the legislation is used in the order. Council would recommend that FSANI provides advice and guidance to District Councils as to what might constitute a “reasonable excuse”

DRAFT GUIDANCE FOR DISTRICT COUNCILS

Question 20 - Do you have any comments regarding the format in which the guidance is presented? Please provide details.

Answer

Belfast City Council is content with the format of the guidance as it is similar to the current guidance on the voluntary scheme which Environmental Health Officers and Technical Officers (Food Safety) are already familiar with.

Question 21 - Are there any aspects of the statutory Food Hygiene Rating Scheme that have not been addressed in the guidance?

Answer

Belfast City Council is content with the guidance document and is not aware of any issues that have not been addressed within it. Council welcomes the fact that FSANI acknowledges that it is a live document and would appreciate regular review and updates in conjunction with District Councils as issues arise which may need clarification in the roll out of the statutory scheme.

Question 22 - Do you have any comments regarding the level of detail provided in Section 10 – Display of food hygiene rating stickers?

Answer

Belfast City Council is satisfied with the current detail contained within Section 10. As previously mentioned Council would encourage further review in conjunction with District Councils if issues arise during the introduction of the statutory scheme.

Question 23 - Do you have any comments regarding the guidance provided in respect of “Exceptional Circumstances” in Section 13 – Adjustment of time periods?

Answer

Belfast city Council has no additional comments to make.

Question 24 - Do you have any other comments or views on the draft guidance described in this document?

Answer

Belfast City Council in general welcomes the guidance document and the level of detail contained within it. However under Section 10.5 – Sticker Validity, it states that if and when an establishment reopens following closure due to an imminent risk to public health, it should have a rating based on the most recent inspection, partial inspection or audit undertaken. Belfast City Council feels that this rating should be based on conditions found at the time of the closure rather than on a day following reopening.

As stated previously Council feels that it is important that this document be kept under continuous review as the statutory scheme develops.