

Consultation Questions

General

1. Is there a need for a Bill to introduce a statutory food hygiene rating scheme in Wales? Please explain your answer.

Yes.

The FHRs is a simple and effective public health measure that has been introduced across the whole of Wales but would deliver greater benefits if placed on a statutory footing.

We believe that since we introduced the Scheme across Wales, it has helped local authorities deliver tangible improvements in food safety and enhanced consumer protection. For example, within Monmouthshire we have seen a significant improvement in food hygiene ratings overall and particularly in relation to existing businesses. My colleagues across Wales report a similar experience. Our dealings with food businesses suggest that the scheme has brought food safety into much sharper focus and has helped drive improvements in standards.

However, placing the scheme on a statutory footing would deliver the following key benefits:

Recent Food Standards Agency (FSA) research showed that only 31% of businesses were voluntarily displaying their rating and this fell to 6% for those businesses with the poorest ratings of 0, 1 or 2. We believe that a legal requirement for businesses to display their rating would enable consumers to make an informed choice on every occasion and help drive further improvements. There is a need for a bill if we are to ensure that ALL food businesses display their ratings not just those that chose to.

If we are to require, by law, food businesses to display their rating we need to put in place effective measures that will ensure that such an approach is fair, consistent, open and transparent, is deliverable in practice and sustainable over time. The bill is needed to ensure that the measures necessary to achieve this are adequately considered and appropriately included within any mandatory scheme.

The implementation of such a scheme has implications for local authorities which to date have been absorbed by local government in Wales with some financial support from FSA Wales. Making the National Food Hygiene Rating Scheme a statutory function for local authorities across Wales will help ensure that resources continue to be allocated to delivering this service.

2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.

Yes.

The Bill sets out proposals to establish a statutory food hygiene rating scheme in Wales that is based upon the FSA scheme which has been adopted by local authorities throughout Wales. Our experience of implementing that scheme leads us to support the proposals to make the scheme

mandatory. That experience also provides us with a practical understanding of the measures that are necessary to ensure that such a scheme delivers the objectives of better public protection and consumer choice and is workable in practice and sustainable over time.

We believe that the Bill as drafted properly addresses the measures needed - including some of the potential burden upon local authorities - and the safeguards needed to ensure the Scheme is fair, consistent, open and transparent.

We are pleased that the experience of Local Government Environmental Health officers has informed development of the Bill and that consultation on the first draft has resulted in some important changes. We are pleased that the Bill addresses the inclusion of business-to-business trade premises as we feel that it is important that these businesses should be included in the scheme so that those responsible for procurement of foods via contracts have knowledge of the hygiene ratings of these establishments. The hygiene rating awarded can then be considered during the tender evaluation process. The revised time period for dealing with an appeal is welcome.

3. Are the sections of the Bill appropriate in terms of introducing a statutory food hygiene rating scheme in Wales? If not, how does the Bill need to change?

Yes. The sections cover the areas required to ensure that the Food Hygiene Rating Scheme can be operated fairly and consistently and gives officers the necessary enforcement tools to ensure compliance.

4. How will the proposed Measure change what organisations do currently and what impact will such changes have, if any?

The measures will ensure that ALL businesses display their rating - not merely those that chose to do so thus giving consumers the information that research suggests they want. The FSA research suggests that this will particularly impact upon those poorer performing businesses where currently only 6% of businesses display their rating.

Whilst there is complexity in the detail behind the scheme, it is simple in its presentation and it brings food safety into sharper focus for businesses and their customers. It stimulates business operators in a different way. This is true for single site businesses and for chains. Take for example a company that has a chain of hotels or restaurants that generally perform well on their ratings. If one of those premises scores poorly, the display of a low score, in our experience, can bring food safety at that premises to the urgent attention of the corporate centre in a way that an inspection letter might not. It is in the public eye and impacts upon the company image. It brings urgent attention to the action necessary to improve their score. A compulsion to display underlines that even more.

The proposed measures will place the scheme on a statutory footing thereby raising the profile within Local Authorities and helping to ensure that it is adequately resourced. A statutory footing also ensures that a charging regime is operated within a clear framework of cost-recovery thus limiting the potential burden on business.

5. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

The key barrier to implementing the provisions of the Bill would in our view be the potential burden upon inspecting local authorities, particularly where the rating scheme will involve undertaking revisits where these might otherwise not be carried out. However, the Bill as drafted sets out provisions for charging by local authorities when requests for re-rating are made.

Powers to make subordinate legislation

6. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)?

We note the powers in the Bill for Welsh Ministers to make subordinate legislation and we support these, in principle, as being sensible and appropriate.

Financial Implications

7. What are your views on the financial implications of the Bill?

Clearly there will be financial implications for local authorities in implementing the Scheme as proposed. The need to undertake revisits to re-rate businesses where visits would not otherwise be made will impose an additional burden that could take resources away from other activities if that were not addressed. We therefore welcome the proposals for local authorities to implement cost recovery, particularly in advance of a re-visit. We feel this is essential to support the sustained delivery of the scheme as proposed. We note that the cost implications of issuing stickers, particularly in retrospect, are also accounted for in the proposals.