

## **Response to consultation on the Food Hygiene Rating (Wales) Bill Health and Social Care Committee - Call for Evidence.**

### **Consultation Questions**

#### **Introduction:**

My name is Michele Wehden. I am a Senior Environmental Health Officer employed with Caerphilly County Council where I manage the Food and Health and Safety Team. I am a member of the Welsh Heads of Environmental Health Group's Food Safety Technical Panel.

#### **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 an effective public health measure that has been introduced across the whole of Wales but would deliver greater benefits if placed on a statutory footing.

I believe that since the Scheme was introduced across Wales, it has helped local authorities deliver tangible improvements in food safety and enhanced consumer protection and confidence. Our dealings with food businesses suggest that the scheme has brought food safety to the fore front of food business operators who are keen to receive a good hygiene rating which has consequently helped drive improvements.

For example, within Caerphilly we have seen an improvement in food hygiene standards within businesses, particularly in relation to existing businesses. Many businesses have been keen to take up the offer of free coaching visits which train food business operators on how to implement a food safety management system within their businesses. This has assisted them with obtaining a good hygiene score. However, placing the scheme on a statutory footing would deliver the following key benefits:

The introduction of the Food Hygiene Rating (Wales) Bill will introduce the scheme as a statutory function for local authorities across Wales. This will ensure that resources will remain focussed on delivering this service and raising food hygiene standards.

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 requirement for businesses to display their rating would enable

consumers to make an informed choice on every occasion and help drive further improvements.

This research shows that there is a need for the Bill if we are to ensure that ALL food businesses are displaying their ratings not just those that chose to. Generally within Caerphilly we have seen that the majority of businesses that score well will display their ratings particularly if there are several other food businesses in the same location displaying theirs. It is those businesses with a 0-2 that do not display their ratings.

If we are to require food businesses to display their rating we need to ensure that such an approach is fair, consistent, open and transparent, it is deliverable in practice and sustainable over time. The content of the Bill appears to ensure that the measures necessary to achieve this are properly considered and included within the proposed mandatory scheme.

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 voluntary 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 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 measures needed to ensure the Scheme is fair, consistent, open and transparent. I feel there is an omission in the costs to local authorities in that the reviewing and amendment of current materials such as literature and website pages used for the National Scheme has not been considered.

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 are 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 used during the tender evaluation process.

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. 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 raises the profile of food safety within the food business. We have had experience of large retailers taking unprecedented action when faced with a hygiene rating of 0 or 1. In our experience, a poor rating brings food safety at that premises to the urgent attention of the head office in a way that an inspection letter might not. It is in the public eye and impacts upon the company. A poor rating ensures urgent attention is given to the action necessary to improve that score.

As stated in question 1 the proposed measures will place the scheme on a regulatory platform thereby raising the profile within Local Authorities and enabling resources to be targeted and retained.

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 as the rating scheme will potentially involve undertaking more revisits for rescores. With the introduction of charging for rescores this will hopefully assist in securing additional resource to enable this process to be undertaken.

Additionally I can foresee an increase in the number of appeals received, particularly immediately prior to the scheme becoming mandatory, which local authorities will have to deal with without any additional resource. Hopefully in time the number will decrease as the scheme beds in.

### **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)?

The Bill states that the definition of "Food Authority" can be amended by regulations. What is the reasoning behind the amendment of this definition? We feel that Food Safety Officers are best placed to administer the scheme as they have local

knowledge of the premise within their authority's area and have detailed knowledge in relation to the history of that premise.

I would like to bring to your attention that there is an error in Table 2 in Section 5 of the Explanatory Memorandum in that Clause 5 (7) (d) should read 5(8)(d).

In answering this question, you may wish to consider Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.

### **Financial Implications**

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

In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

As previously mentioned no consideration has been given to the cost (including time) for reviewing and amending existing literature provided on the current scheme, including updating of web pages etc.

### **Other comments**

8. Are there any other comments you wish to make about specific sections of the Bill?

I would like to thank you for the opportunity to respond to this consultation and express my thanks to the officers involved in taking this Bill forward.