

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

Consultation Questions

Introduction:

I am Cllr Jim Jones and I am the Executive Board Member for Environment and Public Protection and am responding to this consultation as Food Safety and the implementation of the current food hygiene rating scheme falls within my portfolio. In addition to this, I have an understanding of the current scheme and welcome the opportunity of commenting on the proposed Bill.

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 enhanced the importance of food safety particularly where food business operators are keen to receive a good hygiene rating. In such premises, this has helped drive improvements.

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. The Bill will ensure that resources will remain focussed on delivering this service and raising food hygiene standards.
- In addition to this, the Bill is also considering increasing the scope of the Scheme to include business to businesses trade which will assist in increasing the standards throughout the food chain.
- 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 ALL food businesses to display their rating would enable consumers to make an informed choice on every occasion and help drive further improvements. This is further supported by explanatory memorandum which highlights the weakness of the current

scheme in that 31 percent of the people in Wales do not use the internet which is where the scores are currently maintained. In addition to this, many people do not plan where they will eat but decide spontaneously.

- The content of the Bill appears to ensure that the approach to displaying the rating is fair and consistent allowing action to be taken should there be any businesses/food business operators that are non compliant.

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

Yes.

All Welsh Local Authorities have adopted and implemented the current voluntary Food Standards Agency Scheme and it is pleasing to note that the Bill supports and enhances this successful scheme

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.

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. In our experience, a poor rating brings food safety at that premises to the urgent attention of the Food Business Operators and/or 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.

The Bill identifies that LA must calculate the reasonable cost of the re-rating. It is felt that it would be more consistent if there was a prescribed charge for all re-inspections across Wales as the charges may differ considerably (some may include on- costs etc). This in turn may be challenged by larger companies who trade throughout Wales.

In addition to this, there may be 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. Clarity is required to ascertain why there is a need to include this. It is felt that Food Safety Officers are best placed to administer the scheme as it ties in with programmed inspections, 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).

Financial Implications

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

There is no consideration given to the cost (including time) for reviewing and amending existing literature provided on the current scheme, including updating of web pages etc.

As mentioned previously, the Fixed Penalty notice fee is prescribed, however, Local Authorities are to set their own fees for re-inspections. It is felt that it would be more consistent if there was a prescribed charge for all re-inspections across Wales as the charges may differ considerably (some may include on- costs etc). This in turn may be challenged by larger companies who trade throughout Wales

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.