

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

Consultation Questions

Introduction:

My name is Gareth W Jones. I am Principal Environmental Health Officer employed by Newport City Council as lead officer for Food Safety Enforcement.

General

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

Yes.

In my experience the scheme has been shown to be an effective means of encouraging food businesses to comply with the requirements of the food hygiene regulations and would be even more effective in improving standards, if placed on a statutory footing.

In the City of Newport in October of 2011 we invited a number of food businesses that had achieved a 5 rating to be formally presented with their certificates and the occasion was a considerable success, it was evident that all the food business operators took great pride in their achievement.

On the other hand there are some businesses with a less positive attitude to food hygiene , and if given a low rating ,will not be inclined put it on display , therefore customers who do not have ready access to the internet will not be able to make an informed choice when deciding whether to frequent that business . The compulsory display of rating stickers will therefore benefit consumers.

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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 proposals in the Bill seek to establish a statutory food hygiene rating scheme based on the existing, voluntary Food Standards Agency Scheme, already adopted by local authorities across Wales. Our experience in implementing the voluntary scheme enables us to support the proposals to make the scheme mandatory.

In terms of addressing the likely financial burdens on local authorities, the Bill has not considered the issue of costs arising from the reviewing and amending of current materials such as literature and the updating of web pages.

I welcome the proposal to bring within the scheme, those businesses such as manufacturers and wholesalers that supply other businesses. This will be an incentive for them to maintain or improve standards, and will enable retailers and caterers for example, to make an informed choice and have more confidence when selecting a prospective supplier.

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 of the Bill are consistent with the need to ensure that the Scheme is operated fairly, and gives enforcement officers the necessary means to ensure compliance.

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

Organisations (food businesses) that currently choose not to display their rating will be obliged to do so, and the scheme will be an incentive for poorly performing businesses to improve their standards. The scheme will gradually become more firmly established in the public mind, and pressure from those customers increasingly exercising their choice in where they eat or shop, will contribute to this improvement.

Organisations (local authorities) with responsibility for implementing the scheme will hopefully be in a stronger position to retain existing resources.

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

Primarily, there is likely to be an added burden on this authority in terms of inspecting "low risk" food businesses that are currently rated in the Code of Practice Categories D and E, and which do not currently have a food hygiene rating, that will wish to have their inspections brought forward in order to enable them to obtain a rating.

Furthermore, there will be businesses with an existing rating who will request revisits with a view to improving that rating.

In addition we would anticipate an increase in the number of appeals, particularly in the period leading up to the commencement date of mandatory display, as food businesses given a low rating realise how this could be detrimental to their reputation.

These added burdens will occur at a time when resources are diminishing, although this may be mitigated to a degree by the introduction of compulsory charging for revisits.

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)?

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.

The power to make subordinate legislation is to be welcomed if that legislation is effective in making the scheme a success. However I do not see the need for the provision in the Bill whereby the definition of "Food Authority" can be amended by regulation. Authorised officers of a local authority are best placed to administer the scheme given their local knowledge of the premises within their area and their detailed knowledge of premises history.

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).

I would also wish to draw your attention to the definition of Food Authority, which refers to County Council or County Borough Council and makes no reference to the City status of authorities such as my own and that of Cardiff and Swansea.

Finally there appears to be a typographical error in Annex1 of the Explanatory Note accompanying the Bill, under the heading, Commentary on clauses of the Bill:

Clause 1 – Overview

5. This clause provides introduces of the key provisions in the Bill.

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.

I would refer you to the comments made in item (5) above, and I wish to add that no consideration has been given to the cost (including time) of 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?

None, other than to thank you for the opportunity to comment.