

## CABINET

14 JUNE 2013

### REPORT OF THE ENVIRONMENT AND COAST PROTECTION PORTFOLIO HOLDER

#### A.2 **IMPLEMENTATION OF THE FOOD HYGIENE RATING SCHEME**

(Report prepared by Diane Thorpe and John Fox)

##### PART 1 – KEY INFORMATION

###### **PURPOSE OF THE REPORT**

To update Cabinet with the results of the consultation in respect of adoption of the National Food Hygiene Ratings Scheme and to determine whether it should be adopted within Tendring.

###### **EXECUTIVE SUMMARY**

- The National Food Hygiene Ratings Scheme was first introduced following consultation with consumers the food industry and local authorities in 2008
- As a concern existed about the scheme placing an additional burden on business Informal Cabinet agreed for businesses to be consulted on whether to adopt the scheme
- Ten percent of businesses were surveyed (105), 49 supported the scheme, 5 were against and 4 were not applicable (for example they no longer providing food)
- It is proposed to adopt the scheme and to seek a grant from the Food Standards Agency to fund the adoption.

###### **RECOMMENDATION(S)**

- (a) That Cabinet adopt the National Food Hygiene Rating Scheme in Tendring.
- (b) That an application is made to the Food Standards Agency for a grant to fund adoption of the Scheme

##### PART 2 – IMPLICATIONS OF THE DECISION

###### **DELIVERING PRIORITIES**

Adopting the Food Hygiene Rating Scheme could assist in achieving the Corporate Plan as it seeks to build a thriving local tourism industry and promote sustainable growth. In addition it may help support the Tourism Strategy in respect of the visitor economy and experience as it encourages food businesses to promote their high standards of hygiene which would be accessible via the Food Hygiene Rating Scheme website.

###### **FINANCE, OTHER RESOURCES AND RISK**

###### **Finance and other resources**

The financial implications are determined by the costs of getting the scheme operational.

An application has previously been made to the Food Standards Agency (FSA) for funding to make the scheme operational. At a meeting with the FSA on 29 April 2013 officers were informed that the grant funding is still currently available. Guidance was received during the meeting indicating areas which grant could be sought for and this is more extensive than when previous grant applications were made. The previous grant application was for £6565 and it is envisaged that a larger claim to cover more of the expenses will now be made.

The costs comprise of;

a) Data Validation

The cost of data validation of the database is to be met through the FSA grant application. The grant would be used to fund extra officer resource to cleanse the database to ensure it is absolutely accurate to meet the requirements for uploading to the national website. All premises would be subject to a scope check to ensure they are appropriate to be part of the scheme as it may be meaningless in relation to a premises which has very low amounts of food present. The scope checks will be undertaken as part of the data cleansing.

b) Cost of launch – publicity

The cost of publicity to ensure both businesses and consumers understand the scheme and how it operates is to be met from the FSA grant application.

c) Ongoing costs

The FSA provides stickers free of charge for the local authority to supply to businesses to display their rating score. These stickers have the FSA logo on them and a comment saying they are working in partnership with the local authority.

If bespoke stickers are required which also have the local authority logo on them there is a cost implication as these are tailor made and would be purchased from a market supplier. At this stage officers propose to use the free stickers provided by the FSA.

There is no cost associated with the rating of premises as the scheme is based around the planned food hygiene intervention programme in order to minimise any burdens on the Food Safety Team. If a premises requires a revisit to re-rate the premises the Council has no legal power to charge for this visit, which would be extra work above the routine activities. The FSA have stated that this safeguard is essential to ensure the scheme is legally robust. The scheme has however been designed to minimise the impact. Other Essex authorities who have adopted the scheme have indicated that the number of requests for re-rating are very low typically (e.g. Basildon, which has a higher number of food premises than Tendring) being less than 20 per year.

**Risks :**

There is a risk of Food Business Operators appealing their score. The Council will adopt the Appeals process as laid out by The Food Standards Agency and again other Essex Authorities experience have shown the appeal numbers to be very low.

**LEGAL**

Local Authorities have a duty to inspect food premises within their district and rating of premises can be undertaken during these routine visits. In order to avoid inaccurate/challenged ratings the food inspectors have undertaken internal risk rating consistency training and also cascade training from the FSA.

When adoption of this scheme was considered previously all post inspection letters to businesses included the score from the inspection and the rating that they would receive if the scheme was operating. At that time there were no challenges to ratings and several enquiries were made requesting advice on how to improve ratings.

## **OTHER IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

**Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.**

### **Health Inequalities**

There will be an opportunity for smaller businesses such as bed & breakfasts to participate in the scheme and to use their hygiene rating as a tourist incentive to help promote their business. The scheme will also highlight the good standard of food businesses in the area to complement the tourism strategy. This will also act as an incentive to those businesses which need to improve standards.

All areas and wards will be included in the scheme.

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

The Food Hygiene Rating Scheme is designed to provide consumers with information about hygiene standards in food premises at the time they are inspected to check compliance with legal requirements. The rating given (between 0-5) reflects the inspection findings, 5 being very good, 4 good, 3 generally satisfactory, 2 improvement necessary, 1 major improvement necessary and 0 urgent improvement necessary. The purpose of the scheme is to allow consumers to make informed choices about the places where they eat or shop for food thereby encouraging businesses to improve their hygiene standards.

Restaurants, takeaways, cafes, sandwich shops, pubs, hotels, supermarkets and other retail food outlets, as well as other businesses where consumers can eat or buy food, will be given a hygiene rating as part of the scheme. There are six different hygiene ratings – the top one represents a very good level of compliance with legal requirements so that all businesses could achieve this. The ratings for all businesses included in the scheme are published on a national website and businesses will be encouraged to display stickers and certificates showing their ratings at their premises.

The scheme has been developed by the Food Standards Agency on the basis of advice and guidance from a UK-wide Steering Group which included local authority (including Local Government Regulation and the Chartered Institute of Environmental Health), consumer and food industry representatives, as well as officials from the Agency, the

Better Regulation Executive and the Local Better Regulation Office.

A framework was developed to underpin the scheme which determined which businesses are included, how the ratings are calculated, the safeguards to ensure businesses are treated fairly (an appeal process, a right to reply opportunity and a mechanism to request a new rating when improvements have been made), and the procedures for ensuring the scheme is operated consistently within and across local authorities.

## **CURRENT POSITION**

Tendring District Council was previously successful in bidding for £6565 of grant funding from the FSA however there was concern that if the scheme were to be implemented it would be an additional burden on business and that the scheme only provides a snap shot of the premises on the day of the inspection. In addition poorly performing businesses would already have been identified during routine inspections.

Since that time the national roll out of the scheme has continued and the FSA have contacted Tendring District Council to encourage the Council to take up the scheme. The FSA have also provided further clarification on what can be claimed for the grant and it is therefore envisaged that a larger grant application will be made to fund the adoption of the scheme.

Currently there are only three authorities in the country who are not proposing to adopt the scheme by this Summer and one of those three has already adopted their own scheme.

Informal Cabinet therefore determined that a consultation of businesses should be undertaken to determine if they wished the scheme to be implemented.

One hundred and five businesses were selected for the consultation as this represents about ten percent of the food premises database. A wide mix of premises were also identified including restaurants, takeaways, care homes, pubs, bakeries, café's etc. The premises selected were also geographically spread across the district.

A consultation letter was sent (Appendix A) which explained the scheme and asked whether they supported the scheme or not. A reminder letter was sent after four weeks supplying the consultation letter again.

The initial letter generated over thirty responses and the follow up letter in excess of another twenty responses. Of the fifty eight responses forty nine supported the scheme, five did not support the scheme and another four premises were not applicable (for example they had stopped doing food). There is therefore a reasonable interest in the sample for adoption of the scheme.

For businesses, the scheme will provide an incentive to improve standards and do better than their competitors – good food hygiene ratings will be good for business whilst poor food hygiene ratings may make their customers think twice – any improvements they need to make to get a higher rating are no more than is already required of them by law.

For consumers, the scheme will help them make informed choices about where to eat out or shop for food and they will be able to easily compare one business with another within their own area and further afield.

The importance of the scheme was recognized in the report by Lord Young, "Common Sense, Common Safety", which recommended that Local Authority participation in the Food Hygiene Rating Scheme should be compulsory.

If approval is given to proceed with the scheme discussions would take place with the FSA to obtain the grant funding. The funding will be used to finance additional staff resources to cleanse the food database which will be used to run the rating scheme on the national web site. The cleansing is necessary to ensure that the database is absolutely accurate and will meet the requirements of the national web site for uploading.

In addition all businesses on the database will be scope checked to ensure the rating scheme applies to them as some very low risk premises may not be subject to the scheme. If a premises sold very small amounts of wrapped food e.g. sweets as part of a much larger trade such as a clothing retailer it would not be appropriate for it to receive a rating.

The grant would also be used to run a communications campaign with business so that prior to implementation they understood that the scheme was to operated and how it works.

If approval is given to operate the scheme it is proposed to launch the scheme prior to Christmas 2013 as this provides for time to obtain the grant, undertake data validation and scope checks, provide publicity and then launch. This would provide businesses with the added advantage of being able to use the scheme to provide marketing in the lead up to Christmas.

Advice from the FSA has indicated that an incremental approach should be taken to launch the scheme with higher risk premises such as caterers being placed on the scheme on the launch date with other types of premises being launched at a later date to provide for smoother implementation.

#### **FURTHER HEADINGS RELEVANT TO THE REPORT**

#### **BACKGROUND PAPERS FOR THE DECISION**

None.

#### **APPENDICES**