

# WIRRAL COUNCIL

## SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

29 JANUARY 2013

<b>SUBJECT:</b>	<b><i>THE FOOD HYGIENE RATING SCHEME</i></b>
<b>WARD/S AFFECTED:</b>	<b><i>ALL</i></b>
<b>REPORT OF:</b>	<b><i>SURJIT TOUR ACTING DIRECTOR OF LAW, HR AND ASSET MANAGMENT</i></b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b><i>ENVIRONMENT BRIAN KENNY</i></b>
<b>KEY DECISION?</b>	<b><i>NO</i></b>

### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to update members on the Introduction of the Food Hygiene Rating Scheme within Wirral.

### 2.0 BACKGROUND AND KEY ISSUES

2.1 Members will recall that in June last year Wirral introduced the Food Hygiene Rating Scheme (FHRS). The scheme, which is for England, Wales and Northern Ireland, is an Food Standards Agency (FSA) / Local Authority, partnership initiative. This national scheme provides consumers with information about hygiene standards in food business establishments at the time they are inspected to check compliance with legal requirements on food hygiene. The food hygiene rating given reflects the inspection findings.

2.2 The purpose of the FHRS is to allow consumers to make informed choices about the places where they eat out or shop for food and, through these choices, encourage businesses to improve their hygiene standards. The overarching aim is to reduce the incidence of food-borne illness and the associated costs to the economy.

2.3 There are six different food hygiene ratings ('0' up to '5') - the top rating represents a 'very good' level of compliance with legal requirements and all businesses irrespective of the nature or size of their operation should be able to achieve the highest score. Food hygiene ratings are published online at [food.gov.uk/ratings](http://food.gov.uk/ratings), and businesses are encouraged to display certificates and stickers showing their food hygiene ratings at their premises where consumers can easily see them.

2.4 The FHRS incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure, a 'right to reply' for publication (together with the food hygiene rating) at [food.gov.uk/ratings](http://food.gov.uk/ratings), and a mechanism for requesting a re-inspection/re-visit for the purposes of re-rating when improvements have been made.

2.5 Since the scheme was introduced, 1622 premises have been included on the data base. The breakdown according to rating is as follows;

Rating of 5, which means very good, 607  
Rating of 4, which means good, 443  
Rating of 3, which means generally satisfactory, 374  
Rating of 2, which means improvement necessary, 80  
Rating of 1, which means major improvement necessary, 109  
Rating of 0, which means urgent improvement necessary, 9

Those businesses with the lowest ratings have been subject to various forms of enforcement action including hygiene improvement notices, voluntary closure, hygiene emergency prohibition notice (emergency closure notice) and prosecution. All have been revisited and assisted with advice and guidance to improve conditions and assist in improving their rating.

Since the scheme started Officers have also dealt with 77 general business enquiries about the scheme and dealt with 64 requests for revisits.

### **3.0 RELEVANT RISKS**

- 3.1 Local authorities have a statutory duty to inspect all premises within their area preparing and selling food. The frequency of inspection is calculated by risk rating them in accordance with Annexe 5 of the Food Law Code of Practice (England) 2012. This risk rating follows an on site inspection.
- 3.2 The Food Hygiene Rating is calculated by adding together 3 elements of the risk rating. These elements are complying with legislative requirements in terms of structure and hygiene and a score reflecting confidence in management.
- 3.3 Resources must enable food premises to be inspected regularly if the impact of the scheme is to be effectively maintained. If premises did not receive an inspection it may be claimed that trade is being compromised since a good score can be used as a marketing aid to increase trade.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 The FHRS is the preferred option of the Food Standards Agency (FSA). At present approximately 95% of English local authorities are part of the scheme and the FSA's vision is to try to have 100% participation in the scheme. Also Lord Young in his report to the Prime Minister, Common Sense Common Safety, endorsed the scheme stating 'I strongly support the work that is being done by the FSA, as I believe that such a scheme should be deployed on a national basis. Although I welcome the move to introduce greater local decision making and accountability in public services, in this case I believe that consistency is essential for this approach to be effective. A mandatory national food hygiene rating scheme will deliver the maximum benefit to consumers and minimise the costs to businesses, so this single scheme must be rolled out across all local authorities'.

### **5.0 CONSULTATION**

- 5.1 This is a joint initiative with the Food Standards Agency and whilst part of the scheme we must adhere to advice and guidance issued by them. Accordingly, all Food Business Operators were informed that Wirral was intending to introduce the National Food Hygiene Rating Scheme a letter and guidance booklet was sent to all relevant food businesses in February 2010.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 The NFHRS will apply to the majority of the food premises within Wirral. It does not differentiate between premises being run by voluntary, community or faith groups.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 At present level of staffing it will be possible to achieve 100% inspection rate of our highest risk rated premise. Innovative working methods and one off external funding will assist with lower risk inspections but this is unlikely to be sustainable.

## **8.0 LEGAL IMPLICATIONS**

8.1 There are none arising directly out of this report.

## **9.0 EQUALITIES IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(b) No because there is no relevance to equality.

9.2 In the report to Cabinet 21 July 2011 Members were advised that discussions had taken place with Wirral Multi cultural centre with a view to training and coaching to be made available to any groups of people exhibiting a disproportionately number of low rating scores.

Although no particular group has been identified as exhibiting a disproportionately number of low rating scores; following the original discussions a seminar was run with the aid of one of leaders from a local mosque. The seminar was to explain the scheme to members of the Bangladeshi community whose first language is not English. The feedback received on the day was positive. At future inspections Officers will monitor the rating scores at the businesses who attended to see if there has been an improvement in their rating.

## **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are none arising directly out of this report.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 Planning permission is not required for matters referred to in this report.

## **12.0 RECOMMENDATION/S**

12.1 This report is for noting.

## **13.0 REASON/S FOR RECOMMENDATION/S**

13.1 Not applicable

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## APPENDICES

### REFERENCE MATERIAL

1. The Food Hygiene Rating Scheme: Guidance for local authorities on the implementation and operation – the ‘ Brand Standard’ Revision 1 – January 2012.

A copy can be found at the following web address:-

<http://www.food.gov.uk/multimedia/pdfs/enforcement/fhrsguidance.pdf>

2. Common Sense Common Safety report prepared by Lord Young for the Prime Minister October 2010

A copy can be found at the following web address:-

[http://www.number10.gov.uk/wp-content/uploads/402906\\_CommonSense\\_acc.pdf](http://www.number10.gov.uk/wp-content/uploads/402906_CommonSense_acc.pdf)

### SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
<b>Cabinet – approval for implementation of FHRS in Wirral.</b>	<b>21/07/2011</b>

## Equality Impact Assessment Toolkit (from May 2012)

### **Section 1: Your details**

**EIA lead Officer:** Colin Clayton

**Email address:** robertberesford@wirral.gov.uk

**Head of Section:** Rob Beresford

**Chief Officer:** Surjit Tour

**Department:** Law, HR and Asset Management

**Date:** January 2013

### **Section 2: What Council proposal is being assessed?**

Food Hygiene Rating Scheme

### **Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?**

**Yes / No**

**If 'yes' please state which meeting and what date**

Sustainable Communities Overview and Scrutiny Committee 29 January 2013

**Please add hyperlink to where your EIA is/will be published on the Council's website**

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/law-hr-asset-management>

**Section 3:** Does the proposal have the potential to affect..... (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) for publishing)

**Section 4:** Does the proposal have the potential to maintain or enhance the way the Council ..... (please tick relevant boxes)

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- No** (please stop here and email this form to your Chief Officer who needs to email it to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) for publishing)

**Section 5:**

Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications

**Section 5a:** Where and how will the above actions be monitored?

**Section 5b:** If you think there is no negative impact, what is your reasoning behind this?

**Section 6:** What research / data / information have you used in support of this process?

**Section 7:** Are you intending to carry out any consultation with regard to this Council proposal?

**Yes / No** – (please delete as appropriate)

**If 'yes' please continue to section 8.**

**If 'no' please state your reason(s) why:**

(please stop here and email this form to your Chief Officer who needs to email it to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) for publishing)



## **Section 8: How will consultation take place and by when?**

Before you complete your consultation, please email your preliminary EIA to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) via your Chief Officer in order for the Council to ensure it is meeting it's legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) for re-publishing.

## **Section 9: Have you remembered to:**

- a) **Add appropriate departmental hyperlink to where your EIA is/will be published (section 2b)**
- b) **Include any potential positive impacts as well as negative impacts? (section 5)**
- c) **Send this EIA to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) via your Chief Officer?**
- d) **Review section 5 once consultation has taken place and sent your completed EIA to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) via your Chief Officer for re-publishing?**