

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2018-19

HEALTH & WELLBEING SCRUTINY

COMMITTEE

19th MARCH 2019

**REPORT OF THE DIRECTOR, PUBLIC
HEALTH , PROTECTION & COMMUNITY
SERVICES**

Agenda Item No.

**FOOD HYGIENE RATING SCHEME
UPDATE**

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1. PURPOSE OF THE REPORT

The report aims to outline the background of the Food Hygiene Rating Scheme and the current performance and activity within RCT.

2. RECOMMENDATIONS

2.1 The members scrutinise the report and make recommendations in relation to the continued operation of the Food Hygiene Rating Scheme in RCT.

3. BACKGROUND

3.1 The voluntary Food Hygiene Rating Scheme, launched in Wales by the Food Standards Agency in October 2010 was adopted by RCTCBC at same time. This scheme was developed with the aim of providing consumers with information to enable them to make informed choices about where to eat or shop for food and, through these choices, encourage businesses to improve their hygiene standards. Local Authority Environmental Health Officers enforced the scheme.

- 3.2** The voluntary scheme became a statutory scheme under the Food Hygiene Rating (Wales) Act 2013 and came into force on the 28th November 2013. The Act and the Regulations made the display of food hygiene ratings by businesses mandatory.
- 3.3** The ratings issued to the businesses are calculated by officers following an inspection, using three specific elements:
- The level of compliance with food hygiene and safety procedures - how hygienically the food is handled - how it is prepared, cooked, re-heated, cooled and stored;
 - The level of compliance with structural requirements - the condition of the structure of the building, the cleanliness, layout, lighting, ventilation and other facilities;
 - The confidence in management/control procedures - how the business manages and records what it does to make sure food is safe.
- 3.4** There are six different food hygiene ratings; 0 (urgent improvement necessary) to 5 (Very Good), (see below) which reflects the standards found at the time of the inspection. All businesses, irrespective of the nature or size of their operation, should be able to achieve a 5 rating.

Images of Food Hygiene Rating Stickers



- 3.5** In RCT we currently have 2043 registered businesses. 1770 businesses already have a rating, 32 new businesses are awaiting an inspection and, 241 businesses are exempt from receiving an inspection and therefore a food hygiene rating score. Exempt businesses, are :
- establishments where the sale of food is not the primary activity of the establishment; and the only food made available to consumers is food that is shelf stable at ambient

temperature and wrapped or packaged before it is brought to the establishment and the wrapping or packaging remains sealed at all times before the food is supplied to consumers;

examples of such establishments could include:

- Visitor centres and similar establishments selling tins of biscuits or other wrapped goods amongst a range of other goods;
- Leisure centres with only food vending machines selling only drinks or low-risk foods;
- Newsagents selling pre-packed confectionery; and
- Chemist shops selling pre-packed confectionery and/or health foods.

3.6 Food hygiene ratings and details of the rating breakdown are published online at the Food Standards Agency national website www.food.gov.uk/ratings for members of the public to view. Food business operators are required to display the sticker(s) showing their rating at their establishment in a position where it can be easily read by customers before they make a choice to buy food from that premises. Typically, this would be on the front window or front door of most premises. Any business that receives:

- 0 - rating will remain open for business as long as there is no imminent risk to health. The business will have enforcement action taken by this department, in line with the corporate enforcement policy and, will be revisited within 28 days.
- 1-2 rating business will be subject to enforcement action and revisited within a 3-month timescale.

3.7 The scheme also incorporates safeguards to ensure fairness to businesses. These include:

- an appeal procedure,
- a 'right to reply', which provides that businesses' comments on their ratings may be published on the national website alongside their score.
- option to request an inspection for re-rating purposes. A £160 fee is payable for a re-rating inspection to take place and this fee is set nationally.

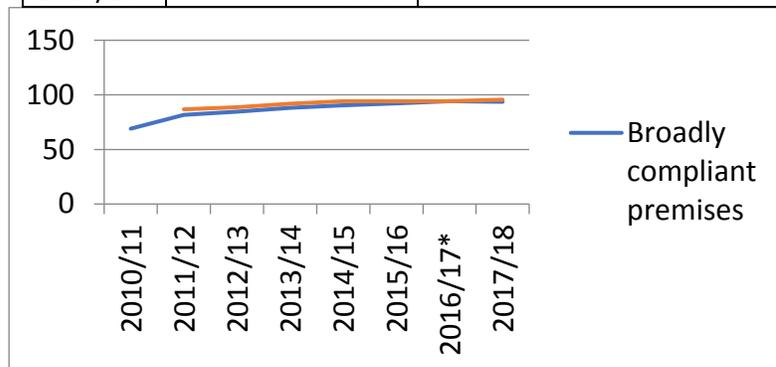
3.8 In November 2016 the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016 came into force requiring takeaway food businesses to publish a bilingual statement on certain hardcopy publicity materials directing customers to the food hygiene ratings website. The statement also reminds consumers they have a legal right to ask the food business for their food hygiene rating when they order

4.0 Evaluation and Review

4.1 Food business are routinely inspected in accordance with the food law requirements and the service maintains excellent performance in ensuring the programmed inspection schedule is completed annually with 100% to 99.95% performance consistently. RCT has a broadly compliant figure of 93.75% and the Wales figure is 95.75 %. Broadly compliant means businesses that have a compliance level, at the time of last inspection equivalent to a FHSR rating of 3, 4 or 5. (See table and graph below).

Performance in RCT has improved steadily in the last 5 years although the percentage of broadly compliant businesses in RCT remains slightly below the published Wales average. RCT does however have a high turnover of businesses and it is known that new businesses are less likely to achieve a rating of 3 or above on first inspection. This is often due to the inexperience of the new food business operator.

	Broadly compliant premises	Wales Average Broadly Compliant
2010/11	69	
2011/12	81.68	86.73
2012/13	84.62	88.55
2013/14	88	91.85
2014/15	90.41	94.33
2015/16	92.05	94.19
2016/17*	94.17	94.22
2017/18	93.75	95.57



4.2 The Food Standards Agency must review the operation of the appeals process under the Act. This review is conducted on an annual basis. Following each review the FSA must produce a report making any recommendations for change to the process and, the report is laid before the National Assembly for Wales.

4.2 RCT contribute to this review, and for the period 28th November 2016 – 27th November 2017 and for the same period 17/18 the table below shows activity of the Food and Health & Safety Team.

RCT Information Submitted to FSA 2016-2017 & 2017-2018

	2016/17	2017/18
Appeals Against Original Rating	7	7
Re- Rating Requests	51	42
Fixed Penalty Notices Served for Non Display of FHRs Sticker	12	16
Prosecution for non –display of a rating.	5	5

A Fixed Penalty Notice (FPN) can be issued by an Environmental Health Officer for offences relating to the display of a rating by a business, for example failure to display the current rating or displaying an incorrect rating. The FPN offers a person the opportunity to discharge any liability to conviction for the offence by payment of the fixed penalty. The full amount of the fixed penalty as stipulated in the notice will be payable and must be paid within 28 days beginning with the day on which the notice is given. However, a discounted amount is payable if made within a period of 14 days. Failure to pay the fixed penalty by the end of the 28-day period can result in prosecution proceedings instigated for non-display of a hygiene rating

- 4.3** A National focused audit of local authority implementation and operation of the statutory scheme was undertaken by the Food Standards Agency in 2017 with, a draft report being issued in November 2018 on local authority performance across Wales. The final report has not however been published to date and the Food Standards Agency will report the findings as they relate to practice and performance in RCT in due course. This information will be presented at a future scrutiny committee.

5.0 CONCLUSION

- 5.1** The scheme and the rating stickers are recognised and welcomed by the public.
- 5.2** The officers of Food and Health & Safety Team continually work with businesses to improve standards whilst protecting the health of residents and visitors.

- 5.3** The number of re rating requests received by the team indicate that businesses in RCT want to receive a better rating. They understand that in turn will have a positive impact on their business and the local economy.
- 5.4** The scheme aim of allowing the public to make informed choices of where to eat or purchase food is important. The businesses who do not display a rating sticker or display an incorrect sticker are deliberately misleading the public in an attempt to gain an unfair economic advantage and deny their customers the ability to make an informed choice about where to buy food. The issuing of a fixed penalty notice will deter the businesses from doing this and the Service will continue to robustly enforce the law in this regard.
- 5.5** The team continue to operate in accordance with the Act and statutory guidance by way of the range of enforcement options available.