

	REPORT TO CABINET TO BE HELD ON 16 NOVEMBER 2010				
	<table> <tr> <td>Key Decision</td> <td>NO</td> </tr> <tr> <td>Forward Plan Ref No</td> <td>N/A</td> </tr> </table>	Key Decision	NO	Forward Plan Ref No	N/A
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Corporate Priority Aim 3 – Creating Healthy and Vibrant Communities Aim 5 – Improving the Council	<table> <tr> <td>Cabinet Portfolio Holder</td> <td>Cllr Jonathon Dixon Cabinet Member for Housing, Public Health, Property Maintenance & Sustainability</td> </tr> </table>	Cabinet Portfolio Holder	Cllr Jonathon Dixon Cabinet Member for Housing, Public Health, Property Maintenance & Sustainability		
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REPORT OF: HEAD OF ENVIRONMENTAL SERVICES 10/669

WARDS AFFECTED: ALL

SUBJECT: FOOD HYGIENE RATING SCHEME

RECOMMENDATION (S):

It is recommended that Cabinet:

- a) confirm approval for the Borough Council to formally adopt the Food Standards Agency Food Hygiene Rating Scheme; and
- b) accept the award of £9,458.35 funding from the Food Standards Agency for “start up” and “pre-launch” activities required for the implementation of the national Food Hygiene Rating Scheme and authorise entry into an agreement to accept the monies on terms mutually acceptable to the Council and Food Standards Agency.

REASON FOR RECOMMENDATION (S):

The introduction of the Food Hygiene Rating Scheme within the Borough will lead to better consumer awareness and raise food hygiene standards. The acceptance of the FSA grant funding will minimise the costs to the Council in respect of the introduction of the scheme.

HIGHLIGHTED RISKS: See attached matrix

1. INTRODUCTION

- 1.1 Cabinet at its meeting on 20 April 2010 received a report on the development by the Food Standards Agency (FSA) of a national Food Hygiene Rating Scheme (FHRS) by which the public can access information about the hygiene standards of certain food businesses. Cabinet was informed that the rationale behind the national scheme was to achieve some consistency as over the past few years several different local schemes had been introduced by local authorities, colloquially known as “Scores on the Doors” schemes.
- 1.2 Cabinet agreed in principle to the adoption locally of the FSA’s national scheme subject to a further report upon the implications prior to implementation of the scheme.
- 1.3 Since the previous report the FSA has contacted local authorities requesting applications for grant assistance to fund the start up costs and pre-launch activities of those authorities that committed to launching the scheme by 31 March 2011 – so called “early adopters”. An application was made and notification received on 15 October 2010 of an offer of £9,458.35 grant funding subject to entry into an agreement with the FSA.
- 1.4 The FSA launched the FHRS nationally on 1 October 2010. Initially the FSA has introduced the scheme in a low key way although they have stated that the scheme will be further publicised later this year as more authorities join the scheme and data is placed onto the website. The FSA has issued a consolidated guidance document for local authorities on the operation of the scheme, copies of which have been placed in the Cabinet and Members Rooms.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The proposals in this report assist towards the following aims in the Corporate Plan, Aim 3 – Creating Healthy and Vibrant Communities and Aim 5 – Improving the Council.

3. BACKGROUND AND ISSUES

- 3.1 As previously reported to Cabinet (report ref 10/256) the FSA announced in December 2008 that a national food hygiene rating scheme would be developed for use by local authorities throughout England and Wales. Scotland will have its own, slightly different, scheme. The basis for the development of a national scheme was to prevent a further proliferation of local schemes, commonly known as “Scores on the Doors” schemes and therefore to provide some consistency for consumers. At present over 200 local authorities across the UK operate these schemes. Cabinet agreed to adopt the national scheme in principle subject to a further report on the implications once the scheme had been finalised.
- 3.2 The national scheme has now been finalised and was launched on 1 October 2010. Guidance to local authorities has been issued on the introduction and

operation of the FHRs. The FSA have stated that the Guidance represents the 'Brand Standard' for the FHRs and local authorities operating the FHRs are expected to follow it in full to ensure consistency in implementation and operation of the FHRs by local authorities across the country.

3.3 The Guidance lays out in detail how the scheme will operate, the branding, the rating system, the scope of the scheme, an appeals process and how requests for re-inspections are to be dealt with. It also requires adopting authorities to formally sign up to the scheme.

3.4 Cabinet is asked to note the following key aspects of the scheme;

- **The Rating System.** Environmental Health Officers within the Food and Occupational Safety team are responsible for inspecting food businesses in the Borough to ensure that they meet the legal requirements on food hygiene. During these visits the officer rates the business using a risk rating system already in use for determining risk based inspection frequencies. Under the scheme this rating will be used to determine what "score" the premises will receive based on a 6 tier system, as follows;

Premises Rating	Descriptor
5	Very Good
4	Good
3	Generally Satisfactory
2	Improvement Necessary
1	Major Improvement Necessary
0	Urgent Improvement Necessary

Each food business will be issued with a certificate and sticker indicating their rating including the descriptor however whilst businesses are to be encouraged to display these, this will not be mandatory. The rating will also be uploaded to a national website operated by the Food Standards Agency and it is expected this will be the main vehicle for the public to access this information. A link to the national website will be made available through the Councils website.

- **The Scope of the Scheme.** The scheme will apply to most food businesses where consumers can either eat or buy food, including restaurants, takeaways, cafés, sandwich shops, mobile traders, pubs, hotels, supermarkets and other retail food outlets. Most schools, nurseries and care homes are also included. Some low risk premises (newsagents, visitor centres, chemist shops etc where only pre-packed low risk food is sold) and businesses operating from private addresses (mainly child minders) are exempt. Businesses that do not supply food direct to the consumer such as manufacturers, wholesalers or packers are also excluded from the scheme.
- **Appeals Procedure.** The scheme includes a comprehensive procedure whereby food business operators who dispute the food

hygiene rating given to them can appeal. The appeal procedure is time limited – the appeal must be made within 14 days of the notification of the rating and a response made within 7 days of receipt. Appeals are to be determined by the Councils “Lead Officer for Food” or designated deputy. It is recommended that in respect of this authority the “Lead Officer for Food” be the Health and Community Safety Manager. In his absence appeals will be determined by the Head of Environmental Services. Food business operators will also be entitled to “right to reply” which will be posted on the FHRS website.

- **Re-inspections/Re-visits.** The scheme provides the opportunity for a food business operator to request a re-inspection/re-visit to re-assess the rating where significant work /improvements have been undertaken since the programmed inspection. There are however limits on the number and frequency of revisits. Only one re-visit request between programmed inspections is allowed. It is not normally expected these should take place until at least 3 months have elapsed since the initial rating. On receipt of a valid request the Council will have up to 3 months to undertake the re-visit which will be unannounced. Requests can be rejected if in the Council’s opinion insufficient evidence of improvement has been given to justify a re-visit. Food business operators can appeal against this decision (see above).

3.5 To encourage and assist local authorities in adopting the FHRS the FSA has made grant funding available to cover start-up costs and pre-launch activities providing the authority commits to launching the scheme by 31 March 2011. An application was made to this “early adopter” grant funding and a grant of £9,458.35 awarded. It is recommended that this offer is accepted and that approval is given to enter into a grant agreement with the FSA on terms mutually beneficial to the Council and FSA.

4. CONSULTATION

4.1 Extensive national consultation has been undertaken by the FSA including business and enforcement representatives.

5. ASSESSMENT

5.1 The FSA has now finalised and launched the national FHRS. Cabinet is therefore recommended to confirm its agreement in principle to adopting this scheme made in April this year. In order to comply with the FSA grant requirements the scheme will be launched locally by 31 March 2010.

5.2 Since the agreement in principle to adopting this scheme was made officers have written to all food businesses likely to be affected by the introduction of this scheme. The letter informed businesses that from 1 July this year ratings that were given on inspections would likely be used in a future Rating Scheme unless another programmed inspection will occur before the launch date. This will mean that at launch approximately 700 premises ratings will be posted on the national website. The remaining premises that will be covered

by the scheme will be added to the database once they have received their next programmed inspection. It is anticipated that eventually around 1600 premises in the Borough will receive a rating.

- 5.3 As part of the pre-launch publicity it is intended to write further to all affected businesses with more information and to hold a number of drop in sessions around the Borough where businesses can find out more about the scheme. A briefing session for Members is also planned nearer to the launch date. The public will also be advised of the launch and how they can access the ratings information through media releases and via the Council's website.

6. IMPLICATIONS

6.1 Policy

There are no policy implications arising from this report.

6.2 Financial

The introduction of the national Food Hygiene Rating Scheme in the Borough will have some financial implications although these have a large degree been mitigated by the grant award in respect of set up costs. Once the scheme has been launched then it is expected that costs will be met within existing budgets.

6.3 Legal

The FHRS is a national scheme developed by the Food Standards Agency and therefore has the backing of Government. During the development of the scheme it understood that the FSA have taken legal advice as to the legality of the scheme. The limited discretion within the scheme for local authorities means that it is unlikely there will be any basis for legal challenge.

6.4 Staffing issues

The introduction of the scheme will increase the workload of the staff in the Food and Occupational Safety team, particularly during the initial period. It is to be expected that businesses will require more advice and information and administrative work in updating the public access parts of the system will also increase. Part of the grant funding will be used to minimise the effect of this increase.

- 6.5 I have considered whether any planning, health and safety or environmental implications arise from this report and are satisfied that there is no identified implication that will arise from this decision.



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Head of Environmental Services

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Background Papers: Food Standards Agency – “The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation – the ‘Brand Standard’” September 2010.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT STEVE POGSON ON 01723 232506 e-mail steve.pogson@scarborough.gov.uk

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	16/11/10	Cabinet does not agree to accept FSA grant funding	FHRS may not be introduced or launch significantly delayed Start up costs would fall on Council	Cabinet to agree to formally accepting grant	D2	B1	Health & Community Safety Manager	None
2	16/11/10	Grant conditions not complied with	Grant funding could be terminated or recovered	Officers to ensure agreed milestones are met. Good liaison with FSA to be maintained	C2	B1	Health & Community Safety Manager	None
3	16/11/10	Failure of Council to formally sign up to the FHRS	Scheme would not be introduced. Public expectations not met	Cabinet approve formal sign up	B2	A1	Health & Community Safety Manager	None

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster