



## **Food Hygiene Task Group**

### **- Draft Report -**

#### **Chairman:**

Councillor Kerry Jones

#### **Task Group Members:**

Councillor Ian Amos  
Councillor Rita Amos  
Councillor Mike Barrowclough  
Councillor Rob Fail  
Councillor John Hodgkinson  
Councillor Tom Ingham  
Councillor Patsy Ormrod  
Councillor Julie Robinson  
Councillor Shaun Turner  
Councillor Lynn Walmsley  
Councillor Val Wilson

**Overview & Scrutiny Committee**  
**Chairman: Councillor Michael Vincent**

## Contents

• Introduction	Page 3
• Aims of review	Page 4
• The review process	Page 4
• Summary of evidence provided by Neil Greenwood (Head of Environmental Health and Community Safety) and Councillor Vivien Taylor (Health and Community Engagement Portfolio Holder)	Page 5
• Summary of evidence provided by Allan Watson, from the Relationship Management Team at the Food Standards Agency	Page 7
• Observation of food hygiene inspections	Page 9
• A personal perspective – Councillor Shaun Turner, as the owner of a business with a Food Hygiene Rating of 5	Page 10
• Premises risk rating trends	Page 11
• Conclusions	Page 12
• Recommendations	Page 13
• Councillors' attendances	Page 14
• List of appendices	Page 15
• Appendices	Page 16

## Introduction

The Overview and Scrutiny Committee had been aware of local press coverage in April 2016 regarding food hygiene ratings. Four businesses were reported as receiving 'zero' ratings with a further sixty-seven receiving a rating of '1' on a scale of 1-5.

Food safety enforcement in the UK operates at the local level through local authorities, overseen by the Food Standards Authority. Food safety legislation has developed steadily over the last fifty years and been strengthened significantly over the last twenty-five years. Environmental Health Practitioners have a range of duties and powers to deal with non-compliance and employ a mixture of education and enforcement to secure these aims.

The position in Wyre, as reported to the Overview and Scrutiny Committee on 6 June 2016, was that Wyre had 1149 food businesses of which 89% were broadly compliant (i.e. rated 3, 4 or 5).<sup>1</sup>

The food hygiene rating scheme extends only to establishments supplying food direct to consumers. This includes restaurants, cafes, takeaways, sandwich shops and other places where people eat food prepared outside of the home, as well as food retailers.

The aim of the scheme is to provide information on hygiene standards to consumers in circumstances where they are making a choice about eating or purchasing food.

The Overview and Scrutiny Committee took the view that residents should be as informed as possible about food hygiene in premises that they might consider using and that every effort should be made to raise food hygiene ratings particularly in those that have scored zero or one.

---

<sup>1</sup> There are 938 businesses in Wyre on the Food Standards Agency website at the time of writing (26 January 2017).

## **Aims of review**

The aims of the review, as specified in the scoping document (see Appendix 1), were as follows:

- To understand how the Food Standards Agency's Food Hygiene Rating Scheme (FHRS) operates
- To understand how the council operates the FHRS
- To identify any opportunities for improvement in the way that Wyre Council delivers the FHRS
- To identify actions that could be taken in order to improve ratings
- To identify ways in which the profile of the FHRS can be raised for businesses and consumers

## **The review process**

The task group has interviewed Councillor Vivien Taylor (Health and Community Engagement Portfolio Holder) and Neil Greenwood (Head of Environmental Health and Community Safety). A meeting was also held with Allan Watson from the Food Standards Agency.

Two members of the task group attended food hygiene inspections as observers and reported their findings back to the task group.

Throughout the review Neil Greenwood has been a constant source of information and expertise which has been very much to the benefit of the task group.

Summary of evidence provided by Neil Greenwood (Head of Environmental Health and Community Safety) and Councillor Vivien Taylor (Health and Community Engagement Portfolio Holder)

Councillors were given an overview of food safety in Wyre, which was reflected in a briefing paper provided for the task group (see Appendix 2).

Following questioning by councillors a number of additional points were made:

- A graduated approach to enforcement is followed, with a number of stages from an initial warning letter through to prosecution.
- Once inspected, food businesses are scored by officers using a scoring mechanism set out by the Food Standards Agency (FSA) which comprises (i) risk and (ii) hygiene, structure and cleanliness and management systems.
- Although coaching has been undertaken in the past using FSA grant money, there is no power at present to make businesses pay for such a service.
- Although the risks to residents of care homes are acknowledged, the food hygiene rating scheme is applied equally to all establishments supplying food direct to consumers.
- If a business is found to have an 'imminent risk' it will be closed immediately, either voluntarily or via court action.
- The food safety team currently has 3.8 full time equivalent posts with a vacancy of 0.5.
- Despite reductions in expenditure and resources devoted to food safety nationally and locally, Wyre has continued to deliver an effective food safety service.
- A new business should inform the council 28 days prior to opening.
- The owner/responsible person of a business is required to be adequately trained; adequate training can be demonstrated by attendance at a hygiene training course. Employees also need to be adequately trained; this can be achieved via on-line courses, although it is important that hygiene is managed from the top.
- Businesses are not required to display their ratings (unlike in Wales) but there is a strong view that they should be.
- The FSA is piloting an initiative whereby costs for revisits following an inspection are recovered from the businesses visited. (Fylde Council are one of the pilots.)
- The data on the Food Standards Agency's website is uploaded from Wyre's database every two weeks and can be accessed at <http://ratings.food.gov.uk/>

With regard to the 0.5 vacancy, some of the money has been used during 2016/17 to procure additional capacity. A procurement exercise was undertaken to carry out 100 programmed category D inspections which would probably not otherwise have been achievable. (Premises are rated A – E for risk, 'A' being those with the highest risk and 'E' being for those with the lowest risk).

An advantage of this approach is that the council has increased flexibility to allocate resources where and when they are most needed.

A disadvantage is that there is no guarantee that the agencies will be able to provide a consultant, food safety being a specialised area.

The use of consultants is a policy that will continue to be considered for as long as there is some budget provision; it gives increased flexibility especially as the team's focus is on increased enforcement work with the broadly non-compliant premises, which inevitably takes time away from undertaking routine inspections.

DRAFT

Summary of evidence provided by Allan Watson, from the Relationship Management Team at the Food Standards Agency

The task group received a detailed presentation about the role and responsibilities of the Food Standards Agency (FSA) and local authorities, the main points of which were:

- i. The FSA is a non-ministerial Government Department with a degree of independence, decisions being made on the basis of scientific evidence and the interests of consumers.
- ii. In two-tier structures the County Council is responsible for food standards and the District Council for food hygiene.
- iii. Out of 661,381 local authority interventions in 2014/15 only 286 resulted in prosecutions, demonstrating the effectiveness of a graduated approach to enforcement.
- iv. The FSA carries out a number of focused audits on particular aspects of enforcement work in a selection of local authorities. The authorities represent a cross-section of local authority types, geographical locations and level of enforcement activity.
- v. The Food Hygiene Rating Scheme (FHRS) includes three elements: hygiene, structure and management.
- vi. The FHRS ensures fairness to businesses as well as to consumers; if a business carries out all the legal requirements it will score a 5.
- vii. Businesses can request a re-visit when improvements have been made; Fylde Council is part of a pilot scheme which allows for local authorities to charge for a re-visit (approximately £150). It is likely that all local authorities will have the opportunity to charge for re-visits once any glitches in the process have been resolved. Local authorities need to start to prepare for this eventuality.
- viii. Media coverage for food hygiene ratings generates local interest and is very powerful. It is often supported by lots of social media activity as well as reports on national and local television.
- ix. Some insurance companies offer discounts to businesses with 4 and 5 ratings; some festivals/events make it a condition that food businesses must have a rating of 3 or better to trade.
- x. Although a high FHRS score does not eliminate the risk of an identified foodborne disease outbreak or unsatisfactory sample results, there is evidence from the FSA audit returns that premises with higher FHRS scores are less likely to have unsatisfactory results. Outbreaks are less likely to occur at broadly compliant premises.

- xi. Although each analysis in isolation does not always yield statistically significant results, all results are in the right direction, and combine to provide an evidence base that indicates that higher food business compliance and food safety has a positive relationship.
- xii. Wales has had a mandatory FHRS since legislation was passed in November 2013. There is some evidence that it is having a positive effect, similarly in Northern Ireland. Legislation will be needed if a mandatory scheme is to be implemented in England. Consequently, this is not something that is likely to happen quickly.
- xiii. It is essential to maintain the support and commitment of local authorities to the scheme, despite the current climate of reducing resources.
- xiv. The FSA has agreed to the development of a new food system that works in the interests of consumers. The aim is to implement a new regulatory model for food businesses in England, Wales and Northern Ireland by 2020, while implementing improvements in the meantime where possible.

In answer to questions from councillors Allan Watson made the following additional points:

- 1) Within the Code of Practice there are eight elements that contribute to an overall score for a business, which in turn determines the frequency of inspection.
- 2) With reducing resources it is important that local authorities allocate their resources in the right places, particularly the highest risk businesses.
- 3) One option being considered currently is for businesses to increasingly bear the cost of compliance with legislation, including any interventions their business might require.
- 4) The FSA is involved in lots of campaigns aimed at increasing public knowledge and awareness. The FSA has also become much better at making use of social media.
- 5) The FSA is particularly interested to know (e.g. through audit) what action local authorities are taking to reduce the number of businesses scoring 0 and 1.



## Observation of food hygiene inspections

Councillors Ormrod and Walmsley each accompanied an Environmental Health Officer (EHO) on a food hygiene inspection, as observers.

The visits included observation of the following:

- Kitchen documentation
- Food deliveries
- Food storage
- Food preparation and storage equipment
- Food temperature control and cooking
- Use of colour-coded systems to help prevent cross-contamination
- Use of uniforms by staff
- Use of chemicals
- COSHH
- Waste disposal
- Satellite kitchens
- Training course information
- Completion of the written report
- Certification in food safety

The councillors were impressed with the polite and professional approach taken by the EHO and emphasized the importance of professional development, particularly in the businesses which were the highest risks.

A personal perspective – Councillor Shaun Turner, as the owner of a business with a Food Hygiene Rating of 5

Councillor Shaun Turner provided the task group with a personal view of the effectiveness of the Food Hygiene Rating Scheme. He made the following points:

- Businesses have become highly motivated to maintain their 5 rating.
- Businesses without the 5 rating have become increasingly motivated to achieve it. The public want to see it. It is a good marketing tool.
- High ratings are partly dependent upon how the premise is fitted out – if it is newly fitted it is easier to maintain.
- Good systems must be in place. The systems must be followed, without exception, even during busy periods (food rotation, temperature records, etc.)
- It is crucial that business owners train their staff thoroughly and ensure that they are playing their full part to help maintain a business's 5 rating. There can be no compromise on this even for businesses that experience high staff turnover, as is the case in many care homes.
- The scheme has driven improvements.
- The public are supporting the scheme (e.g. by checking ratings before going out for a meal), which adds strength to it.
- There still appear to be an unacceptable number of 0 and 1 rating premises.
- There should be a drive to make it a requirement that food premises display their rating, as is the case in Wales.
- Premises should be encouraged to display their staff's food hygiene and training certificates.

## Premises risk rating trends

It was noted (from the council's Commercial Safety Delivery Plan 2016/17) that the staffing allocation for food safety had reduced from 4.3 FTE posts in 2013/14 to 3.8 FTE posts (with a 0.5 FTE vacancy) in 2016/17.

Alongside those figures the task group considered the trend in premises risk ratings. During the same period (2013/14 to 2016/17) the percentage of premises in the two highest risk bands had remained constant. The percentage of premises in the two lowest risk bands had increased from 44% in 2013/14 to 73% in 2016/17.

Similar figures for businesses' food hygiene ratings are not available as the information is not kept in the same accessible format, so a comparison cannot be made. However, an identified foodborne disease outbreak or unsatisfactory sample results are less likely to occur at broadly compliant premises, as evidenced previously by Allan Watson from the Food Standards Agency.

## Conclusions

1. The FHRS is effective at driving up standards of food hygiene.
2. Media coverage about food hygiene ratings generates local interest and is very powerful.
3. Action needs to be taken to reduce the number of businesses scoring 0 or 1.
4. The relevance of the FHRS to Care Homes should not be underestimated, especially as residents do not always have freedom of choice about whether they live there.
5. There is evidence that legislation passed in Wales in 2013 to make it mandatory for businesses to display their food hygiene ratings has had a positive effect.
6. Businesses that take part in festivals and events should have an agreed minimum rating in order to help drive up standards. The council should endeavour to incorporate minimum standards into any formal arrangement with food businesses operating from council-owned assets.

## Recommendations

### RECOMMENDATION ONE

That the Food Hygiene Rating Scheme be promoted across the borough, using all methods that the council has at its disposal, to raise public awareness and interest, and to help raise food hygiene standards in commercial premises and in residential establishments.

### RECOMMENDATION TWO

That, recognising the positive effect of legislation in Wales, a letter be sent from the Leader of the Council and the Chief Executive to the Secretary of State in the Department for Environment, Food and Rural Affairs (copied to Wyre's three MPs) urging the Government to bring forward legislation at the earliest opportunity to introduce a mandatory Food Hygiene Rating Scheme.

### RECOMMENDATION THREE

That it be made a requirement:

- i. That for any festivals and events run by the council, any food business should have a Food Hygiene Rating of 3 or more to trade. The council should also endeavour to reflect the same terms, where possible, in new lease arrangements for any food business run from council premises.
- ii. That for the Wyre Business Awards any food business taking part should have a Food Hygiene Rating of 4 or 5 (reflecting the fact that the Awards are an exhibition of excellence in the borough).

## Councillors' attendances

There were four meetings of the task group.

Name	Meetings attended (maximum 4)
Councillor I Amos	4
Councillor R Amos	4
Councillor Barrowclough	3
Councillor Fail	3
Councillor Hodgkinson	4
Councillor Ingham	4
Councillor Jones	4
Councillor Ormrod	4
Councillor Robinson	4
Councillor S Turner	4
Councillor Walmsley	3
Councillor Wilson	3

In addition to the above, Councillors Ormrod and Walmsley each accompanied a Wyre officer on a food hygiene inspection, as observers.

## List of Appendices

- Appendix 1      Food Hygiene Task Group – Scoping Document - FINAL
- Appendix 2      Briefing paper for the Food Hygiene task group, provided by Neil Greenwood, Head of Environmental Health and Community Safety

DRAFT

14 February 2017

## Food Hygiene Task Group - Scoping Document - FINAL

<b>Review Topic</b>	Food hygiene	
<b>Chairman</b>	Councillor Kerry Jones	
<b>Group Membership</b>	Councillors I Amos, R Amos, Barrowclough, Fail, Hodgkinson, Ingham, Ormrod, Robinson, S Turner, Walmsley and Wilson	
<b>Officer Support</b>	Peter Foulsham, Scrutiny Officer	
<b>Purpose of the Review</b>	To review the way in which the Food Hygiene Rating Scheme is delivered in Wyre and to identify any actions that should be taken to improve ratings.	
<b>Role of Overview and Scrutiny in this Review (mark all that apply)</b>	Holding Executive to account – decisions	<input type="checkbox"/>
	Existing budget and policy framework	<input type="checkbox"/>
	Contribution to policy development (See also 'Scope of Review', below)	<input checked="" type="checkbox"/>
	Holding Executive to account – performance	<input type="checkbox"/>
	Community champion	<input checked="" type="checkbox"/>
	Statutory duties / compliance with codes of practice	<input checked="" type="checkbox"/>
<b>Aims of Review</b>	<ul style="list-style-type: none"> <li>○ To understand how the Food Standards Agency's Food Hygiene Rating Scheme (FHRS) operates</li> <li>○ To understand how the council operates the FHRS</li> <li>○ To identify any opportunities for improvement in the way that Wyre Council delivers the FHRS</li> <li>○ To identify actions that could be taken in order to improve ratings</li> <li>○ To identify ways in which the profile of the FHRS can be raised for businesses and consumers</li> </ul>	
<b>Methodology</b>	<ul style="list-style-type: none"> <li>○ Consideration of documents, reports and performance statistics</li> <li>○ Interviewing witnesses at meetings</li> <li>○ Site visits</li> </ul>	
<b>Scope of Review</b>	<p>The review is limited to the influence that Wyre Council has in helping the FSA carry out their statutory objective to protect public health and consumers' other interests in relation to food and drink.</p> <p>The focus of the review will be on statutory requirements.</p>	
<b>Potential Witnesses</b>	Wyre Council officers Health and Community Engagement Portfolio Holder Food Standards Agency	
<b>Documents to be considered</b>	FSA Code of Practice Wyre food safety work plan Wyre Council performance information	



	Your food hygiene rating – leaflet Recent press articles
<b>Risks</b>	Unnecessarily alarming food outlets and the public.
<b>Level of Publicity</b>	Medium
<b>Indicators of a Successful Review</b>	Improvement in Food Hygiene Ratings across Wyre. Public more aware of role and relevance of food hygiene ratings
<b>Intended Outcomes</b>	<ul style="list-style-type: none"> <li>• Food outlets better motivated to improve ratings</li> <li>• Consumers better informed about FHRs</li> <li>• Public health protected</li> </ul>
<b>Approximate Timeframe</b>	3 months
<b>Projected Start Date</b>	September 2016

DRAFT

Briefing paper for the Food Hygiene task group, written by Mandy Seddon (Environmental Health Officer) and presented to the task group by Neil Greenwood, (Head of Environmental Health and Community Safety) on 21 September 2016

This paper has previously been submitted to the Overview and Scrutiny Committee on 6 June 2016.

## **Food Safety Report**

Wyre has 1,149 food businesses of which 89% are broadly compliant (i.e. rated 3, 4 or 5).

The food hygiene rating scheme extends only to establishments supplying food direct to consumers. This includes restaurants, cafes, takeaways, sandwich shops and other places where people eat food prepared outside of the home, as well as food retailers. The aim of the scheme is to provide information on hygiene standards to consumers in circumstances where they are making a choice about eating or purchasing food.

The data on Food Standards Agency's website is uploaded from Wyre's database every 2 weeks so data is continually changing as officers carry out inspections, for example we now only have 3 zero rated premises.

When an officer carries out an inspection and identifies a business with a 0, 1 or 2 rating, correspondence i.e. a report of visit is left on site for priority work and then a letter or notices are sent with a revisit date and/or other enforcement action is taken at that time. An officer will ensure that the premises are broadly compliant (ie satisfactory) before it is left until the next programmed inspection or complaint. 0,1,2 businesses are more closely monitored as these businesses are inspected more frequently. The FSA require councils to tackle their broadly non-compliant premises through a range of enforcement strategies in addition to letter writing such as hygiene improvement notices, simple cautions, prohibition notices and prosecution. Businesses that don't comply are targeted with increased enforcement although we are encouraged by the Food standards agency to have a graduated approach to enforcement.

However the rating continues to be that given at the time of the initial inspection because those are the rules of the scheme as detailed in the Food Hygiene Rating Brand Standard, issued by the Food Standards Agency and agreed by the Council when we signed up to the scheme.

Food business operators have a right to request a re-visit for the purposes of re-rating if they have taken action to rectify the non-compliances identified at the time of inspection. This request for a revisit has to be made by the business and details about how to do this are sent out with every food hygiene letter. If a request for a revisit is received and businesses have provided sufficient evidence that the required improvements have been made, an unannounced inspection will occur between 3-6 months of the request and a new food hygiene rating will be given. It is the policy at Wyre that for all businesses that request a rerating a new inspection is carried out.

Ratings at this inspection however can go up or down. Businesses are only allowed one request for a re-rating visit per inspection period

The food hygiene rating scheme is only part of the inspection process. Food businesses once inspected are scored by officers using a scoring mechanism set out by the Food Standards Agency. The first part of the score is determined by the risk of a premises i.e. will be higher for businesses such as those cooking and preparing food and a lot lower for those selling prepacked food. The second part of the score i.e. hygiene, structure and cleanliness and management systems determines what food hygiene rating is given. The total score determines how often we carry out a programmed visit. Programmed visits can occur every 6 months, 12 months, 18 months, 24 months, or 36 months as determined by risk and compliance of the business.

If businesses choose not to request a revisit they will be inspected at their next programmed visit.

Since 2009 we have run two projects with poorly performing businesses with resources funded by the Food Standards Agency. The FSA provided coaching available for safer food better business pack training we invited 92 businesses to take part. 62 took part. In 2014 again with FSA funding coaching sessions of 2.5 hours were provided for 9 poorly performing takeaway businesses.

Some ideas as to how we can help poorly performing premises-

We are currently working with the website designer at Wyre to make our web page more easily accessible for food businesses to apply on line for a re-rating inspection as currently the correct forms are not easy to find, download or complete on line. We also feel it would be beneficial to have a web page as to 'how businesses can improve their rating'

The food team have recently had training in 'active communication' and it is our intention to change our written communication to food businesses to help promote improvements, once time and resources allow.

Mandy Seddon, Environmental Health Officer, and  
Neil Greenwood, Head of Environmental Health and Community Safety  
21 September 2016

arm/o&s/cr/17/0603pf3 Item 7