

CONSULTATION ON REGULATIONS TO REQUIRE ONLINE DISPLAY OF FOOD HYGIENE RATINGS	6th June 2017
TO: ENVIRONMENTAL SERVICES COMMITTEE	
FOR DECISION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Resilient, Engaged and Health Communities
Outcome	Implementation of Proposed legislation
Lead Officer	Food, Health & Safety and Consumer Protection Manager
Cost: (If applicable)	N/A

Background

The Food Standards Agency is seeking the views and comments of Council on the draft Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2017 and the potential impact on food business and district councils.

The proposed regulations will require food businesses that supply food to customers by means of an online order facility to display a valid food hygiene rating e.g. on their website.

Attached at Appendix 1 is a response prepared by Environmental Health Northern Ireland (EHNI). The full consultation paper can be found at https://www.food.gov.uk/sites/default/files/consultation/pack/fhrs_online_regs_consultation_pack_1.pdf

The closing date for submission of responses to the Food Standards Agency is 14th July 2017.

Recommendation

It is recommended that Council endorse this response.

The Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2017

Causeway Coast and Glens Borough Council Consultation response

Causeway Coast and Glens Borough Council welcome the opportunity to comment on the proposed The Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2017.

Question 1- Do you agree with the proposed commencement date which will be immediately following the legislative process? If you consider an alternative date appropriate please specify this and provide a rationale.

Causeway Coast and Glens Borough Council agree with the proposed commencement date. Causeway Coast and Glens Borough Council would welcome a 12 month transition period for the implementation of these Regulations.

Question 2 - Do you have any comments regarding the definition of a “specified online facility” which will bring certain businesses within scope of this requirement? If you think that this definition has included or excluded certain business in the scheme that should or should not be, please provide details and a rationale of why they should be included or excluded.

Causeway Coast and Glens Borough Council is satisfied with the definition of the specified online facility as defined in Regulation 1 (2).

Question 3 - Do you have any comments on Regulation 2 regarding the location and manner of display of food hygiene rating icon?

Causeway Coast and Glens Borough Council would request that the icon representing the valid food rating is displayed at the earliest opportunity on the business website and prior to food being selected. This would bring this legislation more in parallel with The Food Hygiene Rating Regulations (NI) 2016 in that businesses must display their ratings at the entrance to their establishments. Causeway Coast and Glens Borough Council are satisfied with the proposal for online facilities that relate to more than one business establishment.

Question 4 - Do you have any comments on Regulation 2 regarding the identifying of the food businesses establishment to which the food hygiene rating icon relates?

Causeway Coast and Glens Borough Council disagrees with the proposed term “at any point” in Regulation 2(b). This term is too general and maybe open to abuse. We would suggest that the wording should read - "at the point the food business establishment can be selected".

Question 5 - Do you have any comments regarding Regulation 3?

Causeway Coast and Glens Borough Council have no comment.

Question 6 - Do you agree with the proposed specified time period for publication, if not please state why and provide a rationale for an alternative period.

Causeway Coast and Glens Borough Council agree with the proposed time period for publication. However a mechanism must be in place to ensure that the Council are aware of the publication date thereby capable of determining if an offence has been committed in relation to the timescale for display.

Question 7 – Do you have any comments or views on the design and usage of the draft icons/badges?

Causeway Coast and Glens Borough Council believe that the icon design should be prescribed in the Regulations and that all the icons are visually consistent with the prescribed forms in Regulation 4 of the Food Hygiene Rating Regulations (NI) 2016. This would ensure that there is a consistent and recognisable brand for the Food Hygiene Rating Scheme.

The Impact badge is the preferable option with the wording amended to state “Food Hygiene Rating”. The Plain Text Unicode is not representative of the Food Hygiene Rating scheme branding and we would not encourage its use.

Clarification is required as to the proposed branding for the link used for multiple establishments with a single operator.

Question 8 - Do you have any other comments or views on the draft Regulations described in this document?

Causeway Coast and Glens Borough Council would seek clarification and further discussion with the FSA on the costing allocated to Local Authorities in Table 1: Summary of costs and Benefits under Option 2.

Causeway Coast and Glens Borough Council believes that a number of factors impacting this Council have not been considered by the FSA when carrying out the Cost and Benefits summary, namely:

- (a) No costing’s have been included for the Council officer time required to deal with enquiries.
- (b) No recognition has been given to the additional officer time necessary to carry out intelligence gathering activities for online sales.
- (c) No recognition has been given to the additional officer time required to verify compliance by businesses with online sales.
- (d) No recognition has been given to the additional officer time for enforcement action that may be necessary
- (e) Clarification on covert and overt surveillance of online sales is sought. Any covert surveillance will require additional officer time to ensure compliance with RIPA requirements.
- (f) The Councils' Information Management System (IMS) will require development to enable information on businesses using online sales to be captured and development of a search facility within the IMS