

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Neighbourhoods and Community Services Scrutiny Panel

**DATE:** Thursday, 28<sup>th</sup> November 2019

**CONTACT OFFICER:** Ginny deHaan, Service Lead Regulatory Services, (ext 7912)  
Levine Whitham, Food & Safety Manager, (ext 7901)

**(For all Enquiries)** (01753) 477901

**WARD(S):** All

**PART I**

**FOR COMMENT AND CONSIDERATION**

**FOOD HYGIENE RISK RATINGS AND THE FOOD HYGIENE RATING SCHEME**

1. **Purpose of Report**

To give information on the hygiene risk rating of food businesses which is specified under the Food Standards Agency's (FSA) Food Law Code of Practice and advise on the FSA Food Hygiene Rating Scheme (FHRS) and reassessment of scores.

2. **Recommendation(s)/Proposed Action**

The Panel is requested to note the report and comment on it.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

Food hygiene within food businesses in Slough links into the SJWS and the 5 year plan via:

3a. **Slough Joint Wellbeing Strategy Priorities**

**Increasing life expectancy by focussing on inequalities**

Supporting and encouraging all the food outlets in Slough to provide safe food through inspections and interventions and the FHRS.

3b **Five Year Plan Outcomes**

**Slough will be an attractive place where people choose to live, work and stay**

Supporting businesses to achieve and maintain high levels of food hygiene and safety, creating an attractive place where people choose to eat out and creating a good food offer within the Borough. Secure improvements where there is an evident concern, and taking appropriate enforcement action where compliance is poor in line with the Council's Enforcement Policy.

Food hygiene ratings give consumers the information necessary on the hygiene of a food business so they can make informed decisions when eating out and purchasing food within the Borough.

**Slough will attract, retain and grow businesses and investment to provide opportunities for our residents**

Supporting food businesses thrive within the Borough by providing free signposting to food safety support and self help tools to improve FHRS. We also provide tailored support to businesses to help businesses improve their FHRS, at cost recovery.

Secure improvements where there is evident concern and take enforcement action where compliance is poor, in line with the Council's Enforcement Policy. All businesses are treated fairly and consistency, creating an attractive place where businesses can operate on a fair level playing field with the ability to grow.

**Slough children will grow up to be happy, healthy and successful and Our people will be healthier and manage their own care needs.**

The food safety inspection regime supports the sale of safe food and the FHRS encourages an informed choice for both children and adults

4. **Other Implications**

(a) Financial

There are no financial implications. The food hygiene inspection regime and FHRS assessments are delivered within the service budget. However, where extra resource is required addition funds have previously been made available to ensure the council meets its statutory inspection targets.

(b) Risk Management

There are reputational risks for the council in not completing all the statutory food inspections and also risks to public health if timely interventions and proportionate enforcement action is not delivered.

(c) Human Rights Act and Other Legal Implications

The Food Hygiene inspection regime is based upon national regulation and guidance which has been assessed in terms of Human Rights

#### *(d) Equalities Impact Assessment*

The Food Hygiene inspection regime is based upon national regulation and guidance which has been assessed for Equality Impact Assessment

### **5. Supporting Information**

- 5.1 All food businesses receive an initial food hygiene inspection when they register their businesses with the Council. During this visit they are assessed against set criteria within the FSA Food Law Code of Practice and given a food hygiene 'risk rating'. The risk rating assesses compliance with regards to, levels of hygiene, structure of the premises and confidence in the food safety management, along with 'other aspects' such as the type of food being handled, number of consumers, methods of food processing, and if the business serves food to vulnerable groups.
- 5.2 The food hygiene risk rating given to a business determines the ongoing frequency of food hygiene 'interventions', which usually consists of an inspection. The risk rating can change following an inspection depending on the standards found. Food hygiene inspections are usually undertaken unannounced.

The frequencies of inspections are:

- Category A – Inspected every 6 months
  - Category B – Inspected every 12 months
  - Category C – inspected every 18 months
  - Category D – Inspected every 2 years
  - Category E – Inspected every 3 years, or alternative enforcement strategy (AES)
- 5.4 During food hygiene inspection, a business is automatically assessed and given a FHRS score using the 'hygiene standards' within the risk rating (Hygiene, Structure and confidence in management).
- 5.5 The FHRS is a national scheme governed by the FSA. Local authorities operating the scheme must follow a standard set by the FSA, namely the 'Brand Standard', to ensure consistency of the FHRS nationally. The Scheme gives businesses a rating from 5 to 0 which can be displayed at their premises (display is not mandatory). The score is also published on the FSA website. The aim of the scheme is to give consumers information to allow them to make more informed choices about where to buy and eat food.

The score descriptions are:

- 5 – Hygiene standards are very good
- 4 – Hygiene standards are good
- 3 – Hygiene standards are generally satisfactory
- 2 – Some improvement is necessary (non compliance business)
- 1 – Major improvement is necessary (non compliance business)
- 0– urgent improvement is required (non compliance business)

5.6 Following a food hygiene inspection, if a business is deemed non-compliant with requirements, achieving a FHRs 2 or below, it will be re-visited to check compliance, usually within 4-6 weeks. The food hygiene risk rating or the FHRs cannot be changed following a re-visit, regardless if there has been a change in food safety standards. The food hygiene risk rating and FHRs are determined on a food hygiene inspection only, and can remain with a business for several years, determined by their risk rating inspection frequency.

However, it's important to note that a non compliant business with a FHRs of 2 or below would be subject to re-visits to secure improvements. Progressive and proportionate enforcement action is undertaken to non compliance businesses, based on risk and in accordance with the Council's enforcement policy.

5.7 If a food business wanted to change their FHRs before their next routine food hygiene inspection, this is a business decision, and they can request re-score visit. A re-score visit costs £210 in line with FSA guidance, based on cost recovery. Before we undertake a re-score, we would speak to the business to ensure they have made improvements in order to achieve the best outcome on the re-score visit.

A food business can also appeal their FHRs, following a procedure set out in the FSA Brand Standard.

5.8 Since April 2019, 6 businesses have requested a re-score visit. In 2018/19, 13 businesses requested a re-score. All re-score visits are undertaken within 3 months if the request. Following the re-score visit, the FHRs score could go up or down, depending on standards found.

The display of a FHRs score is not mandatory. However the FSA are hoping to introduce mandatory display of ratings to match that within Wales and Scotland, and it is extremely likely that this will be introduced post Brexit, as part of the FSA review of food regulation within UK, namely, 'Regulating our Future'.

5.9 The Food and Safety team aim to undertake **all** of the interventions required by the FSA's Food Law Code of Practice which includes 100% of all due food hygiene interventions. However, if there is a gap between the resources available to deliver these interventions and the demands on the service then our priority will be to complete interventions to businesses which present the highest risk. In order to maximise the effective use of resources we will take

advantage of Alternative Enforcement Strategies (AES) for low risk category E premises.

5.10 To date, for the target for the year to end March 2020 we have completed:

- 100% of due A rated premises (High risk premises)
- 59% of due B rated premises (high to medium risk)
- 59% of due C rated premises (medium risk)
- 52% of D rated premises (Low risk)

5.11 Meeting the statutory inspection targets can be challenging, especially if the team have a number serious incidents to respond to within legal timeframes. Since October 2019, two agency officers have been employed, funded from within the budget, solely to focus on overdue food premises inspections. We are also in the process of recruiting a part time Officer to address this issue on a long term basis. The team have spent a considerable amount of time on several enforcement cases, for serious food safety and health and safety offences. An additional pressure on inspection requirements is that Slough has a high churn of food businesses, which takes a significant amount of resources.

The intervention figures for 2018/19 show that we completed 100% of due inspections to our high and medium risk premises ('A', 'B', 'C' & 'D' rated premises), and 69% of due inspections to low risk premises (E rated).

## 6. **Comments of Other Committees**

Not applicable

## 7. **Conclusion**

The assessment of FHRS award is linked to but independent of the risk rating assessment for food business. The delivery of both assessments is governed and overseen by regulation and specific guidance issued by the Food Standards Agency.

## 8. **Appendices Attached**

None

## 9. **Background Papers**

SBC Website – Food Safety Statutory Service Plan

<http://www.slough.gov.uk/business/environmental-health/the-food-hygiene-and-safety-service.aspx>

FSA - FHRS

<https://www.food.gov.uk/safety-hygiene/food-hygiene-rating-scheme>