

Committee(s)	
1) Port Health & Environmental Services Committee 2) Safer City Partnership Strategy Group	1) 21 May 2019 2) 23 September 2019
Subject: Food Hygiene Rating Scheme – Scores on the Doors in the City of London	Public
Report of: Interim Director of Consumer Protection & Market Operations	1. For Decision 2. For information
Report author: Steve Playle, Trading Standards Manager	

Summary

The Food Hygiene Rating Scheme (FHRS) is designed to allow consumers to make informed choices about where they eat out or shop for take away food. It does this by giving them information about the hygiene standards in food premises observed at the time they were inspected by Environmental Health Officers to check for compliance with legal requirements. A good rating should be a good advert for a food business.

A sample of 140 food premises were checked, and 22 of them (16%) were found to be displaying a FHRS rating sticker that was higher than they were entitled to.

A parallel survey carried out with 75 of the food businesses, found that only 64% of premises bothered to display their rating but 87% of them felt that displaying their rating should be compulsory.

Recommendations

1. Members are asked to:
 1. Note the contents of this report.
 2. Approve sharing of the results of this project with the Food Standards Agency to support the City Corporation's policy that the display of FHRS scores should be mandatory in England.
 3. Approve publicising the results of this project to:-
 - a) raise awareness of the FHRS with consumers;
 - b) encourage consumers to check the rating of food premises on the FSA website before purchasing food; and
 - c) encourage the reporting of premises to Trading Standards that are displaying a misleading rating.

Main Report

Background

2. It is a vital aspect of public health that food sold to consumers in restaurants and take aways is prepared and cooked properly to minimise risks to consumers.
3. The Food Standards Agency (FSA) oversees the Food Hygiene Rating Scheme (FHRS) and every premise that deals in food is subject to a thorough inspection by Environmental Health Officers who give a rating from zero (Urgent Improvement Necessary) through to five (Very Good).
4. Once an inspection has been carried out, the food business is provided with a green rating sticker which they can display in the window. It is not a legal requirement in England for food premises to display the green FHRS sticker, so it is entirely possible for a poor score to be concealed from consumers.
5. However, the score is loaded onto the publicly available FSA website <https://ratings.food.gov.uk> so that consumers can at least check how good or bad the premises is in terms of food hygiene.
6. A business that is dissatisfied with the rating given can appeal and request a re-rating inspection upon the payment of a fee to the City Corporation, currently set at £210. An example of a 5 rated FHRS sticker is shown below.



7. It is important to be clear that the FHRS is not a rating of the quality of the food, the level of service or value for money. It is an assessment of how hygienically the food is handled, the condition of the food preparation areas and equipment and how the food business manages its processes and staff and what it does to make sure that food is safe.
8. However, if a food business displays a food hygiene rating that is better than it actually is, it is classed as a “misleading action” under the provisions of the Consumer Protection from Unfair Trading Regulations 2008, legislation enforced by Trading Standards.
9. The City Corporation commits considerable Environmental Health Officer resources to undertake an annual a programme of inspections to food

businesses using a risk-based approach. The scheme is an invaluable source of information for consumers that allows them to make informed choices about where they eat or buy food. Anecdotally, perhaps the scheme is not as widely recognised and used by consumers as it could be, and this may be partly due to the fact that the display of ratings is not compulsory in England.

10. Following the introduction of a mandatory Scheme in Wales in 2013, the number of businesses receiving a rating of '3' (Generally Satisfactory) or above has increased steadily from 87.1% (2013) to 95.6% in 2018. Failure to display stickers in Wales and more recently also in Northern Ireland is a criminal offence, punishable by a fine of up to £1,000.
11. In the City of London, there are approximately 1,800 food premises which is one of the highest densities in the UK. The demand for food premises is high due to the daily influx of nearly half a million workers to the City and also due to high levels of tourism. 88% of food premises in the City are rated either 4 or 5 so standards are very high.
12. Trading Standards Officers decided to conduct a project, primarily to ensure that food businesses in the Square Mile are not misleading consumers by displaying a rating that is false, a criminal offence under the provisions of the Consumer Protection From Unfair Trading Regulations 2008.
13. However, from the outset of this project, it was not the intention to consider prosecutions, but it was something to keep in the back pocket if the circumstances required.
14. At the same time, the opportunity was taken to explore the attitudes of a cross-section of food premises to the FHRS. There is growing debate that it would be a good idea for England to follow the legislation introduced in Wales and Northern Ireland which makes it compulsory to display the rating. This allows consumers to make more informed decisions about where they purchase food and has the potential to drive up standards in the food sector.

Work Undertaken

15. 140 food businesses were selected for further scrutiny because their most recent rating was lower than on the previous inspection. Walk-by visits were then made to see if a misleading sticker was on display. Most of the initial work was conducted by a Level 3 Apprentice attached to the Trading Standards and Commercial Environmental Health teams. The apprentice has been heavily involved in the conception and delivery of this project and is subsequently using it as a vehicle to complete some of the modules on their training course.
16. Out of the 140 food premises checked, 22 of them (16%) were found to be displaying a higher rating than they currently had. Acting on this information, each of these premises then received a visit from a Trading Standards Officer.
17. During each visit, the manager or business owner was spoken to and the purpose of the visit explained. In all cases, the Trading Standards Officer then

instructed the removal of the offending sticker and supervised as the old stickers were removed.

18. Each visit was followed up with a written warning to the food business, reminding them of their legal obligations to ensure that consumers were not being misled. In one case, a food business operator instantly produced a cheque for the City Corporation's £210 fee and requested a fast-track re-rating inspection.
19. Another aspect of the project was to survey food businesses to elicit their awareness of, and attitude to, the FHRS. A total of 75 survey visits were completed and 90% of businesses were aware of the FHRS. That means that, surprisingly, 10% were unaware of the scheme but this might be explained by the fact that, in some cases, business staff spoken to were relatively new employees or relatively junior but left in charge at the time of our visit.
20. Around two thirds (64%) of these premises had a FHRS rating sticker on display in the window but it became apparent that some of the big, national chains had a general policy of not displaying FHRS stickers.
21. Finally, on a positive note, 87% of the businesses spoken to felt that displaying the FHRS sticker should be compulsory.

Proposals

22. The City of London have a representative on the national FHRS User Group, and the FSA have been made aware that our project was being undertaken. FSA are also currently reviewing the safeguards for businesses that are a fundamental part of FHRS. Their review findings have yet to be published.
23. Part of the current FHRS regime, including the mandatory schemes in Wales and Northern Ireland, means that rating stickers cannot be removed by Environmental Health Officers immediately after an inspection results in a down grading. This is because a business can challenge an Officer's opinion on the rating awarded and there is an agreed time period to allow this challenge to be made. It does mean that a business might not remove a previous rating sticker if a challenge isn't made but steps will now be taken to advise them in writing about their responsibilities once the appeal period has passed.
24. The FSA will be provided with a copy of our findings as it provides evidence of current practices and of the attitude of businesses towards displaying their rating. It also helps further support the debate about mandatory display.
25. There is a general direction of travel towards making the display of FHRS stickers compulsory in England and we feel that this would be a positive move. There are key issues with implementing a mandatory scheme in England, but the FSA have always moved to support the position as it allows consumers to make informed decisions about where they eat and purchase their food and it helps drive up standards in food businesses who will be reluctant to display a low score.

26. The overall standards in City food premises have improved since rating schemes were introduced. Mandatory display could further drive-up the standards of food businesses within the Square Mile, providing a better offer for City workers, tourists and residents. Our survey, provides evidence to support mandatory display and indicates many businesses are also supportive.
27. There is a further opportunity for our City of London Comms team to raise awareness of the FHRS, encourage consumers to check the rating of food premises on the FSA website and to encourage the reporting of food premises that are making misleading statements.

Recommendations

28. Members are asked to:
 1. Note the contents of this report.
 2. Approve sharing of the results of this project with the Food Standards Agency to support the City Corporation's policy that the display of FHRS scores should be mandatory in England.
 3. Approve publicising the results of this project to:-
 - a) raise awareness of the FHRS with consumers;
 - b) encourage consumers to check the rating of food premises on the FSA website before purchasing food; and
 - c) encourage the reporting of premises to Trading Standards that are displaying a misleading rating.

Financial Implications

29. The Chamberlain has been consulted and there are no major financial implications for the City Corporation. However, we currently receive between 60 and 70 re-rating requests each year for which we receive £210 per request, which generates income up to £14,700 pa. This would potentially increase should the FHRS scheme become mandatory.

Corporate & Strategic Implications

30. In terms of Corporate & Strategic Implications, the following are relevant to this report.

a) Legal Implications

31. The Comptroller & City Solicitor has been consulted and has no comments to make.

b) Corporate Plan 2018-2023

32. The principle of regulators supporting businesses underpins a wide cross-section of Corporate and High Level Business Plan objectives and in particular, the M&CP High-Level Business Plan 2019/2020 as follows:

Contribute to a flourishing society

Outcome 1: People are safe and feel safe.

Outcome 2: People enjoy good health and wellbeing.

Support a thriving economy

Outcome 5: Businesses are trusted and socially and environmentally responsible.

Outcome 6: We have the world's best regulatory framework and access to global markets.

Conclusion

33. Trading Standards has focussed on a piece of work to complement the inspection work undertaken by colleagues in Environmental Health.
34. 16% of food premises checked were found to be misleading consumers about their FHRs score.
35. A lot of resource is dedicated to inspecting food premises in the Square Mile and anything that the City of London Corporation can do to encourage consumers to make use of the data generated in order to make more informed choices will be worthwhile.

Steve Playle
Trading Standards Manager

T: 020 7332 3123

E: steve.playle@cityoflondon.gov.uk