

**Y Pwyllgor Iechyd a Gofal Cymdeithasol  
Health and Social Care Committee**

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



Lesley Griffiths AM  
Minister for Health and Social Services  
Welsh Government

18 July 2012

Dear Lesley,

**Food Hygiene Rating (Wales) Bill**

I am most grateful for your understanding of the technical issues we experienced in the Health and Social Care Committee meeting, held on 18<sup>th</sup> July, and your willingness to answer Members questions via written correspondence. The questions are contained in the attached Annex.

Following your response, Members may wish to hold a short evidence session with you on the morning of Thursday 27<sup>th</sup> September 2012. I would be grateful if your office could liaise with the legislation committee clerk ([Fay.buckle@wales.gov.uk](mailto:Fay.buckle@wales.gov.uk)) to agree a convenient time.

I would be grateful if you could give consideration to this request and look forward to your response.

Yours sincerely

*Mark Drakeford*

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## Annex

1. Is the Minister satisfied that the voluntary scheme has been given sufficient time to become established, and that there is a clear need to introduce it on a statutory basis?
2. Concerns have been raised regarding the practical application of the scheme with regards to the use of community facilities, such as community centres, which may be used by various groups to prepare and serve food. In such cases, can you clarify who would be rated, for example would it be the premises and/or the caterer, how would each group be rated and how would the ratings be displayed?
3. Is there a conflict between the Bill and Food Standards Agency/Government work to reduce burdens on businesses?
4. Will any additional financial assistance be made available to businesses for improvements that would help compliance with food hygiene legislation and improve their rating?
5. Has the Minister given any thought to how the funds raised from Fixed Penalty receipts might be used? Some witnesses have suggested that such funds should be retained by the relevant local authority to use to improve food hygiene standards by raising awareness of the scheme and supporting low scoring businesses in improving hygiene standards. Do you have any comments on this suggestion?
6. Given the various elements to the rating criteria, do you think there is sufficient public understanding of the meaning of ratings and the criteria on which they are based? Do you think details of ratings criteria should be displayed alongside or incorporated into the food hygiene sticker?
7. Is the Minister satisfied that a 0 – 5 rating system will give clear information to consumers about a premises’ hygiene system?
8. In developing the Bill, has any thought been given to using other grading systems that may be easier for the public to understand, such as Scotland’s pass or fail system or A B C gradings as seen in other countries?
9. Are you satisfied that the appeals process as set out in the Bill is sufficiently independent, and what are your views on the suggestion that appeals should be considered by an independent food authority?

10. According to the Explanatory Memorandum, the number of appeals is expected to double from 40 to 80 under the mandatory scheme – what is this estimate based on?
11. Is there a danger that businesses will use the right of appeal to try to improve their rating as an alternative to paying for a re-rating inspection? How might this impact on food authorities' resources?
12. What is the Minister's response to the concern that the Bill's provisions regarding requirement to display ratings allow for extended periods of time when no rating is displayed at a premises and therefore no information is provided to consumers?
13. Would prescribing these time periods in regulations, rather than on the face of the Bill, allow for greater flexibility in the development of a workable food hygiene rating scheme?
14. Given the evidence the Committee has received in support of the need for food business establishments to publish their food hygiene ratings on promotional material and/or their website, together with dates detailing the validity of the rating, what are your views on this?
15. To what extent do you think that a requirement to publish inspection reports would help promote consistency in reporting and what might the likely impact be on food authority resources? For example, would the reports be required to be redacted and bilingual? Are there any reports which you would consider would be unable to be published?

\*The committee is minded to make a recommendation in its Stage 1 report that food hygiene inspection reports should be published in their entirety, either on the Food Standards Agency or relevant local authority website (depending on which is the most appropriate).

16. The Bill as drafted makes it an offence to fail to comply with a request by a person to be informed verbally of the food hygiene rating. Can you confirm that this offence relates to circumstances where an operator provides an incorrect rating, as well as when they fail to provide a rating? Do you think this is made sufficiently clear in the Bill or is there a need for further clarification?
17. Sections 8 and 9 of the Bill makes it an offence for the operator of a food business establishment to comply with a request by a person to be informed verbally of the food hygiene rating of the establishment. What consideration has been given to extending the duty to cover employees of the food business, as of course the manager may not always be present when the request is made?

18. If the number of requests for re-rating prior to mandatory scheme coming into force is higher than the anticipated 1,110, how will this additional cost be met?
19. How will a consistent approach to the calculating of “reasonable costs” by food authorities in relation to re-rating inspections be ensured?
20. Will additional financial support be available to local authorities in relation to the administering of fixed penalty notices?