

REPORT TO:	Executive Board
REPORT NO:	HPPP/03/14
DATE:	14 January 2014
LEAD MEMBER:	Councillor David Griffiths (Health and Adult Social Care)
CONTACT OFFICER:	Neil Underwood (Tel: 315750)
SUBJECT:	Food Hygiene Rating (Wales) Act 2013 – Delegated Authority

1. PURPOSE OF THE REPORT

For Members to consider the delegation of additional powers to the Head of Housing and Public Protection relating to the introduction of the Food Hygiene Rating (Wales) Act 2013 and associated Regulations.

2. EXECUTIVE SUMMARY

- 2.1 The Food Hygiene Rating (Wales) Act 2013 creates a statutory food hygiene rating scheme for Wales and makes it mandatory for relevant food businesses in Wales to display their Food Hygiene Rating System sticker conspicuously at their premises. Relevant food businesses will be legally required to display the 'new style' sticker issued by Food Safety Officers following inspections made under the statutory scheme after 28 November 2013. Prior to this it was at the discretion of the food business whether they displayed the sticker.
- 2.2 The Food Standards Agency (FSA) is working closely with Local Authorities in Wales to ensure a smooth transition from the existing voluntary scheme to the new statutory scheme. Guidance material explaining the implications for businesses is available from the FSA. The legislation incorporates appeals and right to reply provisions as well as sanctions for failure to display the new rating sticker. In common with other Local Authorities in Wales, Wrexham County Borough Council will be using a variety of means to make food businesses aware of what they need to do to comply with the new requirements.
- 2.3 It is anticipated that the new 'mandatory display' requirement will serve as a significant driver to encourage an improvement in food safety and hygiene standards in the future.

3 RECOMMENDATIONS

- 3.1 That the powers under the Food Hygiene Rating (Wales) Act 2013 together with any regulations made thereunder and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry under such legislation be delegated to the Head of Housing and Public Protection.

REASONS FOR RECOMMENDATION

To ensure that Officers are properly authorised to carry out their duties and other functions of the Council.

4. BACKGROUND INFORMATION

- 4.1 Members will be aware that the UK has operated a national, voluntary Food Hygiene Rating Scheme (FHRS) (which has often been referred to as 'Scores on the doors' in the past). Wrexham County Borough Council have been supporting and participating in the voluntary scheme for some years. As of 28 November 2013, new legislation in Wales results in the FHRS becoming a statutory scheme, including a mandatory display of stickers requirement for relevant food businesses.
- 4.2 As this is new legislation, an administrative legal process has to be followed which requires the delegation of authority to enable Officers of Wrexham County Borough Council to discharge the provisions and functions of the new legislation.
- 4.3 As with the previous voluntary scheme, Members of the public will continue to be able to view food hygiene ratings for relevant businesses on-line via the web address, www.food.gov.uk/ratings.
- 4.4 **Policy Framework** – This request is in respect of a legal and administrative process which is not considered to fall within the remit of the policy framework.
- 4.5 **Budget** – No budgetary implications foreseen.
- 4.6 **Legal** – Principality wide new food safety legislation.
- 4.7 **Staffing** – Workload to be accommodated within existing staff complement.
- 4.8 **Equality/Human Rights** – Assessment already considered/made by Welsh Government and Food Standards Agency during consultation process which led to enactment and making of regulations.
- 4.9 **Risks** – Potential failure to discharge statutory duties and reputational risks identified should the Council fail to issue delegated authority and enforce the legislation.

5. CONSULTATION

- 5.1 Already consulted on by Welsh Government and the Food Standards Agency as part of the process which led to enactment and making of regulations.

6. SCRUTINY COMMITTEE COMMENTS

Item does not meet the criteria for referral to Scrutiny Committee.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO
The Food Hygiene Rating (Wales) Act 2013 The Food Hygiene Rating (Wales) Regulations 2013 'Food hygiene is getting easier to spot in Wales' Food Hygiene Ratings for businesses		www.legislation.gov.uk/anaw/2013/2/contents/enacted www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm?act=dis&id=250938&ds=10/2013 http://www.food.gov.uk/multimedia/pdfs/wales-business-leaflet-fhrs.pdf www.food.gov.uk/ratings