

The logo for Which? is a red square with the word "Which?" in white, bold, sans-serif font.

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Consultation Response

Which? comments on the Food Hygiene Rating Bill (Committee Stage)

About Which?

Which? exists to make individuals as powerful as the organisations they deal with in their daily lives. We are now the largest consumer body in the UK with almost 800,000 members: we understand consumers and what makes them tick. We operate as an independent, a-political, group social enterprise working for all consumers and funded solely by our commercial ventures. We receive no government money, public donations, or other fundraising income. We plough the money from our commercial ventures back into our campaigns and free advice for all.

Summary of our response

Which? strongly supports the Bill and the introduction of a mandatory requirement to display hygiene ratings as part of the Food Hygiene Rating Scheme. A Which? survey in March 2013 found that 95% of people thought that hygiene ratings should be clearly displayed on food businesses' windows or doors¹. While display remains voluntary for food businesses, it will be largely the better performers that display this information, rather than those that present the greatest risk to consumers. The scheme therefore has the potential to raise levels of compliance across businesses within Northern Ireland and therefore to reduce the significant health and economic burden of foodborne disease.

We support most of the specific provisions within the Bill, including the requirement to provide the information verbally when requested and the opportunity for businesses to request to be re-rated. We do however think that the scheme should be applied to a wider range of businesses so that there is transparency across the whole supply chain, not only those businesses that supply food directly to the consumers. It is also essential that there are tough penalties and meaningful enforcement action to ensure that all businesses display their ratings as intended.

General comments

Which? welcomes the opportunity to submit comments on the draft Bill to introduce mandatory display of hygiene ratings in Northern Ireland.

Which? is a consumer champion

We work to make things better for consumers. Our advice helps them make informed decisions. **Our campaigns make people's lives fairer, simpler and safer.** Our services and products put consumers' needs first to bring them better value.

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We have long supported such an approach as a way of enabling more informed consumer decisions about where to eat and buy food and as a way of raising hygiene standards. Evidence from other countries where such schemes have been in place, such as Denmark, Canada and the United States, shows that displaying the ratings helps to improve hygiene standards and ultimately helps reduce rates of food poisoning. Similar evidence is emerging from Wales where a requirement to display hygiene ratings on the actual food premises has been in place since November 2013.

This Bill will therefore introduce an important measure to help reduce the 48,300 cases of foodborne illness and 24 deaths that result from it in Northern Ireland every year. It will also have a clear economic benefit given that the estimated cost to the Northern Ireland economy from foodborne disease is £83 million each year.

Although consumers can access hygiene ratings through the Food Standards Agency (FSA) website, we consider it important that the rating is displayed on the premises to have most impact. While some people may look at the rating in advance of booking a restaurant, many will make a decision based on the appearance of the premises or may be unaware of the existence of the scheme. It is therefore important that the information is clearly displayed at the point of choice.

Encouraging businesses to voluntarily display their ratings has only had a limited impact with around 40% doing this. Inevitably this is more likely to be businesses that are better performers so consumers will not necessarily see who are the worst businesses for hygiene compliance. Leaving provision of this information to a voluntary scheme would not therefore achieve the objective of enabling informed choices or incentivising businesses to improve as effectively as requiring mandatory display.

Consumer support

Our consumer research also shows strong public support for such a scheme. A Which? survey in March 2013 found that 95% of people thought that hygiene ratings should be clearly displayed on food businesses' windows or doorsⁱⁱ. This research also indicated that people would avoid poorer performing premises, helping to incentivise them to improve and rewarding those with a higher level of compliance with hygiene requirements. Three quarters of people surveyed said that a rating of 0, 1 or 2 would stop them eating or buying food and around a third said that this would be the case for a score of 3.

Specific comments

We would like to emphasise the following aspects of the Bill which we consider to be particularly important:

- **Clause 1- Businesses included within the scheme:** It is essential that the scheme includes businesses that supply food directly to the public. We also think that it is important that it covers business to business information in order to drive improvements across the food supply chain. These businesses are now included within the Welsh scheme.
- **Clauses 3 and 4 - Appeal and right to reply:** We agree that there should be a clear and transparent appeal process and that businesses should be allowed a right to reply.



- **Clause 4 - Requests for re-ratings:** We think that it is fair to allow businesses to request a re-rating and that this is an important measure to help improve standards. It should, however, be ensured that local authorities have sufficient resources to be able to do this.
- **Clauses 7 and 8- Means of display and provision of information:** It is essential that the rating sticker provided by the District Council is displayed prominently on the premises at the point where consumers are likely to make a choice, for example, close to the door, or the menu where one is displayed. We also agree that there should be a requirement to provide the information verbally in order to ensure that people who are blind or partially sighted can access this information and to make sure people can find out this information when making telephone orders for example.
- **Clause 9, 10 and 11 - Penalties for failing to display:** As the Committee has already highlighted, we consider it essential that there are strict enough penalties within the Bill where a business operator does not display the rating to act as a deterrent. District Councils must also take enforcement action where a rating is not displayed.

It is important that the FHRS continues to operate in line with a risk-based approach and that it does not detract District Councils from putting most resource into businesses that are the poorest performers and present the greatest risk. Our analysis of the data submitted to the FSA by local authorities shows that there is currently a lot of inconsistency between District Councils' ability to ensure compliance by medium and high risk businesses. Analysis of the data for 2012/13 for example (<http://www.which.co.uk/about-which/who-we-are/which-policy/food/food-safety/food-hygiene/>) found that while Ballymena was ensuring 95.3% compliance for these businesses, Moyle was only managing compliance for 75%. The FSA therefore has an important role supporting local authorities to ensure that they are all achieving a high level of compliance. Mandatory display of the Food Hygiene Rating Scheme should also help ensure this as the number of non-compliant premises will become more visible to the public. We are currently analysing the most recent data for 2013/14.

Conclusion

We strongly support the Bill and the introduction of a mandatory requirement to display hygiene ratings as part of the Food Hygiene Rating Scheme. The scheme has the potential to raise levels of compliance across businesses within Northern Ireland and therefore to reduce the health and economic burden of foodborne disease.

Which?
December 2014

ⁱ The State of our Plates, Which?, June 2013, p30-32.

ⁱⁱ The State of our Plates, Which?, June 2013, p30-32.