

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE ACTING DIRECTOR REGULATION AND ENFORCEMENT  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**20 JANUARY 2015**  
**ALL WARDS**

**THE NATIONAL FOOD HYGIENE RATING SCHEME FOR FOOD PREMISES**

1. Summary

- 1.1 The purpose of this report is to advise the Committee of the National Food Hygiene Rating Scheme and how this is used to drive up standards in food businesses in Birmingham as well as the UK as a whole.

2. Recommendation

- 2.1 That the Chair makes representations to the Minister requesting that the legislation is amended or enacted to making it mandatory to display the food rating under the Food Hygiene Rating Scheme, in line with the Food Hygiene Rating (Wales) Act 2013.

Contact Officer: Nick Lowe, Operations Manager Food Safety Team  
Telephone: 0121 303 2491  
Email: [nick.lowe@birmingham.gov.uk](mailto:nick.lowe@birmingham.gov.uk)

### 3. Background

- 3.1 Following every programmed food hygiene inspection, each business is scored under the National Food Hygiene Rating Scheme (FHRS). This rates all businesses from 0 (the worst) to 5 (the best) where 0, 1 & 2 means there are minimum legal standards not having been met. Commonly known as “Scores on the Doors”, this is a way of communicating the results of food inspections to the public by giving a score which reflects our findings during initial inspection.
- 3.2 The scheme assesses food businesses in three areas; hygiene compliance; structural hygiene and confidence in management. Currently food business operators may choose to display those scores in their premises using official signs provided by Environmental Health Officers under the national scheme. In addition the same information is available through the Food Standards Agency website and mobile Apps.
- 3.3 Historically a significant driver in the development of Scores on the Doors schemes was the introduction of the Freedom of Information Act 2000 (FOI), which enabled consumers to directly request information from Local Authorities. This resulted in an increased number of requests from various sources about food hygiene standards in food premises, particularly from the media. The introduction of Scores on the Doors and the FSA web site has reduced the workload associated with such FOI requests, as the enquirer can be redirected to the information on the website.
- 3.4 The main advantage of such a scheme is the greater transparency for businesses and consumers, and the measurable increase in food hygiene standards. Many businesses take a pride in achieving a high score and look to maintain it at their next programmed inspection.
- 3.5 In general the scheme is designed to provide recognition and reward for good performing food businesses, with the potential to enhance business reputation.

### 4. The National Food Hygiene Rating Scheme (FHRS)

- 4.1 The FHRS uses a simple numerical score and does not have any additional descriptors, such as stars or H's.
- 4.2 The FHRS score is more representative than the full risk rating applied to businesses by environmental health teams. The fuller score drives the inspection frequency and large manufactures, hospitals and some other establishments have a weighting applied to their overall score to ensure they are the most frequently inspected food businesses. These scores rate the premises from A to E but do not necessarily reflect compliance with legislation in that for example a large hospital will almost certainly be an “A” premises (with 6 monthly inspection frequency) notwithstanding that it is fully compliant

with food legislation. This is due to the fact it serves hot ready to eat food and has vulnerable consumers both of which attract high weightings.

- 4.3 The FHRS scheme uses scores from three areas of the full assessment: Hygiene compliance; Structural hygiene: and Confidence in management. These are combined to produce the 0 to 5 rating. By using these scores this is reflective of the business's operating standard and premises with a 5 FHRS are the best.
- 4.4 There is often some confusion on the score being a reflection of current standards for the food business. The score is reflective of the conditions found at the time of inspection and will last until the next inspection. However where premises are found to be non-compliant, with minimum legal requirements, remedial work will be required by the inspecting officer. During this period one or more re-inspection(s) will occur until the premises are up to the minimum standard but following this level being attained the premises will not be rescored.
- 4.5 The reason for not rescoring after all interventions are completed is to ensure that the scores are a measure of the standards of the food business, not of the ability for the local authority's inspectors to improve business standards.
- 4.6 Business can request a revisit after 3 months if the score is no longer reflective of their standards and they wish to obtain a higher rating.

## 5. Display of FHRS scores

- 5.1 Following inspection each premises is sent a score and an official sign to display on their door or window. We know that people are interested in the rating as the table below shows the number of hits on Birmingham Councils web page that links to the FHRS. However it does not show how many people go directly to the FSA web-site or looked at the score on the door.

### Food Hygiene Rating Scheme

2015												
Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Page Views	556	769	1,254	637	484	431	363	371	381	582	668	432
Total	6,928											

- 5.2 In 2005 in South Wales there was a serious food outbreak that lead to a large number of people being affected by E coli 0157. In total 31 people were hospitalised and a 5 year old child died. 157 cases were identified over the outbreak affecting mostly children attending 44 different schools in 4 Local Authority areas. Subsequently the Welsh Assembly introduced the Food Hygiene Rating (Wales) Act 2013 that requires all food premises to display their FHRS score and it is an offence in Wales not to do so. Failure to display the rating in the place specified by the inspector is punishable by a fine (level 3) or a fixed penalty notice (£200 or £150 if paid in 14 days).

- 5.3 In England there is no such requirement. It is possible under the Consumer Protection from Unfair Trading Regulations 2008 to cause someone displaying the incorrect score to remove an old score as it would mislead the consumer. However there is no requirement to display the current score. We know from speaking to businesses that many are concerned at the score they receive and this in turn has driven up standards. Now that the scheme is established officers believe that it should move to the next level which forces everyone to display their score. In so doing it is hoped that those who consistently score low and refuse to display their scores, will take the scheme more seriously and improve their standards.

6. Implications for Resources

- 6.1 There would be no implication on resources

7. Implications for Policy Priorities

- 7.1 The increasing awareness of FHRS would contribute to the City Council's policy priorities associated with helping to create a cleaner, greener, safer city.

8. Public Sector Equality Duty

- 8.1 There are none identified

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers; nil