

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built
Environment

REPORT NUMBER: **H196**

TO: STRATEGY COMMITTEE

DATE OF MEETING: 12 February 2009

PROPOSAL FOR JOINING SUFFOLK LAUNCH OF “SCORES ON THE DOORS” FOR FOOD PREMISES IN BABERGH

PURPOSE OF REPORT

- 1.1 This report outlines details of a scheme that introduces a star rating system for food safety standards assessed during inspection of food premises in Babergh. Such schemes are commonly known as ‘Scores on the Doors’ (SOTD).
- 1.2 The purpose of the scheme is to:
 - (a) inform consumers of food safety information in a readily understandable way that they can currently obtain only by direct request to the Council.
 - (b) raise food safety standards of food businesses within Babergh.
- 1.3 The majority of Suffolk Local Authorities intend to launch related schemes on 1 April 2009 or by June 2009. Approval is sought for Babergh to participate in this launch

2. RECOMMENDATIONS

- 2.1 That Members approve the adoption of a Scores on the Doors scheme in Babergh in accordance with the scheme details described in this report.

The Committee is able to resolve this matter.

3. FINANCIAL IMPLICATIONS

- 3.1 Costs of operating the proposed scheme will be minimal. The Natural and Built Environment Division’s M3 software application can produce mailshots to businesses, rating certificates and the information which will be displayed on the Babergh website. The only cost will be a small amount of officer time in administering the scheme. This compares very favourably to the use of specialist SOTD software houses which charge approximately £3 per food premises inspection.
- 3.2 Once the scheme begins to operate we anticipate that improvements in hygiene standards will reduce the number of inspections required each year. This will consequently free up some resource to provide enhanced businesses support for the poorest performing premises.

4. **RISK MANAGEMENT**

- 4.1 This report is most closely linked with the Council's Significant Business Risk No. 7: Financial, Performance and Risk Management. Key risks are set out below:

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
Scheme may be legally challenged if not conforming to national guidelines or legislation.	Low. Not considered likely. Challenge to similar schemes elsewhere in UK has not been successful.	Marginal. May lead to temporary suspension of scheme. Legal costs of responding to challenge.	Modify any non-compliant aspects of scheme subject to any future mandatory FSA requirements.

5. **KEY INFORMATION**

Background

- 5.1 The primary aim of SOTD is to inform consumers about the hygiene standards of food premises they may use. It also helps them to choose businesses with the best standards of hygiene. Furthermore, SOTD schemes drive up overall standards of hygiene in the areas that they operate in. This is because food business operators compete to ensure that their publicised hygiene standards do not put them at a trading disadvantage.
- 5.2 Operation of a SOTD scheme in the public domain will reduce requests to the Council for information about food businesses under the Freedom of Information Act 2000.
- 5.3 At the time of the Food Standards Agency's (FSA) consultation on a national SOTD scheme in May 2008, the FSA estimated that 196 UK Local Authorities were already operating or about to launch a scheme. Most of these schemes use star rating systems or have other indicators such as smiley faces or traffic lights. These offer a simple interpretation of a complex national scoring system for food safety that has been in place at all LAs since the 1990s.
- 5.4 Although the Food and Safety Regulation team has intended to launch a scheme for Babergh for some time, two factors have led to its deferment:
- (a) the sourcing and implementation of a new Natural and Built Environment Division software system over the last two years has prevented development of the software links required for the operation of SOTD.
 - (b) the need to await the outcome of the FSA's SOTD consultation to ensure that Babergh's resources are not wasted on a scheme that cannot comply with imminent national requirements.
- 5.5 The situation has now changed. A new computer system, M3, is in place and provides us with the ability to operate SOTD at low cost. In addition, the FSA has published the basis for a national SOTD scheme, as described below.

5.6 On 10 December 2008 the FSA announced that it had approved a six-tier scheme (a rating system of one to five stars plus fail) for England, Wales and Northern Ireland. It also announced that a UK steering group will be set up to determine the details of the scheme. No timescale for the launch of the national scheme has been set but it is estimated that it will be another year to eighteen months before the FSA are ready to launch. However, now the type of rating scheme has been confirmed, one can be set up at Babergh that will not require any fundamental changes when a national scheme is implemented.

The new scheme at Babergh and how it will work

5.7 Babergh officers, along with the majority of the other Suffolk LAs, wish to launch SOTD in April 2009.

5.8 The proposed Suffolk scheme will be based on the Forest Heath District Council SOTD scheme, which has been operating since April 2007. The only major difference will be that it will become a five star scheme, in accordance with the FSA's recommendation, rather than Forest Heath DC's current three star one.

5.9 Following routine food safety inspections, businesses are given a hygiene rating. This is based on a national scoring system set out in a statutory Code of Practice. Relevant parts of this system are then used to generate a star rating. The star ratings will be accessible via Babergh's website, with new or amended ratings uploaded to the website on a monthly basis. A 'star' certificate will be printed and posted to the business, where display of the certificate will be voluntary.

5.10 All food businesses will be included in the scheme except the lowest risk premises where regulatory contact does not always require in depth inspections.

5.11 Any food business operator who is aggrieved by their star rating will be able to ask for a 'right to reply' to be entered on the website. This will be subject to approval by Babergh. Should this not resolve any dispute, the food business operator will be able to appeal via Babergh's standard complaints procedure.

5.12 Providing that the scheme is well publicised before the launch date, and food business operators have a 'right to reply', we believe that this is fair to business whilst giving consumers an accurate picture of food safety standards.

5.13 Ratings are based on the results of programmed routine inspections, typically at 18 month intervals. It is not proposed to revise star ratings following any secondary inspections that take place, for example, to check that shortcomings found earlier have been put right. Officers from the Suffolk LAs consider that to do otherwise is likely to undermine the public credibility of the scheme. This is because work will have been carried out simply to put right failings identified during an inspection rather than through good management. Such short term improvements do not justify an immediate higher star rating as there will be no time to show that they can be sustained.

5.14 While this is how most SOTD schemes operate, the forthcoming national SOTD scheme may insist on a scoring mechanism for re-inspections. It should be straightforward to modify Babergh's scheme to permit this if required. In the meantime, the proposal is consistent with the vast majority of SOTD systems in the UK.

- 5.15 SOTD schemes depend on consistent risk ratings by LAs. A risk rating consistency exercise for all officers involved in food inspection in Suffolk has already been arranged which follows on from earlier exercises in the County.
- 5.16 The scheme will be reviewed after six months of operation or as required by FSA changes to national SOTD guidelines.

Business consultation

- 5.17 An extensive consultation of all stakeholders, including the food industry, was carried out by the FSA between May and August 2008. A summary of the responses can be viewed on the FSA website at http://www.food.gov.uk/multimedia/pdfs/consultation_response/sotdresponses.pdf. Of those responding to the consultation, 52% were industry stakeholders (including trade bodies and individual businesses). 89% of industry respondents agreed that the scheme should include all businesses supplying food directly to consumers.
- 5.18 Local businesses have been introduced to the concept of SOTD by the Spring 2008 edition of Foodwise, Babergh's biannual newsletter that is circulated to all food businesses in its area. This newsletter announced Babergh's intention to implement SOTD once the FSA published its recommendations and it invited comments on the scheme. If the launch is approved, a Foodwise Special Edition will be sent out beforehand.
- 5.19 In the course of the several hundred inspections that have been carried out since the Foodwise announcement, many business operators have expressed support for SOTD and asked when it will start in Babergh. No objections to the proposals outlined in Foodwise have been received.
- 5.20 Forest Heath DC has received only five negative comments from businesses since its scheme started in 2007.

6. BACKGROUND PAPERS REFERRED TO:

The following documents will be on display in the Council Chamber:

- (a) Example star certificate.
- (b) Example web page.
- (c) Foodwise 2008 with SOTD content.

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