

August 2017

**The Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2017**  
**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA IN NI CONSULTATION**

**The Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2017 consultation was issued 21<sup>st</sup> April 2017 and closed on 14<sup>th</sup> July 2017.** The purpose of the consultation was to provide stakeholders with an opportunity to comment on the draft Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2017, and the potential impact on food businesses and district councils.

- 1 A total of 9 responses were received to the consultation and the FSA in Northern Ireland (FSA in NI) is grateful to those stakeholders who responded. Substantive comments from stakeholders are set out in the table below
- 2 The key proposals on which the consultation sought views were:
  - The Draft Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2017
- 3 The FSA in NI considered responses to stakeholders' comments are given in the last column of the table. A summary of changes to the original proposal(s) resulting from stakeholder comments is set out in the final table.
- 4 A list of stakeholders who responded can be found at the end of the document.

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

### Draft the Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2017

**Question 1- Do you agree with the proposed commencement date which will be immediately following the legislative process? If you consider an alternative date appropriate please specify this and provide a rationale.**

Respondent	Comment	FSA in NI response
<b>Mid and East Antrim Borough Council</b>	Mid and East Antrim Borough Council (MEABC) agree with the proposed commencement date. MEABC would welcome a 12 month transition period for the implementation of these Regulations.	The FSA have confirmed that following assurances provided by the health minister businesses district councils will have 12 months to comply with requirements of the legislation. The 12 month period will begin from the date of implementation which is proposed to be immediately following the completion of the legislative process.
<b>Derry City &amp; Strabane District Council</b>	Derry City and Strabane District Council agree with the proposed commencement date. Derry City and Strabane District Council would welcome a 12 month transition period for the implementation of these Regulations	The FSA have confirmed that following assurances provided by the health minister businesses district councils will have 12 months to comply with requirements of the legislation. The 12 month period will begin from the date of implementation which is proposed to be immediately following the completion of the legislative process.
<b>Ards and North Down Borough Council</b>	Ards and North Down Borough Council agree with the proposed commencement date. Ards and North Down Borough Council would welcome a 12 month transition period for the implementation of these Regulations	The FSA have confirmed that following assurances provided by the health minister businesses district councils will have 12 months to comply with requirements of the legislation. The 12 month period will begin from the date of implementation which is proposed to be immediately following the completion of the legislative process.
<b>Causeway Coast and Glens Borough Council</b>	Causeway Coast and Glens Borough Council agree with the proposed commencement date. Causeway Coast and Glens Borough Council would welcome a 12 month transition period for the implementation of these Regulations.	The FSA have confirmed that following assurances provided by the health minister businesses district councils will have 12 months to comply with requirements of the legislation. The 12 month period will begin from the date of implementation which is proposed to be immediately following the completion of the legislative process.

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<p><b>Fermanagh &amp; Omagh District Council</b></p>	<p>Fermanagh &amp; Omagh District Council agrees with the proposed commencement date. The Council would welcome a 12 month transition period for the implementation of these Regulations.</p>	<p>The FSA have confirmed that following assurances provided by the health minister businesses district councils will have 12 months to comply with requirements of the legislation. The 12 month period will begin from the date of implementation which is proposed to be immediately following the completion of the legislative process.</p>
<p><b>British Hospitality Association</b></p>	<p>We do not agree with the proposed commencement date of immediately following the legislative process. We do not agree that this is enough time for businesses to understand their new legal obligations and to put measures in place. Familiarisation with the tools and disseminating information to the relevant teams/staff members will take time. We propose that businesses should be given at least 6 months to implement any on-line requirement because of the difficulties some businesses may face getting changes made, particularly those smaller businesses who may rely on an external supplier to make the changes to their websites for them.</p>	<p>The FSA have confirmed that following assurances provided by the health minister businesses within scope of the scheme will have 12 months to comply with requirements of the legislation. The 12 month period will begin from the date of implementation which is proposed to be immediately following the completion of the legislative process.</p>
<p><b>Pizza Express</b></p>	<p>No comment.</p>	
<p><b>The Mount Charles Group Limited</b></p>	<p>No Comment</p>	
<p><b>ASDA</b></p>	<p>Implementation of the FHRS online will require complex planning and changes to the architecture of our website. We would emphasise the importance of previous commitments from FSA to a 12 month period of grace to allow for planning, construction, testing and implementation of the new requirements on our website. This period of grace should only begin once the legislative process has been completed and industry is clear on exactly what the agreed scheme requirements will be.</p>	<p>The FSA have confirmed that following assurances provided by the health minister businesses within scope of the scheme will have 12 months to comply with requirements of the legislation. The 12 month period will begin from the date of implementation which is proposed to be immediately following the completion of the legislative process.</p>

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**Question 2 - Do you have any comments regarding the definition of a “specified online facility” which will bring certain businesses within scope of this requirement? If you think that this definition has included or excluded certain business in the scheme that should or should not be, please provide details and a rationale of why they should be included or excluded.**

Respondent	Comment	FSA in NI Response
<b>Mid and East Antrim Borough Council</b>	MEABC is happy with the definition of the specified online facility as defined in Regulation 1(2) as being a website or an application by which an order for food can be placed online and a social media site inviting consumers to place an order for food online.	
<b>Derry City &amp; Strabane District Council</b>	Derry City and Strabane District Council is satisfied with the definition of the specified online facility as defined in Regulation 1 (2)	
<b>Ards and North Down Borough Council</b>	Ards and North Down Borough Council is satisfied with the definition of the specified online facility as defined in Regulation 1 (2)	
<b>Causeway Coast and Glens Borough Council</b>	Causeway Coast and Glens Borough Council is satisfied with the definition of the specified online facility as defined in Regulation 1 (2).	
<b>Fermanagh &amp; Omagh District Council</b>	Fermanagh & Omagh District Council is satisfied with the definition of the specified online facility as defined in Regulation 1(2).	
<b>British Hospitality Association</b>	The wording of the definition of ‘Food ordered on an online facility’, means that this would apply to ‘order & pay apps’ that are used inside the business where the rating is already displayed as required. We advise that the wording should be amended to “food that is remotely ordered on an online facility’.	Online ordering facilities which enable a consumer to order food can facilitate the ordering of food remotely, therefore such facilities fall within scope. Conversely local area networks operating within a food business establishment cannot facilitate remote ordering and therefore would fall outside of scope of the regulations.
<b>Pizza Express</b>	No comment.	

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<b>The Mount Charles Group Limited</b>	How will this effect one off catering events? Event Catering Business is won through tender advertising and on line applications.	Requirements of the legislation relate food business establishment supplying consumers with food ordered using a specified online facility. Tendering and advertising would not fall within the scope of the legislative requirements, as the consumer is acquiring a service for an event, with no food being directly ordered at this point. Any online application where you cannot order food i.e. solely advertising will fall outside of scope.
<b>ASDA</b>	No comment.	

### Question 3 - Do you have any comments on Regulation 2 regarding the location and manner of display of food hygiene rating icon?

Respondent	Comment	FSA in NI Response
<b>Mid and East Antrim Borough Council</b>	<p>MEABC would request that the icon representing the valid food rating is displayed at the earliest opportunity on the business website and prior to food being selected. This would bring this legislation more in parallel with The Food Hygiene Rating Regulations (NI) 2016 in that businesses must display their ratings at the entrance to their establishments.</p> <p>MEABC are satisfied with the proposal for online facilities that relate to more than one business establishment.</p>	<p>We understand the sentiment and reasoning behind the comment regarding the proposed display position of the icon. However, following independent consumer research and extensive stakeholder engagement carried out by the FSA in NI, it was determined the most relevant place for the food hygiene rating icon to be displayed is at the point where food can be selected for order.</p> <p>This legislative requirement does not preclude food businesses from displaying an additional relevant food hygiene rating icon at points before.</p>

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<p><b>Derry City &amp; Strabane District Council</b></p>	<p>Derry City and Strabane District Council would request that the icon representing the valid food rating is displayed at the earliest opportunity on the business website and prior to food being selected. This would streamline this legislation with the requirements of The Food Hygiene Rating Regulations (NI) 2016 in that businesses must display their ratings at the entrance to their establishments.</p> <p>Derry City and Strabane District Council are satisfied with the proposal for online facilities that relate to more than one business establishment.</p>	<p>We understand the sentiment and reasoning behind the comment regarding the proposed display position of the icon. However, following independent consumer research and extensive stakeholder engagement carried out by the FSA in NI, it was determined the most relevant place for the food hygiene rating icon to be displayed is at the point where food can be selected for order.</p> <p>This legislative requirement does not preclude food businesses from displaying an additional relevant food hygiene rating icon at points before.</p>
<p><b>Ards and North Down Borough Council</b></p>	<p>Ards and North Down Borough Council would request that the icon representing the valid food rating is displayed at the earliest opportunity on the business website and prior to food being selected. This would bring this legislation more in parallel with The Food Hygiene Rating Regulations (NI) 2016 in that businesses must display their ratings at the entrance to their establishments.</p> <p>Ards and North Down Borough Council are satisfied with the proposal for online facilities that relate to more than one business establishment.</p>	<p>We understand the sentiment and reasoning behind the comment regarding the proposed display position of the icon. However, following independent consumer research and extensive stakeholder engagement carried out by the FSA in NI, it was determined the most relevant place for the food hygiene rating icon to be displayed is at the point where food can be selected for order.</p> <p>This legislative requirement does not preclude food businesses from displaying an additional relevant food hygiene rating icon at points before.</p>
<p><b>Causeway Coast and Glens Borough Council</b></p>	<p>Causeway Coast and Glens Borough Council would request that the icon representing the valid food rating is displayed at the earliest opportunity on the business website and prior to food being selected. This would bring this legislation more in parallel with The Food Hygiene Rating Regulations (NI) 2016 in that businesses must display their ratings at the entrance to their establishments.</p> <p>Causeway Coast and Glens Borough Council are satisfied with the proposal for online facilities that relate to more than one business establishment.</p>	<p>We understand the sentiment and reasoning behind the comment regarding the proposed display position of the icon. However, following independent consumer research and extensive stakeholder engagement carried out by the FSA in NI, it was determined the most relevant place for the food hygiene rating icon to be displayed is at the point where food can be selected for order.</p> <p>This legislative requirement does not preclude food businesses from displaying an additional relevant food hygiene rating icon at points before.</p>

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<p><b>Fermanagh &amp; Omagh District Council</b></p>	<p>Fermanagh &amp; Omagh District Council requests that the icon representing the valid food rating is displayed at the earliest opportunity on the business website and prior to food being selected. This would bring this legislation more in parallel with The Food Hygiene Rating Regulations (NI) 2016 in that businesses must display their ratings at the entrance to their establishments.</p> <p>The Council is satisfied with the proposal for online facilities that relate to more than one business establishment.</p>	<p>We understand the sentiment and reasoning behind the comment regarding the proposed display position of the icon. However, following independent consumer research and extensive stakeholder engagement carried out by the FSA in NI, it was determined the most relevant place for the food hygiene rating icon to be displayed is at the point where food can be selected for order.</p> <p>This legislative requirement does not preclude food businesses from displaying an additional relevant food hygiene rating icon at points before.</p>
<p><b>British Hospitality Association</b></p>	<p>We do not have any comments on Regulation 2 regarding the location and manner of display of food hygiene icon.</p>	
<p><b>Pizza Express</b></p>	<p>No comment.</p>	
<p><b>The Mount Charles Group Limited</b></p>	<p>No comment.</p>	

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<p><b>ASDA</b></p>	<p>The positioning/prominence of the FHRS icon on our website has very important ramifications for our website and our customers online experience. Customers using grocery online retailing have to digest many different elements of existing information such as: how to navigate the site; T&amp;Cs; Privacy Policies; Corporate Information; and of course product prices and ranges. This complexity of information poses difficulties in ensuring website design remains customer focused and works efficiently. Our priorities include ensuring our website is user friendly and clutter free, and that any 'click-throughs' do not add unnecessarily to the processing time or additional complexity for the user.</p> <p>Our online grocery website has been designed to ensure the information displayed most prominently should be functional and promote the main reason why our shoppers visit our website, i.e. to purchase their groceries online. In our view it is appropriate to place all other supporting information in the footer of the website. We have conducted our own customer insight which has reaffirmed our views with the following results.</p> <p>In a survey of 413 Asda customers across the UK during July 2017:</p> <ul style="list-style-type: none"> <li>• Only 11 respondents (2.7%) rated Food Hygiene Rating information as the most important information when making a purchasing decision on an online grocery site;</li> <li>• In contrast, by far the most important top ranked factors for our customers were: product prices 32%; ease of use of the website 30%; product range 15%; delivery/collection information 13.5%;</li> </ul>	<p>The online display regulations are in line with Food Hygiene Rating Regulations (NI) 2016 concerning the positioning of the FHR sticker at physical premises, 'readily seen and easily read'. Such wording has been used to ensure that consumers can see the FHR icon of an establishment on an online platform enabling them to make an informed choice when purchasing food.</p> <p>Independent research has identified that consumers will use the FHRS in their decision making process however this information needs to be readily accessible as early in the customer journey as possible. During said research focus groups highlighted that they felt suspicion when ratings were placed out of immediate sight such as in the footer of online platforms.</p> <p>Placing of the FHRS Icon on the footer of an online platform would not be in keeping with the principle and spirit of the legislation. The legislation has been constructed to ensure the consumer has said information in a location where it can be readily identified and utilised in their decision making process.</p>
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	<p>Looking at the weighted results, product prices was the most important information factor for our customers overall, and ease of website use, product range and delivery/collection information were again all rated significantly more important than FHRS by our customers;</p> <ul style="list-style-type: none"><li>• The weighted results show that our customers rated FHRS information with a similar degree of importance to issues such as FAQs, store locator and returns policy, which are all currently contained satisfactorily in the footer section of asda.com.</li></ul> <p>It is clear to us, based on the evidence from our customer insight, that the most important information which our customers wish to have immediate and prominent access to when using our website are product prices and range, coupled with an easy to use customer experience. We fully support the objective of ensuring our customers can make informed choices, and it is our view based on this insight from our customer panel, that our customers would be content that the FHRS icon be placed in the footer of our website alongside existing click-through topics to which they place a similar degree of importance such as our Product Recalls, T&amp;Cs and Privacy Policy. These can be 'readily seen and easily read' in this location, as required by the legislation.</p>	
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**Question 4 - Do you have any comments on Regulation 2 regarding the identifying of the food businesses establishment to which the food hygiene rating icon relates?**

Respondent	Comment	FSA in NI Response
<b>Mid and East Antrim Borough Council</b>	MEABC disagrees with the proposed term "at any point" in Regulation 2(b) .This term is too general and may be open to abuse. We would suggest that the wording should read - "at the point the food business establishment can be selected".	We have taken on board this comment and have amended the regulations accordingly to address this issue.  The requirement of Regulation 2(a) must also be met in conjunction with Regulation 2(b) in that the icon must be readily seen and easily read.
<b>Derry City &amp; Strabane District Council</b>	Derry City and Strabane District Council disagrees with the proposed term "at any point" in Regulation 2(b) .This term is too general and may be open to abuse. We would suggest that the wording should read - "at the point the food business establishment can be selected".	We have taken on board this comment and have amended the regulations accordingly to address this issue.  The requirement of Regulation 2(a) must also be met in conjunction with Regulation 2(b) in that the icon must be readily seen and easily read.
<b>Ards and North Down Borough Council</b>	Ards and North Down Borough Council disagrees with the proposed term "at any point" in Regulation 2(b) .This term is too general and maybe open to abuse. We would suggest that the wording should read - "at the point the food business establishment can be selected".	We have taken on board this comment and have amended the regulations accordingly to address this issue.  The requirement of Regulation 2(a) must also be met in conjunction with Regulation 2(b) in that the icon must be readily seen and easily read.
<b>Causeway Coast and Glens Borough Council</b>	Causeway Coast and Glens Borough Council disagrees with the proposed term "at any point" in Regulation 2(b) .This term is too general and maybe open to abuse. We would suggest that the wording should read - "at the point the food business establishment can be selected".	We have taken on board this comment and have amended the regulations accordingly to address this issue.  The requirement of Regulation 2(a) must also be met in conjunction with Regulation 2(b) in that the icon must be readily seen and easily read.
<b>Fermanagh &amp; Omagh District Council</b>	Fermanagh and Omagh District Council disagrees with the proposed term "at any point" in Regulation 2(b). This term is too general and may be open to abuse. It is suggested that the wording should read - "at the point the food business establishment can be selected".	We have taken on board this comment and have amended the regulations accordingly to address this issue.  The requirement of Regulation 2(a) must also be met in conjunction with Regulation 2(b) in that the icon must be readily seen and easily read.

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<b>British Hospitality Association</b>	We do not have any comments on Regulation 2 regarding the identifying of the food businesses establishment to which the food hygiene rating or icon relates	
<b>Pizza Express</b>	No comment.	
<b>The Mount Charles Group Limited</b>	More information is required to cover contract catering e.g. main website offering services with the ability for potential customers to private message / contact us option.	Requirements of the legislation are for food business establishment supplying consumers with food ordered using a specified online facility. Tendering and advertising would not fall within the scope of the legislative requirements.
<b>ASDA</b>	No comment.	

### Question 5 - Do you have any comments regarding Regulation 3?

Respondent	Comment	FSA in NI Response
<b>Mid and East Antrim Borough Council</b>	MEABC have no comment.	
<b>Derry City &amp; Strabane District Council</b>	Derry City and Strabane District Council has no comment.	
<b>Ards and North Down Borough Council</b>	Ards and North Down Borough Council have no comment.	
<b>Causeway Coast and Glens Borough Council</b>	Causeway Coast and Glens Borough Council have no comment.	
<b>Fermanagh &amp; Omagh District Council</b>	No comment.	
<b>British Hospitality Association</b>	We do not have any comments regarding Regulation 3.	
<b>Pizza Express</b>	No comment.	
<b>The Mount Charles Group Limited</b>	Does this effect contract catering as a service provider. Future customers may source our service from on line e.g. website - we would be reluctant to supply all business partners/ catering establishments through a link.	Requirements of the legislation are for food business establishment supplying consumers with food ordered using a specified online facility. Tendering and advertising would not fall within the scope of the legislative requirements.

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<p><b>ASDA</b></p>	<p>We welcome the consultations recognition that businesses such as Asda do not always know at the point of order which store an order will be picked from. Asda operates grocery home shopping and/or Click &amp; Collect from 13 NI stores. The food hygiene rating at all our stores is consistently a 4 or 5. We believe it would be sufficient to provide customers with a list of the food hygiene rating for all our NI stores, which will give them an accurate view of the very high food hygiene standards to which our business operates across NI. Indeed there would be merit in providing an icon and/or link directly to the FSA website, where customers could readily access site specific food hygiene rating scores.</p>	<p>The FHRS icons produced by the FSA for use by food businesses offer the option to embed code for each icon into their online platform. This provides a live link to the FSA Application Programming Interface (API) and will automatically update the icon on the food businesses online platform when a rating changes on the FHRS website.</p> <p>The FSA will continue to work with stakeholders to ensure that the FHRS icons remain fit for purpose and keep up with future technical developments.</p>
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<b>Question 6 - Do you agree with the proposed specified time period for publication, If not please state why and provide a rationale for an alternative period.</b>		
<b>Respondent</b>	<b>Comment</b>	<b>FSA in NI Response</b>
<b>Mid and East Antrim Borough Council</b>	MEABC agree with the proposed time period for publication as being within 28 days of the food hygiene rating being published online by the Food Standards Agency.	We will continue to engage with stakeholders to ensure that the specified time period is adequate.
<b>Derry City &amp; Strabane District Council</b>	Derry City and Strabane District Council agree with the proposed time period for publication. However a mechanism must be in place to ensure that the Council are aware of the publication date thereby ensuring that the Council is capable of determining if an offence has been committed in relation to the timescale for display.	<p>Relevant FHR will be published on the FSAs website within 7 days of an upload from a district council unless it is not appropriate to publish said rating, which would be determined and communicated by the relevant district council to the FSA.</p> <p>Using statutory timescales district councils should be able to put in place internal monitoring mechanisms to determine if an offence has been committed, i.e. maximum of 35 days from date of upload (7 day FSA publication + 28 day business publication).</p> <p>We will continue to engage with stakeholders to ensure that the specified time period is adequate.</p>

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<p><b>Ards and North Down Borough Council</b></p>	<p>Ards and North Down Borough Council agree with the proposed time period for publication. However a mechanism must be in place to ensure that the Council are aware of the publication date thereby capable of determining if an offence has been committed in relation to the timescale for display.</p>	<p>Relevant FHR will be published on the FSAs website within 7 days of an upload from a district council unless it is not appropriate to publish said rating, which would be determined and communicated by the relevant district council to the FSA.</p> <p>Using statutory timescales district councils should be able to put in place internal monitoring mechanisms to determine if an offence has been committed, i.e. maximum of 35 days from date of upload (7 day FSA publication + 28 day business publication)</p> <p>We will continue to engage with stakeholders to ensure that the specified time period is adequate.</p>
<p><b>Causeway Coast and Glens Borough Council</b></p>	<p>Causeway Coast and Glens Borough Council agree with the proposed time period for publication. However a mechanism must be in place to ensure that the Council are aware of the publication date thereby capable of determining if an offence has been committed in relation to the timescale for display.</p>	<p>Relevant FHR will be published on the FSAs website within 7 days of an upload from a district council unless it is not appropriate to publish said rating, which would be determined and communicated by the relevant district council to the FSA.</p> <p>Using statutory timescales district councils should be able to put in place internal monitoring mechanisms to determine if an offence has been committed, i.e. maximum of 35 days from date of upload (7 day FSA publication + 28 day business publication)</p> <p>We will continue to engage with stakeholders to ensure that the specified time period is adequate.</p>

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<p><b>Fermanagh &amp; Omagh District Council</b></p>	<p>Fermanagh &amp; Omagh District Council agrees with the proposed time period for publication. However a mechanism must be in place to ensure that the Council is aware of the publication date and thereby capable of determining if an offence has been committed in relation to the timescale for display.</p>	<p>Relevant FHR will be published on the FSAs website within 7 days of an upload from a district council unless it is not appropriate to publish said rating, which would be determined and communicated by the relevant district council to the FSA.</p> <p>Using statutory timescales district councils should be able to put in place internal monitoring mechanisms to determine if an offence has been committed, i.e. maximum of 35 days from date of upload (7 day FSA publication + 28 day business publication)</p> <p>We will continue to engage with stakeholders to ensure that the specified time period is adequate.</p>
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<p><b>British Hospitality Association</b></p>	<p>We do not agree with the proposed specified time-period for publication. The time-period for publication may cause difficulties for some SMEs who have to rely on others to carry out their web site changes.</p> <p>In addition, we understand that the responsibility for displaying a valid food hygiene rating online falls to the FBO. This means that the FBO also takes responsibility for third-party online platforms from which their food can be ordered. This is of concern, as the FBO will be held accountable when it may not be within their authority to control what is displayed to the customer.</p> <p>We have also heard anecdotal reports from member businesses that some third-party delivery companies have been delivering their food without the company's permission. We believe that in this situation, there should be a defence for businesses whose food is being sold without their knowledge or permission.</p> <p>We also believe that there should be a period where the FBO is given time to prove that it was not their fault that a third-party online platform did not display the rating correctly.</p> <p>Finally, these comments are all based on the assumption that local authorities will release the results of their inspections accurately, quickly, and to a central place. If ratings are only sent to restaurants there will be delay in changes finding their way onto websites. This will also require training and system development in multisite businesses.</p>	<p>The FSA have developed food hygiene rating icons that can be used freely by food businesses, said icons once embedded within the structure of the relevant online platform automatically update to reflect their valid rating without the need for food businesses to manually update.</p> <p>Food businesses will have a period of 12 months from the date of implementation to comply with the requirements of the legislation. The FSA consider this time scale appropriate for relevant food businesses to make arrangements to ensure that their valid food hygiene rating will be displayed on an online ordering facility.</p> <p>The FSA have worked closely with leading online food delivery and aggregator websites in the development of these regulations and subsequent icons. As such they are aware and are in the process of developing systems that will facilitate these requirements.</p> <p>Businesses availing of third party online ordering facilities must ensure that said third party can facilitate the online display requirement.</p> <p>If DC becomes aware of non-display on a relevant platform they will investigate fully to determine the cause and if appropriate will follow a graduated enforcement approach in line with their respective enforcement policies.</p> <p>Under the statutory food hygiene rating scheme in NI food business operators must receive their rating within 14 days of inspection. District council must notify the FSA of this rating within 34 day of the inspection; the FSA will then publish, if appropriate to do so, said rating online. The food business will be required to display their rating online within 28days from the date their rating is published on the FSA website.</p> <p>The accompanying guidance to the statutory FHRS which DC's must have regard to states that for multi-site businesses, DCs must ensure that the notification and sticker(s) are sent to the local establishment.</p>
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		<p>Further to this, notification must also be communicated to the head office. Internal communication of such information between branches and their respective head office is a matter for each business.</p> <p>We will continue to engage with stakeholders to ensure that the specified time period is adequate.</p>
<b>Pizza Express</b>	No comment.	
<b>The Mount Charles Group Limited</b>	Yes - no comment	
<b>ASDA</b>	No comment	

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### Question 7 - Do you have any comments or views on the design and usage of the draft icons / badges?

Respondent	Comment	FSA in NI Response
<p><b>Mid and East Antrim Borough Council</b></p>	<p>MEABC believe that the icon design should be prescribed in the Regulations and that all the icons are visually consistent with the prescribed forms in Regulation 4 of the Food Hygiene Rating Regulations (NI) 2016. This would ensure that there is a consistent and recognisable brand for the Food Hygiene Rating Scheme.</p> <p>The Impact badge is the preferable option with the wording amended to state “Food Hygiene Rating”</p> <p>The Plain Test Unicode is not representative of the Food Hygiene Rating scheme branding.</p> <p>Clarification is required as to the proposed branding for the link used for multiple establishments with a single operator.</p>	<p>Icon design as it physically exists is not viable on online platforms due to accessibility issues and therefore had to be modified.</p> <p>As the online environment is dynamic and ever changing and in order to future proof the FSA in NI have decided not to prescribe the icon design in legislation.</p> <p>Although the icon design is not prescribed under legislative requirements the FSA in NI have carried out substantial stakeholder engagement in designing the icons. The icons will be provided to businesses freely, therefore reducing the burden on businesses whilst providing consistency of icon design.</p> <p>In order to cover all business needs and electronic platforms the requirement was to provide a number of accessible icons that would cover all spectrums of current specified online facilities.</p> <p>Accompanying guidance will outline only those establishments that cannot technically avail of the other icons i.e. impact badge, therefore should use said plain test unicode icon.</p> <p>Branding for the icon that will be used for multiple establishments is in the process of being developed and will be communicated with stakeholders in due course.</p>

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p><b>Derry City &amp; Strabane District Council</b></p>	<p>Derry City and Strabane District Council believe that the icon design should be prescribed in the Regulations and that all the icons are visually consistent with the prescribed forms in Regulation 4 of the Food Hygiene Rating Regulations (NI) 2016. This would ensure that there is a consistent and recognisable brand for the entire Food Hygiene Rating Scheme. The Impact badge is the preferable option with the wording amended to state “Food Hygiene Rating”. The Plain Test Unicode is not representative of the Food Hygiene Rating scheme branding and is to be discouraged. Clarification is required as to the proposed branding for the link used for multiple establishments with a single operator.</p>	<p>Icon design as it physically exists is not viable on online platforms due to accessibility issues and therefore had to be modified.</p> <p>As the online environment is dynamic and ever changing and in order to future proof the FSA in NI have decided not to prescribe the icon design in legislation.</p> <p>Although the icon design is not prescribed under legislative requirements the FSA in NI have carried out substantial stakeholder engagement in designing the icons. The icons will be provided to businesses freely, therefore reducing the burden on businesses whilst providing consistency of icon design.</p> <p>In order to cover all business needs and electronic platforms the requirement was to provide a number of accessible icons that would cover all spectrums of current specified online facilities.</p> <p>Accompanying guidance will outline only those establishments that cannot technically avail of the other icons i.e. impact badge, therefore should use said plain test Unicode icon.</p> <p>Branding for the icon that will be used for multiple establishments is in the process of being developed and will be communicated with stakeholders in due course.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p><b>Ards and North Down Borough Council</b></p>	<p>Ards and North Down Borough Council believe that the icon design should be prescribed in the Regulations and that all the icons are visually consistent with the prescribed forms in Regulation 4 of the Food Hygiene Rating Regulations (NI) 2016. This would ensure that there is a consistent and recognisable brand for the Food Hygiene Rating Scheme.</p> <p>The Impact badge is the preferable option with the wording amended to state “Food Hygiene Rating”</p> <p>The Plain Test Unicode is not representative of the Food Hygiene Rating scheme branding and we would not encourage its use.</p> <p>Clarification is required as to the proposed branding for the link used for multiple establishments with a single operator.</p>	<p>Icon design as it physically exists is not viable on online platforms due to accessibility issues and therefore had to be modified.</p> <p>As the online environment is dynamic and ever changing and in order to future proof the FSA in NI have decided not to prescribe the icon design in legislation.</p> <p>Although the icon design is not prescribed under legislative requirements the FSA in NI have carried out substantial stakeholder engagement in designing the icons. The icons will be provided to businesses freely, therefore reducing the burden on businesses whilst providing consistency of icon design.</p> <p>In order to cover all business needs and electronic platforms the requirement was to provide a number of accessible icons that would cover all spectrums of current specified online facilities.</p> <p>Accompanying guidance will outline only those establishments that cannot technically avail of the other icons i.e. impact badge, therefore should use said plain test Unicode icon.</p> <p>Branding for the icon that will be used for multiple establishments is in the process of being developed and will be communicated with stakeholders in due course.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p><b>Causeway Coast and Glens Borough Council</b></p>	<p>Causeway Coast and Glens Borough Council believe that the icon design should be prescribed in the Regulations and that all the icons are visually consistent with the prescribed forms in Regulation 4 of the Food Hygiene Rating Regulations (NI) 2016. This would ensure that there is a consistent and recognisable brand for the Food Hygiene Rating Scheme.</p> <p>The Impact badge is the preferable option with the wording amended to state “Food Hygiene Rating”. The Plain Test Unicode is not representative of the Food Hygiene Rating scheme branding and we would not encourage its use.</p> <p>Clarification is required as to the proposed branding for the link used for multiple establishments with a single operator.</p>	<p>Icon design as it physically exists is not viable on online platforms due to accessibility issues and therefore had to be modified.</p> <p>As the online environment is dynamic and ever changing and in order to future proof the FSA in NI have decided not to prescribe the icon design in legislation.</p> <p>Although the icon design is not prescribed under legislative requirements the FSA in NI have carried out substantial stakeholder engagement in designing the icons. The icons will be provided to businesses freely, therefore reducing the burden on businesses whilst providing consistency of icon design.</p> <p>In order to cover all business needs and electronic platforms the requirement was to provide a number of accessible icons that would cover all spectrums of current specified online facilities.</p> <p>Accompanying guidance will outline only those establishments that cannot technically avail of the other icons i.e. impact badge, therefore should use said plain test Unicode icon.</p> <p>Branding for the icon that will be used for multiple establishments is in the process of being developed and will be communicated with stakeholders in due course.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p><b>Fermanagh &amp; Omagh District Council</b></p>	<p>Fermanagh &amp; Omagh District Council believes that the icon design should be prescribed in the Regulations and that all the icons are visually consistent with the prescribed forms in Regulation 4 of the Food Hygiene Rating Regulations (NI) 2016. This would ensure that there is a consistent and recognisable brand for the Food Hygiene Rating Scheme.</p> <p>The Impact badge is the preferable option with the wording amended to state “Food Hygiene Rating”</p> <p>The Plain Test Unicode is not representative of the Food Hygiene Rating scheme branding and the Council would not encourage its use.</p> <p>Clarification is required as to the proposed branding for the link used for multiple establishments with a single operator.</p>	<p>Icon design as it physically exists is not viable on online platforms due to accessibility issues and therefore had to be modified.</p> <p>As the online environment is dynamic and ever changing and in order to future proof the FSA in NI have decided not to prescribe the icon design in legislation.</p> <p>Although the icon design is not prescribed under legislative requirements the FSA in NI have carried out substantial stakeholder engagement in designing the icons. The icons will be provided to businesses freely, therefore reducing the burden on businesses whilst providing consistency of icon design.</p> <p>In order to cover all business needs and electronic platforms the requirement was to provide a number of accessible icons that would cover all spectrums of current specified online facilities.</p> <p>Accompanying guidance will outline only those establishments that cannot technically avail of the other icons i.e. impact badge, therefore should use said plain test Unicode icon.</p> <p>Branding for the icon that will be used for multiple establishments is in the process of being developed and will be communicated with stakeholders in due course.</p>
<p><b>British Hospitality Association</b></p>	<p>No, we do not have any comments.</p>	
<p><b>Pizza Express</b></p>	<p>No comment.</p>	
<p><b>The Mount Charles Group Limited</b></p>	<p>No comment</p>	
<p><b>ASDA</b></p>	<p>From the different designs, the Impact Badge is clear and should aid in customers understanding of the food hygiene rating score assigned to a food business post food hygiene inspection.</p>	

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

**Question 8 - Do you have any other comments or views on the draft Regulations described in this document?**

Respondent	Comment	FSA in NI Response
<b>Mid and East Antrim Borough Council</b>	MEABC have no comments to make.	
<b>Derry City &amp; Strabane District Council</b>	Derry City and Strabane District Council would seek clarification and further discussion with the FSA on the costing allocated to Local Authorities in Table 1: Summary of costs and Benefits under Option 2.	<p>The costings as outlined within the consultations accompanying financial impact assessment are those costs that LA's will incur with the introduction of online display legislative requirement. These costs have been identified by reviewing the process in which LA's will be required to implement and facilitate these regulations.</p> <p>There are a number of areas in which LA's resources may be required however such areas are unable to be costed and therefore included within 'Table 1: Summary of costs and Benefits under Option 2.'</p> <p>We note that DC officer time dealing with enquires has not been included within the IA, the IA will be amended to reflect such costs.</p>

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p><b>Ards and North Down Borough Council</b></p>	<p>Ards and North Down Borough Council would seek clarification and further discussion with the FSA on the costing allocated to Local Authorities in Table 1: Summary of costs and Benefits under Option 2.</p> <p>Ards and North Down Borough Council believes that a number of factors impacting this Council have not been considered by the FSA when carrying out the Cost and Benefits summary, namely:</p> <p>(a) No costing's have been included for the Council officer time required to deal with enquiries.</p> <p>(b) No recognition has been given to the additional officer time necessary to carry out intelligence gathering activities for online sales.</p> <p>(c) No recognition has been given to the additional officer time required to verify compliance by businesses with online sales.</p> <p>(d) No recognition has been given to the additional officer time for enforcement action that may be necessary</p> <p>(e) Clarification on covert and overt surveillance of online sales is sought. Any covert surveillance will require additional officer time to ensure compliance with RIPA requirements.</p> <p>(f) The Councils' Information Management System (IMS) will require development to enable information on businesses using online sales to be captured and development of a search facility within the IMS</p>	<p>We note comments made regarding DC officer time dealing with enquires and will amend the IA to reflect such costs.</p> <p>As referred to at point 24 of the IA it is envisaged that officers will monitor compliance in their preparation for and during planned interventions. The additional time added by this process is considered to be minimal and therefore not costed.</p> <p>As referred to at point 25 of the IA we recognise that DCs will need to take enforcement action against those businesses that fail to comply with these regulations. However as it cannot be assumed that businesses will commit offences therefore an estimation of businesses failing to comply cannot be made and therefore cannot be costed.</p> <p>As stated it cannot be assumed that businesses will commit offences and therefore such costings cannot be made. The FSA will support DCs</p> <p>We understand that DC's will have to record establishment specific information in relation to online display where applicable. We envisage that the recording of such information will require a minimal change to IMS and therefore has not been included.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p><b>Causeway Coast and Glens Borough Council</b></p>	<p>Causeway Coast and Glens Borough Council would seek clarification and further discussion with the FSA on the costing allocated to Local Authorities in Table 1: Summary of costs and Benefits under Option 2. Causeway Coast and Glens Borough Council believes that a number of factors impacting this Council have not been considered by the FSA when carrying out the Cost and Benefits summary, namely:</p> <p>(a) No costing's have been included for the Council officer time required to deal with enquiries.</p> <p>(b) No recognition has been given to the additional officer time necessary to carry out intelligence gathering activities for online sales.</p> <p>(c) No recognition has been given to the additional officer time required to verify compliance by businesses with online sales.</p> <p>(d) No recognition has been given to the additional officer time for enforcement action that may be necessary</p> <p>(e) Clarification on covert and overt surveillance of online sales is sought. Any covert surveillance will require additional officer time to ensure compliance with RIPA requirements.</p> <p>(f) The Councils' Information Management System (IMS) will require development to enable information on businesses using online sales to be captured and development of a search facility within the IMS</p>	<p>We note comments made regarding DC officer time dealing with enquires and will amend the IA to reflect such costs.</p> <p>As referred to at point 24 of the IA it is envisaged that officers will monitor compliance in their preparation for and during planned interventions. The additional time added by this process is considered to be minimal and therefore not costed.</p> <p>As referred to at point 25 of the IA we recognise that DCs will need to take enforcement action against those businesses that fail to comply with these regulations. However as it cannot be assumed that businesses will commit offences therefore an estimation of businesses failing to comply cannot be made and therefore cannot be costed.</p> <p>As stated it cannot be assumed that businesses will commit offences and therefore such costings cannot be made. The FSA will support DCs</p> <p>We understand that DC's will have to record establishment specific information in relation to online display where applicable. We envisage that the recording of such information will require a minimal change to IMS and therefore has not been included.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p><b>Fermanagh &amp; Omagh District Council</b></p>	<p>Fermanagh &amp; Omagh District Council seeks clarification and further discussion with the FSA on the costing allocated to Local Authorities in Table 1: Summary of Costs and Benefits under Option 2.</p> <p>The Council believes that a number of factors impacting this Council have not been considered by the FSA when carrying out the Cost and Benefits summary, namely:</p> <p>(a) No costings have been included for Council Officer time required to deal with enquiries;</p> <p>(b) No recognition has been given to the additional Officer time necessary to carry out intelligence gathering activities for online sales;</p> <p>(c) No recognition has been given to the additional Officer time required to verify compliance by businesses with online sales;</p> <p>(d) No recognition has been given to the additional Officer time for enforcement action that may be necessary;</p> <p>(e) Clarification on covert and overt surveillance of online sales is sought. Any covert surveillance will require additional Officer time to ensure compliance with RIPA requirements; and</p> <p>(f) The Councils' Information Management System (IMS) will require development to enable information on businesses using online sales to be captured and development of a search facility within the IMS.</p>	<p>We note comments made regarding DC officer time dealing with enquires and will amend the IA to reflect such costs.</p> <p>As referred to at point 24 of the IA it is envisaged that officers will monitor compliance in their preparation for and during planned interventions. The additional time added by this process is considered to be minimal and therefore not costed.</p> <p>As referred to at point 25 of the IA we recognise that DCs will need to take enforcement action against those businesses that fail to comply with these regulations. However as it cannot be assumed that businesses will commit offences therefore an estimation of businesses failing to comply cannot be made and therefore cannot be costed.</p> <p>As stated it cannot be assumed that businesses will commit offences and therefore such costings cannot be made. The FSA will support DCs</p> <p>We understand that DC's will have to record establishment specific information in relation to online display where applicable. We envisage that the recording of such information will require a minimal change to IMS and therefore has not been included.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p><b>British Hospitality Association</b></p>	<p>The BHA appreciates the value the Food Hygiene Rating Scheme (FHRS) as a means of encouraging food business operators (FBOs) to improve and maintain high standards. However, occasionally the scheme has been found to be lacking in some aspects in fairness and consistency. The statutory scheme in Northern Ireland means that it is critical processes are put in place to help address these issues to ensure a fair system for businesses.</p> <p>The BHA welcomed the recent changes to the Food Hygiene Ratings Brand Standards which stated that businesses can request a quick re-inspection of their premises on a cost-recovery basis as soon as improvement work has been done. This, along with the suggestion that Local Authorities should consider establishing a reciprocal agreement with another authority to consider each other's appeals, are a welcome step forward in improving the speed of reassessments and improving consistency between local authorities. However, we understand that some Local Authorities have already refused to establish such a reciprocal agreement, so our concern over unfairness of the appeals process remains.</p> <p>The BHA still has further concerns with the Food Hygiene Ratings Scheme, of which we have submitted evidence to FSA on multiple occasions. These concerns include:</p> <ol style="list-style-type: none"> <li>1. Ratings sometimes made without heed to Primary Authority Assured Advice.</li> <li>2. Businesses being penalised by LAs who do not agree with Primary Authority Assured Advice.</li> <li>3. A lack confidence in the current appeals process in place due to the lack of independence.</li> </ol> <p>To improve confidence in the scheme it should be overseen by an independent authority, such as a governance group, monitoring appeals relating to FHRS including Primary Authority Assured Advice and general misinterpretation. The BHA understands there may be a role for the use of third party accredited auditors, for example as part of the appeal process to provide independence which it supports subject to there being a competitive market place for such services to ensure that no one company dominates and that all geographical areas have equality of service, standard and representation.</p>	<p>The statutory FHRS in NI incorporates three key safeguards for business</p> <p><b>Appeal:-</b> An appeal maybe made on the grounds the rating does not reflect the food hygiene standards at the establishment at the time of the inspection on which the rating is based within 21 days from receiving a rating. The appeal will be heard by the district council that produced the rating. However the district council officer that will hear the appeal must not have been involved in the production of the rating under appeal. The appeal must be determined within 21days from the date the appeal was received by the district council.</p> <p><b>Request for re-rating:-</b> FBO may request a re-rating inspection which must be completed within three months from the district council receiving such a request. This re-rating inspection will incur a fee of £150 and will only be conducted if the sufficient evidence is provided that steps have been taken to improve compliance, this includes the display of a valid food hygiene rating.</p> <p><b>Right of Reply:-</b> FBO can make a written representation on the establishments rating. This must be published online alongside the relevant food hygiene rating. Representations must not contain offensive, defamatory, clearly inaccurate or irrelevant remarks.</p> <p>The primary authority scheme does not operate in NI however district councils have agreed to have regard to the general principals of the primary authority scheme.</p> <p>District council food safety officers regularly part take in consistency exercises which are on a local, regional and national levels. These in conjunction with several other measures are designed to ensure maximum level of fairness and consistency is achieved and maintained.</p> <p>The FSA have a statutory requirement to keep the operation of the scheme under review, this includes the effectiveness of the appeals process.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

	We hope this feedback is of use to you, and we look forward to seeing how the Food Hygiene Rating Scheme and online display is developed going forwards. The priority for our member companies is to achieve high standards, with a good Food Hygiene Rating, and we are keen to see a system that works to support this.	
<b>Pizza Express</b>	No comment.	
<b>The Mount Charles Group Limited</b>	No comment.	
<b>ASDA</b>	No comment.	

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

### OTHER COMMENTS:

Respondent	Comment	FSA in NI Response

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<b>SUMMARY OF CHANGES MADE:</b>	
<b>Comment</b>	<b>FSA in NI Response</b>
Derry City and Strabane District Council would seek clarification and further discussion with the FSA on the costing allocated to Local Authorities in Table 1: Summary of costs and Benefits under Option 2.	We note comments made regarding DC officer time dealing with enquires and will amend the IA to reflect such costs.
Ards and North Down Borough Council would seek clarification and further discussion with the FSA on the costing allocated to Local Authorities in Table 1: Summary of costs and Benefits under Option 2. Ards and North Down Borough Council believes that a number of factors impacting this Council have not been considered by the FSA when carrying out the Cost and Benefits summary, namely:  (a) No costing's have been included for the Council officer time required to deal with enquiries	We note comments made regarding DC officer time dealing with enquires and will amend the IA to reflect such costs.
Causeway Coast and Glens Borough Council would seek clarification and further discussion with the FSA on the costing allocated to Local Authorities in Table 1: Summary of costs and Benefits under Option 2. Causeway Coast and Glens Borough Council believes that a number of factors impacting this Council have not been considered by the FSA when carrying out the Cost and Benefits summary, namely:  (a) No costing's have been included for the Council officer time required to deal with enquiries.	We note comments made regarding DC officer time dealing with enquires and will amend the IA to reflect such costs.
Fermanagh & Omagh District Council seeks clarification and further discussion with the FSA on the costing allocated to Local Authorities in Table 1: Summary of Costs and Benefits under Option 2. The Council believes that a number of factors impacting this Council have not been considered by the FSA when carrying out the Cost and Benefits summary, namely:  (a) No costings have been included for Council Officer time required to deal with enquiries;	We note comments made regarding DC officer time dealing with enquires and will amend the IA to reflect such costs.

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

### ACTIONS TO BE IMPLEMENTED:

The FSA will revise the impact assessment to reflect district council officers time dealing with an increased level of enquires.

## **List of Respondents:**

1. Mid and East Antrim Borough Council
2. Derry City and Strabane District Council
3. Ards and North Down Borough Council
4. Causeway Coast and Glens Borough Council
5. Fermanagh and Omagh District Council
6. British Hospitality Association
7. The Mount Charles Group Limited
8. Pizza Express
9. Asda