



## The flow of food business establishments into the regulatory system

Final Report  
June 2018

# Contents

Figures.....	3
Tables.....	4
Executive Summary .....	5
1. Introduction .....	14
1.1 Strengthening regulatory assurance .....	14
1.2 Regulations governing food business registration or approval .....	15
1.3 Research aims and objectives .....	16
1.4 Methodology .....	17
1.5 Cautionary notes .....	18
2. Pathways to Registration/Approval.....	19
2.1 Prevalence of pathways.....	19
2.2 Application methods made available by LAs .....	23
2.3 How LAs encounter unregistered/non-approved food businesses .....	24
2.4 Perceived characteristics of unregistered food businesses.....	27
3. Ensuring Compliance .....	31
3.1 Verifying and using registration information .....	31
3.2 Timeliness of first inspections (registrations) .....	34
3.3 Timeliness of follow-ups (approvals).....	36
3.4 Consequences of non-registration/approval.....	37
4. FBOs' Awareness and Experience of the Process .....	43
4.1 Awareness and understanding of the regulations .....	43
4.2 Experience of the registration/approval process .....	45
4.3 Notifying LAs of significant business changes .....	47
5. Support for Food Businesses .....	50
5.1 Support offered by LAs .....	50
5.2 Support accessed by FBOs .....	53
5.3 Effectiveness of support .....	55
6. Future Options .....	60
6.1 Central online registration system.....	60
6.2 Licence or permit to trade .....	63
6.3 Fixed penalty notice.....	66
7. Conclusions and Recommendations .....	69
7.1 Conclusions.....	69
7.2 Recommendations.....	72
Appendix 1. Sampling and Respondent Profile .....	76
Appendix 2. Ranking Analysis - Method.....	78
Appendix 3. Survey Questionnaires .....	80
Appendix 4. Additional Tables.....	97

## Figures

Figure 1 Pathways to registration/approval (ranked by overall prevalence, as reported by LAs) .....	20
Figure 2 Pathways to registration/approval (prevalence, as reported by food businesses) ..	22
Figure 3 Variety of application methods made available by LAs .....	23
Figure 4 How unregistered/non-approved businesses are typically encountered by LAs (ranked by prevalence) .....	25
Figure 5 Legal status most likely to be trading unregistered (LA perceptions) .....	27
Figure 6 Experience-level most likely to be trading unregistered (LA perceptions) .....	28
Figure 7 Types of food operation most likely to be trading unregistered (LA perceptions) ...	29
Figure 8 Whether LAs verify the accuracy of information supplied by food businesses .....	31
Figure 9 How LAs use information from registration/approval applications .....	33
Figure 10 Proportion of food businesses inspected within 28 days.....	35
Figure 11 Perceived link between non-proactive registration/approval and instances of non-compliance (LAs) .....	37
Figure 12 Frequency of actions taken in response to non-registration/non-approval (LAs)..	40
Figure 13 Frequency of challenges faced when identifying an unregistered/non-approved food business (LAs) .....	41
Figure 14 Prior awareness of legal requirement to register/seek approval (food businesses) .....	43
Figure 15 Ease/difficulty of the registration/approval process (food businesses) .....	45
Figure 16 Whether the registration/approval process could be improved (food businesses) 46	
Figure 17 LA perceptions on the proportion of food businesses that notify of significant changes .....	48
Figure 18 Whether food businesses are aware of the requirement to notify significant changes .....	49
Figure 19 Support provided by LAs .....	51
Figure 20 Support accessed by food businesses .....	53
Figure 21 Ease of finding available support (food businesses).....	54
Figure 22 LAs' perceived effectiveness of support offered .....	55
Figure 23 Extent of agreement that IAG contributed to a good food hygiene rating (food businesses).....	57
Figure 24 Favourability to a central online registration system (LAs).....	60
Figure 25 Favourability to a central online registration system (food businesses) .....	62
Figure 26 Favourability to a permit to trade (LAs).....	63
Figure 27 Favourability to a permit to trade (food businesses) .....	65
Figure 28 Whether a fixed penalty notice would have changed the pathway to registration/approval (food businesses).....	67

## Tables

Table 1 Pathways to registration/approval (% of LAs giving each ranking).....	21
Table 2 Percentage of LAs offering an online registration portal .....	24
Table 3 How unregistered/non-approved businesses are typically encountered by LAs (% of LAs giving each ranking).....	26
Table 4 Types of food operation most likely to be trading unregistered (most common answer by LAs) .....	30
Table 5 Percentage of LAs saying they verify information .....	32
Table 6 Percentage of LAs saying they verify information .....	34
Table 7 Proportion of LAs saying at least half of food businesses inspected within 28 days	36
Table 8 Average time taken from first contact to follow-up for approvals (LAs).....	37
Table 9 Perceived link between non-proactive registration/approval and instances of non-compliance (LAs) .....	38
Table 10 Percentage of LAs always/regularly facing difficulties identifying the named business owner .....	42
Table 11 Prior awareness of legal requirement to register/seek approval (food businesses)	44
Table 12 Levels of understanding – then and now (food businesses) .....	44
Table 13 Ease/difficulty of the registration or approval process (food businesses) .....	45
Table 14 Whether the registration/approval process could be improved (food businesses).	47
Table 15 Percentage of LAs saying ‘a few’ or ‘no food businesses’ notify of significant changes .....	48
Table 16 Percentage of food businesses aware of the requirement to notify significant changes .....	49
Table 17 Ease of finding available support (food businesses) .....	54
Table 18 LAs’ perceived effectiveness of support offered .....	56
Table 19 Extent of agreement that IAG contributed to a good food hygiene rating (food businesses).....	57
Table 20 Perceived usefulness of support accessed (food businesses) .....	58
Table 21 Favourability to a central online registration system (LAs) .....	61
Table 22 Favourability to a central online registration system (food businesses).....	62
Table 23 Favourability to a permit to trade (LAs) .....	63
Table 24 Favourability to a permit to trade (food businesses) .....	65
Table 25 Favoured pricing (LAs and food businesses).....	67
Table 26 Percentage saying ‘yes’ – a fixed penalty notice would have changed the pathway to registration/approval (food businesses).....	68
Table 27 Local authority survey respondent profile .....	76
Table 28 FBO survey respondent profile .....	77
Table 29 Method for determining average rankings .....	78
Table 30 Weighting factors used.....	79

---

# Executive Summary

---

## 1. Introduction

The Food Standards Agency (FSA) is working with local authorities (LAs), food business operators (FBOs) and other relevant stakeholders to inform a sustainable approach to food safety regulation. Delivered through the Regulating Our Future (ROF) programme<sup>1</sup>, the system aims to be proportionate and flexible, enabling FBOs to meet their responsibilities and at the same time strengthening consumer protection.

The UK's withdrawal from the EU in March 2019 could affect the FSA's regulatory controls, since certain EU regulatory functions will then be replaced or maintained in UK law. The FSA is therefore working to ensure effective protection of public health, maintain confidence in food safety and regulation, and minimise disruption for consumers and industry.

Key to ROF is helping new food businesses understand their responsibilities for producing safe food, and how to meet those responsibilities. Under Article 6(2) of Regulation 852/2004, new food businesses need to register with the relevant LA. Any significant changes to existing businesses that relate to food operations also have to be notified to the LA. If the business handles meat, fish, egg or dairy products then Regulation 853/200 may apply, which require food businesses to seek approval before they commence trading.

The FSA commissioned this research to understand how well the current food business registration system and approval process is performing and explore the appetite for a central online registration system. It aims to help the FSA decide whether to take food businesses' pathway to registration/approval into account as part of a new risk profiling system, as well as to identify additional support to help businesses comply with food law and achieve a good Food Hygiene Rating under the Food Hygiene Rating Scheme (FHRS).

The research (covering England, Wales and Northern Ireland) involved three main stages of activity:

1. Initial scoping telephone interviews with ten local authorities to inform the design of stages 2 and 3 (February 2018);
2. An online survey of LAs (target of 100 responses during March/April 2018); and
3. Telephone survey of FBOs (target of 100 responses during March/2018).

Throughout this report the term 'survey' is used to refer to the findings from stages 2 and 3.

---

<sup>1</sup> Food Standards Agency (2017) *Regulating our Future*

## 2. Headline findings from surveyed LAs

- According to LAs, food businesses most likely to be trading unregistered include takeaways, store-based food retailers and stall/market retailers;
- Two thirds of LAs (66%) say they take steps to verify the accuracy of information supplied by FBOs and 82% use registration information to prioritise inspections;
- 60% of LAs typically inspect most or all food businesses within 28 days of them registering, while 40% say that only some, a few or no businesses are inspected in this timeframe;
- On average, LAs take 4.8 days between first contact by a business seeking approval, and a response being provided by the LA;
- Almost half of LAs (49%) believe that FBOs who do not proactively register or seek approval demonstrate greater instances of non-compliance than those who register proactively;
- On the whole, LAs take no enforcement action against businesses trading without prior registration (where this is the only offence). They are more predisposed to take formal action for cases of business trading without the necessary prior approval, including where non-approval is the only offence;
- Almost all LAs (98%) offer information, advice and guidance (IAG) on their website for FBOs;
- Just under three quarters of LAs (74%) consider the support they offer to be effective at encouraging FBOs to register or obtain approval;
- 66% of LAs are favourable to the idea of a central online registration system for food businesses; and
- Almost all LAs (94%) favour the idea of a licensing system (permit to trade).

## 3. Headline findings from surveyed FBOs

- Thinking back to the time of registration, FBOs would rate their understanding of the registration/approval process at 6 out of 10<sup>2</sup>;
- Almost three quarters of FBOs (73%) recall the initial registration or approval process as being generally easy;

---

<sup>2</sup> Based on a scale from 1 'no understanding' to 10 'complete and full understanding'.

- Just under a quarter (24%) of FBOs believe the registration/approval process could be improved;
- Less than one in 50 LAs believe that all FBOs notify them of significant changes to their business. This is despite 88% of FBOs saying they are aware that this is a legal requirement;
- When FBOs need support, they most commonly turn to their LA's website, followed by the FSA's website;
- More than 90% of surveyed FBOs consider it generally easy to find the information they need when they need it;
- More than half of FBOs (58%) are favourable to the idea of a central online registration system for food businesses; and
- A quarter of FBOs (25%) favour the idea of a licensing system (permit to trade).

#### 4. Pathways to registration/approval

On a scale from 1 (most common) to 5 (least common), surveyed LAs were asked to rank the prevalence of five main pathways to food business registration/approval<sup>3</sup>. Results are as follows:

**Ranked pathways to registration/approval (most to least common):**

1. Voluntarily, via the local authority;
2. FBO is approached by the local authority once already trading;
3. Voluntarily, via Gov.UK;
4. Via another local authority department/Government office;
5. Voluntarily, via a third party.

FBOs were asked a similar question to find out what approach they took and the results are broadly consistent with the experiences of LAs. More than three quarters (77%) registered or gained approval proactively via their LA; 10% were approached by their LA once already trading; a further 10% registered via a third party; and 3% registered in other ways, including via Gov.UK. Of the 11 surveyed FBOs who said the LA approached them to register once

<sup>3</sup> LAs were also asked if there are other pathways besides these, although all comments aligned with these five categories.

already trading, all respondents put this down to an oversight or lack of prior knowledge on their part about the regulatory requirements.

Reasons given by FBOs for registering proactively include having previous experience and familiarity with running a food business; being guided by the LA or third parties who they contacted as a matter of course; and a desire to maintain local communications and support networks, hence not using Gov.UK or not even being aware of this pathway.

A number of LAs consider FBOs who register proactively to be more confident in their systems and robust in their management approach than those who do not. There are no major trends/changes in the pathways FBOs have taken to register in recent years, although several LAs note an increase in online over paper-based registration forms as digital communications become more commonplace.

Also on a scale from 1 (most common) to 5 (least common), surveyed LAs were asked to rank how they typically encounter unregistered/non-approved food businesses that are already trading. Results are as follows:

**Ranked LA encounters with unregistered/non-approved businesses (most to least common):**

1. When undertaking an inspection and finding a change to the business;
2. When LA officers are out and about in the community;
3. When looking at other official records or on social media pages;
4. Following a query/suspicion raised by a third party/member of the public; and
5. As part of a wider police investigation.

LAs say they often encounter FBOs trading unregistered where an existing business has changed names or ownership, which is usually discovered at the next scheduled inspection. LAs are sometimes notified about new food businesses by other departments in the Council, such as licensing, planning and trading standards – as well as by officers when working out in the community. Some also check local food business advertisements and perform internet searches to identify any potentially unregistered firms. LAs also occasionally receive queries from members of the public which can identify unregistered food businesses, especially where they have cause for concern about Food Hygiene standards.

LAs were asked a number of questions about the characteristics of food business operators they consider most likely to trade unregistered. More than half (52%) believe that sole traders are more likely to do so than other types of food business operators. While half of LAs say it is hard to associate an FBO's level of food business experience with their likelihood to be trading unregistered, 40% believe that first time operators are more likely to



do so than experienced operators. In terms of different types of food operation, takeaways top the list of businesses perceived as most likely to be trading unregistered, followed by store-based food retailers and stall/market traders.

## 5. Ensuring compliance

Two thirds of LAs responding to the main survey take steps to verify the accuracy of information supplied by FBOs when they register or seek approval. Sources include the Electoral Roll and Companies House, as well by performing additional checks with FBOs to clarify and fully understand the 'scope' of the business, including food operations, product range, experience/knowledge of the trader, and where the business will trade if operating from mobile premises. Some LAs say they make checks with other LA departments e.g. business rates and licensing.

A minority of LAs suggested that they would like the registration form to ask for more information to help them clearly identify the FBO, for example date of birth, National Insurance number, and the requirement to supply photographic identification and address verification. This view may be held more widely by other LAs and is considered important to tackle instances where certain businesses make it difficult for the LA to identify the named FBO. This can include FBOs giving false names or changing the business owner name regularly, possibly to mask other potentially unscrupulous activities, such as debt issues or other illegal activity.

Most LAs use this information to prioritise inspections (82%), while less than half (45%) use it to exclude some businesses from inspections. LA inspections are typically prioritised based on risk, with high-risk activities including mobile food operations (e.g. burger vans) and event catering facilities. Examples of inspection exclusions include low-risk small-scale domestic operators of cup-cake businesses and similar, although further information was not provided. There are also some reported cases of FBOs registering proactively where there is no real need, for example church halls where food operations form a very small part of their general activities.

The FSA's Food Law Code of Practice advises first inspections take place within 28 days of the business starting to trade. However, 43% of surveyed LAs in England take longer than this, compared with 37% in NI and 17% in Wales. A small minority report that inspections can sometimes take several months to complete, which appears to be due to two main reasons: 1) resourcing pressures in the LA; and 2) FBOs not always trading by the date they originally estimated on the registration form, meaning that early visits can sometimes be fruitless for the LA. When FBOs first contact LAs to seek approval under regulation 853/2004, surveyed LAs take an average of 4.8 days to respond.

Approximately half of LAs (49%) believe that FBOs who do not proactively register or seek approval demonstrate greater instances of non-compliance than those who do register proactively. The most common non-compliance in these situations is an inadequate or non-existent documented food safety management system. Other observed issues include lack

of cross-contamination controls, inadequate knowledge of food law, structural problems with the premises and inadequate facilities, for example poorly situated wash basins.

When encountering unregistered food businesses, LAs tend to opt for a light-touch response, either by registering the business on the spot or allowing a short window of time for the business to register themselves. Formal prosecution is extremely rare where non-registration is the only offence as this is not perceived to be cost-effective or in the public interest. For cases of non-approval, LAs are predisposed to take more formal action, including issuing a Remedial Action Notice (applicable to Wales and NI only). The main reported challenge encountered when dealing with a food business trading without prior registration/approval is difficulty identifying the named FBO (over a quarter of LAs say this regularly happens).

## **6. Awareness and understanding of the regulations**

The majority of surveyed FBOs (81%) claim to have been aware of the legal requirement to register or seek approval before they commenced trading. Perhaps unsurprisingly, this percentage is higher among experienced FBOs (85%) than new FBOs (76%). FBO's were also asked to rate the extent of their understanding of this requirement, on a scale from 1 'no understanding' to 10 'complete and full understanding'. The resulting average scores are 6 out of 10 (based on their understanding at the time they commenced trading) compared with 8 out of 10 (current level of understanding).

Almost three quarters of surveyed FBOs (73%) found the initial registration or approval process to be generally easy. They praise the quality and helpfulness of advice from the LA and FSA staff and found starter packs to be useful to help them set up a new business and ensure good standards of food safety and hygiene.

Just under a quarter of FBOs (24%) believe the registration/approval process could be improved. They would welcome easier access to a wider range of support and some suggest that paperwork could be reduced and the registration/approval process made more efficient, with a minority calling for a simpler registration form.

More than half of LAs (52%) say that only 'a few' businesses notify them of significant changes affecting their business. This is despite 88% of surveyed FBOs saying they are aware of the legal requirement to notify LAs of such changes. In the initial scoping interviews, LAs said that there are no published definitions for what 'significant change' means in practice. This could inevitably lead to FBOs not knowing what material changes do and do not need to be reported.

## **7. Support for food businesses**

Almost all surveyed LAs (98%) offer information, advice and guidance (IAG) on their website about how FBOs can register or seek approval. More than three quarters (89%) signpost from their own website to the FSA website for further information, and 79% offer face-to-face

support visits prior to registration or approval being sought by businesses. A third of surveyed LAs (41 in total, of which 37 were in England and three in Wales) said they offer chargeable support. Visits to premises vary in price between LAs, from £35 to £140 per hour.

The amount of IAG offered by LAs appears to be constrained by tightening budgets. Some LAs run training courses in-house (via a third-party training provider) that surveyed FBOs register and pay for to aid compliance. Others signpost to local training providers should businesses ask for this information.

Surveyed FBOs were asked what forms of IAG they used as part of the registration/approval process. The most common is the LA's website (accessed by 79% of FBOs), followed by the FSA's website (54%) and face-to-face support from the LA (48%). More than 80% of FBOs say it was generally easy to find the information they needed online and are complimentary about its quality. However, a minority experienced difficulties and report being unable to identify who to contact at their LA for more information.

Almost three quarters of LAs (74%) consider the support they offer to be effective at encouraging FBOs to register or obtain approval, and an even higher proportion (89%) feel this helps them to achieve a good food hygiene rating. This sentiment is echoed by most FBOs, among which 87% agree that business support has helped them to achieve a good food hygiene rating.

## **8. Future options**

The research explored the appetite among LAs and FBOs for three potential options for change to the current regulatory system, namely: a central online registration system; a licence or permit to trade for food businesses; and the introduction of fixed penalty notices.

Two thirds of surveyed LAs are favourable to the idea of a central online registration system, along with more than half (58%) of FBOs. Perceived benefits include achieving greater consistency between LAs; improving efficiencies and predictability for businesses (especially those with outlets in several areas); and allowing better monitoring, for example of mobile operators who trade across LA boundaries. However, the existing GOV.UK registration form is generally mentioned by a small number of LAs as being long-winded, so LAs would welcome being consulted on the types of information gathered as part of any new central online system so it supports and dovetails neatly with local systems and promoted intelligence sharing.

With respect to permit to trade, almost all surveyed LAs (94%) favour the idea on the basis that it would put the onus on FBOs to comply with food legislation, raise standards and strengthen protection for consumers. FBOs are generally opposed on cost grounds, with 42% 'very unfavourable' and only a quarter (25%) warm to the idea. Several FBOs are ambivalent, indicating that they need more information on how a permit system would benefit the industry and what they would get in return from any fee.

Finally, whilst not asked as a direct question, LAs appear to be generally favourable to the idea of introducing some form of fixed penalty notice system to encourage registration/approval and on-going compliance with legal requirements. Potential pricing was scoped out, with the average (mean) suggestion from LAs is £240 and the average from FBOs is £160. However, FBOs appear to be generally opposed, with more than half (58%) giving an answer of nil.

## 9. Conclusions

More detail on each of these conclusions is provided in section 7.1.

1. Food business operators (FBOs) primarily register/seek approval proactively and through their local authority (LA). Despite 81% of FBOs saying they were aware of this regulatory requirement prior to commencing trading, the relative prevalence of food businesses being registered retrospectively (as reported by LAs) suggests that current regulatory controls may not be sufficiently robust and indicates a possible shortfall in the knowledge and understanding of some FBOs around their regulatory obligations.
2. LAs typically offer several methods for FBOs to register or seek approval and take proactive steps to identify businesses that may not already be captured by the regulatory system. However, resource limitations tend to prevent LAs from being able to proactively raise the profile of the process.
3. LAs actively verify and confirm information submitted by FBOs as part of the registration/approval process. They use this to take a risk-based approach to prioritising inspections and to exclude businesses from inspections that are deemed low risk.
4. LAs typically take a proportionate and risk-based approach to tackling instances of businesses trading without the necessary registration or approval.
5. There is a lack of clarity around what constitutes “significant changes” to an existing food business that need to be notified to the LA. Consequently, LAs believe that few businesses meet this requirement, which could potentially lead to instances of non-compliance occurring and not being picked up.
6. FBOs’ support needs vary and – for the most part – existing information, advice and guidance is useful and helps businesses to achieve a good hygiene rating. There are exceptions which suggest that FBOs are not always able to find what they need.
7. LAs largely favour the idea of a central online registration system, permits to trade and the use of fixed penalty notices to strengthen the existing regulatory system. However, the introduction of a permit to trade and fixed penalty system risks meeting opposition from FBOs and the importance would need to be made clear.

---

## 10. Recommendations

More detail on each of these recommendations is provided in section 7.2.

1. Develop more concrete proposals for a central online registration system, with built-in risk profiling;
2. Encourage LAs to deliver a more digitally-focused registration service, for example through online portals that minimise the need for offline form-filling. (This may not apply if recommendation 1 is taken forward;
3. Undertake research to scope out the potential features, benefits and implementation requirements for a permit to trade/licensing system to support regulatory compliance;
4. Consider introducing a fixed penalty system for FBOs who fail to register before they begin trading;
5. Strengthen regulatory controls so that FBOs are required to provide LAs with more of the information that LAs need make a sound risk assessment of the food business;
6. Develop and consult on guidance that aims to crystallise what is meant by 'significant changes' to an existing business that need to be notified by FBOs to their LA;
7. Produce clearer and more tailored guidance to help FBOs understand their regulatory obligations. Tailoring could include special consideration by main type of food business activity, as well as for new businesses separate to FBOs taking over an existing food business.

---

# 1. Introduction

---

## 1.1 Strengthening regulatory assurance

The Food Standards Agency (FSA) is a non-ministerial government department responsible for food safety in England, Wales and Northern Ireland. It is governed by a Board appointed to act in the public interest, with the task of protecting consumers in relation to food. The FSA fulfils its duties by proposing legislation and regulation, overseeing enforcement, and by using communication-based tools to inspire best practice in the food industry.

The FSA is currently working closely with local authorities (LAs), food business operators (FBOs) and other relevant stakeholders to inform a sustainable approach to food safety regulation that brings about business behaviour change, benefits consumers, and creates a modern, resilient system that enables FBOs to meet their responsibilities. This new system is being delivered through the Regulating Our Future (ROF) programme<sup>4</sup>, which aims to improve the way the FSA delivers regulatory controls in food<sup>5</sup>. The system aims to be proportionate to the type of food business and associated level of risk; flexible enough to take account of all sources of information and keep pace with technological change in the food industry; and be adaptable to the changing environment.

A cornerstone of ROF is helping new food businesses to understand their responsibilities for producing safe food, and how to meet those responsibilities. This is to redress an existing situation where some FBOs do not meet the regulatory requirement to proactively register a new food business with their LA, or notify the LA of significant changes that may affect the risk associated with an existing business.

Another driver for change is the UK's impending withdrawal from the EU in March 2019, following which certain regulatory functions and systems currently undertaken at a European level may need to be replaced or maintained. Post-Brexit, it will be important that the FSA can continue to discharge its statutory objective of protecting public health, and consumers' other interests in relation to food, and that an effective body of food safety regulation is in place. This includes surveillance, risk assessment, risk management, implementation, and ensuring regulatory effectiveness<sup>6</sup>.

Whatever approach is taken post-Brexit, the FSA is working to effectively protect public health; maintain confidence in food safety and regulation; and minimise disruption for consumers and industry.

---

<sup>4</sup> Food Standards Agency (2017) *Regulating our Future*

<sup>5</sup> The ROF programme is about how the FSA delivers regulatory assurance and is not about changing the regulations that specify what businesses are required to do

<sup>6</sup> Food Standards Agency (2017) *The FSA's Preparations for the UK's Exit from the European Union*

## 1.2 Regulations governing food business registration or approval

The central UK legislation governing food safety is the Food Safety Act 1990. In addition, EU regulations governing food safety are directly applicable in all member states. The general principles and requirements of EU food law are contained in Regulation (EC) 178/2002, known as the General Food Law Regulation.

The most important food hygiene legislation that applies specifically to food businesses is:

- Regulation (EC) No. 852/2004 on the hygiene of foodstuffs; and
- The Food Safety and Hygiene (England) Regulations 2013, the Food Hygiene Regulations (Northern Ireland) 2006 and the Food Hygiene (Wales) Regulations 2006.

Together, these set out the basic hygiene requirements for all aspects of a food business, from premises and facilities to the personal hygiene of staff. They also include temperature control requirements and the requirement to put in place 'food safety management procedures', including keeping up-to-date records.

The Food Hygiene Rating Scheme (FHRS) gives businesses a rating from 5 (very good) to 0 (urgent improvement required). The FHRS rating is displayed on business premises and online, helps consumers to make more informed choices about where to buy and eat food. The scheme is run in partnership with local authorities. It is set out in law in Wales and Northern Ireland but display of the rating sticker is voluntary in England.

### 1.2.1 Registration of food businesses

Under Article 6(2) of Regulation 852/2004, FBOs must register any establishments under their control that carry out any production, processing and/or distribution of food. Where an existing business opens new premises or a change of ownership, then a new registration is required. FBOs must also notify the LA of any significant change in their food related activity or if an existing establishment closes.

Food businesses typically include restaurants, hotels, cafes, shops, supermarkets, warehouses, guest houses, delivery vehicles, buffet cars on trains, market and other stalls, hot dog and ice cream vans, etc. FBOs should submit their food business registration at least 28 days prior to trading or food operations commencing.

### 1.2.2 Approval of food businesses

If the business handles products of animal origin, namely meat, fish, egg or dairy products, then Regulation 853/2004 may apply. Depending on the activity of the FBO, approval may be required by the LA or the FSA. Certain exemptions may apply.

Enforcement of food law in food businesses and the approval of establishments under Regulation 853/2004 is divided between the FSA and LAs, depending on the nature of the food business. The FSA is responsible for the approval of all slaughterhouses, cutting plants and approved game handling establishments, and associated meat processing activities carried out on site at these establishments. LAs are responsible for approving establishments which process or handle food using other products of animal origin including meat processing where it is not co-located with an FSA-approved slaughter, cutting or game establishment, fishery products, milk and dairy products, live bivalve molluscs and eggs.

### **1.3 Research aims and objectives**

This research and report provides an evidence base which will help the FSA (and the ROF programme specifically) to:

- Establish the performance of the current food business registration and approval system;
- Evaluate the case for creating a central online registration system;
- Investigate whether it would be appropriate to take a food businesses' pathway to registration/approval into account as part of a new risk profiling system; and
- Enable the FSA to identify the level and type of support required for new businesses and help inform the development of tools to aid business compliance with food law and protect consumers.

Specific objectives of this research:

1. Identify how new food businesses are identified and then registered or approved by the LA, including any noticeable changes over the past five years;
2. Establish if and how LAs actively encourage food businesses to register/seek approval;
3. Understand if and how LAs use registration information, including any steps taken to verify its accuracy, exclude food businesses from an inspection programme, or prioritise inspections;
4. Establish the nature of any enforcement action taken against businesses that have not proactively registered, reasons why certain actions were selected, and the outcomes;
5. Explore types of support offered by LAs and its perceived effectiveness in aiding compliance (and consequently a good food hygiene rating); and



6. Explore FBOs' experience of the registration process, including reasons for the pathway used, any barriers faced, the support they received, and additional support that would have been valuable.

## 1.4 Methodology

All research undertaken to inform this report was undertaken independently and impartially by Pye Tait Consulting on behalf of the FSA.

The scope of the research spanned England, Wales and Northern Ireland. It involved three main stages of activity (below) which have been combined to inform this report:

1. In February 2018, qualitative telephone interviews were undertaken with Heads of Service (or nominated support roles) within ten local authorities. The findings from this stage were used to identify emerging themes and issues and to inform the development of the LA survey questionnaire (see point 2);
2. In March and April 2018, an online survey questionnaire was distributed to local authorities across England, Wales and Northern Ireland. The survey achieved 123 responses against a target of 100;
3. Over the same period, telephone interviews were undertaken with FBOs, achieving 112 responses against a target of 100.

A sample strategy was developed for both surveys to ensure adequate representation from respondents with different characteristics. The sample strategy, along with the resulting respondent profile from both surveys, is set out in Appendix 1.

Contacts for all stages of the research were sourced by Pye Tait Consulting from reputable commercial database suppliers and with support and promotion from the FSA and the project steering group. The LA survey was issued to contacts based in food safety, environmental health and licensing departments (with one response sought per LA). The food business survey targeted business owners or individuals responsible for registering the premises with the LA.

A Welsh language version of the questions was also available for respondents based in Wales.

The remainder of this report sets out the interview and survey findings by major theme, including tables, charts and associated commentary, as appropriate. Cross-tabulations of results by particular groups of LAs and food businesses have been performed and are included in this report where they reveal notable similarities or differences.

Examples of cross-tabulations for local authorities include:

- Nation;

- Urban/rural setting; and
- Type of LA (England only)

Examples of cross-tabulations for food businesses include:

- Nation;
- Experienced or first-time operator; and
- Type of food business (sector).

## 1.5 Cautionary notes

### 1.5.1 Survey base numbers

**The survey of LAs and food businesses was limited in scale and the results are not necessarily representative of the wider population. They should be treated as purely indicative.**

Preparation of cross-tabulations for this report involved further dividing the base number of respondents, resulting in some very low base numbers per category. These cross-tabulations are purely indicative of the views and experiences of the wider population. They have been included to show broad patterns or differences and should also be treated with extreme caution. The base number of survey respondents per question and respondent group are shown throughout the Tables in this report.

### 1.5.2 Survey scope

- When developing the LA survey questionnaire, due consideration was given to the need to gather information separately about food business registrations and food business approvals. However, the questionnaire (for the most part) took a combined approach in order to avoid the need to duplicate most questions (for registrations and approvals, respectively) and to minimise the response burden on LAs. Whilst this does present some limitations, the findings provide an overall picture of general practice, processes and perceptions. It also provides an opportunity for further research to explore particular issues in greater detail as they might apply to registrations and/or approvals respectively.
- For the survey of FBOs, it was agreed with the FSA that food businesses need not be recently established (i.e. within a recent time period) to be in scope of the research. This is on the basis that the need for FBOs to submit a registration application or seek approval is not limited to the formation of brand new businesses but can be required where there is a change of operator or significant changes that affect their food operations.

A copy of the local authority and FBO survey questionnaires can be found in Appendix 3.

---

## 2. Pathways to Registration/Approval

---

This chapter examines the different pathways that FBOs take to registering/seeking approval, including the reasons behind those taken, and the application methods made available by LAs for food businesses. It also explores how LAs identify and respond to FBOs trading without prior registration/approval and whether FBOs trading unregistered are perceived by LAs as demonstrating common characteristics.

### 2.1 Prevalence of pathways

At the outset of this research, the FSA was aware of five 'pathways' through which new food businesses could enter to the regulatory system and become registered or approved:

1. A new food business proactively presents itself to its LA by telephone, email, via the LA's website or in person, and completes an application form;
2. A new food business proactively registers itself online via the official Gov.UK registration portal and this information is forwarded to the relevant LA;
3. A third party (e.g. a food safety consultant or online aggregator) registers a new food business with either its LA or the Gov.UK portal on behalf of the FBO;
4. A new food business which has been trading unregistered is discovered serendipitously by an LA officer. The officer then requests the FBO to complete a registration form, either on the spot or asks that they return to the LA on completion;
5. The LA food safety service is notified of the existence of a new business via another LA department and the business is instructed to register as a food business. This can happen prior to the business trading or when it is already operational.

Based on their knowledge and experience, surveyed LAs were asked to rank the overall prevalence of these five pathways on a scale from 1 (most common) to 5 (least common)<sup>7</sup>. The results (Figure 1 and Table 1) reveal the most common to be proactively (via the LA), followed by LAs identifying food business serendipitously after they have already started trading. In contrast, the latter is the most common pathway among surveyed LAs in Wales.

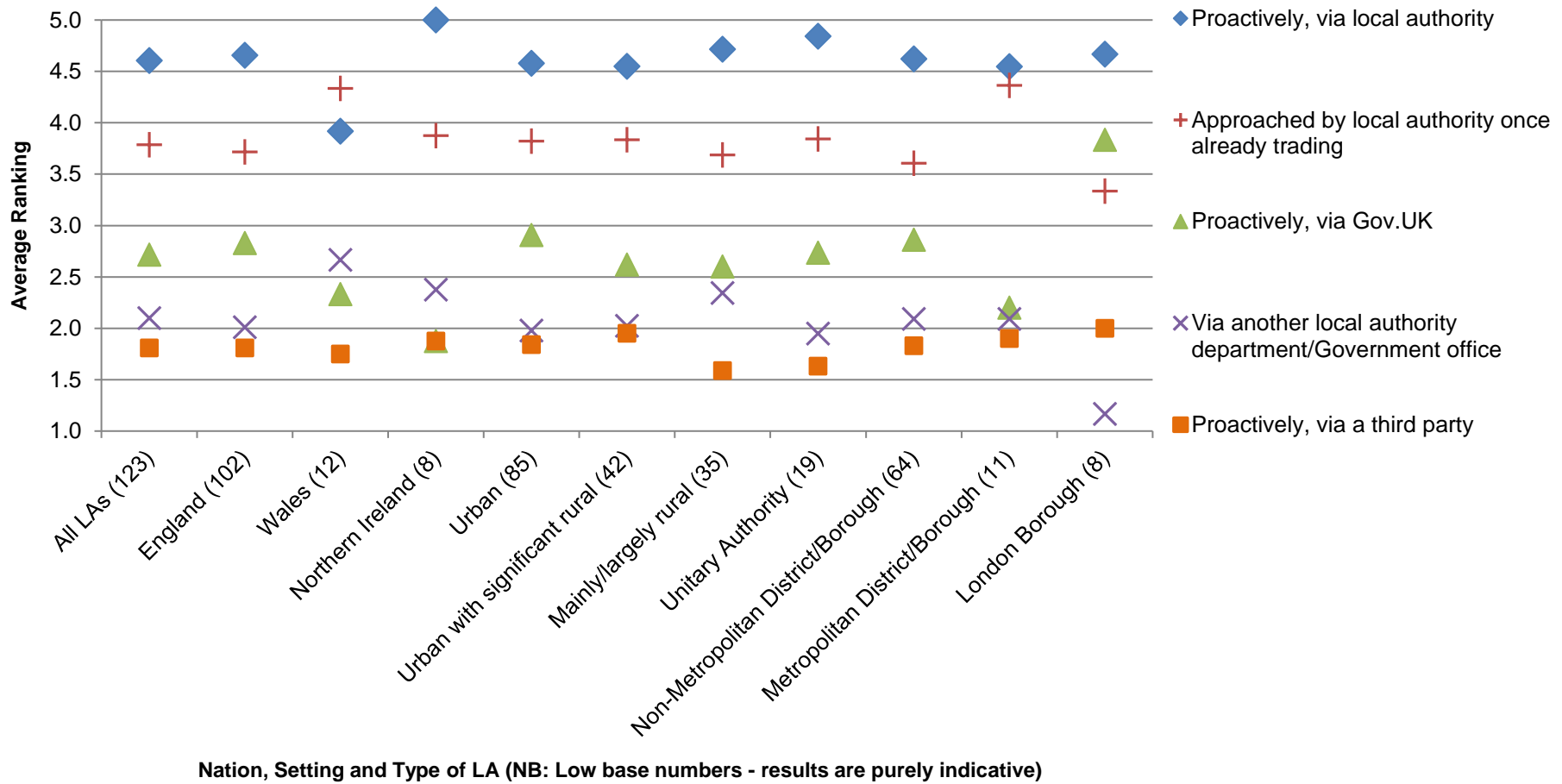
Use of the centralised Gov.UK registration form is most prevalent among surveyed LAs in England, particularly London Boroughs. A number of LAs commented that they prefer FBOs to use their own local forms. They find the Gov.UK form long-winded yet not always asking for the information they need, such as the type of food being sold and when the business plans to open.

---

<sup>7</sup> LAs were also asked if there are other pathways besides these, although all comments aligned with these five categories.

**Figure 1 Pathways to registration/approval (ranked by overall prevalence, as reported by LAs)**

Most common (top) to least common (bottom). The methodology used for analysing this ranking question is set out in Appendix 2.



**Table 1 Pathways to registration/approval (% of LAs giving each ranking)**

	Rank 1	2	3	4	Rank 5
Proactively, via local authority	73%	19%	6%	1%	2%
Approached by local authority once already trading	17%	52%	25%	6%	1%
Proactively, via Gov.UK	8%	22%	28%	20%	23%
Via another local authority department	2%	6%	26%	29%	37%
Via a third party	3%	0%	15%	41%	42%

LAs find that FBOs who register proactively are often more confident in their systems and robust in their management approach than those who do not. Large chains are considered to be more familiar with the requirements and more likely to register proactively than smaller and inexperienced food businesses, although one example was given in Northern Ireland of a major coffee chain that failed to register a particular outlet – which was put down to an oversight on the part of the business.

According to several LAs, a national web-based takeaway service is in the practice of completing registration forms on behalf of food businesses (even for those which may already be registered) – the motivation presumably being to make sure that those food businesses they are dealing with are fulfilling their obligations.

LAs do not generally identify any major trends/changes in the pathways FBOs have taken to register over the past five years, although several mentioned an increase in online over paper-based registration forms being used (explored in more detail in section 2.2).

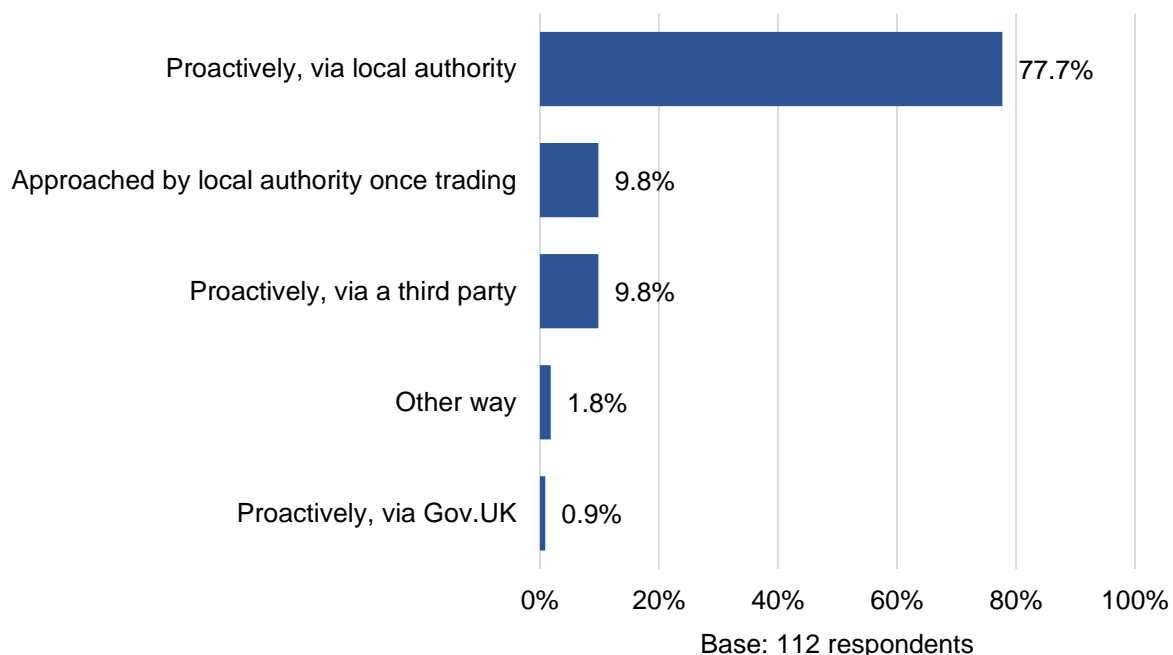
*“A lot of small businesses incorrectly think that they are automatically registered as a food business when they apply for planning permission.”*

*London Borough Council*

Surveyed FBOs were asked which of the same five pathways they followed to registration/approval. More than three quarters (77%) registered or gained approval proactively via their LA. A small minority (10%) were approached by their LA once already trading and a further 10% registered via a third party (Figure 2). Two FBOs gave an answer of ‘Other’, stating via The Environment Agency and a customs clearing agent, respectively.

These results from FBOs are broadly consistent with the experiences of LAs, i.e. supporting the prevalence of the proactive and local pathway to registration, followed by instances of FBOs trading unregistered or without prior approval.

**Figure 2 Pathways to registration/approval (prevalence, as reported by food businesses)**



Surveyed FBOs gave various reasons as to why they chose to register proactively via their LA. These include:

- Having previous experience in the food industry and being familiar with this pathway;
- Checking with their LA as a matter of course to find out what to do;
- Viewing this as ‘standard practise’ and the most ‘logical’ route;
- When seeking advice from the LA on other matters, for example designing a meat production facility or acquiring special status relating to organic foods;
- A desire to maintain local communications; and
- Being advised of the LA registration pathway by a third party, for example the Care Quality Commission (for care homes and children’s nurseries), Social Services, the franchisor (for a franchised business), The Nationwide Caterers Association, the Specialist Cheese-makers Association, and Business Link.

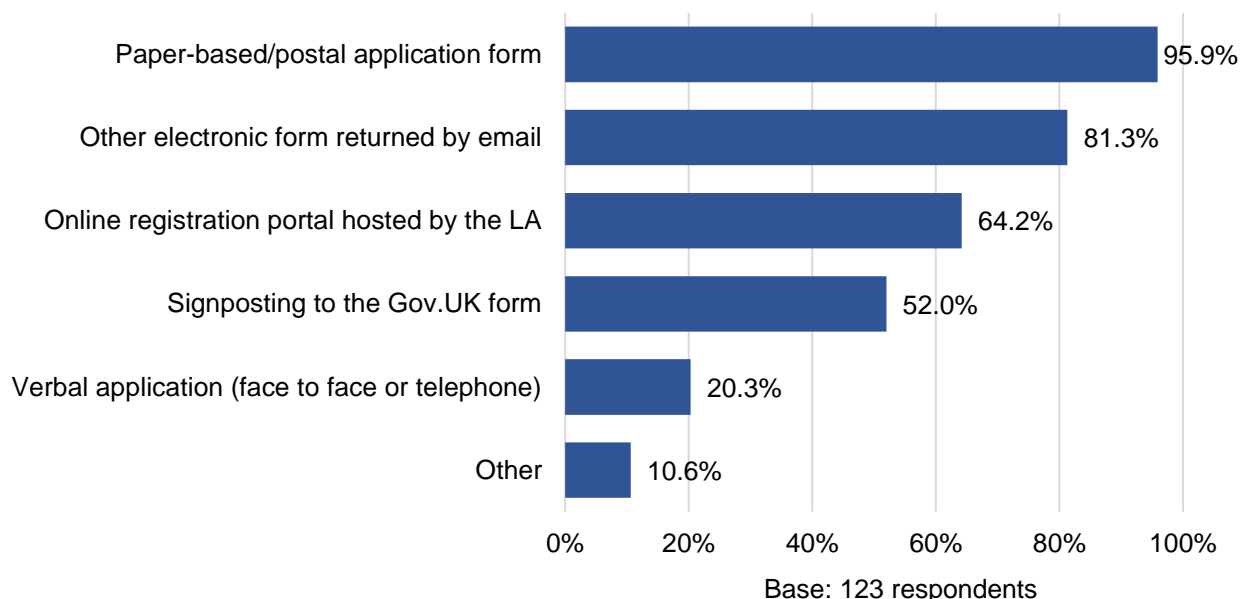
Among the 10% of FBOs who said the LA approached them to register once already trading, respondents claimed this occurred due to a lack of prior knowledge on their own part. Initial encounters with the LA took place when changing the trading name of the business; enquiring about any special requirements to handle poultry and eggs; and in one case when tendering for an LA contract.

Only one surveyed FBO registered through Gov.UK, which they say is because they paid a legal team to manage the process and this is the pathway they took.

## 2.2 Application methods made available by LAs

Almost all surveyed LAs (96%) make paper-based or postal application forms available for FBOs. Some 81% issue electronic forms that can be returned by email, while just under two thirds (64%) host an online registration portal for food businesses (Figure 3).

**Figure 3 Variety of application methods made available by LAs**



LAs selecting ‘other’ typically described ‘how’ they issue forms, for example during discussions with a food business prior to opening, via Council-run customer contact centres, and when food officers are out undertaking inspections, in which case they keep a supply of paper registration forms.

An online registration process is made available by at least half of surveyed LAs across the different nations, settings and typologies – especially so in England and among Unitary Authorities (Table 2).

**Table 2 Percentage of LAs offering an online registration portal**

		Base	% LAs offering an online registration portal
All LAs		123	64.2%
Nation	England	102	66.7%
	Wales	13	53.8%
	Northern Ireland	8	50.0%
LA Setting	Urban	45	62.2%
	Urban with significant rural	42	73.8%
	Mainly/largely rural	36	55.6%
LA Type (England only)	Non-Metropolitan District/Borough	64	65.6%
	Unitary Authority	19	78.9%
	Metropolitan District/Borough	11	63.6%
	London Borough	6	66.7%

NB: Low base numbers - results are purely indicative

### 2.3 How LAs encounter unregistered/non-approved food businesses

Surveyed LAs were asked to rank how they typically encounter unregistered/non-approved food businesses that are already trading, on a scale from 1 (most common) to 5 (least common) – Figure 4 and Table 3.

The resulting ranked encounters are:

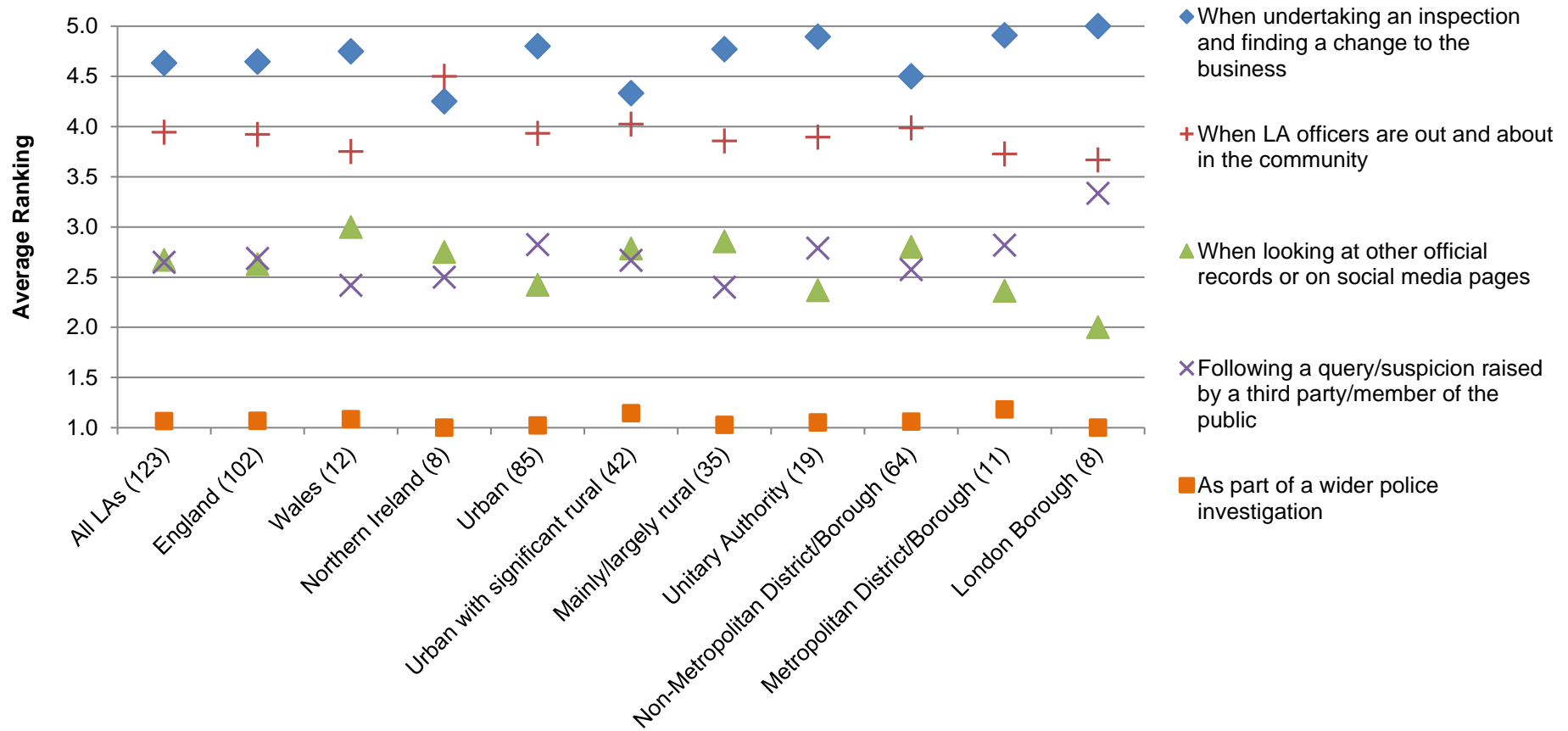
1. When undertaking an inspection and finding a change to the business;
2. When LA officers are out and about in the community;
3. When looking at other official records or on social media pages;
4. Following a query/suspicion raised by a third party/member of the public; and
5. As part of a wider police investigation.

The pattern is similar by nation, setting and type of LA, although Northern Ireland district councils say they commonly encounter unregistered/non-approved businesses when out and about in the community. This ties in with a comment raised by a Northern Ireland council that they have fortunately been sufficiently resourced to undertake these types of community visits. They say this has helped to raise the profile of the registration/approvals process in the area and tackle unregistered businesses.



**Figure 4 How unregistered/non-approved businesses are typically encountered by LAs (ranked by prevalence)**

Most common (top) to least common (bottom). The methodology used for analysing this ranking question is set out in Appendix 2.



**Nation, Setting and Type of LA ('Type' is England-only LAs) NB: Low base numbers - results are purely indicative**

**Table 3 How unregistered/non-approved businesses are typically encountered by LAs (% of LAs giving each ranking)**

	Rank 1	2	3	4	Rank 5
When undertaking an inspection and finding a change to the business	75%	18%	2%	2%	2%
When LA officers are out and about in the community	16%	66%	13%	3%	1%
When looking at other official records or on social media pages	5%	6%	42%	47%	1%
Following a query/suspicion raised by a third party/member of the public	2%	10%	42%	45%	2%
As part of a wider police investigation	1%	0%	1%	2%	97%

LAs say they most commonly encounter FBOs trading unregistered where an existing business has changed ownership. This is usually discovered at the next scheduled inspection. Feedback suggests that the proportion of brand new FBOs trading unregistered varies between local authorities and usually applies to small independent firms where the owner has not looked in the regulations that may apply to them.

LAs are sometimes notified about new and unregistered food businesses by other departments in the Council, such as licensing, planning and trading standards – as well as environmental health officers and neighbourhood wardens with good knowledge of the area, who spot new businesses when working out in the community.

Some say they check local food business advertisements (in newspapers, parish newsletters and on social media etc.) against their lists of registered businesses. Some perform internet searches (e.g. on Google maps) to identify any potentially unregistered food businesses.

Other food businesses occasionally provide intelligence to LAs, notably when asking about competitors' hygiene ratings or during inspection visits when asked about their suppliers. A minority receive information from other LAs, while one mentioned intelligence received as a result of Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

Occasionally there can be queries from members of the public which can identify unregistered food businesses, especially where they have cause for concern about standards or hygiene.

“There is some sharing of information between local authority teams. This is not always very successful but it does happen from time to time.”

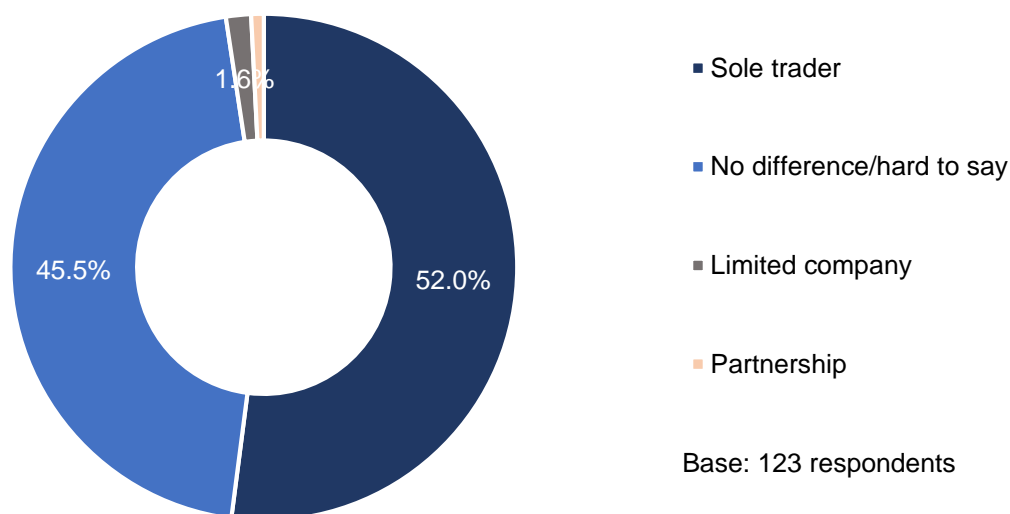
*Unitary Authority*

## 2.4 Perceived characteristics of unregistered food businesses

More than half of surveyed LAs (52%) believe that sole traders are more likely to be trading unregistered than other legal statuses of food business, although 46% feel unable to say (Figure 5).

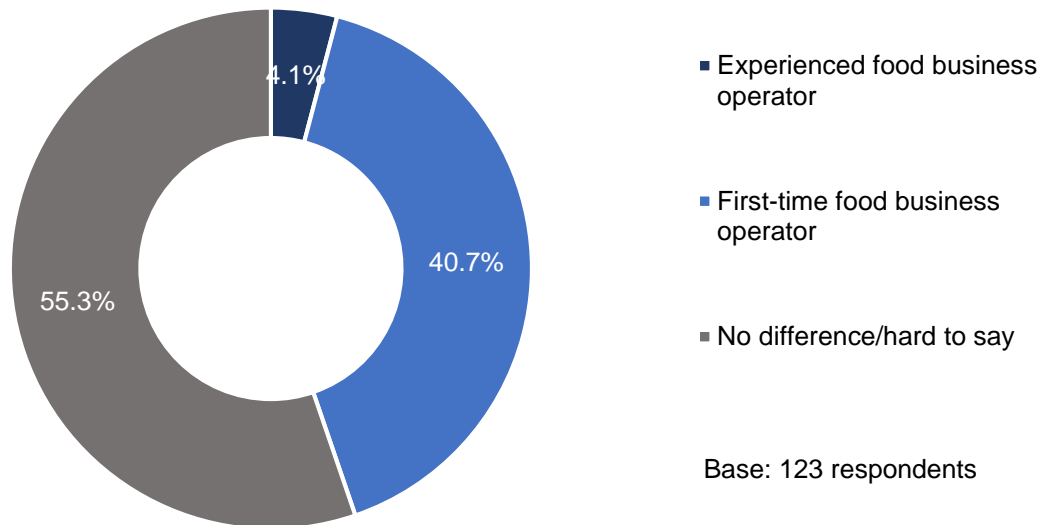
The pattern is very similar when analysed by nation, setting and type of LA, therefore these breakdowns have not been presented in separate tables.

**Figure 5 Legal status most likely to be trading unregistered (LA perceptions)**



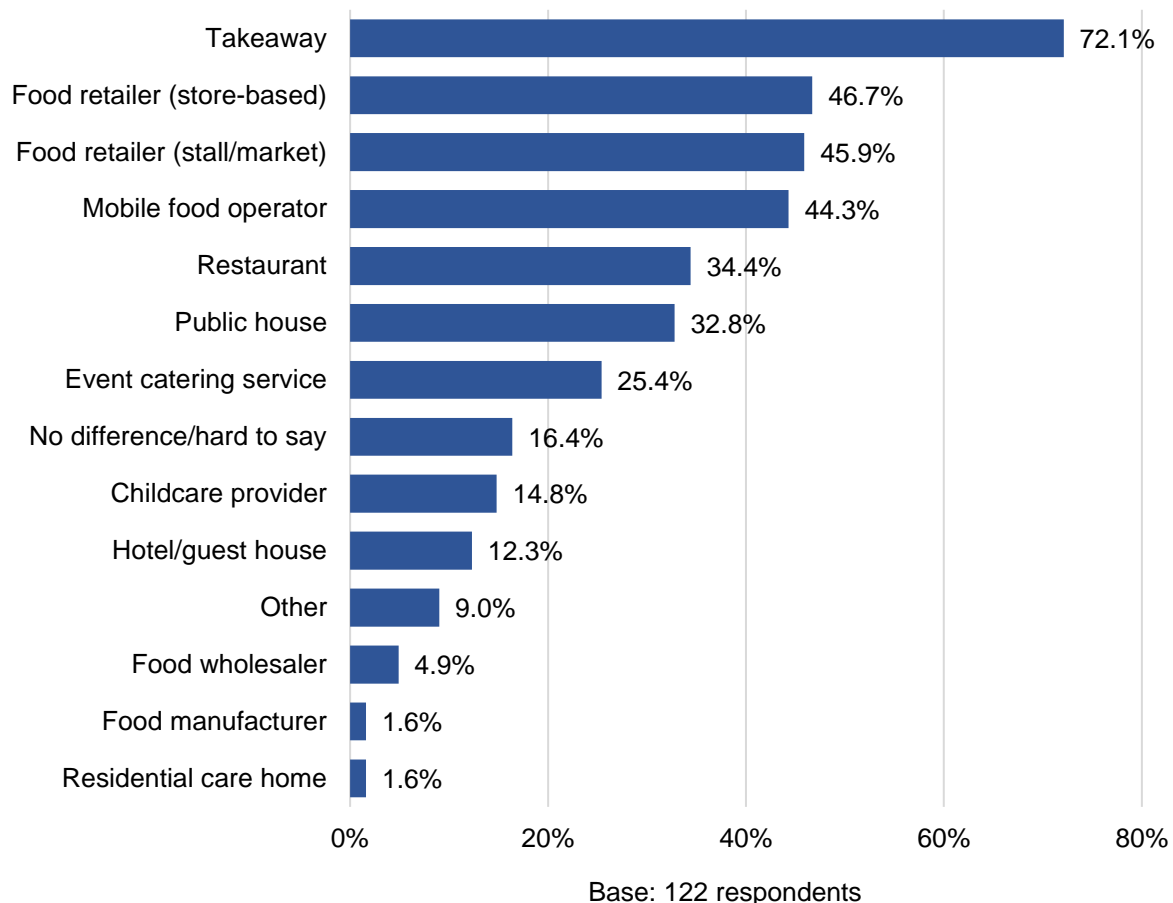
The majority of surveyed LAs (55%) say it is hard to associate an FBO's level of food business experience with their likelihood to be trading unregistered. However, 40% are of the view that first time operators are more likely to be trading unregistered than experienced operators (Figure 6). Again, this pattern is similar by nation, setting and type of LA.

**Figure 6 Experience-level most likely to be trading unregistered (LA perceptions)**



When asked which types of food operation are more likely to be trading without prior registration/approval, the most common answer (mentioned by 72% of LAs) is takeaways. This is followed by store-based food retailers (47%) and stall/market retailers (46% share) – Figure 7.

**Figure 7 Types of food operation most likely to be trading unregistered (LA perceptions)**



Types of food operation classified as ‘other’ include home-based businesses such as caterers or internet traders. One LA mentioned ‘clubs’ and another ‘food brokers’.

‘Takeaways’ is the most common answer across all surveyed groups of LAs except those based in Wales (top answer is store-based food retailers) and Northern Ireland (top answer is stall-based retailers) – Table 4.

**Table 4 Types of food operation most likely to be trading unregistered (most common answer by LAs)**

		Base responses	% saying 'Takeaways'	Most common answer (if different)
All LAs		442	19.9%	-
Nation	England	367	21.3%	-
	Wales	41	14.6%	17.1% food retailers (store-based)
	Northern Ireland	34	11.8%	20.6% food retailers (store-based)
LA Setting	Urban	160	21.3%	-
	Urban with significant rural	167	19.2%	-
	Mainly/largely rural	115	19.1%	-
LA Type (England only)	Non-Metropolitan District/Borough	215	20.5%	-
	Unitary Authority	76	21.1%	-
	Metropolitan District/Borough	51	21.6%	-
	London Borough	18	27.8%	-

NB: Low base numbers - results are purely indicative

Other points raised by LAs relating to the characteristics of unregistered food businesses:

- FBOs opening brand new businesses might be inclined to look into the registration/approval requirements more closely depending on other set-up processes and licences that may be required;
- FBOs taking over an existing food business can sometimes assume that regulatory matters have already been taken care of, and/or fail to read what the previous owner has left behind about their control systems;
- Micro businesses run by Black and Minority Ethnic (BME) groups can be at risk of not registering where changes of ownership are comparatively more frequent between family members;
- Language barriers to registration, i.e. where business owners do not speak English as their first language, does not appear to be a widespread cause for lack of registrations, although one LA mentioned that this can be a factor among Eastern European businesses, for example small Polish food shops.

### 3. Ensuring Compliance

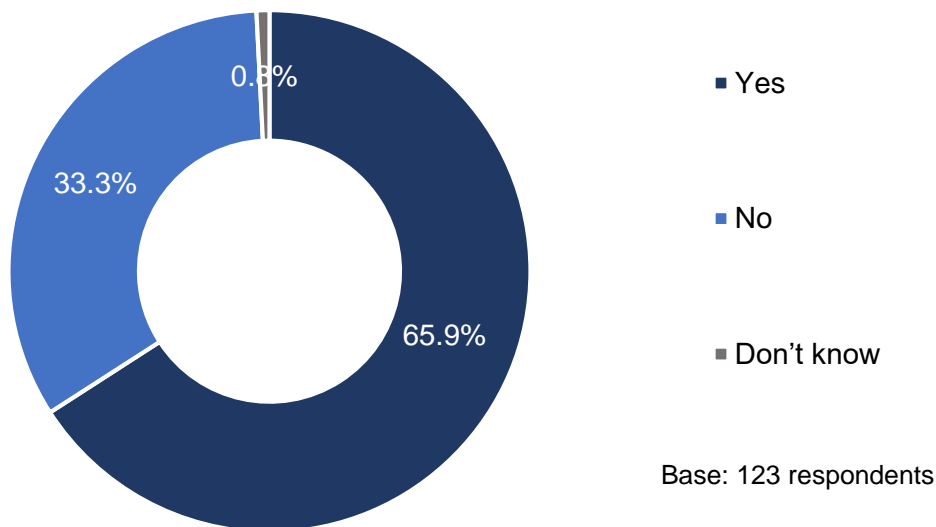
This chapter explores how LAs use information received during the registration/approval process to verify the FBO or exclude businesses from an inspection regime. It also looks at the length of time taken by LAs to undertake first inspections and approval follow-ups, and examines the consequences of non-proactive registration/approval, including how LAs respond and the challenges they face in overcoming this problem.

#### 3.1 Verifying and using registration information

Two thirds of surveyed LAs say they take steps to verify the accuracy of information supplied by FBOs when they register or seek approval (Figure 8).

Responses vary by nation, setting and type of LA, with surveyed Unitary Authorities in England, as well as those in Wales, most likely to verify information (Table 5).

**Figure 8 Whether LAs verify the accuracy of information supplied by food businesses**



**Table 5 Percentage of LAs saying they verify information**

		Base	% saying 'yes'
All LAs		123	65.9%
Nation	England	102	65.7%
	Wales	13	76.9%
	Northern Ireland	8	50.0%
LA Setting	Urban	45	62.2%
	Urban with significant rural	42	71.4%
	Mainly/largely rural	36	63.9%
LA Type (England only)	Non-Metropolitan District/Borough	64	65.6%
	Unitary Authority	19	89.5%
	Metropolitan District/Borough	11	54.5%
	London Borough	6	33.3%

NB: Low base numbers - results are purely indicative

LAs describe verifying information via the Electoral Roll and Companies House in order to confirm the identity of the named FBO and the legal status of the business. Some LAs also take steps to verify the 'scope' of the business, typically covering the type of food operations, product range, experience/knowledge of the trader, and where the business will trade if they operate from mobile premises.

Another verification method used by LAs is visiting premises or telephoning FBOs to clear up any ambiguities or apparent discrepancies on registration forms. Some LAs say they make checks with other departments e.g. business rates and licensing. They also rely on the experience of local officers and whether the FBO is known to them.

An issue experienced to varying extents by LAs is that of misdirection, i.e. where certain businesses deliberately make it difficult for the LA to identify the named FBO. Such instances can include food businesses giving false names or changing the business owner name regularly to mask other unscrupulous activities, such as avoiding paying business rates or VAT, or claiming benefits they are not entitled to. In some cases, LAs have found food businesses to be employing individuals not legally entitled to be working in the UK; selling illicit tobacco or alcohol; or potentially undertaking money laundering activities or being involved in human exploitation. It was mentioned by one LA that businesses can follow the 'change of food business operator' procedures to obtain a new, free hygiene rating, i.e. to avoid paying a re-rating fee.

Many LAs would like the registration form to ask for more information to help them clearly identify the FBO, for example date of birth, National Insurance number, and the requirement to supply photographic identification and address verification such as a utility bill. Alongside this, respondents would like information about the nominated FBO's previous food business registrations (if any), food business experience and any training received.



LAs are often keen to establish the scope of food businesses in more detail so they can take a risk based approach to the registration/approval process. In this regard LAs seek to establish:

- when the business plans to start trading;
- opening times/hours (including whether the business is seasonal);
- types of food products sold;
- prospective number of customers;
- types of customers (including any vulnerable groups such as the elderly or very young); and
- food processes undertaken.

“Verification should be much more robust, for example having to provide official identification to verify the FBO, supplying a photo and NI number, and confirming eligibility to work in the UK (similar to what is required by our licensing colleagues).”

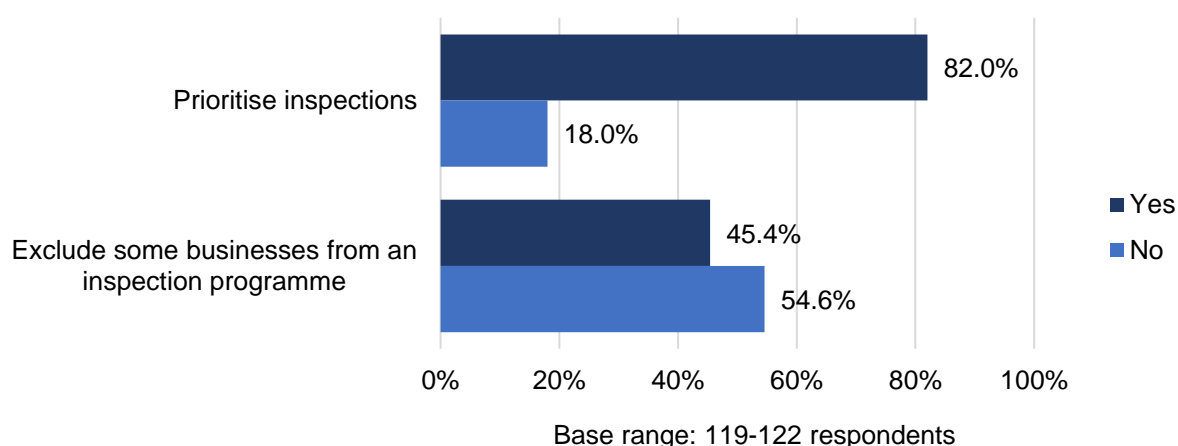
**Non-Metropolitan District/Borough Local Authority**

“Sometimes officers may check company details on Companies House. Other than that, there is no requirement for FBO's to confirm they are who they say they are.”

**Unitary Authority**

In terms of how LAs use information from registration/approval applications, most do so to prioritise inspections (82%), while less than half use it to exclude some businesses from an inspection programme (45%) – Figure 9.

**Figure 9 How LAs use information from registration/approval applications**



The practise of using information to exclude businesses from inspections is most prevalent among surveyed LAs in Northern Ireland and in the London Boroughs, but not so among surveyed LAs in Wales (Table 6).

**Table 6 Percentage of LAs saying they verify information**

		Base	% saying 'yes' to prioritise inspections	% saying 'yes' to exclude some businesses
All LAs		122	82.0%	45.4%
Nation	England	102	82.4%	48.0%
	Wales	12	91.7%	0.0%
	Northern Ireland	8	62.5%	87.5%
LA Setting	Urban	45	93.3%	58.1%
	Urban with significant rural	42	73.8%	36.6%
	Mainly/largely rural	35	77.1%	40.0%
LA Type (England only)	Non-Metropolitan District/Borough	64	78.1%	41.3%
	Unitary Authority	19	100.0%	61.1%
	Metropolitan District/Borough	11	81.8%	60.0%
	London Borough	6	100.0%	80.0%

NB: Low base numbers - results are purely indicative

LA respondents say they typically prioritise new business inspections based on risk. High-risk activities mentioned in the survey include mobile operations and event catering facilities, for example burger vans, as well as firms catering for vulnerable groups such as elderly people. Other criteria used to prioritise inspections include the applicant's level of training, distribution of products (with wider distribution seen as higher risk than local), and the applicant's history of compliance where they are identified as having previously operated food businesses.

Examples of inspection exclusions mentioned by LAs include small-scale domestic operators of cup-cake businesses and similar. There are some reported cases of FBOs registering where there is no real need, for example church halls where food operations form a very small part of their general activities.

"We have approximately 100 new registrations each year. The vast majority of these are low risk home cake makers. The new registrations are prioritised based upon the food they produce, for example a high street restaurant or takeaway will always be inspected before a cake maker. We get so little information from the actual registration form that all new businesses are sent a questionnaire to try and aid our prioritisation."

*Non-Metropolitan District/Borough Council*

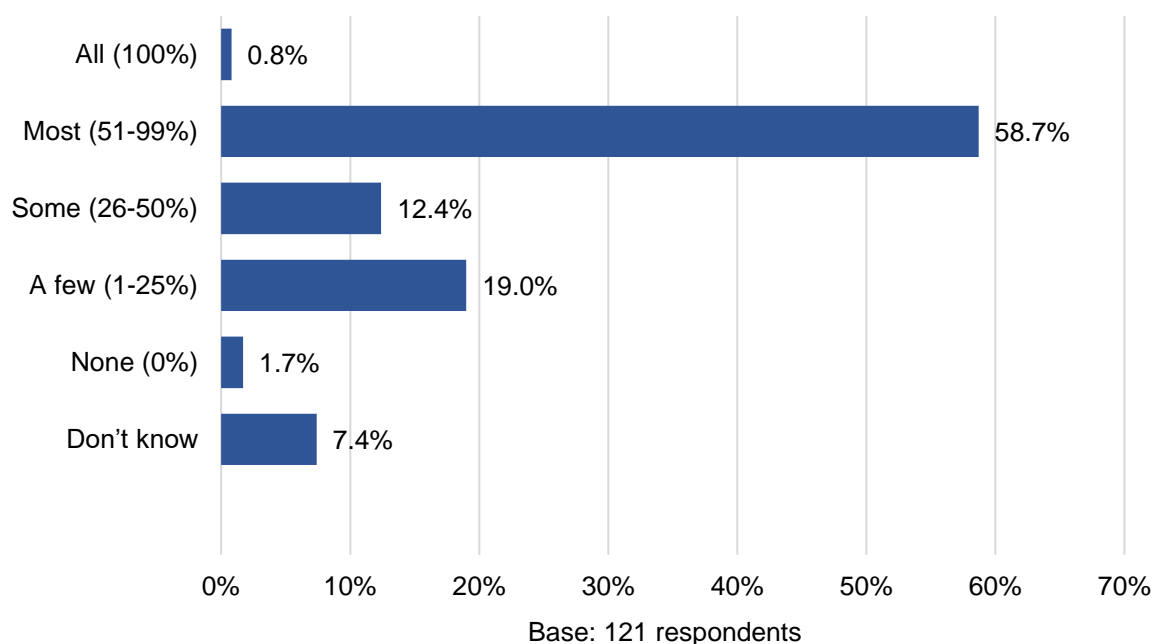
### 3.2 Timeliness of first inspections (registrations)

The FSA's Food Law Code of Practice (covering England, Wales and Northern Ireland separately) states that initial inspections by LAs should normally take place within 28 days of food business registration or from when the LA becomes aware that the establishment is in operation. The Code notes that the requirement to undertake initial inspections within 28

days may in some circumstances present a conflict for resources to complete other higher priority activities. In such circumstances, LAs are expected to take a risk based approach to prioritising interventions.

Thinking about the past 12 months, surveyed LAs were asked what proportion of food businesses registering under regulation 852/2004 were inspected within 28 days. The picture is somewhat mixed. While the majority (60%) say that most or all food businesses were inspected in this timeframe, 40% say that only some/a few/no businesses were inspected within 28 days.

**Figure 10 Proportion of food businesses inspected within 28 days**



Once again there are variations by nation, setting and type of LA. Those in Wales report the highest proportion of food businesses being inspected within 28 days (83%) falling to nil among surveyed LAs in the London Boroughs (Table 7).

**Table 7 Proportion of LAs saying at least half of food businesses inspected within 28 days**

		Base	% saying at least half inspected within 28 days
All LAs		121	59.5%
Nation	England	101	56.5%
	Wales	12	83.4%
	Northern Ireland	8	62.5%
LA Setting	Urban	45	44.4%
	Urban with significant rural	42	76.2%
	Mainly/largely rural	34	58.8%
LA Type (England only)	Non-Metropolitan District/Borough	63	63.5%
	Unitary Authority	19	52.7%
	Metropolitan District/Borough	11	54.6%
	London Borough	6	0.0%

NB: Low base numbers - results are purely indicative

According to many LAs, the first scheduled inspection can sometimes take up to several months to arrange. This is largely put down to two main reasons: 1) staff resource limitations due to funding pressures; and 2) the fact that FBOs are not always trading by the date they originally estimated on the registration form, meaning that early visits can sometimes be “fruitless”.

### 3.3 Timeliness of follow-ups (approvals)

In relation to FBOs contacting LAs to seek approval under regulation 853/2004, surveyed LAs were asked how many days it typically takes from first contact to providing their follow-up response. The average (not necessarily based on recorded data) is 4.8 days. The range extends from between one and 30 days, with the most common (modal) answer being five days<sup>8</sup>. This duration appears to be lowest in Wales (2.4 days) and highest in the London Boroughs (13 days) – Table 8.

<sup>8</sup> An outlier response of 90 days from a Metropolitan District/Borough Council has been excluded from the analysis.

**Table 8 Average time taken from first contact to follow-up for approvals (LAs)**

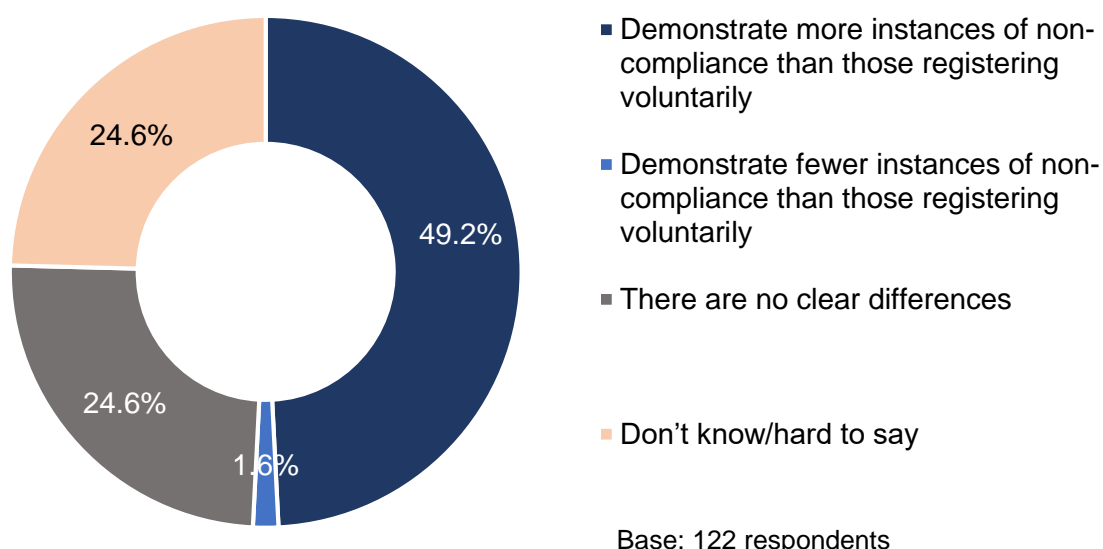
		Base	Avg. days from first contact to follow-up
All LAs		121	4.8 days
Nation	England	101	5.1 days
	Wales	12	2.4 days
	Northern Ireland	8	3.7 days
LA Setting	Urban	45	5.4 days
	Urban with significant rural	42	4.4 days
	Mainly/largely rural	34	4.6 days
LA Type (England only)	Non-Metropolitan District/Borough	63	3.9 days
	Unitary Authority	19	6.1 days
	Metropolitan District/Borough	11	6.7 days
	London Borough	6	13 days

NB: Low base numbers - results are purely indicative

### 3.4 Consequences of non-registration/approval

Around half of LAs (49%) believe that FBOs not proactively registering or seeking approval demonstrate greater instances of non-compliance than those who register proactively. A quarter feel that there are no clear differences, while a further quarter do not know (Figure 11).

**Figure 11 Perceived link between non-proactive registration/approval and instances of non-compliance (LAs)**



Surveyed LAs in the London Boroughs are most of the view that failure to proactively register or seek approval can lead to food businesses demonstrating more instances of non-compliance (67%). This view is least common among LAs in Wales and mainly/largely rural settings (Table 9).

**Table 9 Perceived link between non-proactive registration/approval and instances of non-compliance (LAs)**

		Base	% saying 'demonstrate more instances of non-compliance'
All LAs		122	49.2%
Nation	England	101	50.0%
	Wales	12	33.3%
	Northern Ireland	8	62.5%
LA Setting	Urban	45	57.8%
	Urban with significant rural	42	54.8%
	Mainly/largely rural	34	31.4%
LA Type (England only)	Non-Metropolitan District/Borough	63	46.9%
	Unitary Authority	19	52.6%
	Metropolitan District/Borough	11	63.6%
	London Borough	6	66.7%

NB: Low base numbers - results are purely indicative

The most common non-compliance found where food businesses do not register proactively is an inadequate or non-existent documented food safety management system. Other issues found by LAs include:

- Lack of controls for preventing cross-contamination and *E. Coli*;
- Lack of knowledge among FBOs about important aspects of food law;
- Structural problems, including poor layout of premises, poor cleaning routines and pest problems; and
- Inadequate facilities, particularly the absence of, or poorly sited, wash hand basins.

“We tend to see continually poor performing premises where there is regular change of ownership. These premises frequently have too much competition and therefore low financial turnover which results in an on-going lack of commitment to improve. Issues encountered are high turnover of poorly trained staff, very poor structural conditions and poor cleaning, which inevitably leads to pest infestations.”

*London Borough Council*

By not registering proactively, LAs report that FBOs can miss important follow-up advice and guidance that they issue. This means these FBOs might not have the right management and control processes in place, which can in turn lead to a lower hygiene rating. There are variations in opinions between LAs regarding that extent of impact that non-registration can have on the food hygiene rating that LAs issue following inspection. One LA commented that they are looking to increase the weighting given to non-registration when determining the food hygiene rating.

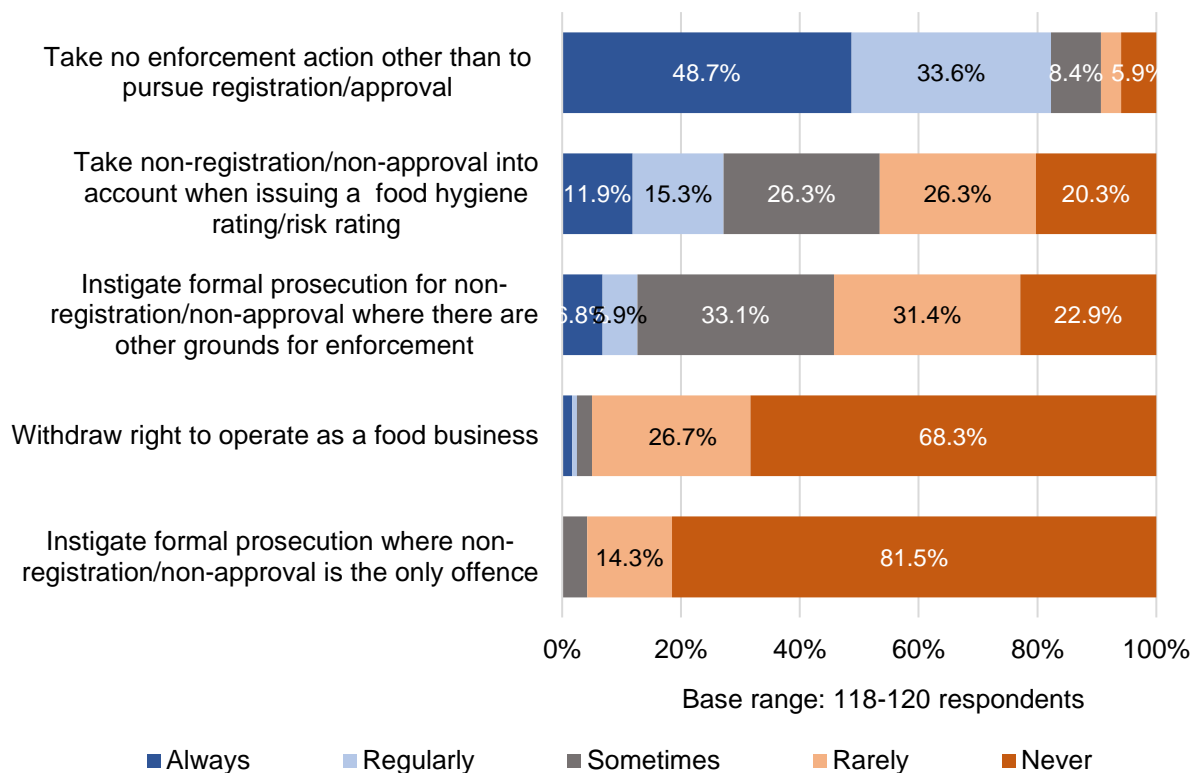
“When a food business registers, we acknowledge this by letter, which contains information on what to expect, e.g. inspections (announced or unannounced), as well as links to FSA guidance on food management systems, E. Coli guidance, information on the food hygiene rating scheme, and information about training offered by the Council.”

#### ***Metropolitan District/Borough Council***

Surveyed LAs were asked how often they undertake certain specific actions when they identify a food business trading unregistered or without approval (Figure 12). The survey did not ask about registration and approval actions separately, therefore the results provide an overall indicative picture. However, these differences were explored and captured through a follow-up question and are reported in more detail below Figure 12.

On the whole, the most common response is to take no enforcement action other than to pursue registration/approval. Instances of LAs withdrawing the right to trade (from market stall holders) or instigating formal prosecution arrangements where this is the only offence are relatively rare or non-existent. The results are similar by nation, setting and type of LA, although three of the six responding London Borough Councils always or regularly instigate formal prosecution where there are other grounds for enforcement besides non-registration/non-approval.

**Figure 12 Frequency of actions taken in response to non-registration/non-approval (LAs)**



Actions in response to non-registration: LAs generally take a light touch approach to instances of non-registration (which FBOs often claim is due to an oversight on their part). They normally either register FBOs on the spot or ask that they do so as soon as possible. Formal prosecution for this offence appears to be rare and neither considered cost effective (in terms of officers’ time and court costs) nor in the public interest. LAs also anticipate that the courts would take a lenient view where non-registration is the only offence and the risks to public safety are low. The exception tends to be where there are other more serious health or hygiene failings, following which non-registration will be taken into account as one of the offences.

Actions in response to non-approval: Businesses found to be trading without necessary approval are reported to be fewer and farther between than the volume of businesses trading without advance registration. LAs are more predisposed to take formal action for non-approval since this is considered to present a more serious food safety and hygiene risk. In these cases, LA actions might include using a Remedial Action Notice (RAN), seizure/detention of food, prohibition of trading or formal prosecution. Factors influencing the actions taken include: risk to public health; FBOs’ willingness to comply; and FBOs’ willingness to cooperate with the enforcing officer.



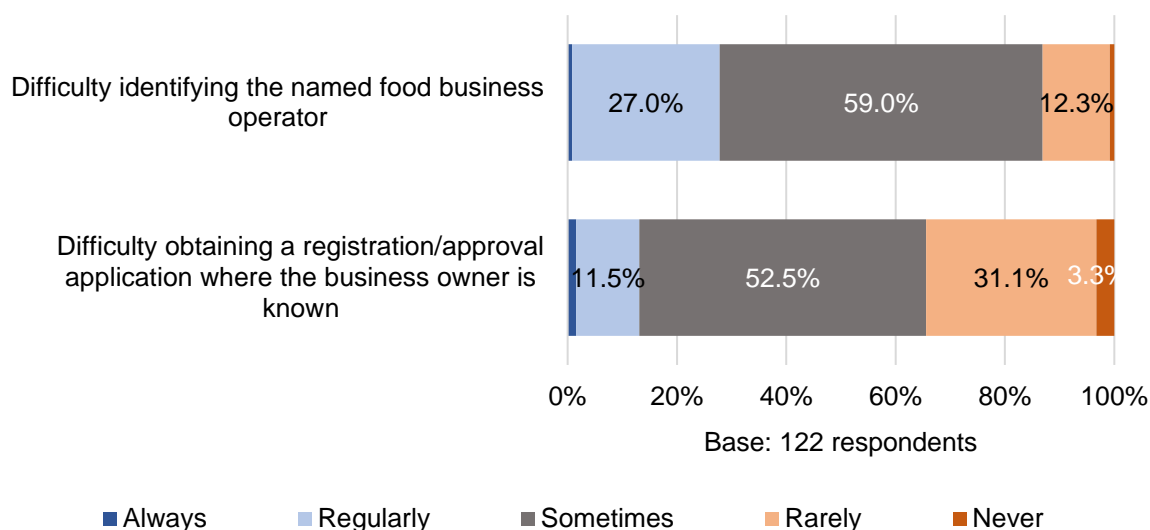
Of the 11 surveyed FBOs who were approached by the LA to register once already trading, nine said they were given additional time to register, while two said they were registered on the spot by the LA. None reported having encountered any more formal action.

“We’re just glad if they do register and we try to make it an easy process.”

*Metropolitan District/Borough Council*

Surveyed LAs were asked how frequently they encounter two specific challenges when seeking to identify a food business trading without prior registration/approval – firstly identifying the named food business operator, and secondly obtaining a registration/approval application. As can be seen from Figure 13, both of these challenges occur to varying extents, with difficulties identifying the names business owner tending to be the more common issue/

**Figure 13 Frequency of challenges faced when identifying an unregistered/non-approved food business (LAs)**



The proportion of LAs saying that they always/regularly face difficulties identifying the names business owner appears to be highest in urban areas – especially so within Metropolitan District/Borough Councils and the London Boroughs (Table 10).

**Table 10 Percentage of LAs always/regularly facing difficulties identifying the named business owner**

		Base	% LAs saying they always/regularly face difficulties identifying the named business owner
All LAs		122	27.8%
Nation	England	101	29.4%
	Wales	12	25.0%
	Northern Ireland	8	12.5%
LA Setting	Urban	45	37.8%
	Urban with significant rural	42	28.6%
	Mainly/largely rural	34	28.6%
LA Type (England only)	Non-Metropolitan District/Borough	63	23.4%
	Unitary Authority	19	26.3%
	Metropolitan District/Borough	11	81.8%
	London Borough	6	90.9%

NB: Low base numbers - results are purely indicative

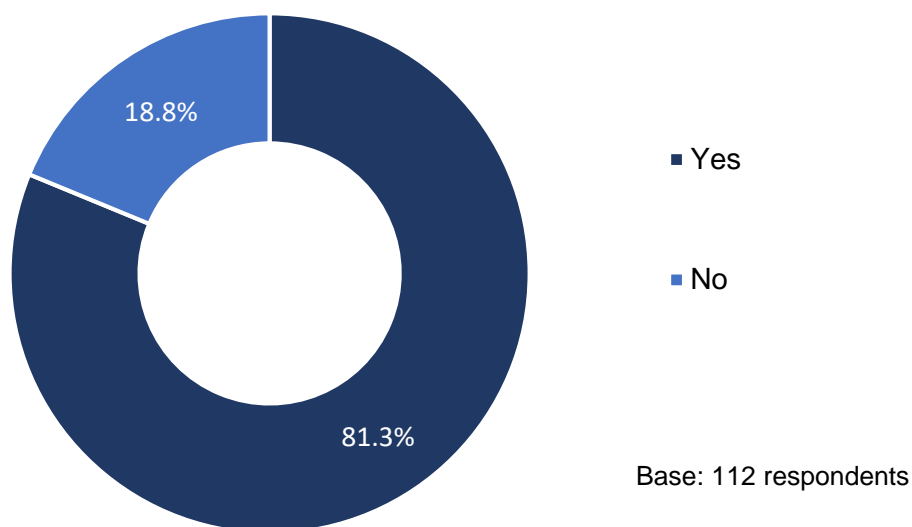
## 4. FBOs’ Awareness and Experience of the Process

This chapter focuses primarily on the views of FBOs. It captures their levels of awareness and understanding of the legal obligation to register/seek approval, as well as their experience of the process, including how it could be improved. It also examines LAs’ perceptions around the proportion of businesses that notify them of significant changes to their business, as well as FBOs’ own knowledge of this requirement.

### 4.1 Awareness and understanding of the regulations

The majority of surveyed FBOs (81%) were aware of the legal requirement to register or seek approval of the business before commencing trading (Figure 14).

**Figure 14 Prior awareness of legal requirement to register/seek approval (food businesses)**



Observed levels of prior awareness are highest among surveyed businesses in Northern Ireland (90%), followed by England (82%) and Wales (76%). As may be expected, experienced FBOs show higher levels of prior awareness than new FBOs, while the sectoral analysis reveals prior awareness levels to be highest among manufacturers (86%) and comparatively lower among accommodation, food service and takeaway businesses (78%) – Table 11.

**Table 11 Prior awareness of legal requirement to register/seek approval (food businesses)**

		Base	% saying 'yes'
All FBOs		112	81.3%
Nation	England	81	81.5%
	Wales	21	76.2%
	Northern Ireland	10	90.0%
Experience	Experienced	66	84.8%
	First-time	46	76.1%
Sector	Manufacturing	21	85.7%
	Wholesale and retail	29	82.8%
	Accommodation, food service and takeaways	45	77.8%
	Residential care and child day-care	17	82.4%

NB: Low base numbers - results are purely indicative

Surveyed FBOs were asked how they would rate their understanding of the legal requirement to register or seek approval on a scale from 1 'no understanding' to 10 'complete and full understanding'. Separate ratings were sought for respondents' understanding at the time they opened their premises, as well as their current understanding.

The resulting average scores are 6 out of 10 (understanding at the time) compared with 8 out of 10 (current understanding). This indicates that FBOs have benefited from additional information, advice and guidance that they did not have upon commencement, be it from the LA or other sources. This pattern is similar across different food business groupings, with Northern Ireland showing the largest change in average rating of understanding between starting up (4.6) and the present time (8.4) – Table 12.

**Table 12 Levels of understanding – then and now (food businesses)**

		Avg. rating of understanding at the time	Avg. rating of current understanding
All FBOs		6.0	8.2
Nation	England	6.4	8.3
	Wales	5.0	7.9
	Northern Ireland	4.6	8.4
Experience	Experienced	6.5	8.2
	First-time	5.2	8.2
Sector	Manufacturing	6.7	8.7
	Wholesale and retail	5.6	8.1
	Accommodation, food service and takeaways	6.1	7.9
	Residential care and child day-care	5.3	8.7

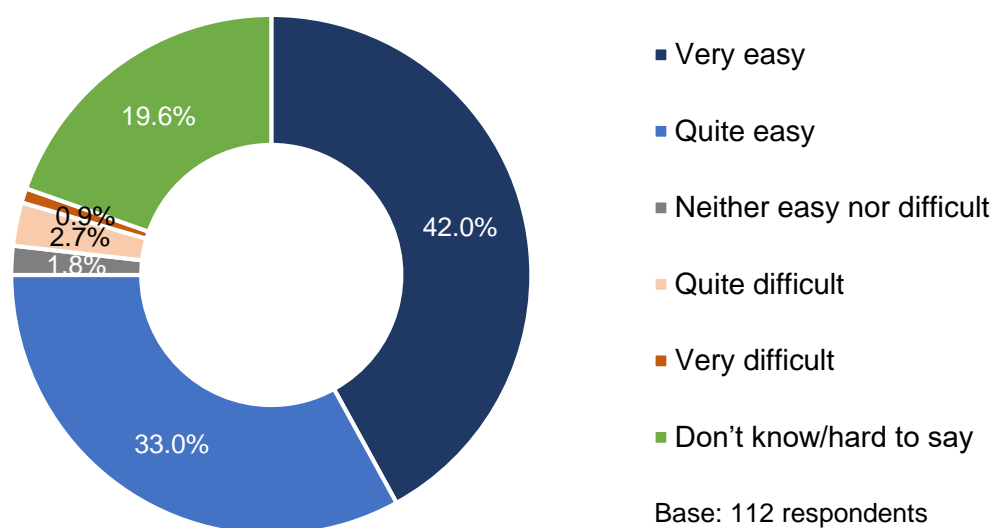
NB: Low base numbers - results are purely indicative

FBOs say they attained their knowledge and understanding of the process by proactively checking with the LA or the FSA (online and/or by phone); through previous experience of running a food business, or following advice from third parties such as accountants, trade bodies or other business forums.

## 4.2 Experience of the registration/approval process

Almost three quarters of surveyed FBOs (73%) found the initial registration or approval process to be generally easy. A similar proportion can also be seen across the various food business groupings (Figure 15 and Table 13).

**Figure 15 Ease/difficulty of the registration/approval process (food businesses)**



**Table 13 Ease/difficulty of the registration or approval process (food businesses)**

		Base	% saying 'very' or 'quite' easy
All FBOs		112	75.0%
Nation	England	81	75.3%
	Wales	21	71.4%
	Northern Ireland	10	80.0%
Experience	Experienced	66	75.7%
	First-time	46	74.0%
Sector	Manufacturing	21	80.9%
	Wholesale and retail	29	75.9%
	Accommodation, food service and takeaways	45	73.3%
	Residential care and child day-care	17	70.6%

NB: Low base numbers - results are purely indicative

In describing their experienced of the registration/approvals process, FBOs generally recall it as being smooth and straightforward. They praise the quality and helpfulness of advice and recommendations provided by their LA and FSA staff at all stages, from pre-registration to inspection. They found the guidance contained in local authority/FSA starter packs to be useful to help them set up a new business and ensure good standards of food safety and hygiene. They are also pleased with the ease of communications when dealing with local authority staff.

“The process was straightforward. People from the FSA and local authority visited the premises and gave us a high rating. We were not asked to make any changes as far as I remember and there were no delays in setting up.”

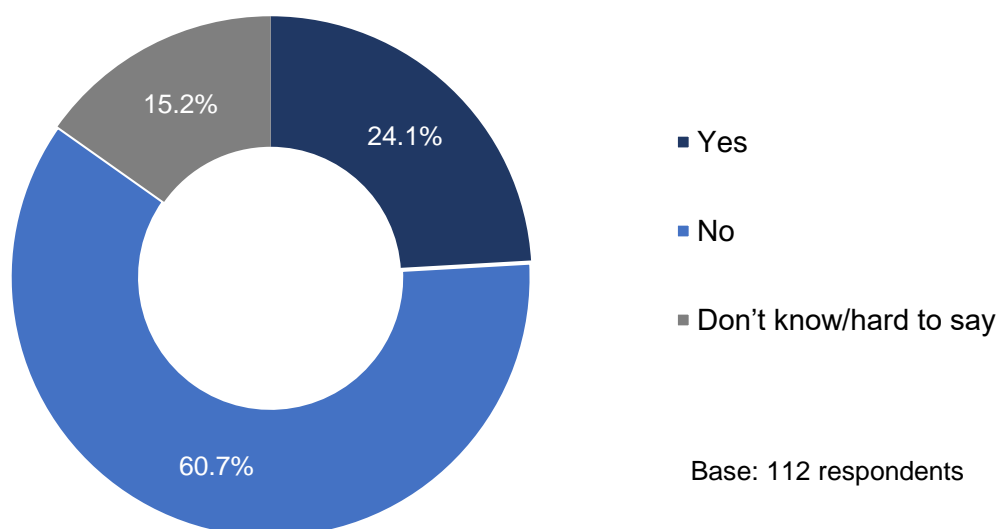
*Caterer, Wales*

“Finding out what I needed to do was more difficult than doing it. There was no delay to the business but the paperwork did take time to complete.”

*Manufacturer, England*

Just under a quarter of surveyed FBOs (24%) believe the registration/approval process could be improved (Figure 16).

**Figure 16 Whether the registration/approval process could be improved (food businesses)**



Calls for improvements to the process are most pronounced among food businesses based in England (28%), as well as those in the accommodation, food service and takeaways sector (29%) – Table 14.

**Table 14 Whether the registration/approval process could be improved (food businesses)**

		Base	% saying 'yes'
All FBOs		112	24.1%
Nation	England	81	28.4%
	Wales	21	14.3%
	Northern Ireland	10	10.0%
Experience	Experienced	66	24.2%
	First-time	46	23.9%
Sector	Manufacturing	21	23.8%
	Wholesale and retail	29	20.7%
	Accommodation, food service and takeaways	45	28.9%
	Residential care and child day-care	17	17.6%

NB: Low base numbers - results are purely indicative

Those FBOs calling for improvements would like easier access to a wider range of support. This includes one-to-one support tailored to sole traders and non-profit organisations; and free/subsidised food hygiene courses run locally and at convenient times for FBOs to attend. Some suggest that paperwork could be reduced and the registration/approval process made more efficient, with a minority calling for a simpler registration form<sup>9</sup>.

“In the future I would like to provide cooked fish to customers. The approval process may take a long time so speeding up the process would be very helpful and help to prevent delays.”

*Food retailer, England*

“There needs to be greater consistency in standards. Not all council employees are working to the same standards.”

*Bakery, England*

“There should be more cultural support for ethnic minority businesses to enable them to maintain high standards.”

*Food wholesaler, England*

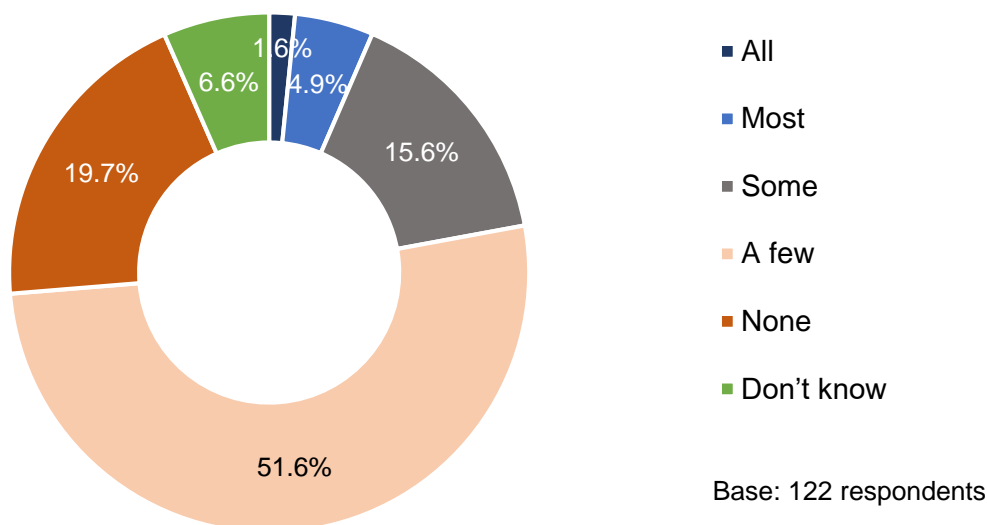
### 4.3 Notifying LAs of significant business changes

As mentioned in section 2.2, it is a regulatory requirement that FBOs notify their registering LA of any significant changes to their operation.

Less than one in 50 surveyed LAs believe that all FBOs notify them of significant changes. Around half (52%) feel that ‘a few’ businesses do this, while a fifth do not believe that any FBOs notify them (Figure 17).

<sup>9</sup> A model application form is included in the Food Law Code of Practice.

**Figure 17 LA perceptions on the proportion of food businesses that notify of significant changes**



There are variations by nation, setting and type of LA, with 100% of surveyed London Borough Councils commenting that either ‘a few’ or ‘no businesses’ notify them of significant changes. This is followed by 88% of surveyed LAs in Northern Ireland and 82% among Metropolitan Districts/Boroughs. The proportion is lowest in Wales (42%) – Table 15.

**Table 15 Percentage of LAs saying ‘a few’ or ‘no food businesses’ notify of significant changes**

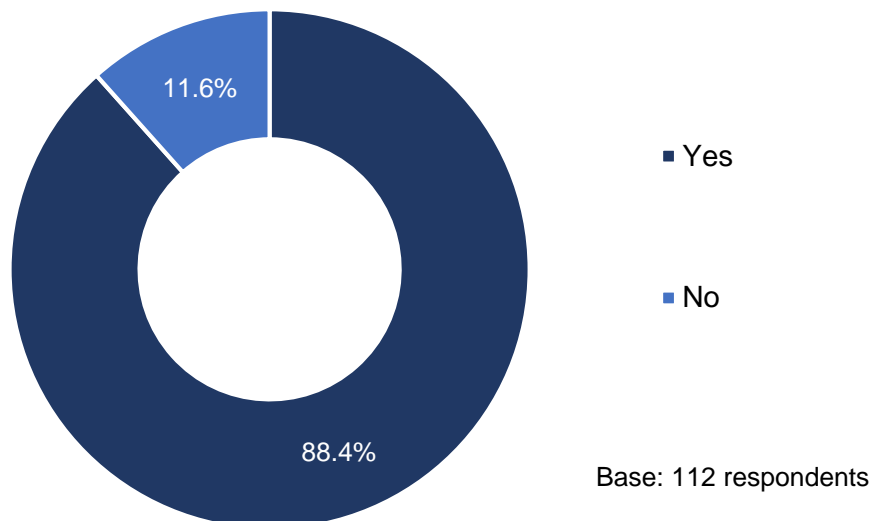
		Base	% saying ‘a few’ or ‘none’
All LAs		123	71.3%
Nation	England	102	73.6%
	Wales	12	41.6%
	Northern Ireland	8	87.5%
LA Setting	Urban	45	75.5%
	Urban with significant rural	42	69.1%
	Mainly/largely rural	35	68.6%
LA Type (England only)	Non-Metropolitan District/Borough	64	75.0%
	Unitary Authority	19	57.9%
	Metropolitan District/Borough	11	81.8%
	London Borough	6	100%

NB: Low base numbers - results are purely indicative

Whilst LAs generally believe that few FBOs notify them of significant changes, the vast majority of surveyed FBOs (88%) say they are aware of the legal requirement to notify LAs of these changes. The percentage is similar across the various food business groupings (Figure 18 and Table 16).



**Figure 18 Whether food businesses are aware of the requirement to notify significant changes**



**Table 16 Percentage of food businesses aware of the requirement to notify significant changes**

		Base	% saying 'yes'
All FBOs		112	88.4%
Nation	England	81	86.4%
	Wales	21	95.2%
	Northern Ireland	10	90.0%
Experience	Experienced	66	90.9%
	First-time	46	84.8%
Sector	Manufacturing	21	85.7%
	Wholesale and retail	29	86.2%
	Accommodation, food service and takeaways	45	91.1%
	Residential care and child day-care	17	88.2%

NB: Low base numbers - results are purely indicative

LAs do not seem to define or publish specific measures for what 'significant change' means in practice. This could inevitably mean that FBOs do not know what material changes do and do not need to be reported.

Types of changes reported to LAs tend to be where FBOs are increasing their level of food risk, for example a sweet shop diversifying into selling cooked meats, or where a business switches from needing to be registered to being approved, for example, when moving from retail to wholesale of meat or dairy produce.

---

## 5. Support for Food Businesses

---

This chapter sets out the types of information, advice and guidance (IAG) made available by LAs, and the take-up by FBOs. It also explores the perceived effectiveness of that support (from the perspective of LAs and FBOs), including the extent to which it encourages businesses to enter the regulatory system and achieve a good hygiene rating.

### 5.1 Support offered by LAs

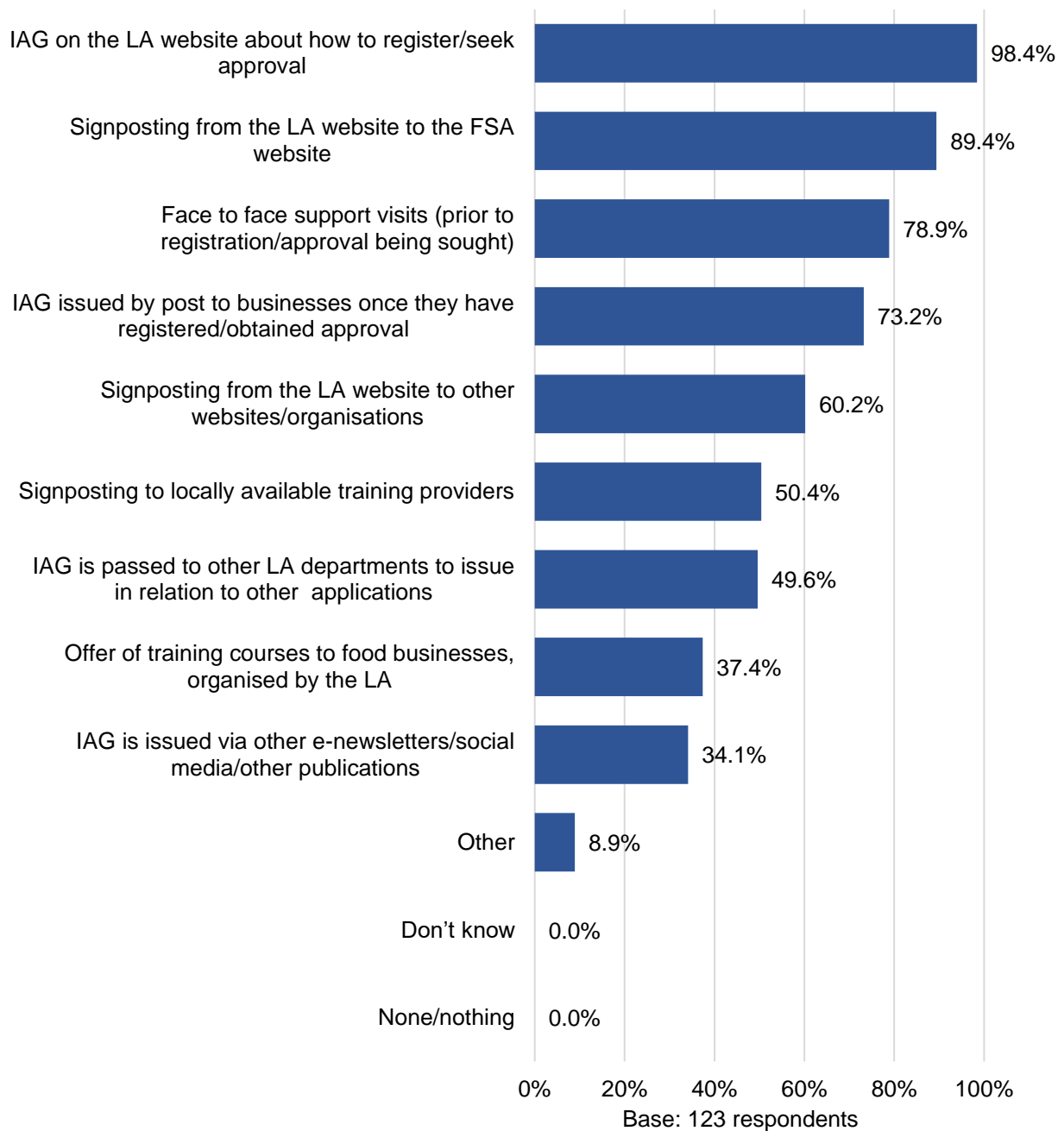
Surveyed LAs were asked what forms of IAG they offer to food businesses. From ten listed options, LAs offer an average of six in total.

Almost all (98%) offer IAG on their website about how to register or seek approval. More than three quarters (89%) signpost from their own website to the FSA website for further information, and 79% offer face-to-face support visits prior to registration or approval being sought by businesses.

Less common forms of support (offered by around a third of LAs) include issuing IAG via newsletters, social media or other publications, and offering training courses for businesses (Figure 19).

Breakdowns for this question by nation, setting and type of LA are set out in Appendix 4.

**Figure 19 Support provided by LAs**



Responses classified as 'other' include:

- Access to a business regulatory support hub, which offers paid-for business support;
- Business support seminars targeted at food businesses (to help them improve their hygiene rating), as well as seminars on non-food related business development such as data protection, marketing and social media; and
- Telephone advice (either free or paid-for).

The amount and nature of IAG issued by LAs appears to have changed in recent years – partly by making more and better use of digital channels, and partly due to tightening budgets limiting the amount of hard copy literature. One mentioned having historically issued a business digest newsletter (twice yearly) that has covered food registration matters in the past, but the newsletter is being discontinued due to cuts. In its place, a new email alert system is being set up but individuals have to subscribe to receive news, updates and guidance which limits its circulation.

Another mentioned having some ideas in the pipeline to boost compliance, e.g. ‘drop in surgeries’ for new businesses; and supplying registration information and guidance to internal colleagues in licensing and planning so they can issue this to new businesses they encounter. Another mentioned that they already facilitate advice visits and that these used to be free, but are now charged at £150 per 2 hours.

“There’s something to be said for the food business only having to deal with one department in the Council, so it would be good if things can be more joined up.”

*Unitary Authority*

Some, but not all, LAs run training courses in-house (via a third-party training provider) that FBOs register and pay for to aid compliance, e.g. a Level 2 course in Catering. Others signpost to local training providers should businesses ask for this information.

An LA in Northern Ireland reported being very well staffed, with good resources and regular timely inspections. They believe that this increased level of personal contact has raised awareness about the regulatory requirements, helped to raise the profile of food business registration in the area, and contributed to very low levels of non-registration.

LAs’ policies on charging for advice vary, with free advice usually available online and by telephone. Around a quarter of respondents provided details of specific fees. Charges for visits to premises vary between £35 and £140 per hour and are commonly based on two-hour meetings. Re-rating visits under the Food Hygiene Rating scheme vary between £100 and £300. Safer Food Better Business (SFBB) coaching is offered by a number of LAs and is charged at between £20 and £50. Level 2 training is charged at around £60.

Several LAs mentioned that they plan to introduce charges for certain IAG in the future. Some do not impose charge because they regard this as a potential barrier to good working relationships with FBOs.

“We are going to introduce paid-for advice during the coming financial year. This will include site visits, written reports and paid-for downloadable guidance.”

*Non-Metropolitan District/Borough Council*

“We believe that not charging encourages the FBO to pro-actively seek advice/support and fosters good relationships with the department. FBOs frequently remain in contact with officers and return for further advice. We believe this improves overall compliance levels and reduces enforcement action.”

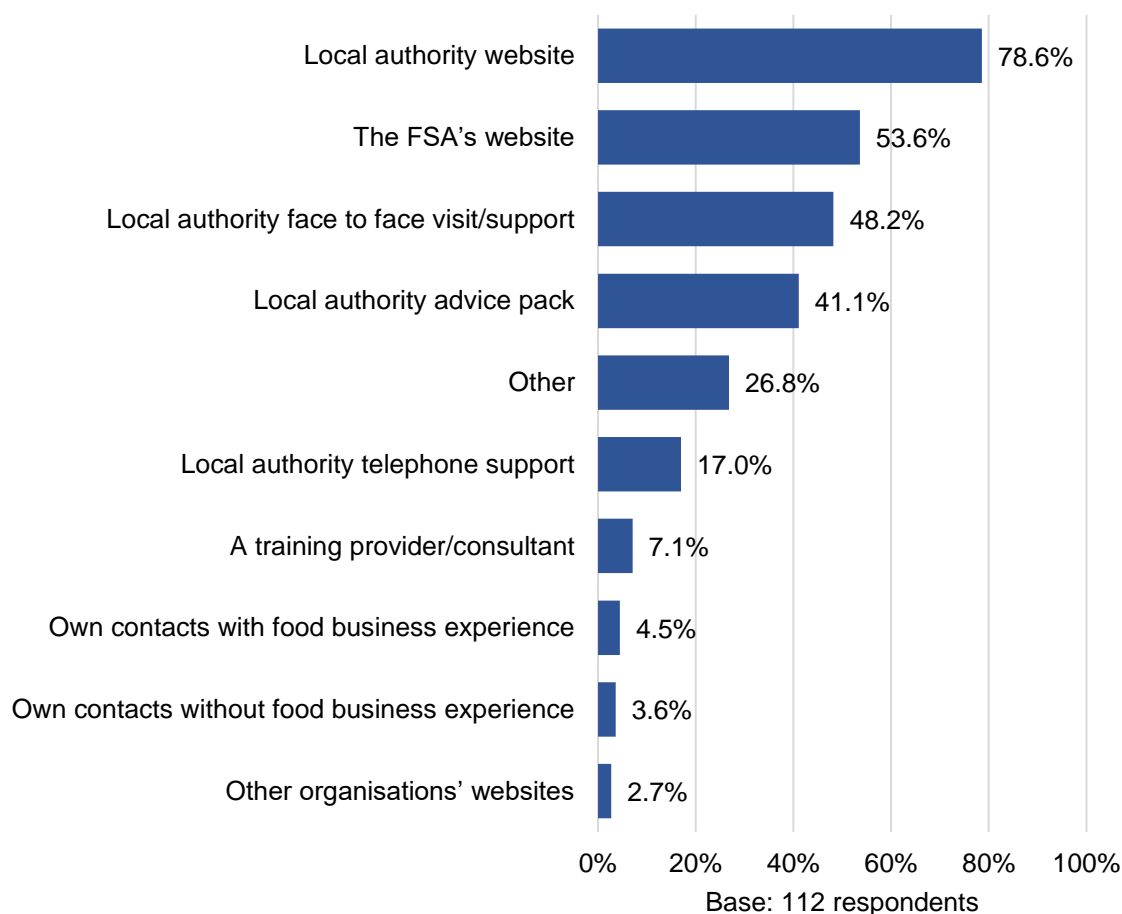
*Unitary Authority*

## 5.2 Support accessed by FBOs

Surveyed FBOs were asked what forms of IAG they used as part of the registration/approval process. From the same ten listed options, FBOs drew on an average of three sources in total. The most common is the LA’s website (accessed by 79% of FBOs), followed by the FSA’s website (accessed by 54%) and face-to-face support from the LA (48%). Very small numbers of respondents mentioned having obtained support from other contacts (Figure 20).

Breakdowns for this question by nation, experience and type of food business are set out in Appendix 4. These breakdowns show that the LA website is the most common form of support for all groups of food business. Face-to-face LA support tends to be accessed more readily by businesses in Wales, as well as by accommodation, food service and takeaway businesses (both 71%).

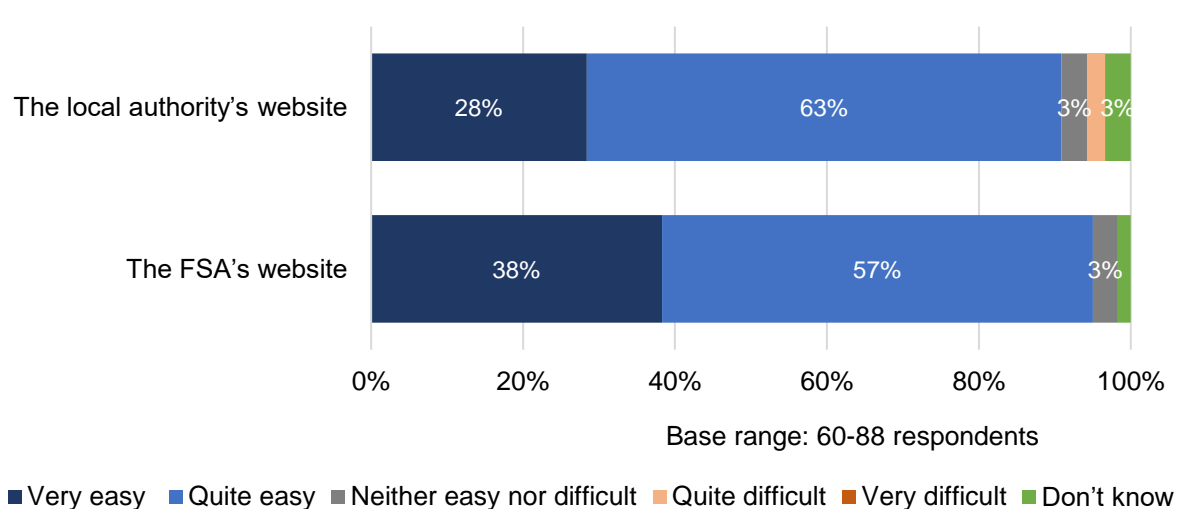
**Figure 20 Support accessed by food businesses**



FBOs were not generally able to recall specific resources they had accessed, but mentioned online guidance, starter packs and booklets issued by LAs and the FSA covering such things as internal fixtures and fittings; food labelling; handling raw and cooked food; food storage temperatures; allergens; Control of Substances of Hazardous to Health (COSHH); controlling vermin; paperwork and systems; and food stock rotation.

More than 90% of surveyed FBOs consider it generally easy to find the information they have needed on the LA and FSA websites (Figure 21). Similar, favourable opinions are evident across the business groupings (Table 17).

**Figure 21 Ease of finding available support (food businesses)**



**Table 17 Ease of finding available support (food businesses)**

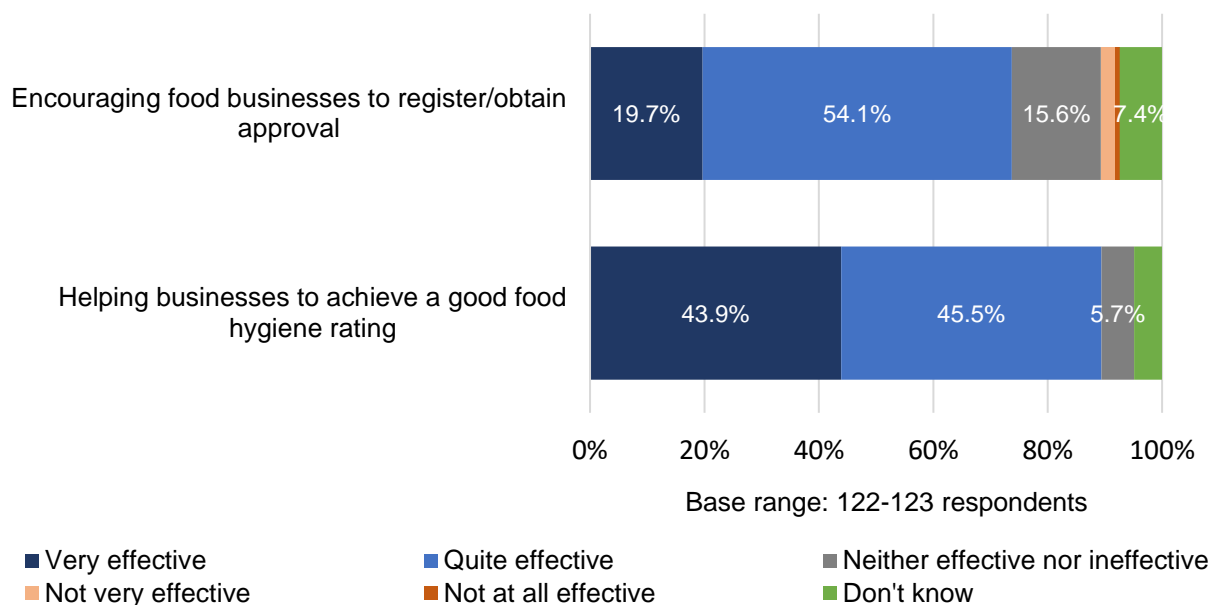
		Base	LA website	FSA website
All FBOs		88	92.5%	90.9%
Nation	England	14	92.0%	95.3%
	Wales	25	88.3%	100.0%
	Northern Ireland	34	88.9%	83.3%
Experience	Experienced	14	92.6%	97.3%
	First-time	25	88.2%	91.6%
Sector	Manufacturing	14	92.9%	100.0%
	Wholesale and retail	25	92.0%	89.5%
	Accommodation, food service and takeaways	34	85.3%	100.0%
	Residential care and child day-care	15	100.0%	92.3%

NB: Low base numbers - results are purely indicative

### 5.3 Effectiveness of support

LAs generally consider the support they offer to be effective at encouraging FBOs to register or obtain approval (74%) and especially so in helping them to achieve a good food hygiene rating (89%) – Figure 22.

**Figure 22 LAs’ perceived effectiveness of support offered**



Looking across the LA groupings, perceived effectiveness of support at helping businesses to achieve a good food hygiene rating is strong across the board. However, there is greater variation between the groupings concerning its effectiveness at encouraging registration/approval applications. Here, lowest levels of perceived effectiveness are felt among surveyed London Borough Councils, Metropolitan District/Boroughs, and LAs based in Wales (Table 18).

**Table 18 LAs' perceived effectiveness of support offered**

		Base	% very/quite effective at encouraging food businesses to register/obtain approval	% very/quite effective at helping businesses to achieve a good food hygiene rating
All LAs		122	73.8%	84.9%
Nation	England	102	76.5%	89.2%
	Wales	12	58.3%	84.6%
	Northern Ireland	8	62.5%	100.0%
LA Setting	Urban	45	62.2%	77.7%
	Urban with significant rural	42	78.5%	95.3%
	Mainly/largely rural	35	82.9%	97.2%
LA Type (England only)	Non-Metropolitan District/Borough	64	68.4%	73.7%
	Unitary Authority	19	87.5%	95.4%
	Metropolitan District/Borough	11	54.6%	90.9%
	London Borough	6	33.4%	83.4%

NB: Low base numbers - results are purely indicative

LAs regard the IAG and support they offer to be very effective at aiding knowledge and understanding of the regulatory requirements (particularly among start-ups), improving compliance with food hygiene law, and helping businesses to improve their food hygiene rating. Whilst the impact of IAG is difficult to quantify, several LAs gave examples of first-time FBOs providing positive feedback about the value of IAG when in discussions with LA staff, for example during on-site meetings/inspections.

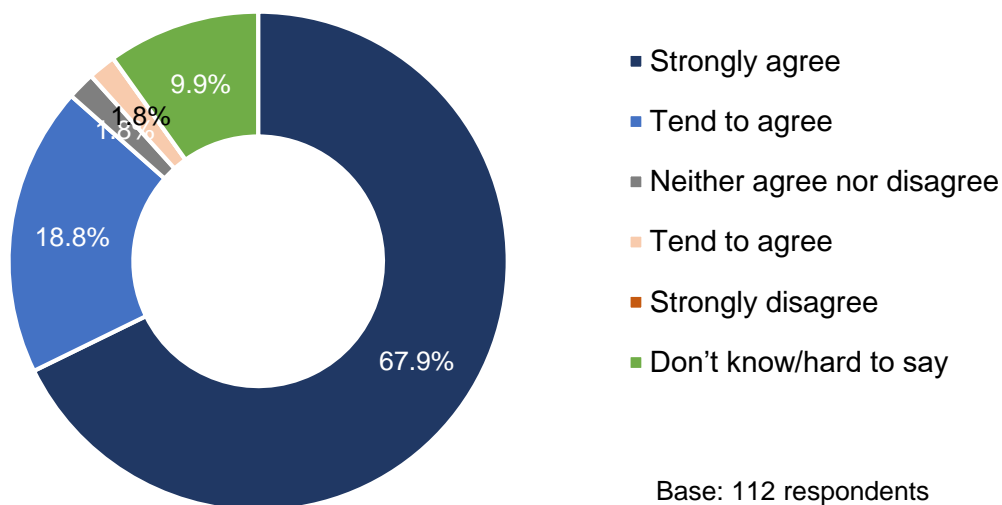
“The early IAG and support we provide improves overall compliance levels, fosters good working relationships between inspectors and FBOs and reduces the need for enforcement action.”

*Unitary Authority*

Most surveyed FBOs (87%) either strongly or tend to agree that the IAG they received before they started trading helped them to achieve a good food hygiene rating. Indeed, more than two thirds (68%) strongly agree (Figure 23). The pattern of favourable responses is mirrored across the LA groupings (Table 19)



**Figure 23 Extent of agreement that IAG contributed to a good food hygiene rating (food businesses)**



**Table 19 Extent of agreement that IAG contributed to a good food hygiene rating (food businesses)**

		Base	% stating 'strongly' or 'tend to' agree
All FBOs		88	86.7%
Nation	England	14	88.9%
	Wales	25	80.9%
	Northern Ireland	34	80.0%
Experience	Experienced	14	89.4%
	First-time	25	82.6%
Sector	Manufacturing	14	81.0%
	Wholesale and retail	25	93.1%
	Accommodation, food service and takeaways	34	82.2%
	Residential care and child day-care	15	94.1%

NB: Low base numbers - results are purely indicative

Surveyed FBOs were also asked to rate the perceived usefulness of each type of support on a scale from 1 'not at all useful' to 10 'extremely useful'. On the whole, average ratings are favourable (at least 7 out of 10) – Table 20. Due the low base numbers involved, cross-tabulations by business grouping have not been performed for this question.

**Table 20 Perceived usefulness of support accessed (food businesses)**

	Base	Avg. rating (out of 10)
Own contacts with prior food business experience	5	9.2
Other organisations' websites	1	9.0
A training provider/consultant	8	8.3
Own contacts without prior food business experience	4	8.0
Local authority advice pack	45	7.9
The FSA's website	60	7.7
Local authority telephone support	19	7.6
Local authority website	87	7.5
Local authority face to face visit/support	54	7.4

NB: Low base numbers - results are purely indicative

Businesses are generally complimentary and appreciative of the written advice and guidance available from LAs and the FSA, as well as the advice received during inspection visits.

“The starter pack and guidelines outlining required standards was useful. That helped us to be awarded a 5-star rating.”

*Takeaway, Wales*

“The inspection visit provided useful tips on how to store and handle hot food including temperature control and monitoring.”

*Nursery, England*

“The local authority advice pack provided comprehensive information on meat temperature control. It covered everything including cross contamination and storage of meats”

*Food wholesaler, Wales*

The minority of FBOs who found the support not to be useful recall difficulties finding the information they needed or being unable to identify who to contact at the LA for more information. This tends to tie in with perceptions held by these FBOs that the registration/approval process is overly burdensome, especially when making changes to an existing business.

“We had to change from partnership to limited company. The process was very time consuming and involved an inspection of the premises which was just a waste of time and taxpayers' money.”

*Food wholesaler, Northern Ireland*

“The only problem was we had to download the standards from the council website which were out of date compared with the inspection that was carried out.”

*Takeaway, England*

“From the local authority website, it was difficult to find out who to contact.”

***Food manufacturer, England***

Less than a fifth of surveyed FBOs say that they paid for advice and guidance, which typically includes food hygiene training courses delivered by a mix of LAs, colleges, private providers and trade associations. The highest reported amount paid for a training course is £300 (which may be a higher-level training course), while the lowest reported amount is £28 for an online course. Respondents also mentioned paying fees to professionals for help with the registration process, including solicitors or accountants, with one FBO mentioning a consultant and another using a third party independent assessor to carry out a site inspection.

Finally, there is favourability among FBOs to the idea of a ‘one-stop shop’, containing links, resources and FAQs to help them meet their obligations, including types of changes need to be notified such as change of business name, change of operator and change of processes. LAs tend to signpost FBO’s to the FSA website for additional guidance and a small number of FBOs commented that it would be helpful if this website was easier to navigate, with a view to helping businesses work out more easily what they need to do.

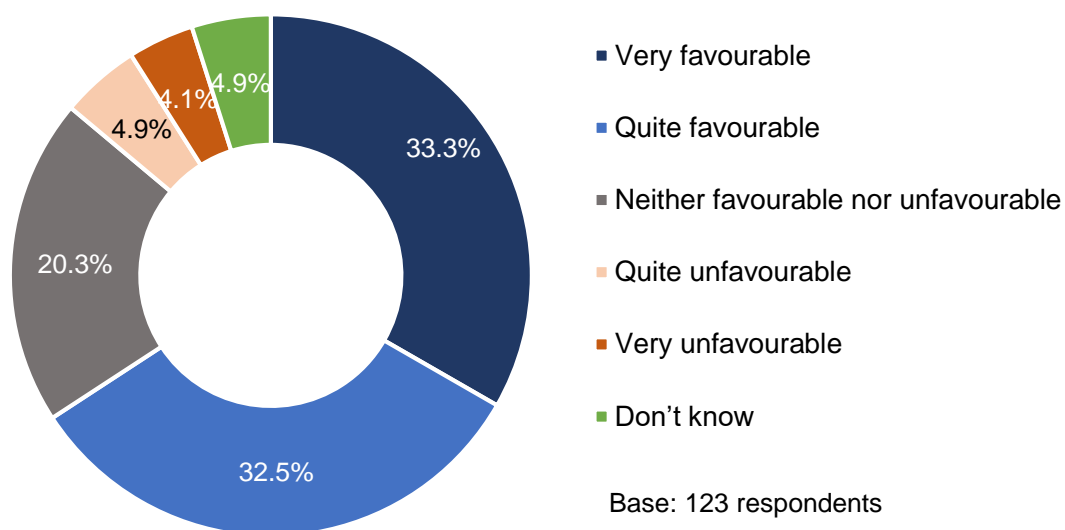
## 6. Future Options

Turning to the future, this chapter explores the appetite among LAs and FBOs for three potential options for change to the current regulatory system, namely: a central online registration system; a licence or permit to trade for food businesses; and the introduction of fixed penalty notices for non-registration.

### 6.1 Central online registration system

A single, central online registration system for food businesses could help to improve consistency and deliver efficiencies as part of the food business registration process. Two thirds of surveyed LAs are favourable in principle to the idea of such a system, while 9% are unfavourable (Figure 24). The pattern is similar by nation, setting and type of LA, although views are more divided among the small number of surveyed LAs in Northern Ireland (Table 21).

**Figure 24 Favourability to a central online registration system (LAs)**



**Table 21 Favourability to a central online registration system (LAs)**

		Base	% 'very' or 'quite' favourable
All LAs		123	65.8%
Nation	England	102	67.7%
	Wales	13	61.6%
	Northern Ireland	8	50.0%
LA Setting	Urban	45	68.9%
	Urban with significant rural	42	61.9%
	Mainly/largely rural	36	66.7%
LA Type (England only)	Non-Metropolitan District/Borough	64	64.1%
	Unitary Authority	19	68.4%
	Metropolitan District/Borough	11	81.9%
	London Borough	6	83.3%

NB: Low base numbers - results are purely indicative

LAs in favour of a central online registration system mention the potential benefits as including:

- greater consistency between LAs;
- efficiency gains for businesses that have outlets in several areas;
- centralised records to make it easier to track an individual FBO's trading history;
- a more accessible and intuitive system for FBOs;
- improved communications between regulators and
- better monitoring of mobile operators who trade in several different LA areas;

Most LAs qualified their responses with features they would require of a central online system – notably that it should be slick and easy to use, enable accurate transfer of information, contain regularly updated data; and have a paper-based option for 'non-digital' FBOs.

The minority of LAs unfavourable towards a central online system are concerned that this could lead to the loss of local input, particularly drawn from food officers' local knowledge.

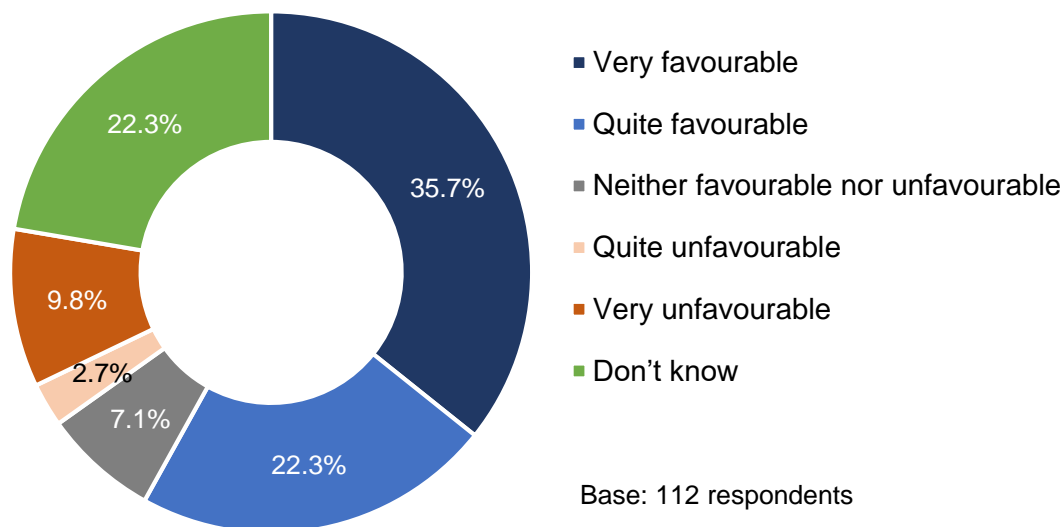
“FBOs contact us for overall advice about suitability of premises/proposed product ideas etc. rather than simply to register so an online system would not capture that in depth personal advice tailored to their business needs.”

*Northern Ireland Council*

LAs want to maintain local control of the registration process, on the basis that local knowledge is considered vital to a successful regulatory system. The Gov.UK form is generally regarded as long-winded and favoured mainly by larger organisations, so LAs would welcome being consulted on the types of information gathered as part of any new central online system so it dovetails neatly with local systems and processes.

The views of FBOs broadly align with those of LAs, with more than half (58%) favourable to the idea of a central online system (Figure 25). Most respondents in each business group are favourable with the exception of those in Northern Ireland (Table 22). Once again it must be stressed that the low base number of respondents means these breakdowns should be treated as purely indicative.

**Figure 25 Favourability to a central online registration system (food businesses)**



**Table 22 Favourability to a central online registration system (food businesses)**

		Base	% 'very' or 'quite' favourable
All FBOs		112	58.0%
Nation	England	81	60.5%
	Wales	21	57.2%
	Northern Ireland	10	40.0%
Experience	Experienced	66	60.6%
	First-time	46	54.4%
Sector	Manufacturing	21	52.4%
	Wholesale and retail	29	58.6%
	Accommodation, food service and takeaways	45	62.2%
	Residential care and child day-care	17	52.9%

NB: Low base numbers - results are purely indicative

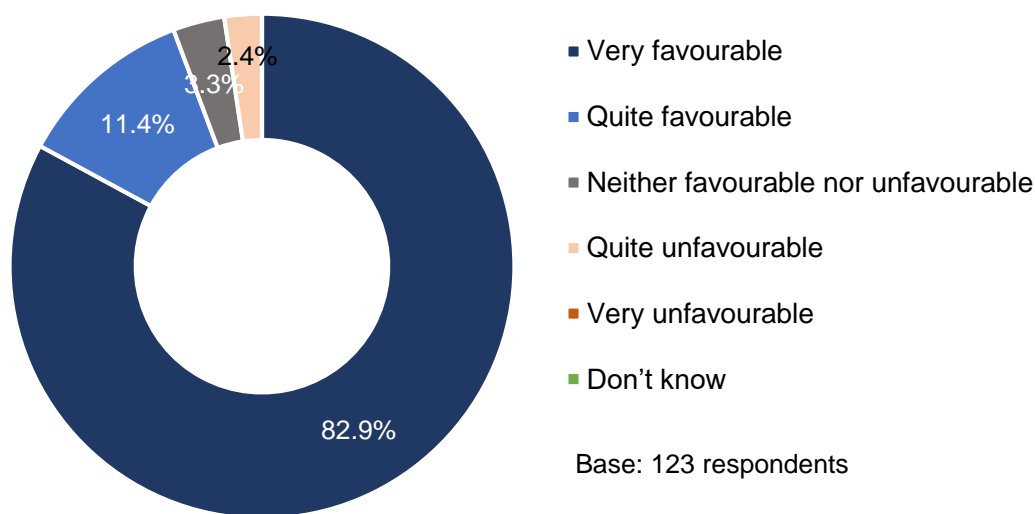
FBOs with premises spanning multiple LA areas believe that a consistent and central online registration system would make the process quicker, easier and more predictable. The minority of FBOs not in favour believe this could lead to the loss of local and face to face contact with the 'personal touch'. Some are also concerned about being able to embrace such a system due to limited digital skills.

## 6.2 Licence or permit to trade

The research asked LAs and FBOs how favourable they would be to the idea of a licensing system (permit to trade) which could work by requiring food businesses to meet certain conditions and pay a fee before being granted a licence to operate.

Almost all surveyed LAs (94%) favour the idea (Figure 26) and the pattern is similar by nation, setting and type of LA (Table 23).

**Figure 26 Favourability to a permit to trade (LAs)**



**Table 23 Favourability to a permit to trade (LAs)**

		Base	% 'very' or 'quite' favourable
All LAs		123	94.3%
Nation	England	102	94.1%
	Wales	13	100.0%
	Northern Ireland	8	87.5%
LA Setting	Urban	45	97.7%
	Urban with significant rural	42	95.2%
	Mainly/largely rural	36	88.9%
LA Type (England only)	Non-Metropolitan District/Borough	64	93.8%
	Unitary Authority	19	100.0%
	Metropolitan District/Borough	11	100.0%
	London Borough	6	83.4%

NB: Low base numbers - results are purely indicative

LAs highlight several potential advantages of a permit to trade, namely that it would:

- put the onus on FBOs to comply with food legislation;
- help to protect the safety of consumers;
- give the public more confidence that food businesses have reached a satisfactory hygiene standard;
- raise standards nationally given that no enforcement action is typically taken against non-compliance, which arguably reduced the incentive to register;
- provide FBOs with the knowledge and training they need to support compliance and put in place an appropriate Food Safety Management System (FSMS);
- provide more of an opportunity for LAs to engage with business to discuss pre-registration requirements and their support needs;
- provide more income to help LAs deliver the LA service; and
- encourage FBOs to register when they are ready to trade (rather than too far in advance) which will aid future inspection scheduling and reduce the risk of inspections taking place when the business is still not up and running.

A proportionate approach to licensing, for example based on risk and/or scale of the business, is seen as an attractive way forward by LAs to avoid such a scheme being perceived by FBOs as costly, bureaucratic and a deterrent to potential start-ups.

On the basis that permits are required for other types of activity (e.g. selling alcohol, taxi driving) many LAs feel that a licence would help to instil the message that registration is a regulatory requirement and why that is important.

*“I am strongly in favour of a licensing scheme. Food is a significant cause of illness if not handled and prepared hygienically. A licensing scheme will help ensure that pre-requisites are in place before operating concerning the design and layout of premises, the control of cross-contamination, cleaning and disinfection, food storage and handling, staff training and a documented food safety management system.”*

*Wales-based local authority*

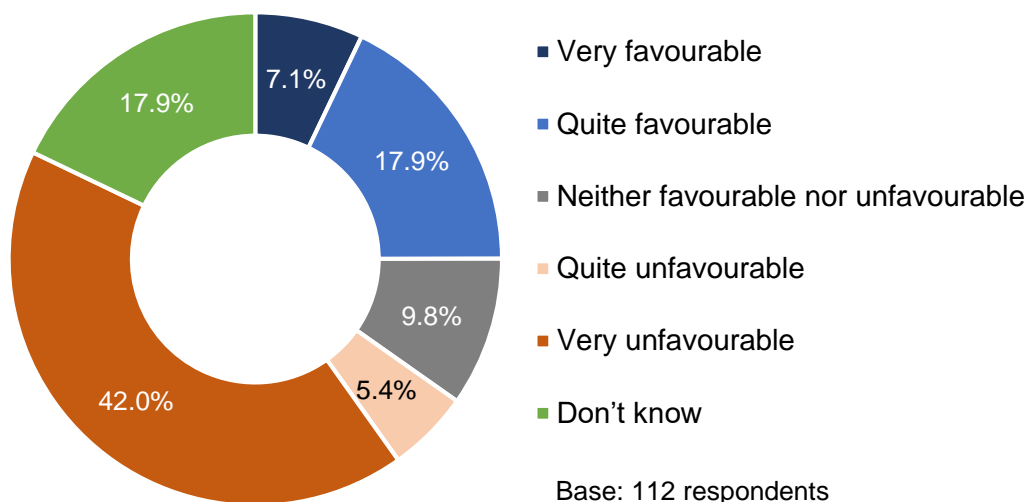


“We have significant business changes in our area. This can mean up to 1,000 new registrations per year which is an untenable position and currently we have over 1,500 unrated outlets. A licencing scheme would enable us to effectively manage that situation by providing additional funding, encourage businesses to be more certain about setting up, and set out clearer enforcement protocols when businesses start without the necessary registration/approval.”

*Unitary Authority*

Surveyed FBOs are generally opposed to a permit to trade, with 42% ‘very unfavourable’ and only a quarter (25%) warm to the idea. This pattern is reflected across the food business groupings (Figure 27 and Table 24).

**Figure 27 Favourability to a permit to trade (food businesses)**



**Table 24 Favourability to a permit to trade (food businesses)**

		Base	% 'very' or 'quite' favourable
All FBOs		112	25.0%
Nation	England	18	27.1%
	Wales	21	23.8%
	Northern Ireland	10	10.0%
Experience	Experienced	66	28.8%
	First-time	46	19.5%
Sector	Manufacturing	21	33.3%
	Wholesale and retail	29	34.4%
	Accommodation, food service and takeaways	45	24.4%
	Residential care and child day-care	17	0.0%

NB: Low base numbers - results are purely indicative

FBOs unfavourable to a permit to trade are concerned about the cost this would add to an already-accelerating climate of outlays, notably rises to business rates, the Living Wage and the new sugar tax. They make the point that any imposed fees should be proportionate and on a sliding scale commensurate with the risk level and/or size of the business.

Those FBOs ambivalent to the idea question the size of the fee and what food businesses would get in return. The minority in favour of a permit to trade believe that fee income could be used to improve monitoring of food businesses and help to create a level playing field by filtering out poor operators who might cut corners.

### **6.3 Fixed penalty notice**

LAs are generally favourable to the idea of introducing some form of fixed penalty notice system to be imposed on food businesses that fail to register or seek approval before trading. This, they argue, would help to ensure businesses do not forget to register proactively and could act as a strong deterrent to those who might otherwise try to work around the system.

In Wales and Northern Ireland it is mandatory for food establishments to display the food hygiene rating sticker. Some respondents suggested that a fixed penalty notice could be used where FBOs do not display this sticker (although this would require a change to current rules if such an idea were to be taken forward in England). Members of the public may then be more likely to report premises not displaying a sticker. In turn, this would help LAs to identify any potentially non-registered businesses and take appropriate action.

“There is currently no incentive for a business to register because nothing bad happens if they don't.”

*Non-Metropolitan District/Borough Council*

LAs and FBOs were asked what amount – if anything – they would consider appropriate if a fixed penalty notice were to be introduced for food businesses that do not proactively register or seek approval prior to trading. The average (mean) pricing suggestion from LAs works out at £240 and from food businesses works out at £160. FBOs are less favourable to the idea of a fixed penalty charge than LAs, with more than half (58%) giving an answer of nil (Table 25).

**Table 25 Favoured pricing (LAs and food businesses)**

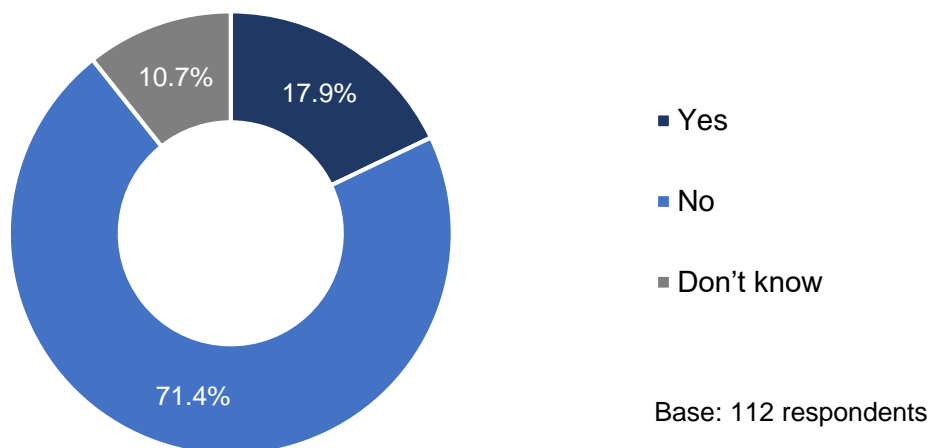
	LAs	Food businesses
Base	118	90
Mean	£240	£160
Median	£200	£0
Mode	£100 (x26)	£0 (x 53)
Minimum	£0 (x 6)	£0 (x 53)
Maximum	£1,000 (x 2)	£1,000 (x 10) <sup>10</sup>

NB: Low base numbers - results are purely indicative

Surveyed FBOs were asked whether – if a fixed penalty system had been in place when they registered or sought approval – this would have changed the approach they took. This question was not limited to changes in the choice of ‘pathway’ but could have interpreted as any changes, such as at what point they chose to register.

Just under a fifth (18%) said that a penalty system would have changed some aspect of their approach (Figure 28)<sup>11</sup>. This percentage is the same among the 11 surveyed food businesses that were registered by the LA once already trading and the results are similar across the various business groupings (Table 26). Further research as part of the development of any such scheme would be needed to unpick these results further.

**Figure 28 Whether a fixed penalty notice would have changed the pathway to registration/approval (food businesses)**



<sup>10</sup> Three outlier responses from food businesses have been removed from the analysis of this question, equating to £2,000 (x 2) and £5,000 (x 1).

<sup>11</sup> NB: This question did not discuss the amount/severity of any penalty.

**Table 26 Percentage saying ‘yes’ – a fixed penalty notice would have changed the pathway to registration/approval (food businesses)**

		Base	% saying ‘yes’
All FBOs		112	17.9%
Nation	England	81	19.8%
	Wales	21	14.3%
	Northern Ireland	10	10.0%
Experience	Experienced	66	22.7%
	First-time	46	10.9%
Sector	Manufacturing	21	19.0%
	Wholesale and retail	25	20.7%
	Accommodation, food service and takeaways	49	17.8%
	Residential care and child day-care	17	11.8%

NB: Low base numbers - results are purely indicative

“The FSA should be providing more awareness and guidance before taking steps to fining businesses.”

*Food manufacturer, England*

“Having a fine would certainly make businesses think about the rules and keep in line with correct legislation. However, the registering process needs to be as supportive as possible.”

*Caterer, England*

---

## 7. Conclusions and Recommendations

---

### 7.1 Conclusions

- 1. Food business operators (FBOs) primarily register/seek approval proactively and through their local authority (LA). Despite 81% of FBOs saying they were aware of this regulatory requirement prior to commencing trading, the relative prevalence of food businesses being registered retrospectively (as reported by LAs) suggests that current regulatory controls may not be sufficiently robust and indicates a possible shortfall in the knowledge and understanding of some FBOs around their regulatory obligations.**

Most instances of lack of proactive registration appear to be due to an oversight on the part of FBOs rather than any deliberate malpractice, especially since the registration process itself is not subject to a fee. Feedback from LAs suggest this issue appears to be most common among sole trader businesses, takeaways and food retailers, and especially where a new FBO has taken over an established business. These cases tend to be picked up when officers visit to undertake the next scheduled inspection.

However, it is possible that some FBOs may have let this slide due to other business matters taking a higher priority; the perceived time and effort associated with registering or trying to work out what types of changes need to be notified; and/or that there would not be a serious penalty if the LA discovered these issues and approached them about it.

There do not appear to have been any trends or changes in recent years in terms of the pathways to registration/approval, which is largely down to a period of relative stability in the regulatory regime. That said, increased digitalisation means that more FBOs both need and expect to be able to register their business quickly and easily online. At present, not all LAs offer an interactive registration portal, which appears to present a barrier to some FBOs – especially those working across multiple LA areas who find inconsistencies in the application forms and methods made available.

- 2. LAs typically offer several methods for FBOs to register or seek approval and take proactive steps to identify businesses that may not already be captured by the regulatory system. However, resource limitations tend to prevent LAs from being able to proactively raise the profile of the process.**

Most FBOs know and find it logical to approach their LA in the first instance to check on what steps need to be taken to register or seek approval for a food business. This is evidenced by the fact more than three quarters of surveyed FBOs accessed their LA's website when starting their business. In that respect, and given budgetary pressures, LAs tend to rely on the reactive presence of their website and inbound telephone support services to capture the majority of new food businesses. As such, the amount of proactive information, advice and guidance issued by LAs (for example via flyers and

newsletters) tends to be limited. However, there are clearly instances of FBOs not proactively registering, which is evidenced by the prevalence of LAs spotting firms trading unregistered (Figure 1). In many cases (and as claimed by FBOs responding to this research) this appears to be due to FBOs' lack of knowledge.

Despite these challenges, LAs place great importance on having local knowledge of food businesses and take proactive steps to minimise instances of business trading without prior registration/approval. In doing so they work with other internal departments, look for new businesses promoting themselves online and in the local press, and keep a look out for new businesses when working out in the community.

**3. LAs actively verify and confirm information submitted by FBOs as part of the registration/approval process. They use this information to take a risk-based approach to prioritising inspections and to exclude businesses from inspections that are deemed low risk.**

Most LAs take steps to verify information provided by FBOs, primarily to confirm the identity of the named FBO, legal status of the business, and to acquire a better understanding of its scope. This is achieved through a combination of checks against the Electoral Roll, via Companies House, and follow-up discussions with applicants. A key challenge appears to be lack of sufficient and relevant questions on registration forms (including lack of requirement to provide identification documents) to enable LAs to be fully satisfied. This is important since one of the biggest problems LAs experience when they identify unregistered/non-approved businesses, is being able to confirm and verify the named FBO.

It seems commonplace for LAs to use registration information to prioritise inspections based on risk (examples of high-risk activities given in the survey are mobile operations and event catering – especially burger vans). Resource constraints also drive prioritisation, since many first inspections take longer than the recommended 28 days as set out in the FSA Food Law Code of Practice. Around half of surveyed LAs say they exclude very low risk food businesses from inspections, such as home-based cake-making operations.

A particular frustration for LAs is undertaking an inspection and finding the business is not yet trading. From LA's perspectives, this suggests that the system needs to be tightened up to ensure LAs have a more detailed understanding of FBOs' plans and to advise FBOs at what point they should register their food business. This could be resolved by LAs telephoning FBOs just prior to the scheduled inspection to find out if they are trading. If not, the proposed inspection date could be pushed back.

**4. LAs typically take a proportionate and risk-based approach to tackling instances of businesses trading without the necessary registration or approval.**

LAs tend to take a light-touch approach to instances of non-registration and it is not deemed proportionate or cost effective to pursue prosecution for this offence only. When

encountering a non-registered business, LAs prefer to either register them on the spot or give them a short window to submit their application. Where unregistered trading forms part of wider failings or illicit activity, then LAs do typically take this into account when pursuing court action.

For instances of non-approval, LAs are more predisposed to take formal action, such as issuing a Remedial Action Notice or a Hygiene Emergency Prohibition Notice, since the health and hygiene risks to the public are potentially much higher for certain foodstuffs.

- 5. There is a lack of clarity around what constitutes “significant changes” to an existing food business that need to be notified to the LA. Consequently, LAs believe that few businesses meet this requirement, which could potentially lead to instances of non-compliance occurring and not being picked up.**

A particular challenge within the current regulatory system is lack of clarity around what precise changes to an existing food business need to be notified to LAs. This seems to have been left deliberately undefined to enable LAs to use due judgment, however, LAs do not appear to produce information to crystallise their expectations, which arguably leaves FBOs uninformed. Consequently, surveyed LAs believe that only “a few” businesses inform them about significant changes. If this is true then there could be instances of non-compliance resulting from these changes that are not quickly picked up by LAs.

- 6. FBOs’ support needs vary and – for the most part – existing information, advice and guidance is useful and helps businesses to achieve a good hygiene rating. There are exceptions which suggest that FBOs are not always able to find what they need.**

The amount and level of support evidently needed by FBOs during the registration/approval process appears to vary considerably from business to business. This is shaped by a range of factors including the nature and complexity of the food business, FBOs’ level of prior experience, and/or whether FBOs are setting up a new business, taking over existing premises or making changes to an existing business.

LAs are generally confident that the support they offer is effective at encouraging food businesses to register/obtain approval, as well as helping them to achieve a good food hygiene rating. This is mirrored through the views of FBOs, with more than two thirds of those surveyed (68%) agreeing that the support available to them has helped them to achieve a good rating. Whilst generally complimentary about the usefulness of written advice and guidance available from their LA and the FSA, there is some criticism around being able to easily find what they need online, as well as being able to find an appropriate contact point for additional advice.

- 7. LAs are largely favourable to the idea of a central online registration system, permits to trade and the use of fixed penalty notices to strengthen the existing regulatory system, however, the introduction of a permit to trade and fixed penalty system risks meeting opposition from FBOs and the importance would need to be made clear.**

Looking at options for future change, LAs and FBOs are favourable to the idea of a central online registration system, which they believe would make the registration process quicker, more predictable and consistent. However, LAs value local knowledge and a conceptual challenge will be designing a central online system that meets all local requirements without being perceived as bureaucratic and inaccessible for FBOs. A national registration form already exists on Gov.UK which appears to be used infrequently compared to local pathways, and is not generally well regarded by LAs for being both “unwieldy” as well as not asking all the questions they would like answered.

The introduction of permits to trade for food businesses has the potential to raise standards, raise the profile of the existing regulatory system, and do more to help protect consumers. LAs are largely favourable although FBOs would need greater convincing and are concerned about an environment of ever-increasing costs. This would therefore require a proportional approach.

Finally, the idea of a fixed penalty notice has attracted similar divergent opinions between LAs and FBOs. While the latter make the point that such a system would not have made a difference to their choice of registration/approval pathway, a number of LAs commented that introducing a financial consequence for non-compliance would help LA officers and members of the public to more easily spot a business that may not be registered.

## **7.2 Recommendations**

- 1. Develop more concrete proposals for a central online registration system with built-in risk profiling.**

A central online registration system could help to:

- make the application and risk assessment process for food business registrations/approvals more nationally consistent, efficient and effective;
- improve data and intelligence sharing between LAs to tackle the risk of FBOs with a poor trading history being able to easily register in a new area;
- incorporate signposting to advice and guidance that will help FBOs along the journey;
- direct FBOs only to relevant questions based on their circumstances; and
- help to direct limited LA resources where they will be most appropriate.



Any such system would need to be carefully developed and implemented so that it stands out as the 'default' or 'go to' system and does not simply add another alternative method of application and create confusion for the industry. It should be designed in consultation with LAs to ensure it meets their information requirements; complements and integrates with local systems; and overcomes the issues which some LAs have experienced with the existing Gov.UK registration form which does not appear to be widely used.

A new system would benefit from a pilot/trial implementation period to ensure that it serves LAs' needs and instils confidence among LAs and would likely be widely adopted and promoted on a local level.

The system could include a single application system that directs applicants to either registration questions or approval questions depending on the types of food products being handled. It could include a built-in risk profiling system that 'scores' the anticipated level of risk. This could help LAs to prioritise businesses for inspection (e.g. priority 1 or priority 2 timescales) or exclude them from inspections altogether. It could also assess the information being entered and confirm to applicants that they do not need to register at all if they fall below a certain risk threshold.

Risk profiling criteria could include (but should not necessarily be limited to) the following:

- Proactive registration (lower risk) versus retrospective registration (higher risk);
- Prior food business experience of the FBO (lower risk) versus no prior experience (higher risk) – also potentially taking into account the nature and time-period of that experience;
- Type of food business operation, e.g. takeaways and mobile food business outlets might be deemed higher risk than other areas;
- Whether an unincorporated or incorporated business;
- Ability of the FBO to supply identity and address verification information for the past three years;
- Whether the business is a new start-up or an existing business where significant changes are being made.

**2. Encourage LAs to deliver a more digitally-focused registration service, for example through online portals that minimise the need for offline form-filling. (This may not apply if recommendation 1 is taken forward).**

The driver here is to ensure the registration process is as easy as possible for businesses on a variety of electronic devices. Online portals should ideally include links to explanatory notes or signposting to additional guidance at each application stage.

**3. Undertake research to scope out the potential features, benefits and implementation requirements for a permit to trade/licensing system to support regulatory compliance.**

A permit to trade/licensing system would need to be proportionate to the identified risk of food businesses in terms of the cost and burden on FBOs. Key considerations:

- Scope, for example applicable to certain types of businesses only;
- Administrative and governance arrangements;
- Pre-requisite and renewal criteria;
- Monitoring and enforcement arrangements (including tiered sanctions);
- Funding and fee-setting;
- PR and promotion/awareness-raising.

**4. Consider introducing a fixed penalty notice system for FBOs who fail to register before they begin trading.**

Any fixed penalty would need to be large enough to discourage businesses from avoiding their regulatory obligations, but not too stringent to discourage new start-up food businesses. It should also be proportionate to the level of risk and could perhaps incorporate a discount or waiver if action is taken within a fixed period of time. The system would need to be well promoted since current instances of non-registration/non-approval appear to be more down to 'claimed' lack of knowledge than deliberate intent. To aid buy-in from industry, the system should aim to be non-profit and clearly marketed in the interests of improving safety and consumer protection.

**5. Strengthen regulatory controls so that FBOs are required to provide LAs with more of the information that LAs need to make a sound risk assessment of the food business.**

Additional information to consider for registration/approval applications should include identity and address verification; information on when the food business plans to start trading; opening times/hours (including any seasonal considerations); types of food products sold; prospective numbers of customers; types of customers (including any vulnerable groups); and more detail about the types of food processes being undertaken by the business.

**6. Develop and consult on guidance that aims to crystallise what is meant by 'significant changes' to an existing business that need to be notified by FBOs to their LA.**

Clearer guidance will help to improve FBOs' awareness about needing to declare potentially significant changes, or at least encourage them to discuss these with their LA so that the LA can advise them what additional actions are needed. Ultimately this will help to minimise the risk of FBOs making changes that inadvertently create safety or hygiene problems.

- 7. Produce clearer and more tailored guidance to help FBOs understand their regulatory obligations. Tailoring could include special consideration by main type of food business activity, as well as for new businesses separate to FBOs taking over an existing food business.**

This could take the form of an interactive flowchart covering (for example) the type of business (sector), food products being sold, whether a new or existing business, and whether changes are being made. Depending on their answers and in-built risk profiling or 'scoring', the tool could then point FBOs to the regulation which applies to them (registration or approval), tailored guidance that explains the importance of compliance and risks of non-compliance, and signposting to next steps/actions to take.

## Appendix 1. Sampling and Respondent Profile

The sample strategy for the survey of local authorities was stratified by 1) nation and 2) local authority type (England only). Based on the total population, representative targets were defined for a survey of 100 LAs. These were manually adjusted to lift targets in the smallest categories. These data, and the achieved number of responses per category, are shown in Table 27.

Note that survey targets were not set by local authority setting (urban etc.) but total responses per category are shown for ease of reference.

**Table 27 Local authority survey respondent profile**

		Population*	% Mix	Representative survey target	Adjusted survey target	Achieved
Nation	England	324	91%	91	85	102
	Wales	22	6%	6	10	13
	Northern Ireland	11	3%	3	5	8
	<b>Total</b>					
Local Authority Type (England only)	County Council	N/A	N/A	N/A	N/A	2
	Unitary Authority	55	15%	15	15	19
	Non-Metropolitan District/Borough	201	56%	56	50	64
	Metropolitan District/Borough	36	10%	10	10	11
	London Borough	32	9%	9	10	6
	<b>Total</b>					
Local Authority Setting	Urban	N/A	N/A	N/A	N/A	45
	Urban with significant rural	N/A	N/A	N/A	N/A	42
	Mainly/largely rural	N/A	N/A	N/A	N/A	36
	<b>Total</b>					

\*LA population data sourced from Gov.UK (England), the Welsh Government (Wales) and NI Direct (Northern Ireland). Information correct as at April 2018.

N/A = Not applicable, i.e. survey targets were not applied but total responses have been counted and used for cross-tabulations in this report.

The sample strategy for the survey of FBOs was stratified by 1) nation and 2) industry sector. Based on the total population, representative targets were defined for a survey of 100 FBOs. These were manually adjusted to lift targets in the smallest categories. These data, and the achieved number of responses per category, are shown in Table 28..

Note that survey targets were not set by business size band (total employment) but total responses per category are shown for ease of reference.

**Table 28 FBO survey respondent profile**

		Population*	% Mix	Representative survey target	Adjusted survey target	Achieved
Nation	England	148,505	92%	92	75	81
	Wales	7,750	5%	5	15	21
	Northern Ireland	5,700	3%	3	10	10
	<b>Total</b>					
Industry sector**	Manufacturing	6,650	4%	4	15	21
	Wholesale and retail	36,085	22%	22	25	29
	Accommodation, food service and takeaways	95,105	59%	59	45	45
	Residential care and child day-care	24,115	15%	15	15	17
	<b>Total</b>					
Size Band	Micro (0-9 staff)	N/A	N/A	N/A	N/A	82
	Small (10-49 staff)	N/A	N/A	N/A	N/A	22
	Medium or large (50+ staff)	N/A	N/A	N/A	N/A	8
	<b>Total</b>					

\*Business establishment population data sourced from NOMIS (accessed 02/02/18).

\*\*Industry sector groupings have been derived from Standard Industrial Classification (2007) codes.

N/A = Not applicable (i.e. survey targets were not applied but the breakdown of responses is shown for reference).

## Appendix 2. Ranking Analysis - Method

The LA survey asked:

Based on your knowledge and experience, which of the following pathways have food businesses taken in your local authority area to gain registration or approval? Please rank on a scale from 1 (most common) to 5 (least common):

Proactively, by contacting your local authority	
Proactively, by registering online via the national Gov.UK registration portal	
A third party registers a new food business on their behalf	
A food business trading unregistered is discovered by a local authority officer	
Another local authority department/Government office notifies the food safety service about a new food business	

Tables 29 and 30 show the methodology used for determining the average rankings shown in Figure 1. The methodology uses response option 1 (Proactively by contacting your local authority) as an example. The same formula applies to other options and ranking questions, including cross-tabulations by respondent sub-groups.

**Table 29 Method for determining average rankings**

Step	Method for response option 1 <i>Proactively, by contacting your local authority</i>	Calculation: <i>Proactively, by contacting your local authority</i>
1	Add up the total number of responses for all those giving a ranking of 1 (most common)	89 out of 122 respondents to this question ranked <i>Proactively, by contacting your local authority</i> as their first choice '1'
2	Multiply this number by the relevant weighting factor (see Table 28)	89 responses x weighting factor 5 = 445
3	Repeat the above to obtain scores for the remaining rankings to this option (i.e. rankings of 2, 3, 4 and 5)	Other scores are: 23 responses x weighting factor 4 = 92; 7 responses x weighting factor 3 = 21; 1 response x weighting factor 2 = 2 2 responses x weighting factor 1 = 2
4	Add the scores together and divide by the total number of responses to obtain the average ranking/	$(445 + 92 + 21 + 2 + 2) / 122 = 4.61.$
5	Repeat the above for all other response options and plot the average rankings to the chart.	

**Table 30 Weighting factors used**

Ranking given by respondents	Weighting factor applied in above Table
1 (most common)	5
2	4
3	3
4	2
5 (least common)	1

## Appendix 3. Survey Questionnaires

### A3.1 Local authority survey questionnaire

#### PART 1: About your local authority

1. Where is your local authority based?

	England
	Wales
	Northern Ireland

2. **IF ENGLAND:** What is your local authority type?

	County Council
	Unitary Authority
	Non-Metropolitan District/Borough
	Metropolitan District/Borough
	London Borough

3. Which of the following categories best describes your local authority area?

*NB: For guidance, please [click here](#) for a list of local authority urban/rural classification tables.*

	Urban
	Urban with significant rural
	Mainly/largely rural

#### PART 2: Pathways to registration/approval

4. Based on your knowledge and experience, which of the following pathways have food businesses taken in your local authority area to gain registration or approval?

Please rank on a scale from 1 (most common) to 5 (least common):

Proactively, by contacting your local authority	
Proactively, by registering online via the national Gov.UK registration portal	
A third party registers a new food business on their behalf	
A food business trading unregistered is discovered by a local authority officer	
Another local authority department/Government office notifies the food safety service about a new food business	



5. Have you encountered any other pathways to food business registration/approval in your local authority area? If so, please tell us about these:

--

6. Which of the following application methods does your local authority make available for food businesses? (Tick all that apply)

<input type="checkbox"/>	Online registration portal hosted by the local authority
<input type="checkbox"/>	Other electronic form (e.g. downloadable PDF) that can be returned by email
<input type="checkbox"/>	Paper-based/postal application form
<input type="checkbox"/>	Verbal application (e.g. face to face or by telephone with a local authority official)
<input type="checkbox"/>	Signposting to the central Gov.UK online registration form
<input type="checkbox"/>	Other

If Other – please specify:

7. Based on your experience, which one of the following legal statuses of food business operator – if any – would you say is most likely to be trading unregistered (Tick one option only)

<input type="checkbox"/>	Sole trader
<input type="checkbox"/>	Partnership
<input type="checkbox"/>	Private Limited Company (LTD)
<input type="checkbox"/>	Public Limited Company (PLC)
<input type="checkbox"/>	Registered Charity
<input type="checkbox"/>	Other
<input type="checkbox"/>	No difference/hard to say

If Other – please specify:

8. Based on your experience, would you say that food business operators with more or less experience are most likely to be trading unregistered? (Tick one option only)

<input type="checkbox"/>	Experienced food business operator
<input type="checkbox"/>	First-time food business operator
<input type="checkbox"/>	No difference/hard to say

9. What types of food operation – if any – would you say are more prone to trading without prior registration/approval? (Tick all that apply or tick 'no difference/hard to say').

<input type="checkbox"/>	Food manufacturer
<input type="checkbox"/>	Food wholesaler
<input type="checkbox"/>	Food retailer (store-based)
<input type="checkbox"/>	Food retailer (stall/market)
<input type="checkbox"/>	Hotel/guest house
<input type="checkbox"/>	Restaurant
<input type="checkbox"/>	Public house
<input type="checkbox"/>	Takeaway
<input type="checkbox"/>	Event catering service
<input type="checkbox"/>	Mobile food operator
<input type="checkbox"/>	Residential care home
<input type="checkbox"/>	Childcare provider
<input type="checkbox"/>	No difference/hard to say
<input type="checkbox"/>	Other

If Other – please specify:

10. How do you typically encounter unregistered/non-approved food businesses that are already trading?

Please rank each of the following from 1 (most commonly encountered) to 5 (least commonly encountered):

When undertaking an inspection and finding a change to the business	<input type="text"/>
When local authority officers are out and about in the community	<input type="text"/>
When looking at other official records or on social media pages	<input type="text"/>
Following a query/suspicion raised by a third party/member of the public	<input type="text"/>
As part of a wider police investigation	<input type="text"/>

11. Are there any other ways through which you identify non-registered/non-approved food businesses that are already trading? If so – please tell us about these:

12. Food business operators are required to notify their registering local authority of any significant changes to the operation. Significant changes are considered to include changes in or ceasing of the food activities or changes to the details previously supplied, e.g. change in trading name or change of food business operator.

Approximately what proportion of food businesses in your local authority area would you say are aware of this requirement?

	All
	Most
	Some
	A few
	None
	Don't know

### PART 3: Ensuring compliance

13. Do you verify the accuracy of information supplied by food businesses when they register/seek approval?

	Yes
	No
	Don't know

14. **IF YES TO Q13:** What information do you verify and how do you verify it?

15. What additional information (beyond what is currently asked on your own registration/approval application form) would you find useful?

16. Does your local authority use information from registration or approval applications in order to:

	Yes	No	Don't know
Prioritise inspections			
Exclude some businesses from an inspection programme			

**17. IF YES TO 'PRIORITISE INSPECTIONS':** Please explain how you prioritise inspections, e.g. what factors or characteristics do you take into account?

**18.** Thinking about the past 12 months, approximately what proportion of food businesses that registered (under regulation 852/2004) were inspected by your local authority within 28 days?

	All (100%)
	76-99%
	51-75%
	26-50%
	1-25%
	None (0%)
	Don't know

**19.** When food businesses contact the local authority to seek approval under regulation 853/2004, approximately how many days (on average) does it take from first contact to local authority follow-up? (If unsure, please leave blank)

**20.** Thinking about food businesses that fail to proactively register or seek approval, would you say that they:

	Demonstrate <u>more</u> instances of non-compliance than those registering proactively
	Demonstrate <u>fewer</u> instances of non-compliance than those registering proactively
	There are no clear differences
	Don't know/it's hard to say

**21. IF 'MORE':** What tend to be the most common non-compliances found upon first inspection for food businesses that were hitherto trading unregistered/non-approved?

**22.** How regularly do you undertake each of the following actions when your local authority identifies a food business trading unregistered/without approval?

	Always	Regularly	Sometimes	Rarely	Never
Take no enforcement action other than to pursue registration/ approval					
Take non-registration/non-approval into account when issuing a food hygiene rating/risk rating					
Withdraw right to operate as a food business					
Instigate formal prosecution where non-registration/non-approval is the only offence					
Instigate formal prosecution for non-registration/non-approval where there are other grounds for enforcement					

**23.** Thinking about how you answered the previous question, please describe what factors influence the actions you take in response to instances of non-registration/approval.

Please provide as much detail as possible.

24. How often do you encounter the following challenges where you identify a food business trading without prior registration/approval?

	Always	Regularly	Sometimes	Rarely	Never
Difficulty identifying the named food business operator					
Difficulty obtaining a registration/ approval application where the business owner is known					

#### PART 4: Supporting food businesses

25. What of the following types of information, advice and guidance (IAG) and/or other support does your local authority offer to food businesses? (Tick all that apply)

<input type="checkbox"/>	IAG on the local authority website about how to register/seek approval
<input type="checkbox"/>	IAG issued by post to businesses once they have registered/obtained approval
<input type="checkbox"/>	Face to face support visits (prior to registration/approval being sought)
<input type="checkbox"/>	IAG is passed to other local authority departments to issue in relation to other types of applications made by food businesses
<input type="checkbox"/>	IAG is made available as part of locally issued e-newsletters, via social media or other publications
<input type="checkbox"/>	Signposting from the local authority website to the FSA website
<input type="checkbox"/>	Signposting from the local authority website to other websites/organisations
<input type="checkbox"/>	Offer of training courses to food businesses, organised by the local authority
<input type="checkbox"/>	Signposting to locally available training providers
<input type="checkbox"/>	Don't know (no other boxes can be ticked)
<input type="checkbox"/>	None/nothing (no other boxes can be ticked)
<input type="checkbox"/>	Other

If Other – please specify:

26. If you charge for any of the support you offer, which services do you charge for and how much do you charge?

27. Based on feedback and compliance levels how effective do you consider the IAG and support currently offered by your local authority at:

	Very effective	Quite effective	Neither effective nor ineffective	Not very effective	Not at all effective	Don't know
Encouraging food businesses to register/obtain approval						
Helping businesses to achieve a good food hygiene rating						

28. What are your reasons for how you answered the previous question?

### PART 5: Ensuring an effective regulatory system for the future

29. How favourable would you be to the idea of a central online registration system for food businesses?

	Very favourable
	Quite favourable
	Neither favourable nor unfavourable
	Quite unfavourable
	Very unfavourable
	Don't know

30. What are your reasons?

31. How favourable would you be to the idea of a licensing system (permit to trade), which could require a food business to meet certain conditions and pay a fee before being granted a licence to operate?

	Very favourable
	Quite favourable
	Neither favourable nor unfavourable
	Quite unfavourable
	Very unfavourable
	Don't know

32. If a national fixed penalty notice was introduced for businesses that do not proactively register or seek approval prior to trading, what amount – if anything – do you think would be an appropriate fixed penalty notice charge? (Please enter a whole number without the £ sign. If zero, enter 0)

33. Are there any other measures that you think would help to make the food registration/approval process more efficient/effective?

34. What additional IAG/support do you think is needed to help and encourage more businesses to meet their registration/approval obligations?

**PART 6: Final details**

35. Do you have any additional comments about the flow of food businesses into the regulatory system?



- 36.** We will shortly be conducting an anonymous survey of food businesses that have registered/obtained approval in order to obtain their perspective. To aid this process, it will be helpful if a sample of local authorities can supply a list of food businesses that registered/obtained approval within the past few years. Would it be feasible for your local authority to supply this at short notice (i.e. within 5 working days) should we request this separately?

	Yes
	No

- 37.** The following details are optional but will be helpful should we need to contact you with any queries. This information will be confidential to Pye Tait Consulting and will not be used to identify you in relation to your responses in any way.

Your name:	
Job title:	
Local authority name:	
Phone number:	
Email address:	

Please now press the 'submit' button, below.

## A3.2 FBO survey questionnaire

### PART 1: About your business

1. Approximately how long has your business been trading under the current business name, the current business owner and at this address?

*If the business is part of a chain, base it on when this particular outlet opened.*

	Less than 6 months
	Between 6 months and 1 year
	1-2 years
	3-5 years
	6-9 years
	10 years plus

2. Is your organisation as a whole (including any additional sites):

	A micro business (fewer than 10 staff)
	A small business (10-49 staff)
	A medium business (50-249 staff)
	A large business (250+ staff)

3. What is your business entity? Are you a:

	Sole trader
	Partnership
	Private Limited Company (LTD)
	Public Limited Company (PLC)
	Registered Charity
	Other

If Other – please specify:

4. At the time your business or outlet started trading, would you (as the owner) describe yourself as:

	An experienced food business operator
	First-time food business operator
	Not sure/hard to say

5. Was your business required to be:

	Registered only
	Approved
	Don't know

## PART 2: Pathways to registration/approval

6. Which of the following best describes how your food business registered or gained approval through your local authority?

	Proactively, through your local authority registration or approval process (e.g. online or paper registration form)
	Proactively, by registering online via the national Gov.UK portal
	A third party such as a friend or accountant registered your business
	Your local authority approached you and asked you to register or obtain approval <u>after</u> you had already started trading
	Other way

If Other – please specify:

7. Why did you choose that particular pathway?

--

8. **IF Q6 = OPTION 4:** What action did your local authority take when they found that your current business was not registered or approved? (Select all that apply)

	Registered your business on the spot
	Gave additional time for your business to register or obtain approval
	Took non-registration/non-approval into account when issuing a food hygiene rating/risk rating
	Withdrew your right to operate as a food business
	Launched formal prosecution arrangements
	Other

If Other – please specify:

## PART 3: Awareness and understanding of the regulations

9. Were you aware of the legal requirement to register or seek approval of the food business before you began trading?

	Yes
	No

10. **IF YES:** Where/how did you find out about this legal requirement?

--

11. On a scale from 1 'no understanding' to 10 'complete and full understanding', how would you rate your understanding of the legal requirement for food businesses to register or seek approval? Please provide a rating for:

Your level of understanding at the time you started the business	
Your level of understanding now	

12. There is a requirement that food business operators ensure that the appropriate local authority always has up-to-date information on their food establishments and must notify their registering local authority of any significant changes to the operation. Significant changes include changes in or ceasing of the food activities or changes to the details previously supplied, e.g. change in trading name or change of food business operator.

Were you aware of this requirement?

	Yes
	No

**PART 4: Experience of the registration/approval process**

13. How easy or difficult would you say the initial registration or approval process was?

	Very easy
	Quite easy
	Neither easy nor difficult
	Quite difficult
	Very difficult
	Don't know/hard to say

14. With that in mind, please can you describe your experience of the registration or approval process? How did you go about it? What did you find easy or difficult?

*Probe for as much detail as possible*

--

15. Do you think that the registration or approval process could be improved?

	Yes
	No
	Don't know/hard to say

16. **IF YES:** What changes or improvements would you like to see, and why?

--

**PART 5: Information, advice and guidance (IAG)**

17. Besides your own knowledge, what sources of information, advice and guidance – if any – did you use as part of the registration and approval process? (Select all that apply)

<input type="checkbox"/>	Local authority website
<input type="checkbox"/>	Local authority advice pack
<input type="checkbox"/>	Local authority face to face visit/support
<input type="checkbox"/>	Local authority telephone support
<input type="checkbox"/>	The FSA's website
<input type="checkbox"/>	Other organisations' websites
<input type="checkbox"/>	Own contacts with prior food business experience
<input type="checkbox"/>	Own contacts without prior food business experience
<input type="checkbox"/>	A training provider/consultant, for example when undertaking a course or making a support visit
<input type="checkbox"/>	Other

If Other organisations' websites/Other – please specify:

18. **[IF LOCAL AUTHORITY WEBSITE AND/OR FSA WEBSITE]** How easy was it to find the information you were looking for on:

	Very easy	Quite easy	Neither easy nor difficult	Quite difficult	Very difficult	Don't know
The local authority's website						
The FSA's website						

19. **[ANSWERS FROM Q17 TO APPEAR HERE]** On a scale from 1 'not at all useful' to 10 'extremely useful', how would you rate the usefulness of each type of information, advice and guidance you received?

<input type="checkbox"/>	Local authority website
<input type="checkbox"/>	Local authority advice pack
<input type="checkbox"/>	Local authority face to face visit/support
<input type="checkbox"/>	Local authority telephone support
<input type="checkbox"/>	The FSA's website
<input type="checkbox"/>	Other organisations' websites
<input type="checkbox"/>	Own contacts with prior food business experience
<input type="checkbox"/>	Own contacts without prior food business experience
<input type="checkbox"/>	A training provider/consultant, for example when undertaking a course or making a support visit
<input type="checkbox"/>	Other

20. Which precise piece of information, advice or guidance did you find most useful and why? Please be as specific as possible.

21. Did you pay for any of the advice or support you received? If so, what did you pay for and how much did you pay?

22. If you received information, advice or guidance before you started trading, to what extent do you agree or disagree that this helped you to achieve a good food hygiene rating?

	Strongly agree
	Tend to agree
	Neither agree nor disagree
	Tend to disagree
	Strongly disagree
	Don't know
	Not applicable – did not receive information, advice or guidance before trading

**PART 6: Exploring future options**

23. How favourable would you be to the idea of a single, central online registration system for food businesses?

	Very favourable
	Quite favourable
	Neither favourable nor unfavourable
	Quite unfavourable
	Very unfavourable
	Don't know

24. What are your reasons?

25. How favourable would you be to a licensing scheme (for example a permit to trade), which could require a food business to meet certain conditions and pay a fee before being allowed to operate?

	Very favourable
	Quite favourable
	Neither favourable nor unfavourable
	Quite unfavourable
	Very unfavourable
	Don't know

26. What are your reasons?

27. If a national fixed penalty notice was introduced for businesses that do not proactively register or seek approval prior to trading, what amount – if anything – do you think would be an appropriate fixed penalty notice charge? (Please enter a whole number without the £ sign. If zero, enter 0)

28. Would a fixed penalty notice have changed the way you registered or sought approval for your business?

	Yes
	No
	Don't know

29. **IF YES** – In what way?

### PART 7: Final details

30. Do you have any additional comments about the registration or approval process for food businesses?

31. The following details are optional but will be helpful should we need to contact you with any queries. This information will be confidential to Pye Tait Consulting and will not be used to identify you in relation to your responses in any way.

Your name:	
Job title:	
Organisation name:	
Local authority name:	
Phone number:	
Email address:	

**THANK THE RESPONDENT AND CLOSE THE INTERVIEW**

32. **TO BE COMPLETED BY THE INTERVIEWER FROM EXISTING DATA:** Nation (where the business is located)

	England
	Wales
	Northern Ireland

33. **TO BE COMPLETED BY THE INTERVIEWER FROM EXISTING DATA:** 5-digit SIC code (enter as a whole number, e.g. 5510):

--

34. **TO BE COMPLETED BY THE INTERVIEWER FROM EXISTING DATA:** SIC category:

	10: Manufacturing of food products
	46: Wholesale of food, beverages and tobacco (NB: tobacco excluded)
	472: Retail sale of food, beverages and tobacco in specialised stores (NB: tobacco excluded)
	4781: Retail sale via stalls and markets
	55-56: Accommodation and food service activities
	87: Residential care activities
	88: Social work activities without accommodation



## Appendix 4. Additional Tables

**Survey of LAs:** “Which of the following types of information, advice and guidance (IAG) and/or other support does your local authority offer to food businesses?”

*Breakdowns by nation, setting and type of LA.*

LA Nation	All LAs	England	Wales	NI
<b>Base</b>	<b>123</b>	<b>102</b>	<b>13</b>	<b>8</b>
IAG on the LA website about how to register/seek approval	98.4%	98.0%	100.0%	100.0%
Signposting from the LA website to the FSA website	89.4%	90.2%	100.0%	62.5%
Face to face support visits (prior to registration/approval being sought)	78.9%	76.5%	84.6%	100.0%
IAG issued by post to businesses once they have registered/obtained approval	73.2%	69.6%	84.6%	100.0%
Signposting from the LA website to other websites/organisations	60.2%	62.7%	53.8%	37.5%
Signposting to locally available training providers	50.4%	50.0%	69.2%	25.0%
IAG is passed to other LA departments to issue in relation to other types of applications	49.6%	50.0%	53.8%	37.5%
Offer of training courses to food businesses, organised by the LA	37.4%	36.3%	53.8%	25.0%
IAG is issued via other e-newsletters/social media/other publications	34.1%	33.3%	46.2%	25.0%
Other	8.9%	10.8%	-	-
Don't know	-	-	-	-
None/nothing	-	-	-	-

LA Setting	All LAs	Urban	Urban with significant rural	Mainly/largely rural
<b>Base</b>	<b>123</b>	<b>45</b>	<b>42</b>	<b>36</b>
IAG on the LA website about how to register/seek approval	98.4%	97.8%	97.6%	100.0%
Signposting from the LA website to the FSA website	89.4%	82.2%	90.5%	97.2%
Face to face support visits (prior to registration/approval being sought)	78.9%	55.6%	95.2%	88.9%
IAG issued by post to businesses once they have registered/obtained approval	73.2%	66.7%	78.6%	75.0%
Signposting from the LA website to other websites/organisations	60.2%	46.7%	71.4%	63.9%
Signposting to locally available training providers	50.4%	55.6%	38.1%	58.3%
IAG is passed to other LA departments to issue in relation to other types of applications	49.6%	42.2%	57.1%	50.0%
Offer of training courses to food businesses, organised by the LA	37.4%	33.3%	35.7%	44.4%
IAG is issued via other e-newsletters/social media/other publications	34.1%	28.9%	38.1%	36.1%
Other	8.9%	8.9%	14.3%	2.8%
Don't know	-	-	-	-
None/nothing	-	-	-	-

LA Type	All LAs	Unitary Authority	Non-Metropolitan District/Borough	Metropolitan District/Borough	London Borough
<b>Base</b>	<b>123</b>	<b>19</b>	<b>64</b>	<b>11</b>	<b>6</b>
IAG on the LA website about how to register/seek approval	98.4%	100.0%	98.4%	100.0%	100.0%
Signposting from the LA website to the FSA website	89.4%	78.9%	92.2%	90.9%	100.0%
Face to face support visits (prior to registration/approval being sought)	78.9%	63.2%	84.4%	81.8%	16.7%
IAG issued by post to businesses once they have registered/obtained approval	73.2%	57.9%	73.4%	90.9%	50.0%
Signposting from the LA website to other websites/organisations	60.2%	52.6%	67.2%	72.7%	33.3%
Signposting to locally available training providers	50.4%	63.2%	50.0%	9.1%	83.3%
IAG is passed to other LA departments to issue in relation to other types of applications	49.6%	36.8%	56.3%	54.5%	33.3%
Offer of training courses to food businesses, organised by the LA	37.4%	36.8%	35.9%	45.5%	33.3%
IAG is issued via other e-newsletters/social media/other publications	34.1%	21.1%	35.9%	45.5%	33.3%
Other	8.9%	15.8%	9.4%	9.1%	-
Don't know	-	-	-	-	-
None/nothing	-	-	-	-	-

**Survey of food businesses:** “Besides your own knowledge, what sources of information, advice and guidance – if any – did you use as part of the registration and approval process?”

*Breakdowns by Nation, Experience Level and Sector*

Food business - Nation	All FBOs	England	Wales	Northern Ireland
<b>Base</b>	<b>112</b>	<b>81</b>	<b>21</b>	<b>10</b>
Local authority website	78.6%	76.5%	81.0%	90.0%
The FSA's website	53.6%	51.9%	57.1%	60.0%
Local authority face to face visit/support	48.2%	43.2%	71.4%	40.0%
Local authority advice pack	41.1%	34.6%	71.4%	30.0%
Other	26.8%	29.6%	9.5%	40.0%
Local authority telephone support	17.0%	16.0%	19.0%	20.0%
A training provider/consultant, for example when undertaking a course or making a support visit	7.1%	8.6%	-	10.0%
Own contacts with prior food business experience	4.5%	4.9%	4.8%	-
Own contacts without prior food business experience	3.6%	3.7%	4.8%	-
Other organisations' websites	2.7%	1.2%	9.5%	-

Food business - experience level	All FBOs	Experienced	First-time
<b>Base</b>	<b>112</b>	<b>66</b>	<b>46</b>
Local authority website	78.6%	81.8%	73.9%
The FSA's website	53.6%	54.5%	52.2%
Local authority face to face visit/support	48.2%	50.0%	45.7%
Local authority advice pack	41.1%	45.5%	34.8%
Other	26.8%	25.8%	28.3%
Local authority telephone support	17.0%	18.2%	15.2%
A training provider/consultant, for example when undertaking a course or making a support visit	7.1%	6.1%	8.7%
Own contacts with prior food business experience	4.5%	7.6%	-
Own contacts without prior food business experience	3.6%	3.0%	4.3%
Other organisations' websites	2.7%	3.0%	2.2%

Food business - sector	All FBOs	Manufacturing	Wholesale and retail	Accommodation, food service and takeaways	Residential care and child day-care
<b>Base</b>	<b>112</b>	<b>21</b>	<b>29</b>	<b>45</b>	<b>17</b>
Local authority website	78.6%	66.7%	86.2%	75.6%	88.2%
The FSA's website	53.6%	52.4%	65.5%	37.8%	76.5%
Local authority face to face visit/support	48.2%	23.8%	48.3%	71.1%	17.6%
Local authority advice pack	41.1%	4.8%	41.4%	57.8%	41.2%
Other	26.8%	28.6%	17.2%	33.3%	23.5%
Local authority telephone support	17.0%	-	20.7%	22.2%	17.6%
A training provider/consultant, for example when undertaking a course or making a support visit	7.1%	-	-	13.3%	11.8%
Own contacts with prior food business experience	4.5%	4.8%	3.4%	2.2%	11.8%
Own contacts without prior food business experience	3.6%	-	10.3%	-	5.9%
Other organisations' websites	2.7%	-	-	2.2%	11.8%
Local authority website	78.6%	66.7%	86.2%	75.6%	88.2%
The FSA's website	53.6%	52.4%	65.5%	37.8%	76.5%