

JUNE 2016

THE FOOD HYGIENE RATING REGULATIONS (NORTHER IRELAND) 2016
SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA IN NI CONSULTATION

The **Food Hygiene Rating Regulations (Northern Ireland) 2016** consultation was issued 2nd March 2016 and closed on 10th June 2016. The purpose of the consultation was to provide stakeholders with an opportunity to comment on the draft impact of mandatory display of food hygiene ratings in Northern Ireland

- 1 A total of 12 responses were received to the consultation and the FSA in Northern Ireland (FSA in NI) is grateful to those stakeholders who responded. Substantive comments from stakeholders are set out in the table below
- 2 The key proposals on which the consultation sought views were:
 - The draft Food Hygiene Rating Regulations (Northern Ireland) 2016
 - The draft Food Hygiene Rating (Commencement and Transitional Provisions) Order (Northern Ireland) 2016
 - The draft Food Hygiene Rating (Fee and Fixed Penalty Amount) Order (Northern Ireland) 2016
 - FSA in NI guidance for district councils on operating the statutory Food Hygiene Rating Scheme
- 3 The FSA in NI considered responses to stakeholders' comments are given in the last column of the table. A summary of changes to the original proposal(s) resulting from stakeholder comments is set out in the final table.
- 4 A list of stakeholders who responded can be found at the end of the document.

FOOD HYGIENE RATING

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Draft Food Hygiene Rating Regulations (Northern Ireland) 2016

Question 1- Do you agree with the proposed commencement date? If you consider an alternative date appropriate please specify this and provide a rationale for this.

Respondent	Comment	FSA in NI response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which the Council had representation on.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is represented by all eleven Councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Belfast City Council	Belfast City Council Is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is representative of all eleven Councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
CEHOG	CEHOG Is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is represented by all eleven Councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
CIEH	CIEH have no comments regarding commencement.	

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<p>Fermanagh and Omagh District Council</p>	<p>FODC is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is represented by all eleven Councils in Northern Ireland.</p>	<p>We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.</p>
<p>Michael Dorman CWC (NI) Ltd</p>	<p>Food Hygiene Rating Regulations (Northern Ireland) 2016 should come into operation on 1st October 2016.</p>	<p>We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.</p>
<p>Mid and East Antrim Borough Council</p>	<p>Mid and East Antrim Borough Council are happy with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is comprised of officers from all eleven councils in Northern Ireland.</p>	<p>We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.</p>
<p>Mid Ulster District Council</p>	<p>Mid Ulster District Council is content with the proposed commencement date.</p>	<p>We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.</p>
<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council is content with the proposed commencement date.</p>	<p>We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.</p>
<p>NIFAC</p>	<p>NIFAC agrees with the proposed commencement date and accepts that 1 October 2016 is appropriate given the matters that have been taken into consideration at arriving at that date.</p>	<p>We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.</p>

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Question 2 - Do you have any comments regarding regulation 2 (Interpretation)?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council has no comments regarding Regulation 2 "Interpretation".	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council has no comments regarding Regulation 2 "Interpretation"	
Belfast City Council	Belfast City Council do not have any comments regarding Regulation 2 "Interpretation".	
CEHOG	CEHOG have no comments regarding Regulation 2 "Interpretation".	
CIEH	CIEH have no comments	
Fermanagh and Omagh District Council	FODC has no comments regarding Regulation 2 "Interpretation".	
Michael Dorman CWC (NI) Ltd	The term "FHRS" could be shortened to "FHR" display (to include sticker or other form)	The term "FHRS" refers to the Food Hygiene Rating Scheme. The sticker has been chosen as the method of display due to its well established design and use within the voluntary scheme, one which both consumers and businesses owners are familiar with.

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<p>Mid and East Antrim Borough Council</p>	<p>Mid and East Antrim Borough Council We have no comments regarding Regulation 2 “Interpretation” of “the Act” or “the food hygiene rating sticker”.</p>	
<p>Mid Ulster District Council</p>	<p>Mid Ulster District Council Have no comments regarding Regulation 2 “Interpretation”</p>	
<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council Have no comments regarding Regulation 2 “Interpretation”.</p>	
<p>NIFAC</p>	<p>NIFAC have no comments</p>	

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Question 3 - Do you agree with the categories of food business establishment that will be exempt from rating under the Act? If you think that certain categories should be included or excluded in the scheme please provide details.

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council agrees with the types of establishments that are exempt from receiving a rating under the Regulations. However, we would welcome some consideration of the inclusion of manufacturers in the scheme, as manufacturers with a retail element are already included and receive a rating. Alternatively, consideration might be given to excluding manufacturers with a retail element which would help to reduce consumer confusion which exists around this type of business.	We understand the sentiment and reasoning behind the comment regarding the inclusion of manufacturers in the statutory scheme. The decision was made to maintain the status quo with the voluntary scheme regarding scope in order to assist in the transition to the statutory scheme and therefore manufacturers without a retail element are out of scope of the scheme. We will review the operation of the scheme and will assess the evidence to support amendments to the scope of the scheme.
Armagh, Banbridge and Craigavon	Armagh City, Banbridge and Craigavon Borough Council agree with the types of establishments that are exempt from receiving a rating under the Regulations. However, we would welcome some consideration on the inclusion of manufacturers in the scheme, as manufacturers with a retail element are already included and receive a rating.	We understand the sentiment and reasoning behind the comment regarding the inclusion of manufacturers in the statutory scheme. The decision was made to maintain the status quo with the voluntary scheme regarding scope in order to assist in the transition to the statutory scheme and therefore manufacturers without a retail element are out of scope of the scheme. We will review the operation of the scheme and will assess the evidence to support amendments to the scope of the scheme.
Belfast City Council	Belfast City Council agrees in general with the types of establishments that are exempt from receiving a rating under the Regulations.	

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CEHOG	CEHOG agree with the types of establishments that are exempt from receiving a rating under the Regulations. However, we would welcome some consideration of the inclusion of manufacturers in the scheme, as manufacturers with a retail element are already included and receive a rating. Alternatively, consideration might be given to excluding manufacturers with a retail element which would help to reduce consumer confusion which exists around this type of business.	We understand the sentiment and reasoning behind the comment regarding the inclusion of manufacturers in the statutory scheme. The decision was made to maintain the status quo with the voluntary scheme regarding scope in order to assist in the transition to the statutory scheme and therefore manufacturers without a retail element are out of scope of the scheme. We will review the operation of the scheme and will assess the evidence to support amendments to the scope of the scheme.
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<p>CIEH</p>	<p>Although somewhat unclear, we believe that the definition as drafted may/will exclude establishments where food is not “sold” as such but is nonetheless supplied. For example workplace canteens where no charges are levied. For example workplace canteens where no charges are levied. We believe that these types of premises should be included. The scheme is, as we understand it, designed to assist consumer choice regardless of whether a financial transaction takes place or not.</p> <p>It also seems unclear under the present wording whether premises that manufacture food, but additionally also have a retail element – for example farm shops – would be included. Again we believe that such premises should be.</p> <p>Some consideration should, we believe, be given to the inclusion of manufacturers in the scheme as this would also improve consumer choice and awareness.</p> <p>We are also concerned that those premises that present no risk to public health but that sell food, and are currently unlikely to be inspected or are likely to only be inspected on a very infrequent basis by the local authority may wish to be inspected so as to have an be able to display a current rating. This has the potential to add to the workload of local authority food teams but give no discernible benefit to public health. We therefore suggest that a ‘Exempt from the FHRS’ sticker should be made available to such premises to advice the public that the fact that the premises has no FHR is not an adverse comment on hygiene standards.</p>	<p>The determining factors which bring an establishment within the scope of the scheme are: to be registered by a district council under Article 6 of Regulation (EC) 852/2004, or to be approved by a district council under Article 4 Regulation (EC) 882/2004 and supply food directly to consumers. Premises such as workplace canteens where no charges are levied but which meet the requirements of the scheme will receive a rating unless the exemption criteria are met.</p> <p>We understand the sentiment and reasoning behind the comment regarding the inclusion of manufacturers in the statutory scheme. The decision was made to maintain the status quo with the voluntary scheme regarding scope in order to assist in the transition to the statutory scheme and therefore manufacturers without a retail element are out of scope of the scheme. We will review the operation of the scheme and will assess the evidence to support amendments to the scope of the scheme.</p> <p>The NI FHRS Implementation Group has agreed that any food business within scope with a rating more than three years old at the time of introduction of the statutory scheme will receive an inspection before they are given a statutory rating. We do not intend to make provision for an ‘Exempt’ sticker within the statutory scheme. However, consideration will be given when promoting the scheme to clarifying why certain businesses which supply food directly to consumers are exempt from the scheme.</p>
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<p>Fermanagh and Omagh District Council</p>	<p>FODC agrees with the types of establishments that are exempt from receiving a rating under the Regulations. However, the Council would welcome some consideration of the inclusion of manufacturers in the scheme, as manufacturers with a retail element are already included and receive a rating. Alternatively, consideration might be given to excluding manufacturers with a retail element which would help to reduce consumer confusion which exists around this type of business.</p>	<p>We understand the sentiment and reasoning behind the comment regarding the inclusion of manufacturers in the statutory scheme. The decision was made to maintain the status quo with the voluntary scheme regarding scope in order to assist in the transition to the statutory scheme and therefore manufacturers without a retail element are out of scope of the scheme. We will review the operation of the scheme and will assess the evidence to support amendments to the scope of the scheme.</p>
<p>Michael Dorman CWC (NI) Ltd</p>	<p>Part 3. 2 (a) as worded might exempt a business such as an hotel or garage food court “deli-counter” to make a case that “sale of food is not the primary activity”</p>	<p>Section 3 of The Food Hygiene Rating Regulations (Northern Ireland) 2016 covers exempt establishments. This section outlines the criteria that must be met before a ‘food business establishment’ is exempt. An establishment will be exempt where the sale of food is not the primary activity; and the only food made available to consumers is food that is shelf stable at ambient temperature and wrapped or packaged before it is brought to the establishment and the wrapping or packaging remains sealed at all times before the food is supplied to consumers. Therefore in the scenarios referred to although a business’s primary activity may not be the sale of food if they are making available food which is not shelf stable at ambient temperature or open food then they will be within scope of the scheme.</p>
<p>Mid and East Antrim Borough Council</p>	<p>MEABC agree with the types of establishments that are exempt from receiving a rating under the Regulations as these are the same as those that are currently exempt under the voluntary scheme i.e. (very low risk in nature and the sale of food is not the primary activity of the business).</p>	

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<p style="text-align: center;">Mid Ulster Council</p>	<p>Mid Ulster Council Agrees with the types of establishments that are exempt from receiving a rating under the Regulations. However, the Council would welcome some consideration of the inclusion of manufacturers in the scheme, as manufacturers with a retail element are already included and receive a rating. Alternatively, consideration might be given to excluding manufacturers with a retail element which would help to reduce consumer confusion which exists around this type of business.</p>	<p>We understand the sentiment and reasoning behind the comment regarding the inclusion of manufacturers in the statutory scheme. The decision was made to maintain the status quo with the voluntary scheme regarding scope in order to assist in the transition to the statutory scheme and therefore manufacturers without a retail element are out of scope of the scheme. We will review the operation of the scheme and will assess the evidence to support amendments to the scope of the scheme.</p>
<p style="text-align: center;">Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council agree with the types of establishments that are exempt from receiving a rating under the Regulations. However, we would welcome some consideration of the inclusion of manufacturers in the scheme, as manufacturers with a retail element are already included and receive a rating. Alternatively, consideration might be given to excluding manufacturers with a retail element which would help to reduce consumer confusion which exists around this type of business</p>	<p>We understand the sentiment and reasoning behind the comment regarding the inclusion of manufacturers in the statutory scheme. The decision was made to maintain the status quo with the voluntary scheme regarding scope in order to assist in the transition to the statutory scheme and therefore manufacturers without a retail element are out of scope of the scheme. We will review the operation of the scheme and will assess the evidence to support amendments to the scope of the scheme.</p>
<p style="text-align: center;">NIFAC</p>	<p>NIFAC agrees with the categories of food business establishment that will be exempt from rating. It was noted that more businesses will come within the scope of the scheme that had been under the voluntary arrangements but that this increase would be relatively low.</p>	

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Question 4 - Do you have any comments on the forms of the food hygiene rating sticker detailed in Schedule 1 of the Regulations?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council is content with the format of the food hygiene rating scheme stickers as this is the same format which is currently used in the voluntary scheme	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council is content with the format of the food hygiene rating scheme stickers as this is the same format which is currently used in the voluntary scheme	
Belfast City Council	Belfast City Council is content with the format of the food hygiene rating scheme stickers as this is the same format which is currently used in the voluntary scheme	
CIEH	See comments for question 5	
CEHOG	CEHOG are content with the format of the food hygiene rating scheme stickers as this is the same format which is currently used in the voluntary scheme	
Fermanagh and Omagh District Council	FODC is content with the format of the food hygiene rating scheme stickers as this is the same format which is currently used in the voluntary scheme.	
Michael Dorman CWC (NI) Ltd	Part 2 samples for “stickers” are preferable.	

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<p>Mid and East Antrim Borough Council</p>	<p>Mid and East Antrim Borough Council are happy with the form of the stickers as they are the same as what is currently used in the voluntary scheme.</p>	
<p>Mid Ulster District Council</p>	<p>Mid Ulster District Council are happy with the form of the stickers as they are the same as what is currently used in the voluntary scheme</p>	
<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council is content with the format of the food hygiene rating scheme stickers as this is the same format which is currently used in the voluntary scheme.</p>	
<p>NIFAC</p>	<p>No comment</p>	

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Question 5 - Do you agree that the statutory scheme should make provision for the two forms of stickers detailed above (those with and without the district council name and branding on the front of the sticker)? Please provide comments explaining your answer.

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council has no objections to the provision of both types of stickers. This will give each District Council the opportunity to decide which type of sticker they would wish to use in the statutory scheme.	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The Regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to within the consultation document as Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>

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<p>Armagh City, Banbridge and Craigavon Borough Council</p>	<p>Armagh City, Banbridge and Craigavon Borough Council have no objections to the provision of both types of stickers. This will give each District Council the opportunity to decide which type of sticker they would wish to use in the statutory scheme.</p>	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to in Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>
<p>Belfast City Council</p>	<p>Belfast City Council agrees that the statutory scheme should make provision for both types of stickers. Council would prefer to use a sticker with the Council's name and branding on it. Council feels that it is important that the mandatory scheme and therefore the sticker is seen by businesses to relate to the Council as it is the council which will be implementing and enforcing the scheme.</p>	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to in Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>

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<p style="text-align: center;">CEHOG</p>	<p>CEHOG have no objections to the provision of both types of stickers. This will give each District Council the opportunity to decide which type of sticker they would wish to use in the statutory scheme.</p>	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to in Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>
<p style="text-align: center;">CIEH</p>	<p>CIEH state No: We believe that there should only be one form of sticker rather than two in order to avoid the potential for confusion and misinterpretation by members of the public. The current proposals could lead to a scenario where some councils may/will opt to display "joint" certificates and others will not because under the current proposals Councils that wish to opt for jointly branded stickers will have to bear the costs. If this scenario were to arise, then we believe that this could potentially create negative misperceptions amongst members of the public as it is highly likely that a significant proportion of the NI public will use the services of food establishments across Northern Ireland. It could appear, prima facia to the public that some councils are more active in the scheme than others. We believe that this would be unrepresentative and unhelpful in the overall purpose of the scheme.</p>	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to in Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>

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<p>Fermanagh and Omagh District Council</p>	<p>FODC has no objections to the provision of both types of stickers. This will give District Councils the opportunity to decide which type of sticker they would wish to use in the statutory scheme.</p>	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to in Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>
<p>Michael Dorman CWC (NI) Ltd</p>	<p>No – the Local Authority responsible for completing the rating survey should have its' point of contact details displayed.</p>	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to in Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>

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<p>Mid and East Antrim Borough Council</p>	<p>MEABC have no objections to the provision of both types of stickers. This will give each District Council the opportunity to decide which type of sticker they would wish to use in the statutory scheme.</p>	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to in Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>
<p>Mid Ulster District Council</p>	<p>Mid Ulster District Council have no objections to the provision of both types of stickers. This will give each District Council the opportunity to decide which type of sticker they would wish to use in the statutory scheme.</p>	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to in Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>

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<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council have no objections to the provision of both types of stickers. This will give each District Council the opportunity to decide which type of sticker they would wish to use in the statutory scheme.</p>	<p>The statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>The regulations will also prescribe a form of sticker which can incorporate a district council's logo. The cost of this form of sticker will be borne by the district council if they choose to provide a sticker in the form referred to in Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p>
<p>NIFAC</p>	<p>No comment</p>	

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Question 6 - Do you agree with the proposals regarding who must pay the cost of producing the different forms of the food hygiene rating sticker?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council agrees that if a District Council wishes to use a sticker and attach their logo to the front of the sticker then they should bear the cost	Costs will be as proposed in the consultation.
Armagh, Banbridge and Craigavon Council	Armagh City, Banbridge and Craigavon Borough Council agree that if a District Council wishes to use a sticker and attach their logo to the front of the sticker then they should bear the cost	Costs will be as proposed in the consultation.
Belfast City Council	Belfast City Council feels that the Food Standards Agency should pay the cost of producing food hygiene rating stickers. This is particularly relevant in that the mandatory scheme requires display of stickers at all entrances to premises; the voluntary scheme only required 1 sticker to be displayed per premises	We will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo). The additional cost arising from stickers being required to be displayed at each relevant entrance will be borne by the FSA in NI. Given these costs and the economies of scale arising from the purchase of standard stickers it would not be economically viable for FSA in NI to bear the cost of stickers incorporating individual district council logos. -

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<p style="text-align: center;">CIEH</p>	<p>CIEH state no: We believe that, given that the scheme is in effect a partnership between the FSA and Local Councils that the stickers should in fact bear the branding of both the FSA and the relevant Council. Finally, given the considerable resource that councils will be inputting to the successful implementation of the scheme and associated regulations, we believe that the costs for the production of these stickers should be borne by FSA</p>	<p>We will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo). The additional cost arising from stickers being required to be displayed at each relevant entrance will be borne by the FSA in NI. Given these costs and the economies of scale arising from the purchase of standard stickers it would not be economically viable for FSA in NI to bear the cost of stickers incorporating individual district council logos.</p>
<p style="text-align: center;">CEHOG</p>	<p>CEHOG agree that if a District Council wishes to use a sticker and attach their logo to the front of the sticker then they should bear the cost.</p>	<p>Costs will be as proposed in the consultation.</p>
<p>Fermanagh and Omagh District Council</p>	<p>FODC does not agree that District Councils should bear the cost of producing stickers for the FHRS whether or not the Council logo is attached.</p>	<p>Costs will be as proposed in the consultation.</p>

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<p>Michael Dorman CWC (NI) Ltd</p>	<p>Local Authorities should cover the cost as they are advertising their Local Authority while providing an opportunity for potential sponsorship toward the display production costs by local businesses</p>	<p>The Statutory scheme will make provision for the two forms of stickers referred to in the consultation document both of which will be available to district councils.</p> <p>Following review of consultation responses we fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo).</p> <p>We will also prescribe a sticker which incorporates a district council's logo within the statutory scheme. The cost will be borne by the district council if they chose to provide the sticker which incorporates their logo as referred to in the consultation document in form Part 2.</p> <p>The FHRS brand is owned by the FSA and the scheme is delivered in partnership with local authorities and outside sponsorship is not considered appropriate.</p>
<p>Mid and East Antrim Borough Council</p>	<p>Mid and East Antrim Borough Council agree that if a District Council wishes to use a sticker and attach their logo to the front of the sticker then they should bear the cost of this. It is our intention to continue to use the generic sticker which will be free of charge.</p>	<p>Costs will be as proposed in the consultation.</p>

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<p>Mid Ulster District Council</p>	<p>Mid Ulster District Council feels that the Food Standards Agency should bear the cost of the sticker where a district council wishes to attach their logo</p>	<p>We will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo). The additional cost arising from stickers being required to be displayed at each relevant entrance will be borne by the FSA in NI. Given these costs and the economies of scale arising from the purchase of standard stickers it would not be economically viable for FSA in NI to bear the cost of stickers incorporating individual district council logos.</p>
<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council disagree that if a District Council wishes to use a sticker and attach their logo to the front of the sticker then they should bear the cost. The FSA should provide the food hygiene rating stickers pre-printed with the council logo at no additional cost to the operating council.</p>	<p>We will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without district council logo). The additional cost arising from stickers being required to be displayed at each relevant entrance will be borne by the FSA in NI. Given these costs and the economies of scale arising from the purchase of standard stickers it would not be economically viable for FSA in NI to bear the cost of stickers incorporating individual district council logos.</p>

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

NIFAC	<p>NIFAC agrees that it will be important to maintain Local Authority buy-in for the scheme. However, maintaining consumer awareness of what to look for must not be compromised and the sticker retains its essential, familiar appearance within the framework laid out in the consultation document. Within this framework, NIFAC is content that the statutory scheme should make provision for the two forms of stickers.</p>	<p>We have agreed that the statutory scheme will make provision for the two forms of stickers referred to in the consultation document.</p> <p>Following review of consultation responses we will fund the production and supply of the standard sticker referred to within the consultation document as the form in Part 1 (without DC logo).</p> <p>We will also prescribe a sticker which incorporates a district council's logo as referred to in the consultation document in form Part 2.</p> <p>Both of the stickers prescribed within the statutory scheme will be in keeping with the design format colour and size of the sticker within the existing scheme.</p> <p>The cost will only be borne by a district council if they chose to provide the sticker which incorporates their logo.</p>
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SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 7 - Do you have any comments on regulation 5 regarding the location and manner of display of food hygiene rating stickers?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council has no comment to make on Regulation 5 regarding location and manner of display of the sticker but would ask that the Food Hygiene Rating Implementation Group ensure that this is considered through their work in the roll out of the statutory scheme to ensure consistency on location of stickers.	We will continue to work with the Food Hygiene Rating Implementation Group on the location and manner of display in order to ensure consistency throughout the 11 district councils.
Armagh, Banbridge and Craigavon Council	Armagh City, Banbridge and Craigavon Borough Council have no comment regarding the location and manner of display of the sticker but would ask that the FHRS implementation group ensure that this is considered through their work and roll out of the statutory scheme to ensure some level of consistency on location by all eleven Councils	We will continue to work with the Food Hygiene Rating Implementation Group on the location and manner of display in order to ensure consistency throughout the 11 district councils.
Belfast City Council	Belfast City Council ask that the Food Hygiene Rating Implementation Group ensures that this is considered through their work in the roll out of the statutory scheme to ensure <i>consistency</i> on location of stickers by all eleven Councils	We will continue to work with the Food Hygiene Rating Implementation Group on the location and manner of display in order to ensure consistency throughout the 11 district councils.
CEHOG	CEHOG have no comment to make on Regulation 5 regarding location and manner of display of the sticker but would ask that the Food Hygiene Rating Implementation Group ensure that this is considered through their work in the roll out of the statutory scheme to ensure consistency on location of stickers by all eleven Councils.	We will continue to work with the Food Hygiene Rating Implementation Group on the location and manner of display in order to ensure consistency throughout the 11 district councils.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

CIEH	CIEH would agree that in order for the scheme to be effective in its aim, the sticker will need to be readily visible to the public. We can however envisage a need for further consideration of this to ensure a consistent interpretation of this across NI and this could and should be achieved through discussions within the relevant local authority networks.	We will continue to work with the Food Hygiene Rating Implementation Group on the location and manner of display in order to ensure consistency throughout the 11 district councils.
Fermanagh and Omagh District Council	FODC has no comment to make on Regulation 5 regarding location and manner of display of the sticker but would ask that the Food Hygiene Rating Implementation Group ensure that this is considered through their work in the roll out of the statutory scheme to ensure consistency on location of stickers by all eleven Councils.	We will continue to work with the Food Hygiene Rating Implementation Group on the location and manner of display in order to ensure consistency throughout the 11 district councils.
Mid and East Antrim Borough Council	Mid and East Antrim Borough Council would request that the Food Hygiene Rating Implementation Group ensure that this is considered through their work in the roll out of the statutory scheme to ensure <i>consistency</i> on location of stickers by all eleven councils.	We will continue to work with the Food Hygiene Rating Implementation Group on the location and manner of display in order to ensure consistency throughout the 11 district councils.
Mid Ulster District Council	Mid Ulster District Council have no comment to make on Regulation 5 regarding location and manner of display of the sticker but would ask that the Food Hygiene Rating Implementation Group ensure that this is considered through their work in the roll out of the statutory scheme to ensure consistency on location of stickers by all eleven Councils.	We will continue to work with the Food Hygiene Rating Implementation Group on the location and manner of display in order to ensure consistency throughout the 11 district councils.
Newry, Mourne and Down District Council	Newry, Mourne and Down District Council have no comment to make on Regulation 5 regarding location and manner of display of the sticker but would ask that the Food Hygiene Rating Implementation Group ensure that this is considered through their work in the roll out of the statutory scheme to ensure <i>consistency</i> on location of stickers by all eleven Councils.	We will continue to work with the Food Hygiene Rating Implementation Group on the location and manner of display in order to ensure consistency throughout the 11 district councils.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

NIFAC	NIFAC have an issue around smaller concessions within larger establishments which share a common entrance and, therefore, a most appropriate point of display. Pragmatism about where the sticker should go will be necessary along with advice for Environmental Health Officers. The regulations should stipulate that ratings should not be liable for misinterpretation or easily confused with the rating of a different business that shares the same entrance as another business. Clarity on what constitutes the entry point to a business in the guidance may be helpful.	We acknowledge this issue and it has been considered by the FHRS Implementation Group. We have drafted an amendment to Regulation 5(3) of The Food Hygiene Rating Regulations (Northern Ireland) 2016 that will address this issue. We will continue to work alongside the Food Hygiene Rating Implementation Group to address any issues that may arise regarding the operation of the scheme. The guidance to accompany the scheme will include a section on display of stickers.
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SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 8 - Are there scenarios that you think regulation 5 does not provide for in terms of the display of food hygiene rating stickers? If so please give examples.

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council feel that all food businesses should be able to comply with Regulation 5 and display of a Food Hygiene Rating Sticker. This issue should also be considered by the Food Hygiene Rating Implementation Group if issues arise as the statutory scheme is rolled out across Northern Ireland.	We will continue to work with the Food Hygiene Rating Implementation Group up to and following the implementation of the statutory scheme to address any issues that may arise regarding the operation of the scheme and ensure consistency of approach.
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council feels that all food businesses should be able to comply with Regulation 5 and display of a Food Hygiene Rating Sticker. This issue should also be considered by the Food Hygiene Rating Implementation Group if issues arise as the statutory scheme is rolled out across Northern Ireland.	We will continue to work with the Food Hygiene Rating Implementation Group up to and following the implementation of the statutory scheme to address any issues that may arise regarding the operation of the scheme and ensure consistency of approach.
Belfast City Council	Belfast City Council feel that all food businesses should be able to comply with Regulation 5 in terms of the display of Food Hygiene Rating Stickers. This issue should also be considered by the Food Hygiene Rating Implementation Group if issues arise as the statutory scheme is rolled out across Northern Ireland.	We will continue to work with the Food Hygiene Rating Implementation Group up to and following the implementation of the statutory scheme to address any issues that may arise regarding the operation of the scheme and ensure consistency of approach.
CEHOG	CEHOG feel that all food businesses should be able to comply with Regulation 5 and display of a Food Hygiene Rating Sticker. This issue should also be considered by the Food Hygiene Rating Implementation Group if issues arise as the statutory scheme is rolled out across Northern Ireland.	We will continue to work with the Food Hygiene Rating Implementation Group up to and following the implementation of the statutory scheme to address any issues that may arise regarding the operation of the scheme and ensure consistency of approach.
CIEH	No	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p>Fermanagh and Omagh District Council</p>	<p>FODC feels that all food businesses should be able to comply with Regulation 5 and display of a Food Hygiene Rating Sticker. This issue should also be considered by the Food Hygiene Rating Implementation Group if issues arise as the statutory scheme is rolled out across Northern Ireland.</p>	<p>We will continue to work with the Food Hygiene Rating Implementation Group up to and following the implementation of the statutory scheme to address any issues that may arise regarding the operation of the scheme and ensure consistency of approach.</p>
<p>Michael Dorman CWC (NI) Ltd</p>	<p>Clause 5. (2) (a) should only be necessary to display at each “front of house” entrance to a FBE. “Back of house” operational activities are rated during rating surveys for display on the front door of premises, so all the customer needs to see that all is well behind the scenes.</p> <p>An additional clause 5. (2) (c) should require the display to be easily seen by a customer before they order food from a FBE which they do not need to enter but could collect food from such as a drive-through intercom display.</p> <p>An additional clause 5. (2) (d) should require the “FHS” display on FBE virtual shop front ie. website “homepage” eg. takeaway deliveries where customer might otherwise have no idea about food production state. – Potential sponsorship opportunities for carryout bag FHS delivery display.</p>	<p>The FHRS guidance (Implementation and operation of the statutory Food Hygiene Rating Scheme in Northern Ireland Guidance for district councils 2016) clarifies that entrances at which food hygiene rating stickers must be displayed are those which customers use, therefore back of house/trade entrances are not required to display a sticker. This guidance accompanies the legislation and it is a legal requirement that district councils have regard to it.</p> <p>Regulation 3 of The Food Hygiene Rating Regulations (Northern Ireland) 2016 addresses this issue. It specifies that where customers are not permitted to enter an establishment or it is incapable for practical purposes of being entered by customers, the Food Hygiene Rating Sticker must be displayed at that establishment where it can be readily seen and easily read by customers when it is open for business. This requirement will apply to drive-throughs.</p> <p>We are currently drafting a further set of regulations that will require food businesses that supply food by means of an online ordering facility to display a valid food hygiene rating. These regulations will be consulted on separately. The food hygiene rating of all establishments can be accessed online via the FSA’s food hygiene rating website http://ratings.food.gov.uk/</p>

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p>Mid and East Antrim Borough Council</p>	<p>Mid and East Antrim Borough Council state that guidance should be given by FSANI as to how district councils deal with premises where more than one business operates from the premises and display of the Food Hygiene Rating Sticker for each business.</p>	<p>We acknowledge this issue and it has been considered by the FHRS Implementation Group. The FSA in NI has drafted an amendment to the regulations that will address this issue.</p> <p>We will continue to work with the Food Hygiene Rating Implementation Group to address any issues that may arise regarding the operation of the scheme.</p>
<p>Mid Ulster District Council</p>	<p>Mid Ulster District Council feel that all food businesses should be able to comply with Regulation 5 and display of a Food Hygiene Rating Sticker. This issue should also be considered by the Food Hygiene Rating Implementation Group if issues arise as the statutory scheme is rolled out across Northern Ireland.</p>	<p>We will continue to work with the Food Hygiene Rating Implementation Group to address any issues that may arise regarding the operation of the scheme.</p>
<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council feel that all food businesses should be able to comply with Regulation 5 and display of a Food Hygiene Rating Sticker. This issue should also be considered by the Food Hygiene Rating Implementation Group if issues arise as the statutory scheme is rolled out across Northern Ireland.</p>	<p>We will continue to work with the Food Hygiene Rating Implementation Group to address any issues that may arise regarding the operation of the scheme.</p>
<p>NIFAC</p>	<p>NIFAC state that here is an issue around smaller concessions within larger establishments which share a common entrance and, therefore, a most appropriate point of display. Pragmatism about where the sticker should go will be necessary along with advice for Environmental Health Officers. The regulations should stipulate that ratings should not be liable for misinterpretation or easily confused with the rating of a different business that shares the same entrance as another business. Clarity on what constitutes the entry point to a business in the guidance may be helpful.</p>	<p>We acknowledge this issue and it has been considered by the FHRS Implementation Group. The FSA in NI has drafted an amendment to Regulation 5(3) of The Food Hygiene Rating Regulations (Northern Ireland) 2016 that will address this issue.</p> <p>We will continue to work alongside the Food Hygiene Rating Implementation Group to address any issues that may arise regarding the operation of the scheme. The guidance to accompany the scheme will include a section on display of stickers.</p>

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 9 - Is there any other information you consider a district council should send to operators of new food businesses that would help them to understand the food hygiene rating scheme and their obligations under it? If so please provide details.

Respondent	Comment	FSA in NI Response
<p>Antrim and Newtownabbey Borough Council</p>	<p>Antrim and Newtownabbey Borough Council is content with the information that will have to be provided to new businesses regarding the scheme but would ask that consideration is given to including some details on the 're-rating' cost in this information.</p>	<p>We will publish an information leaflet containing the relevant information regarding the statutory scheme which district councils will distribute to all food businesses with their first statutory rating and all new food businesses thereafter.</p> <p>The information to be provided to new businesses includes how the operator can obtain further information and provision of this will enable operators to contact the relevant district council to establish the fee for re-rating inspections.</p> <p>We will continue to work with the Food Hygiene Rating Implementation Group to ensure that this information is adequate for new food business operators.</p>

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p>Armagh City, Banbridge and Craigavon Borough Council</p>	<p>Armagh City, Banbridge and Craigavon Borough Council is content with the information that will have to be provided to new businesses regarding the scheme but would ask that consideration is given to including some details on the 're-rating' cost in this information.</p>	<p>We will publish an information leaflet containing the relevant information regarding the statutory scheme which district councils will distribute to all food businesses with their first statutory rating and all new food businesses thereafter.</p> <p>The information to be provided to new businesses includes how the operator can obtain further information and provision of this will enable operators to contact the relevant district council to establish the fee for re-rating inspections.</p> <p>We will continue to work with the Food Hygiene Rating Implementation Group to ensure that this information is adequate for new food business operators.</p>
<p>Belfast City Council</p>	<p>Belfast City Council is generally content with the information that will have to be provided to new businesses regarding the scheme; however Council would ask that consideration is given to including some details on the 're-rating' cost in this information. Council also feels that information should be provided in relation to the consequences of non compliance i.e. potential for the issuing of fixed penalties and / or prosecution.</p>	<p>We will publish an information leaflet containing the relevant information regarding the statutory scheme which district councils will distribute to all food businesses with their first statutory rating and all new food businesses thereafter.</p> <p>The information to be provided to new businesses includes how the operator can obtain further information and provision of this will enable operators to contact the relevant district council to establish the fee for re-rating inspections.</p> <p>We will continue to work with the Food Hygiene Rating Implementation Group to ensure that this information is adequate for new food business operators.</p>

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

CIEH	<p>CIEH state that consideration should be given to including some details on the 're-rating' cost in this information.</p>	<p>We will publish an information leaflet containing the relevant information regarding the statutory scheme which district councils will distribute to all food businesses with their first statutory rating and all new food businesses thereafter.</p> <p>The information to be provided to new businesses includes how the operator can obtain further information and provision of this will enable operators to contact the relevant district council to establish the fee for re-rating inspections.</p> <p>We will continue to work with the Food Hygiene Rating Implementation Group to ensure that this information is adequate for new food business operators.</p>
CEHOG	<p>CEHOG are content with the information that will have to be provided to new businesses regarding the scheme but would ask that consideration is given to including some details on the 're-rating' cost in this information.</p>	<p>We will publish an information leaflet containing the relevant information regarding the statutory scheme which district councils will distribute to all food businesses with their first statutory rating and all new food businesses thereafter.</p> <p>The information to be provided to new businesses includes how the operator can obtain further information and provision of this will enable operators to contact the relevant district council to establish the fee for re-rating inspections.</p> <p>We will continue to work with the Food Hygiene Rating Implementation Group to ensure that this information is adequate for new food business operators.</p>

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p>Fermanagh and Omagh District Council</p>	<p>FODC is content with the information that will have to be provided to new businesses regarding the scheme but would ask that consideration is given to including some details on the 're-rating' cost in this information.</p>	<p>We will publish an information leaflet containing the relevant information regarding the statutory scheme which district councils will distribute to all food businesses with their first statutory rating and all new food businesses thereafter.</p> <p>The information to be provided to new businesses includes how the operator can obtain further information and provision of this will enable operators to contact the relevant district council to establish the fee for re-rating inspections.</p> <p>We will continue to work with the Food Hygiene Rating Implementation Group to ensure that this information is adequate for new food business operators.</p>
<p>Michael Dorman CWC (NI) Ltd</p>	<p>Part 6. (b) should include HACCP structural drainage food trap requirements specific to N. Ireland legislation not applicable in England or Wales.</p> <p>An additional clause should be added - Part 6. (i) Information on Food Waste Regulations (Northern Ireland) 2015.</p> <p>Part 6 (b) should highlight to the FBE regional variations in food law. Current rating method should consider FBE preventing food waste from entering drainage system and associated mark down with non-compliance as defective structural drainage and failing several HACCP prerequisites that may lead to rodent infestation.</p> <p>Method of FHR scoring should incorporate a specific tick box for Northern Ireland FBE's to demonstrate that a visible food trap is in place and operational to meet the new Food Waste Regulations (NI) 2015</p>	<p>We accepts that including such information may assist food business in understanding their wider legal obligations, however, the purpose of this regulation is to enable operators to understand how the Food Hygiene Rating scheme works therefore inclusion of this information is not considered appropriate.</p>

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Mid and East Antrim Borough Council	Mid and East Antrim Borough Council are content with the information that will have to be provided to new businesses.	.
Mid Ulster District Council	Mid Ulster District Council is content with the information that will have to be provided to new businesses regarding the scheme but would ask that consideration is given to including some details on the 're-rating' cost in this information.	<p>We will publish an information leaflet containing the relevant information regarding the statutory scheme which district councils will distribute to all food businesses with their first statutory rating and all new food businesses thereafter.</p> <p>The information to be provided to new businesses includes how the operator can obtain further information and provision of this will enable operators to contact the relevant district council to establish the fee for re-rating inspections.</p> <p>We will continue to work with the Food Hygiene Rating Implementation Group to ensure that adequate information is provided to new food business operators.</p>
Newry, Mourne and Down District Council	Newry, Mourne and Down District Council is content with the information that will have to be provided to new businesses regarding the scheme but would ask that consideration is given to including some details on the 're-rating' cost in this information.	<p>We will publish an information leaflet containing the relevant information regarding the statutory scheme which district councils will distribute to all food businesses with their first statutory rating and all new food businesses thereafter.</p> <p>The information to be provided to new businesses includes how the operator can obtain further information and provision of this will enable operators to contact the relevant district council to establish the fee for re-rating inspections.</p> <p>We will continue to work with the Food Hygiene Rating Implementation Group to ensure that this information is adequate for new food business operators.</p>
NIFAC	No comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 10 - Do you have any comments regarding the form and method of payment of a Fixed Penalty Notice set out in Schedule 2?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council is satisfied with the form and method of payment of the Fixed Penalty Notice.	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council is satisfied with the form and method of payment of the Fixed Penalty Notice.	
Belfast City Council	Belfast City Council is satisfied with the form and method of payment of the Fixed Penalty Notice.	
CEHOG	CEHOG are satisfied with the form and method of payment of the Fixed Penalty Notice	
CIEH	Regarding form and method of payment no. However we do believe that it is imperative that Food Business Operators to which the regulations apply, are clearly advised of this requirement in advance of the commencement of the regulations. We would have concerns that, without clear communication on this requirement, and in the event of significant numbers of FPNs being subsequently issued, such enforcement action would potentially adversely discredit the scheme.	We have been working collaboratively with Food Hygiene Rating Implementation Group and have funded preparatory activities by the district councils in order to prepare food businesses for the introduction of the statutory scheme. As a part of these preparatory activities, district councils have written to operators to inform them of their obligations under the Food Hygiene Rating Act. This information will be provided again when operators are notified of statutory ratings.
Michael Dorman CWC (NI) Ltd	OK	
Fermanagh and Omagh District Council	FODC is satisfied with the form and method of payment of the Fixed Penalty Notice.	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Mid and East Antrim Borough Council	We are satisfied with the form and method of payment of the Fixed Penalty Notice.	
Mid Ulster District Council	Mid Ulster District Council are satisfied with the form and method of payment of the Fixed Penalty Notice.	
Newry, Mourne and Down District Council	Newry, Mourne and Down District Council are satisfied with the form and method of payment of the Fixed Penalty Notice.	
NIFAC	NIFAC have no comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Draft Food Hygiene Rating (Commencement and Transitional Provisions) Order (Northern Ireland) 2016

Question 11 - Do you have any comments regarding the proposed commencement date? If you consider an alternative date appropriate please provide a rationale for this.

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Belfast City Council	Belfast City Council recommend that consideration be given to a different commencement date. 1 st October is a Saturday. Businesses may wish to contact District Councils for advice and guidance on the commencement date. It might be easier for businesses to make contact with District Councils during the normal working week i.e. Monday – Friday.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
CEHOG	CEHOG is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is represented by all eleven Councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
CIEH	CIEH have no comments	
Fermanagh and Omagh District Council	FODC is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is represented by all eleven Councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Michael Dorman CWC (NI) Ltd	No Comments	
Mid and East Antrim Borough Council	MEABC are happy with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is comprised of officers from all eleven councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Mid Ulster District Council	Mid Ulster District Council is content with the proposed commencement date.	
Newry, Mourne and Down District Council	Newry, Mourne and Down District Council is content with the proposed commencement date.	
NIFAC	NIFAC have no comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 12 - Do you have any comments regarding the proposed appointed day? If you consider an alternative date appropriate please provide a rationale for this.

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council is content with the proposed appointed date as this has been agreed at the Food Hygiene Rating Implementation Group.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council is content with the proposed appointed date as this has been agreed at the Food Hygiene Rating Implementation Group.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Belfast City Council	Belfast City Council see previous answer.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
CEHOG	CEHOG are content with the proposed appointed date as this has been agreed at the Food Hygiene Rating Implementation Group which is represented by all eleven Councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
CIEH	CIEH have no Comments	
Fermanagh and Omagh District Council	FODC is content with the proposed appointed date as this has been agreed at the Food Hygiene Rating Implementation Group which is represented by all eleven Councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Michael Dorman CWC (NI) Ltd	No Comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Mid and East Antrim Borough Council	MEABC are happy with the proposed appointed date as this has been agreed at the Food Hygiene Rating Implementation Group.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Mid Ulster District Council	Mid Ulster District Council are content with the proposed appointed date	We have the proposed commencement date to 7th October 2016 to take account of the legislative process.
Newry, Mourne and Down District Council	Newry, Mourne and Down District Council are content with the proposed appointed date	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
NIFAC	NIFAC have no comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 13 - Do you agree with the procedure set out in Article 3 for migrating those food businesses rated under the voluntary scheme to the new statutory food hygiene rating scheme?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council agrees with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme as this has been agreed by the Food Hygiene Rating Implementation Group members.	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council agrees with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme as this has been agreed by the Food Hygiene Rating Implementation Group members.	
Belfast City Council	Belfast City Council agrees with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme as this has been agreed by the Food Hygiene Rating Implementation Group members.	
CEHOG	CEHOG agree with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme as this has been agreed by the Food Hygiene Rating Implementation Group members.	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p style="text-align: center;">CIEH</p>	<p>CIEH state No. Whilst we recognise that it is potentially impractical for all businesses to be reassessed prior to commencement, we believe that there must be an opportunity for those businesses that would wish to have a re-rating done either prior to or before the 12 month timescale proposed post commencement to have that re rating carried out without charge.</p>	<p>We have been working collaboratively with Food Hygiene Rating Implementation Group and have funded preparatory activities by the district councils in order to prepare food businesses for the introduction of the statutory scheme. As a part of these preparatory activities, carried out at the end of the 15/16 financial year, food businesses were encouraged to apply for free re-rating inspection in order to improve their FHRS rating prior to migration.</p> <p>Furthermore if an operator applies for a re-rating before they have been notified of their statutory rating this request must be treated under the conditions of the voluntary scheme, therefore the operator will not be charged.</p>
<p style="text-align: center;">Fermanagh and Omagh District Council</p>	<p>FODC agrees with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme as this has been agreed by the Food Hygiene Rating Implementation Group members.</p>	
<p style="text-align: center;">Michael Dorman CWC (NI) Ltd</p>	<p>Yes</p>	
<p style="text-align: center;">Mid and East Antrim Borough Council</p>	<p>Mid and East Antrim Borough Council agree with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme as this has been agreed by the Food Hygiene Rating Implementation Group members.</p>	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p>Mid Ulster District Council</p>	<p>Mid Ulster District Council agree with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme.</p>	
<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council agree with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme.</p>	
<p>NIFAC</p>	<p>NIFAC agrees with the stated procedure for migrating businesses rated under the voluntary scheme and also with the 12 month timescale.</p>	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 14 - Do you agree with the 12 month timescale for district councils to provide a food business establishment previously rated under the voluntary scheme with a food hygiene rating under the statutory food hygiene rating scheme? If not please provide a rationale for an alternative date.

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council agrees with the 12 month timescale as this will allow low risk establishments to be phased into the statutory scheme as resources permit and was agreed by the Food Hygiene Rating Implementation Group.	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council agrees with the 12 month timescale as this will allow low risk establishments to be phased into the statutory scheme as resources permit and was agreed by the Food Hygiene Rating Implementation Group	
Belfast City Council	Belfast City Council agrees with the 12 month timescale as this will allow low risk establishments to be phased into the statutory scheme as resources permit and was agreed by the Food Hygiene Rating Implementation Group.	
CEHOG	CEHOG agree with the 12 month timescale as this will allow low risk establishments to be phased into the statutory scheme as resources permit and was agreed by the Food Hygiene Rating Implementation Group.	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

CIEH	See comments at question 13.	<p>We have been working collaboratively with Food Hygiene Rating Implementation Group and have funded preparatory activities by the district councils in order to prepare food businesses for the introduction of the statutory scheme. As a part of these preparatory activities, carried out at the end of the 15/16 financial year, food businesses were encouraged to apply for free re-rating inspection in order to improve their FHRS rating prior to migration.</p> <p>Furthermore if an operator applies for a re-rating before they have been notified of their statutory rating this request must be treated under the conditions of the voluntary scheme, therefore the operator will not be charged.</p>
Fermanagh and Omagh District Council	FODC agrees with the 12 month timescale as this will allow low risk establishments to be phased into the statutory scheme as resources permit and was agreed by the Food Hygiene Rating Implementation Group.	
Michael Dorman CWC (NI) Ltd	Yes	
Mid and East Antrim Borough Council	MEABC agree with this timescale and do not foresee any issue in having all of our businesses transferred across to the statutory scheme.	
Mid Ulster District Council	Mid Ulster District Council agrees with the 12 month timescale as this will allow low risk establishments to be phased into the statutory scheme as resources permit	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Newry, Mourne and Down District Council	Newry, Mourne and Down District Council agree with the procedure set out in Article 3 for migrating food businesses from the voluntary to the statutory scheme.	
NIFAC	NIFAC agree with the stated procedure for migrating businesses rated under the voluntary scheme and also with the 12 month timescale.	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Draft Food Hygiene Rating (Fee and Fixed Penalty Amount) Order (Northern Ireland) 2016

Question 15 - Do you have any comments regarding the proposed commencement date? If so please provide comments and a rationale for an alternative date.

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group.	We have revised the proposed commencement date to 7th October 2016 to take account of legislative process.
Belfast City Council	Belfast City Council is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is representative of all eleven Councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
CEHOG	CEHOG is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is represented by all eleven Councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
CIEH	CIEH have no comment.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Fermanagh and Omagh District Council	FODC is content with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is represented by all eleven Councils in Northern Ireland.	The FSA in NI has revised the proposed commencement date to 7th October 2016 to take account of the legislative process.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Michael Dorman CWC (NI) Ltd	OK	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Mid and East Antrim Borough Council	Mid and East Antrim Borough Council are happy with the proposed commencement date as this has been agreed at the Food Hygiene Rating Implementation Group which is comprised of officers from all eleven councils in Northern Ireland.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Mid Ulster District Council	Mid Ulster District Council are content with the proposed commencement date.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
Newry, Mourne and Down District Council	Newry, Mourne and Down District Council are content with the proposed commencement date.	We have revised the proposed commencement date to 7th October 2016 to take account of the legislative process.
NIFAC	NIFAC have no comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 16 - Do you have any comments on Article 2 (The re-rating fee)

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council are satisfied with the re-rating fee of £150.00 as this has been costed by Food Standards Agency NI on a cost recovery basis for District Councils and is the same as the re-rating fee in Wales where the statutory scheme already operates.	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council are satisfied with the re-rating fee of £150.00 as this has been costed by Food Standards Agency NI on a cost recovery basis for District Councils and is the same as the re-rating fee in Wales where the statutory scheme already operates.	
Belfast City Council	Belfast City Council recognise that the re-rating fee of £150.00 has been costed by Food Standards Agency NI on a cost recovery basis for District Councils and is the same as the re-rating fee in Wales where the statutory scheme already operates. However it should be noted that the fee in Wales is currently under review and may increase; it is therefore important that the fee in NI is also kept under review.	<p>The Food Hygiene Rating Act (Northern Ireland) 2016 makes a provision that requires the operation of the scheme to be reviewed by FSA in NI within three years of the commencement of the statutory scheme. This includes a requirement to review the operation of the provisions regarding re-rating inspections.</p> <p>In the event that FSA in NI is made aware by district councils of a significant increase in the costs associated with this activity at any point in time the re-rating the fee can be re-considered and changed if appropriate to do so.</p>

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p>Bob Salmon Food Solutions</p>	<p>You propose that a charge be made for any re-inspection at the request of the FBO. Whilst this seems and sounds perfectly reasonable at first glance, we have seen this sort of arrangement give rise to misunderstandings and accusations of even malpractice.</p> <p>Consider first when an inspector sees something wrong and suggests it should be corrected. He has given a low score. The FBO makes the correction and could ask for re-inspection. He may not if he were to be charged.</p> <p>Consider second the specialised process which an inspector may not be familiar with.</p> <p>Consider third that the inspector calls on a day when the manager is not available to show records and other details.</p> <p>Inspection is for the benefit of the consumers; not for the business. Thus the motivation of the inspector is to persuade the FBO to improve. That improvement may not take place if the FBO thinks he has to pay.</p>	<p>We have and continues to work with district councils, through the Food Hygiene Rating Scheme Implementation Group, to ensure that adequate information will be provided to food businesses regarding the operation of the statutory scheme, including the re-rating provision, prior to and after the commencement date. We have produced guidance to implementation of the scheme. The Act, Regulations, Orders and associated guidance clearly outline the criteria of the 're-rating' provision to help prevent inappropriate application of this safeguard mechanism.</p> <p>A fee is to be prescribed for re-rating inspections to ensure that district council resources are not directed away from other essential food safety functions and that operation of the Food Hygiene Rating scheme is sustainable.</p> <p>Authorised officers carrying out official controls must have a level of knowledge, skills, experience and understanding that allows them to deliver official control interventions competently. They must also have an understanding of the hazards and risks within the establishment they are required to inspect.</p> <p>Relevant documentation which is essential to food safety should be left on the premises at all times food is being produced. Such documentation if not present, at the time of inspection, can be requested for and if not supplied within a certain time scale then this may be factored in their FHRS rating.</p> <p>The scheme can be used by Food business Operators (FBO's) to promote their business and used as an incentive to improve, therefore driving up compliance which is good for citizens and FBO's.</p>
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SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

CEHOG	CEHOG are satisfied with the re-rating fee of £150.00 as this has been costed by Food Standards Agency NI on a cost recovery basis for District Councils and is the same as the re-rating fee in Wales where the statutory scheme already operates.	
CIEH	CIEH state this is consistent with other parts of the UK, namely Wales, where similar provisions apply and as such is appropriate given that the figure has been, as we understand it, systematically costed.	
Fermanagh and Omagh District Council	FODC is satisfied with the re-rating fee of £150.00 as this has been costed by Food Standards Agency NI on a cost recovery basis for District Councils and is the same as the re-rating fee in Wales where the statutory scheme already operates.	
Michael Dorman CWC (NI) Ltd	OK	
Mid and East Antrim Borough Council	MEABC are satisfied with the re-rating fee of £150.00 as this has been costed by Food Standards Agency NI on a cost recovery basis for District Councils and is the same as the re-rating fee in Wales where the statutory scheme already operates.	
Mid Ulster District Council	Mid Ulster District Council is satisfied with the re-rating fee of £150.00 as this has been costed by Food Standards Agency NI on a cost recovery basis for District Councils and is the same as the re-rating fee in Wales where the statutory scheme already operates	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Newry, Mourne and Down District Council	Newry, Mourne and Down District Council Is satisfied with the re-rating fee of £150.00 as this has been costed by Food Standards Agency NI on a cost recovery basis for District Councils and is the same as the re-rating fee in Wales where the statutory scheme already operates.	
NIFAC	NIFAC have no comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 17 - Do you have any comments on Article 3 (Fixed penalty amount)?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council has no comments	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council have no comments	
Belfast City Council	Belfast City Council state that Article 3 refers to alleged offences under Section 10 (1) and / or (2) of the Act. Within these sections, defences are cited on the grounds of “reasonable excuse”. Belfast City Council recommends that FSANI provides detailed advice to enforcement officers as to what constitutes a “reasonable excuse”.	This matter is being considered by the Food Hygiene Rating Implementation Group to scope and agree what would constitute a “reasonable excuse”. This will be communicated to all enforcement officers through a training event scheduled in September 2016.
CEHOG	CEHOG have no comments.	
CIEH	CIEH have no comments	
Fermanagh and Omagh District Council	FODC has no comment.	
Michael Dorman CWC (NI) Ltd	OK	
Mid and East Antrim Borough Council	FODC has no comment.	
Mid Ulster District Council	Mid Ulster District Council have no comments.	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Newry, Mourne and Down District Council	Newry, Mourne and Down District Council have no comments.	
NIFAC	NIFAC have no comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 18 - Do you agree with the fixed penalty amount stated? Please explain your reasons.

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council agrees with the amount of the fixed penalty as this is consistent with the figure set in Wales. Antrim and Newtownabbey Borough Council also welcome the reduction in the fee if paid within 14 days of service.	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council agrees with the amount of the fixed penalty as this is consistent with the figure set in Wales. Armagh City, Banbridge and Craigavon Borough Council also welcome the reduction in the fee if paid within 14 days of service.	
Belfast City Council	Belfast City Council agrees with the amount of the fixed penalty as this is consistent with the figure set in Wales. Council also welcomes the reduction in the fee if paid within 14 days of service.	
CEHOG	CEHOG agree with the amount of the fixed penalty as this is consistent with the figure set in Wales. CEHOG also welcomes the reduction in the fee if paid within 14 days of service.	
CIEH	CIEH state Yes – on same basis as comments at question 16.	
Fermanagh and Omagh District Council	FODC agrees with the amount of the fixed penalty as this is consistent with the figure set in Wales. FODC also welcomes the reduction in the fee if paid within 14 days of service.	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p>Michael Dorman CWC (NI) Ltd</p>	<p>Difficult to enforce an “alleged” offence. Either it is or is not an offence. Possible £200 fee for minimum with additional charge depending on severity of offence.</p>	<p>The term ‘alleged’ is used as legal terminology. An offence is deemed to be an ‘alleged’ offence until proven either by the acceptance of the allegation by the FBO (accepting a FPN) or the successful prosecution in a court. The enforcement authority will allege the offence and then provide evidence to prove an offence existed.</p> <p>Following consultation we have agreed that the fixed penalty fee will be at £200 with a reduction to £150 if paid within 14 days which is in line the statutory scheme currently in operation in Wales.</p> <p>A fixed penalty notice (FPN) only applies to certain offences, the key offence being failure to display a valid rating where it can be readily seen and easily read by consumers before entering the establishment. For repeat offenders or more severe offences provision is given for district councils to proceed with prosecutions.</p>
<p>Mid and East Antrim Borough Council</p>	<p>Mid and East Antrim Borough Council agree with the amount of the fixed penalty (£200) as this is consistent with the figure set in Wales. We also welcome the reduction in the fee if paid within 14 days of service (£150).</p>	
<p>Mid Ulster District Council</p>	<p>Mid Ulster District Council agree with the amount of the fixed penalty as this is consistent with the figure set in Wales. Mid Ulster District Council also welcomes the reduction in the fee if paid within 14 days of service.</p>	
<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council Agree with the amount of the fixed penalty as this is consistent with the figure set in Wales. Newry, Mourne and Down District Council also welcome the reduction in the fee if paid within 14 days of service.</p>	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

NIFAC	NIFAC agrees with the proposed re-rating fee of £150 as a justifiable contribution toward the effective running of the scheme and the proposed fixed penalty amount of £200 as a reasonable deterrent. NIFAC notes that in Wales, where a statutory scheme is currently operating, there has been a significant rise in compliance since display of ratings became mandatory.	
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SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 19 - Do you have any other comments or views on the draft Regulations and Orders described in this document?
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Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council have no further comments to make.	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council no further comments to make.	
Belfast City Council	Belfast City Council note that the term “reasonable excuse” in relation to a breach of the legislation is used in the order. Council would recommend that FSANI provides advice and guidance to District Councils as to what might constitute a “reasonable excuse”	This matter is being considered by the Food Hygiene Rating Implementation Group to scope and agree what would constitute a “reasonable excuse”. This will be communicated to all enforcement officers through a training event scheduled in September 2016.
CEHOG	CEHOG have no further comments to make.	
CIEH	CIEH have no comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p>Fermanagh and Omagh District Council</p>	<p>FODC has no further comments to make.</p>	
<p>Michael Dorman CWC (NI) Ltd</p>	<p>Part 6. (b) should include HACCP structural drainage food trap requirements specific to N. Ireland legislation not applicable in England or Wales.</p> <p>An additional clause should be added - Part 6. (i) information on Food Waste Regulations (Northern Ireland) 2015.</p>	<p>We accept that including such information may assist food business in understanding their wider legal obligations, however, the purpose of this regulation is to enable operators to understand how the Food Hygiene Rating scheme works therefore inclusion of this information is not considered appropriate.</p>
<p>Mid and East Antrim Borough Council</p>	<p>MEABC have no further comments to make.</p>	
<p>Mid Ulster District Council</p>	<p>Mid Ulster District Council have no further comments to make.</p>	
<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council have no further comments to make.</p>	
<p>NIFAC</p>	<p>NIFAC have no comments</p>	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Implementation and operation of the statutory Food Hygiene Rating Scheme in Northern Ireland Guidance for district councils

Question 20 - Do you have any comments regarding the format in which the guidance is presented? Please provide details.

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council is content with the format of the guidance as it is similar to the current guidance on the voluntary scheme which Environmental Health Officers are already familiar with.	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council is content with the format of the guidance as it is similar to the current guidance on the voluntary scheme which Environmental Health Officers are already familiar with.	
Belfast City Council	Belfast City Council is content with the format of the guidance as it is similar to the current guidance on the voluntary scheme which Environmental Health Officers and Technical Officers (Food Safety) are already familiar with.	
CEHOG	CEHOG is content with the format of the guidance as it is similar to the current guidance on the voluntary scheme which Environmental Health Officers are already familiar with	
CIEH	CIEH have no comments	
Fermanagh and Omagh District Council	FODC is content with the format of the guidance as it is similar to the current guidance on the voluntary scheme which Environmental Health Officers are already familiar with.	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p>Mid and East Antrim Borough Council</p>	<p>MEABC are content with the format of the guidance as it is similar to the current guidance on the voluntary scheme which Environmental Health Officers are already familiar with.</p>	
<p>Mid Ulster Council</p>	<p>Mid Ulster Council is content with the format of the guidance as it is similar to the current guidance on the voluntary scheme which Environmental Health Officers are already familiar with</p>	
<p>Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council is content with the format of the guidance as it is similar to the current guidance on the voluntary scheme which Environmental Health Officers are already familiar with.</p>	
<p>NIFAC</p>	<p>NIFAC have no comments</p>	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 21 - Are there any aspects of the statutory Food Hygiene Rating Scheme that have not been addressed in the guidance?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council are content with the guidance document and are not aware of any issues that have not been addressed within it. We welcome the fact that FSANI acknowledge it is a live document and would appreciate regular review and updates in conjunction with District Councils as issues arise which may need clarification in the roll out of the statutory scheme.	We will continue to review the operation of the scheme and will work with district councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council are content with the guidance document and are not aware of any issues that have not been addressed within it. We welcome the fact that FSANI acknowledge it is a live document and would appreciate regular review and updates in conjunction with District Councils as issues arise which may need clarification in the roll out of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Belfast City Council	Belfast City Council is content with the guidance document and is not aware of any issues that have not been addressed within it. Council welcomes the fact that FSANI acknowledges that it is a live document and would appreciate regular review and updates in conjunction with District Councils as issues arise which may need clarification in the roll out of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
CEHOG	CEHOG are Content with the guidance document and are not aware of any issues that have not been addressed within it. We welcome the fact that FSANI acknowledge it is a live document and would appreciate regular review and updates in conjunction with District Council's as issues arise which may need clarification in the roll out of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

CIEH	CIEH have no comments	
Fermanagh and Omagh District Council	FODC is content with the guidance document and is not aware of any issues that have not been addressed within it. The Council welcomes the fact that FSANI acknowledges that it is a live document and would appreciate regular review and updates in conjunction with District Council's as issues arise which may need clarification in the roll out of the statutory scheme	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Mid and East Antrim Borough Council	Mid and East Antrim Borough Council welcome the fact that FSANI acknowledge it is a live document and would appreciate regular review and updates in conjunction with other District Council's as issues arise which need clarification in the roll out of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Mid Ulster District Council	Mid Ulster District Council are content with the guidance document and are not aware of any issues that have not been addressed within it. We welcome the fact that FSA NI acknowledge it is a live document and would appreciate regular review and updates in conjunction with ourselves as issues arise which may need clarification in the roll out of the statutory scheme	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Newry, Mourne and Down District Council	Newry, Mourne and Down District Council Is content with the guidance document and are not aware of any issues that have not been addressed within it. We welcome the fact that FSA NI acknowledge it is a live document and would appreciate regular review and updates in conjunction with ourselves as issues arise which may need clarification in the roll out of the statutory scheme	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

NIFAC	NIFAC have no comments	
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SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 22 - Do you have any comments regarding the level of detail provided in Section 10 – Display of food hygiene rating stickers?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council are satisfied with the current detail contained within Section 10. As previously mentioned we would encourage further review in conjunction with District Councils if issues arise during the introduction of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council are satisfied with the current detail contained within Section 10. As previously mentioned we would encourage further review in conjunction with District Councils if issues arise during the introduction of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Belfast City Council	As previously mentioned Belfast City Council would encourage further review in conjunction with District Councils if issues arise during the introduction of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
CEHOG	CEHOG are satisfied with the current detail contained within Section 10. As previously mentioned we would encourage further review in conjunction with District Councils if issues arise during the introduction of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

CIEH	No comments	
Fermanagh and Omagh District Council	FODC is satisfied with the current detail contained within Section 10. As previously mentioned the Council would encourage further review in conjunction with District Councils if issues arise during the introduction of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Mid and East Antrim Borough Council	Mid and East Antrim Borough Council are satisfied with the current detail contained within Section 10. As previously mentioned we do not foresee any issues with this in MEABC but would encourage further review in conjunction with other District Council's if issues arise during the introduction of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Mid Ulster District Council	Mid Ulster District Council are satisfied with the current detail contained within Section 10. As previously mentioned we would encourage further review in conjunction with ourselves if issues arise during the introduction of the statutory scheme	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Newry, Mourne and Down District Council	Newry, Mourne and Down District Council are satisfied with the current detail contained within Section 10. As previously mentioned we would encourage further review in conjunction with ourselves if issues arise during the introduction of the statutory scheme.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

NIFAC	NIFAC have no comments	
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SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 23 - Do you have any comments regarding the guidance provided in respect of “Exceptional Circumstances” in Section 13 – Adjustment of time periods?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council have no additional comments to make	
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council have no additional comments to make	
Belfast City Council	Belfast City Council has no additional comments to make	
CEHOG	CEHOG have no additional comments to make.	
CIEH	CIEH have no comments	
Fermanagh and Omagh District Council	Fermanagh and Omagh District Council have no additional comments to make.	
Mid and East Antrim Borough Council	Mid and East Antrim Borough Council are happy with the guidance contained within Section 13 “Exceptional Circumstances”.	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Mid Ulster District Council	Mid Ulster District Council have no additional comments to make	
Newry, Mourne and Down District Council	Newry, Mourne and Down District Council have no additional comments to make	
NIFAC	NIFAC have no comments	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

Question 24 - Do you have any other comments or views on the draft guidance described in this document?

Respondent	Comment	FSA in NI Response
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council welcomes the guidance document and level of detail contained within same. This document must be kept under continuous review as the statutory scheme develops.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Armagh City, Banbridge and Craigavon Borough Council	Armagh City, Banbridge and Craigavon Borough Council welcomes the guidance document and level of detail contained within same. This document must be kept under continuous review as the statutory scheme develops.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Belfast City Council	Belfast City Council in general welcomes the guidance document and the level of detail contained within it. However under Section 10.5 – Sticker Validity, it states that if and when an establishment reopens following closure due to an imminent risk to public health, it should have a rating based on the most recent inspection, partial inspection or audit undertaken. Belfast City Council feels that this rating should be based on conditions found at the time of the closure rather than on a day following reopening. As stated previously Council feels that it is important that this document be kept under continuous review as the statutory scheme	We have revised the wording of this section to highlight that although the rating should be based on the most recent inspection, partial inspection or audit that the conditions that resulted in the closing of the premises should be factored into the Confidence in Management element of the score. We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

CIEH	CIEH believe that the draft guidance appears comprehensive and will therefore assist the implementation of the scheme and associated regulations. The guidance should be regularly reviewed.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
CEHOG	CEHOG welcome the guidance document and level of detail contained within same. This document must be kept under continuous review as the statutory scheme develops.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Fermanagh and Omagh District Council	FODC welcomes the guidance document and level of detail contained within same. This document must be kept under continuous review as the statutory scheme develops.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Mid and East Antrim Borough Council	Mid and East Antrim Borough Council welcome the guidance document and level of detail contained within same. This document must be kept under continuous review by FSA and District Council's as the statutory scheme develops.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.
Mid Ulster District Council	Mid Ulster District Council welcome the guidance document and level of detail contained within same. This document must be kept under <i>continuous review</i> as the statutory scheme develops.	We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

<p style="text-align: center;">Newry, Mourne and Down District Council</p>	<p>Newry, Mourne and Down District Council welcome the guidance document and level of detail contained within same. This document must be kept under <i>continuous review</i> as the statutory scheme develops.</p>	<p>We will continue to review the operation of the scheme and will work with District Councils to address any issues that may arise during the implementation of the statutory scheme. The guidance will be regularly reviewed and amended to reflect any changes required to ensure effective and consistent operation of the scheme.</p>
<p style="text-align: center;">NIFAC</p>	<p>NIFAC have no comments</p>	

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

OTHER COMMENTS:

Respondent	Comment	FSA in NI Response

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA in NI CONSULTATION

SUMMARY OF CHANGES MADE:

Comment	FSA in NI Response
<p>NIFAC have an issue around smaller concessions within larger establishments which share a common entrance and, therefore, a most appropriate point of display. Pragmatism about where the sticker should go will be necessary along with advice for Environmental Health Officers. The regulations should stipulate that ratings should not be liable for misinterpretation or easily confused with the rating of a different business that shares the same entrance as another business. Clarity on what constitutes the entry point to a business in the guidance may be helpful.</p>	<p>We acknowledge this issue and it has been considered by the FHRS Implementation Group. The FSA in NI has drafted an amendment to Regulation 5(3) of The Food Hygiene Rating Regulations (Northern Ireland) 2016 that will address this issue.</p> <p>The FSA in NI will continue to work alongside the Food Hygiene Rating Implementation Group to address any issues that may arise regarding the operation of the scheme. The guidance to accompany the scheme will include a section on display of stickers.</p>

ACTIONS TO BE IMPLEMENTED:

N/A

List of Respondents:

1. Antrim and Newtownabbey Borough Council
2. Armagh, Banbridge and Craigavon Borough Council
3. Belfast City Council
4. Bob Salmon
5. CEHOG
6. CIEH
7. Fermanagh and Omagh District Council
8. Michael Dorman CWC
9. Mid and East Antrim Borough Council
10. Mid Ulster Council
11. Newry, Mourne and Down District Council
12. NIFAC