



ACS Submission:

Welsh Government – Consultation on Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations

ACS (the Association of Convenience Stores) welcomes the opportunity to respond to the Welsh Government’s consultation on the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations. ACS represents 33,500 stores across the UK, all of which have an important role to play in supporting food hygiene. In Wales, there are 3,167 convenience stores, which employ over 25,000 staff¹.

The Food Hygiene (Promotion of Food Hygiene Rating) (Wales) regulations will impact the convenience sector. 8%² of stores are known to have food preparation areas and a few will advertise for remote ordering.

Question 1: Do you think the type of food business to which these regulations are intended to apply is sufficiently defined?

Type of food business

Yes. ACS finds the definition sufficient to define the types of food business that these regulations will apply to.

“operators of an establishment producing certain publicity materials that promote takeaway food items for sale to the consumer; a purchase price for the takeaway food items; and, a method for remote ordering (such as takeaway and catering menus, leaflets) will be required to display an image of their food hygiene rating or to carry a bilingual statement

Scope of the regulations

“The scope of the regulations is not intended to apply to remote ordering systems for supermarkets; grocery stores; leaflets requiring advance bookings for restaurants, pubs or similar establishments where service will be provided on the premises; hospital or care home menus that require advance orders.”

ACS understands this definition to mean that the scope of the regulations does not apply to online shopping. However, within the convenience sector there is a growing food service category which includes “food-to-go” services such as Subway or in-store bakeries. Some of which may offer remote ordering.

As such, we seek further clarity regarding whether convenience stores with food-to-go counters in-store will be required to display an image of their food hygiene rating on publicity materials if they offer remote ordering.

¹ ACS Local Shop Report 2015

² ACS Local Shop Report 2015

Question 2: Do you agree that food businesses should be able to choose whether to display the bilingual statement or a valid food hygiene rating graphic on the relevant hard copy publicity materials?

Yes, food businesses should have the flexibility to choose whether to display the bilingual statement or a valid food hygiene rating graphic.

Question 3: Do you agree with the specified minimum sizes prescribed for the text of the statement and the image of the food hygiene rating?

ACS understands the need for a specified minimum size for the text of the statement, but is wary about enforcement.

ACS believes that the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations should be included within the scope of Primary Authority. This will enable businesses in a Primary Authority relationship to have clarity of regulations for their business and protection from undue enforcement activity.

Question 4: Do you think that the list of offences is reasonable? Are there any other offences that you think should be provided for?

Yes, the list of offences is reasonable. However, ACS urges the Welsh Government to introduce a transitional period after the regulations are implemented to all the sell through of leaflets and educate any food businesses to be compliant with new regulations.

Question 5: Do you think the enforcement penalties are fair and proportionate?

Yes, the enforcement penalties will provide consistency for retailers as they reflect the enforcement penalties in the Food Hygiene Rating (Wales) Act 2013.

Question 7: Do you agree with the estimated costs/benefits regarding the implementation of these Regulations?

The estimated costs fail to account for retailers needing to print new publicity materials to conform to the regulations.

Question 9: Do you have any comments on the impact that the introduction of the Regulations will have on: small businesses; the voluntary sector; equality and human rights; sustainable development; rural issues; the Welsh Language; the Rights of the Child; Biodiversity; Communities First Areas and Justice?

There will be a financial burden placed on small businesses from the implementation of these regulations. ACS recommends that the Welsh Government to continue with the planned six month lead time for businesses for compliance to account for the costs of printing and introduce a transitional period for retailers to comply with the legislation before enforcement penalties are given.

For further information, please contact Julie Byers, ACS Public Affairs Executive at Julie.Byers@acs.org.uk or call 01252 515001