

Number: WG26191



Llywodraeth Cymru
Welsh Government

www.gov.wales

Welsh Government

Consultation Document

The Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations



Date of issue: 24 August 2015

Action required: Responses by 13 November 2015

Overview

This consultation seeks comments on the draft Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations (“the Regulations”). The Regulations will be made under Section 10 of the Food Hygiene Rating (Wales) Act 2013 (“the Act”) which came into force on 28 November 2013. The Act requires food authorities to rate food businesses within their area and for those businesses to display their rating where it can be easily seen by customers. This ensures consumers have access to easy to understand information on the hygiene standards of food businesses in order that they can make informed choices about where they decide to buy food.

The Regulations will come into force six months from the date the National Assembly for Wales passes the draft regulations, if they are minded to do so. The Regulations provide a requirement for certain food businesses to display an image of their valid food hygiene rating or to contain a statement of where a consumer can view the food hygiene rating of that food business (i.e. the food hygiene rating website) on certain publicity materials. The statement will also encourage the consumer to verbally request the rating from the food business operator. The Regulations will create offences for failing to include a statement or rating on certain publicity materials and/or the publishing of invalid food hygiene ratings.

How to respond

Closing date for responses is **13 November 2015**.

Responses can be submitted via an online form on our website: www.gov.wales/consultations/healthsocialcare/?skip=1&lang=en

Alternatively, please use the response form at Annex 2 of this consultation document to respond. These responses should be returned either electronically or by post to:

Email: FoodHygieneRating@wales.gsi.gov.uk

Freepost:

Public Health Division
Health and Social Services Group
Welsh Government
Freepost NAT 8910
Cathays Park
Cardiff CF10 3BR

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

This consultation document can be accessed from the Welsh Government website at: www.gov.wales/consultations/healthsocialcare/?skip=1&lang=en

Contact details

For further information:

FoodHygieneRating@wales.gsi.gov.uk

Public Health Division
Department for Health and Social Services
Welsh Government
Cathays Park
Cardiff CF10 3NQ

Tel: 029 2082 3420

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full.

Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances.

If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important

reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

The Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations

CONTENTS

	Page Number
Foreword by the Deputy Minister for Health	2
Introduction: What is this consultation about?	3
Where are we now: The Food Hygiene Rating (Wales) Act 2013 and Food Hygiene Rating (Wales) Regulations 2013	4
2014 Consultation – Draft Food Hygiene Rating (Promotion of Food Hygiene Rating)(Wales) Regulations	6
Details of the revised proposals for the draft Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations	10
Implementation of the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations	14
Annex 1: Consultation distribution list	16
Annex 2: Consultation Response form	20

FOREWORD BY THE DEPUTY MINISTER FOR HEALTH

The vast majority of powers in the Food Hygiene Rating (Wales) Act 2013 and the Food Hygiene Rating (Wales) Regulations 2013 have been in force from November 2013. The introduction of this legislation has already had a positive impact on food businesses hygiene standards in Wales. Nearly 60% of food businesses in Wales have achieved a “5” rating of ‘very good’ and the number of food businesses with a lower rating are decreasing. This is good for the people of Wales and good for food businesses in Wales.

I do not wish to make further regulations that will overly burden businesses. I do however propose that certain publicity material produced by food businesses that would enable a consumer to order food remotely without visiting a premises, should be required to display an image of their valid food hygiene rating or a simple bilingual statement. The statement will advise consumers where they can view the hygiene rating for that food business and encourage them to verbally request the rating when they order. It is important for consumers to be made aware of the food hygiene ratings when they order food remotely. More detail is set out in the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations on which I am asking for views in this consultation. Some food businesses have already voluntarily chosen to print their food hygiene ratings on their publicity materials.

It has also become apparent since the introduction of the statutory scheme that a small minority of food businesses have chosen to misrepresent their food hygiene ratings on publicity materials. The regulations therefore provide a method for enforcing authorities to deal with those food businesses who attempt to mislead consumers in this way.

I hope you will take this opportunity to provide us with your comments as I am committed to making this legislation workable for food businesses and enforcers alike.



Vaughan Gething AM
Deputy Minister for Health

INTRODUCTION – WHAT THIS CONSULTATION IS ABOUT

1. The purpose of this consultation is to seek views on the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations (“the Regulations”) and the expected costs associated with them (these are set out in the draft Regulatory Impact Assessment (RIA)). The Regulations provide:
 - a requirement for certain food business’ publicity material to contain an image of their valid food hygiene rating or a bilingual statement referring the consumer to the food hygiene rating website food.gov.uk/ratings operated by the FSA where the hygiene rating of that food business can be viewed and encourage the consumer to verbally request the rating when they order.
 - The Regulations also create offences whereby food authorities may take action against food businesses for non-display or displaying invalid or misleading food hygiene ratings.
 - The Regulations also create enforcement powers including the use of fixed penalty notices and the power to seize non-compliant material.
2. This consultation document explains what information the Welsh Government considers the Regulations should contain. A draft of the Regulations and the draft RIA are available on the Welsh Government website at:
<http://gov.wales/consultations/healthsocialcare/?skip=1&lang=en>
3. The Welsh Government would like to know what consumers and stakeholders, including food businesses and local authorities think about the draft Regulations. This consultation document includes questions on the content of the draft Regulations which we would like comments on; these questions can be found on the consultation response form at **Annex 2**. Following the consultation period, the Welsh Government will look at what people have said and decide whether anything should be changed before the Regulations are laid before the National Assembly for Wales for scrutiny.

WHERE WE ARE NOW: THE FOOD HYGIENE RATING (WALES) ACT 2013 AND THE FOOD HYGIENE RATING (WALES) REGULATIONS 2013

4. The Act and accompanying regulations came into force on 28 November 2013 and established a statutory food hygiene rating scheme in Wales. To ensure that the statutory food hygiene rating scheme were workable, the provisions in the Act were based largely on the FSA non-statutory Scheme which was already operating throughout Wales. The Act requires food authorities¹ to inspect and produce food hygiene ratings for food business establishments² (“establishments”) in their area, using criteria published by the FSA. The operator³ of an establishment that has been rated is provided with a sticker (or stickers) showing their food hygiene rating which they are required to display in one or more designated positions at their establishment. The FSA is also required to publish the rating on their website⁴. In addition, the operator is required to ensure that anyone who asks for verbal confirmation of a rating is given that information. Food authorities are required to enforce these requirements.
5. In order to be fair to food businesses, the Act gives the operator the right to appeal against their establishment’s food hygiene rating and the right to comment upon it (a “right to reply”). Any comments made in the “right to reply” are displayed on the FSA website. Upon providing evidence about completion of necessary works, the operator may also request a further inspection and assessment of the food hygiene standards of the establishment for the purpose of considering whether the food hygiene rating should be changed to reflect improvements made. A food authority is required to charge the operator for this requested re-inspection.
6. The Act has helped ensure consumers have easily understandable, at-a-glance information on the hygiene standards of food businesses in

¹ Food authorities are defined in section 2(5) of the Act as meaning *the county council or county borough council of the area in Wales in which the establishment is located (or a port health authority in the circumstances prescribed by section 5(3) of the Food Safety Act 1990*. In Wales, local authorities and port health authorities are food authorities and are therefore responsible for monitoring compliance with and enforcement of food hygiene legislation.

² Food Business Establishment is defined in section 2(5) of the Act as *any unit of a business registered with a food authority by virtue of Article 6 of Regulation (EC) No 852/2004 or approved by a food authority under Article 4 of Regulation (EC) No 853/2004 (or registered or approved under equivalent alternative provisions for registering or approving food business establishments), which—*
(a) supplies food direct to consumers, or (b) supplies food to another business.

³ Section 2(5) of the Act defines *an operator of a food business establishment means a person concerned with the management of the establishment.*

⁴ Section 6(3) of the Act requires the FSA to publish the food hygiene rating on its website within 7 days of being informed by the food authority. The website is:
<http://food.gov.uk/ratings>

Wales. This enables consumers to make informed choices about where to eat out or shop for food. The introduction of this legislation has already had a positive impact on food businesses' hygiene standards in Wales. Nearly 60% of food businesses in Wales have achieved a "5" rating of very good and the number of food businesses with a lower rating is decreasing.

7. The vast majority of the Act's provisions became law on 28 November 2013. There were however some provisions in the Act which came into force in November 2014 in order to give food businesses and food authorities time to prepare. The extension of the food hygiene rating scheme to establishments used for business-to-business trade was included on the anniversary of the scheme's introduction. The FSA now publishes a breakdown against the rating criteria of the food hygiene ratings of Welsh food businesses inspected from 28 November 2014.
8. Food authorities were required to transfer all food businesses who had previously been rated under the FSA non-statutory scheme to the statutory scheme by 28 May 2015. All food businesses who were required to display a food hygiene rating sticker under the Food Hygiene Rating (Wales) Act and Regulations 2013 have now been issued with statutory stickers and should be displaying them.
9. The statutory Food Hygiene Rating Scheme stickers have become a recognisable and easily understood way for the public to exercise choice about where they shop for food and eat. Food businesses have recognised that a good food hygiene rating is good for business, and have made efforts to gain higher ratings. This is borne out by the current statistics showing an increasing trend of food businesses showing improved ratings.
10. Whilst many food businesses have been endeavouring to improve their food hygiene ratings, examination of recent food hygiene ratings data has suggested, takeaway food businesses are not showing the same overall level of improvement. As of January 2015, takeaways had the highest proportion of businesses rated 0-2 when compared to other food business sectors (14.1%). In some cases, a small minority of food businesses from this sector are misrepresenting their food hygiene ratings on publicity material.
11. The draft regulations that were first consulted upon in 2014 are therefore presented here in a revised form to focus the requirement to display a statement or an image of a valid food hygiene rating on certain hard copy publicity materials and to include offences to tackle non-display and misrepresentation of food hygiene ratings on publicity materials.

2014 CONSULTATION - DRAFT FOOD HYGIENE RATING (PROMOTION OF FOOD HYGIENE RATING) (WALES) REGULATIONS

12. Draft Food Hygiene Rating (Promotion of Food Hygiene Rating)(Wales) Regulations were consulted on between 31 July - 24 October 2014. This consultation introduced a requirement for food businesses who produced publicity materials that met the following specific criteria to include a bilingual statement on their materials referring customers to the food hygiene rating website:
 - publicity materials that promote food items for sale to the consumer;
 - a purchase price for the food items; and,
 - a method for remote ordering (such as takeaway and catering menus, leaflets).
13. The wording of the bilingual statement and its intended placement on publicity materials were specified in the consultation document, and formed part of the consultation.
14. The policy intention was to ensure potential customers would have the opportunity to view a food business' food hygiene rating before deciding whether to purchase food from the establishment, where they had not necessarily visited. It was envisaged that the regulations would apply to businesses that provided menu/price list leaflets for customers to place orders for immediate delivery without visiting the premises.
15. 41 responses were received to the consultation. The responders included major food businesses, small food businesses, local authorities and health bodies. The consultation responses outlined a number of issues with all the proposals. These are outlined below.

The Requirement for a Statement on Publicity Materials

- There were concerns that special event menus in pubs and restaurants (such as for Christmas, Valentine's Day) would be caught by the regulations, as these types of menu show prices and usually require advance booking.
- Food businesses preferred to decide where they put the statement on their leaflets, and some foresaw legal difficulties with defining the "front" of a leaflet of certain formats in use.
- National printing and distribution processes for publicity materials are complex. UK wide operators could not easily separate out Wales-only materials without expense and logistical difficulties for printing and distributing different versions of leaflets and ensuring they reached the Welsh outlets.

- The Regulations as drafted were deemed too wide in their definition, making compliance and enforcement more complex, and potentially having the unforeseen consequences of applying to food business types and materials that were not originally intended, such as supermarket coupon mailshots and pub chain menus.
- To include such a statement would increase work for enforcing local authorities and would be an increased burden for food businesses.
- One major supermarket chain was concerned that their targeted coupon mailshots would be caught by the Regulations, and it would not be easy to comply as the mailshots were sent to individuals as general advertising of offers, but are not related to particular outlets.

The Proposed Wording of the Statement

- A number of food businesses preferred the wording of the statement to be amended so it was from the food business not the regulator (i.e. “Go to [food.gov.uk/ratings](https://www.food.gov.uk/ratings) to find out the food hygiene rating of **our** business or ask **the team** to tell you **our** Food Hygiene Rating” rather than “Go to [food.gov.uk/ratings](https://www.food.gov.uk/ratings) to find out the food hygiene rating of this business or ask them to tell you their rating”).
- The font size of the statement should be specified to ensure it is displayed prominently and not “lost” in small print.

Appropriate Lead-in Times

- Food businesses suggested that a 6 month lead-in time would be sufficient to enable the use of old stocks of leaflets and to allow time to order revised copies. This was also considered sufficient for seasonable menus, which are normally prepared 6 months in advance.
- Local Authorities suggested that a sufficient lead-in time would be 18 months, which would fit with current food business inspection timetables.

Penalties

- Local Authorities agreed that the suggested penalties were appropriate. Food businesses gave mixed responses both for and against the suggested penalties.

Comments on the Regulatory Impact Assessment

- Local Authorities considered that non-compliance by food businesses would be higher than estimated in the Regulatory Impact Assessment.
- A number of responses queried the public health benefits of the intervention proposed. These responses suggested that the time to be spent checking leaflets for the statement would be better spent assessing the food hygiene standards of food businesses.
- A number of the responses considered that the resources required from both food businesses and inspecting food authorities outweigh any public health benefit that may arise from including the statement on leaflets.

Miscellaneous Comments Received

- Some responses made the point that at a time of diminishing local authority resources, it would not be appropriate to introduce new inspection/enforcement requirements.
 - The legal definition of “publicity materials” given in the Regulations needed to be revised to ensure that it only applied to the intended types of food business.
 - To introduce these new requirements would add complexity to the Food Hygiene Rating Scheme.
16. To consider these issues fully, it was decided not to proceed with the draft regulations at that time. The Minister for Health and Social Services was advised of the issues raised, and following discussion, it was decided to revise the regulations and consult on them at a later date.
17. The responses received to the 2014 consultation have been published in a separate document, which can be seen at:

<http://gov.wales/consultations/healthsocialcare/foodhygiene/?status=closed&lang=en>

Other issues identified since the close of the consultation

18. Since the close of the consultation, the Welsh Government has become aware of an increase in food businesses, particularly takeaways, publishing their food hygiene ratings on their leaflets voluntarily. It had been considered unfair to make this a requirement for food businesses, as ratings could change, therefore making stocks

of leaflets redundant, and incurring an expense of reprint for affected businesses. This is why the requirement for a statement directing the customer to the Food Hygiene Ratings website was considered more appropriate. The fact that some businesses are using their ratings on publicity materials voluntarily has demonstrated the importance of the food hygiene rating to food businesses and that they should be given the choice of publishing an image of their rating or a statement.

19. Local authorities have advised that a small minority of food businesses have published false, misleading or out of date food hygiene ratings, or have published “ratings” of their own devising (e.g. “five star rated”) with the effect of misleading their customers. It was our intention for local authorities to utilise consumer protection legislation in the form of the Consumer Protection Against Unfair Trading Regulations 2008 to address such cases. However, local authority enforcement officers have advised that some of the criteria under these regulations may be difficult to evidence (for example, to prove that someone made a purchase or placed an order based upon a misleading rating shown on a leaflet). It has therefore become clear that appropriate offences and penalties consistent with those set out in the Food Hygiene Rating (Wales) Act 2013 should be introduced for such actions.

DETAILS OF THE REVISED PROPOSALS FOR THE DRAFT FOOD HYGIENE RATING (PROMOTION OF FOOD HYGIENE RATING) (WALES) REGULATIONS

20. The Act gives the Welsh Ministers power to make regulations dealing with various matters of detail of the new statutory food hygiene rating scheme. This part of the consultation paper gives details of the proposed Regulations and asks questions about them. **This information should be read in conjunction with the Act and the Regulations.** The Act is available at: <http://www.legislation.gov.uk/anaw/2013/2/contents/enacted> and a full copy of the draft Regulations at: <http://wales.gov.uk/consultations/healthsocialcare/?lang=en>. A complete list of these questions is provided at the end of this document (Annex 2 on page 20).
21. Section 10 of the Act (promoting food hygiene ratings) enables the Welsh Ministers, by Regulations, to require that the establishment's food hygiene rating is promoted on any electronic or other materials that promote the food provided by the establishment (whether or not they include prices).
22. 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 valid food hygiene rating or to carry a bilingual statement. The statement will refer consumers to the FSA website where the food hygiene rating for that food business can be viewed. This will ensure potential customers have the opportunity to view the hygiene rating before deciding whether to purchase food from the establishment. The requirements will apply whether the publicity materials are produced by the operator of the establishment or someone acting on the operator's behalf.
23. Whilst the Welsh Government is committed to requiring operators to promote their establishment's food hygiene rating on publicity materials, we want to ensure we balance the right of consumers to have access to this information with the need to minimise the impact on food businesses. With this in mind, the draft Regulations sets out the information that we think must be displayed in a bilingual statement:
- For publicity materials that contain the information set out in paragraph 22 above we propose the following bilingual statement be required to appear on publicity materials in a style, manner and place where it is capable of being easily read by anyone reading the publicity materials:

“Ewch i food.gov.uk/ratings i ganfod sgôr hylendid bwyd ein busnes neu gofynnwch inni beth yw ein sgôr hylendid bwyd wrth archebu. / Go to food.gov.uk/ratings to find out the food hygiene rating of our business, or ask us for our food hygiene rating when you order.”

24. The principle of including a statement on relevant publicity materials was consulted upon in the 2014 consultation and was generally accepted, although requests were made to change the wording, as identified in paragraph 15. The statement has been revised accordingly, and is therefore not the subject of a consultation question on this occasion.
25. The food business will be free to choose where on the publicity materials the statement or image appears provided it can be easily seen by consumers. The statement must be published in full in a minimum font size of 9pt (based on Times New Roman) or larger. This is consistent with the font size specified for advisory leaflets included in drug packages within the EU.

“Ewch i food.gov.uk/ratings i ganfod sgôr hylendid bwyd ein busnes neu gofynnwch inni beth yw ein sgôr hylendid bwyd wrth archebu. / Go to food.gov.uk/ratings to find out the food hygiene rating of our business, or ask us for our food hygiene rating when you order.”

26. Food businesses may opt to publish an image of their valid food hygiene rating on their publicity materials instead of the statement or in addition to the statement and remain compliant. However, if they opt to do this, the food hygiene rating shown must meet the following criteria:
- It must be the valid food hygiene rating in force for those premises at the time of use of the materials as given by the inspecting authority;
 - Must be in the form of the official image provided for download on the FSA website;
 - Must be bilingual.
 - Must be reproduced at the minimum size as specified in Schedule 1 of the draft regulations – height 272 mm x width 392 mm as below.



27. We do not wish to capture publicity materials promoting the food business in general terms. Menus in restaurants for use by consumers or in hospitals/care homes for use by patients would not be included in the regulations. Adverts in magazines/newspapers (not listing food items advertised for sale to the consumer; and a purchase price for the food items; and, a method for remote ordering) would not be covered

by the regulations. The regulations should not cover brand advertising on balloons, flags, pens, posters, flyers, food containers; radio, television, twitter feeds or cinema adverts. It is not intended that promotional menus printed for Christmas, Easter, Mothers' day or other special occasions requiring advanced booking will be caught by these regulations. It is also not intended to cover trade to trade publicity materials. Trade to trade publicity materials are exempt.

28. In response to the issues identified in the 2014 consultation, we have attempted to define the scope of the application of the regulations as limited to establishments that supply takeaway foods direct to consumers. Takeaway food is defined as:

“food that has been prepared to the specific order of consumers for delivery or consumption off the premises”.

29. 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.

Question 1

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

Question 2

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

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?
--

30. Section 10(3) of the Act allows for regulations to (a) create an offence, (b) impose a penalty (including a fixed penalty) and (c) make provision about enforcement; an offence to have been committed if the business fails to promote their food hygiene rating by way of a statement or image on their publicity material that promote food items for sale to the consumer; a purchase price for the food items; and, a method for remote ordering. The regulations include similar enforcement powers to those in the Act to respond to such offences.
31. We propose the regulations to cover presenting invalid ratings or non display of the statement or image and the introduction of enforcement powers that a food authority may use to deal with the offences. This includes fixed penalty notices and the power to seize non-compliant material. The fixed penalty notice would be £200 with an offer for the person to pay £150 if a payment is made within 14 days beginning with the day in which the penalty notice is given.

Question 4

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

Question 5

Do you think the enforcement penalties are fair and proportionate?
--

32. We have not previously made any provision for the display of food hygiene ratings on food business' websites, as we have considered that any such provision would be difficult to monitor and enforce against. Website content, particularly for UK-wide or international businesses, may be managed outside Wales, which could create compliance difficulties for businesses situated in Wales who do not control their web content. Additionally, local authorities may find websites difficult to monitor due to the nature of the internet, and equally difficult to enforce against any non-compliance.
33. Since the 2014 consultation, it has become apparent that the number of food businesses offering an online ordering service has increased substantially. It is considered by food industry press that this is a growing market, particularly via aggregate food websites where a range of takeaways can be identified in an area, and an order placed following selection. We therefore consider it timely and appropriate to consider requiring those takeaway business websites to publish the image of their valid food hygiene rating on their own websites and alongside their individual menus when providing their services via aggregate websites.
34. We do not intend to require all food businesses to publish their food hygiene ratings on their websites.

Question 6

Do you think these regulations should apply to websites operated by takeaway food businesses and their listings on aggregate sites where online ordering for takeaway delivery/collection is provided?
--

IMPLEMENTATION OF THE FOOD HYGIENE RATING (PROMOTION OF FOOD HYGIENE RATING) (WALES) REGULATIONS

Regulatory Impact Assessment

35. A draft Regulatory Impact Assessment (RIA) has been prepared to estimate the impact of the proposed Regulations. The RIA provides an options appraisal and details of the costs and benefits of making the proposed legislation. The draft RIA can be found at:

<http://gov.wales/consultations/healthsocialcare/?skip=1&lang=en>

36. We would like your views on this draft document, particularly on the expected costs to food authorities and the impact on food businesses from the introduction of the Regulations.

Question 7

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

Question 8

Do you have any comments on the expected costs to food businesses and food authorities?

37. In addition to considering the costs and benefits associated with the Regulations, the RIA also provides details of the expected impact of the proposed Regulations on:

- a. Small businesses
- b. The voluntary sector
- c. Equality and Human Rights
- d. Sustainable Development
- e. Rural areas
- f. Welsh Language
- g. Rights of the Child
- h. Biodiversity
- i. Communities First Areas
- j. Justice

38. The Impact Assessments are attached at Annex 1 of the Regulatory Impact Assessment.

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?

Timetable

39. We would welcome comments on this consultation document until 13 November 2015.
40. Following consideration of the consultation responses, the Regulations will be laid by the Welsh Government before the National Assembly for Wales by the Welsh Government in March 2016. It is the intention to bring the Regulations into force six months later.

The Food Hygiene Rating (Promotion of Food Hygiene Rating)(Wales) Regulations

Consultation Distribution List

Advisory Groups

Alcontrol Laboratories
Brunswick
Food Research and Consultancy Unit
Hartwell Food Research Ltd
Hybu Cig Cymru / Meat Promotion Wales
Savant Technologies
Welsh Lamb and Beef Promotions
Welsh Organic Scheme
Age Cymru
CSSIW
Care Council for Wales
Disability Wales
Equality and Human Rights Commission
RNIB Cymru
Action on Hearing Loss Wales
Wales Council for Deaf People
WCVA
Mudiad Ysgolion Meithrin
National Federation of Womens Institutes
Merched y Wawr
National Childminders Association
National Day Nurseries Association

Representative Organisations

Association of Port Health Authorities
Association of Convenience Stores
Bar & Restaurant Foods Ltd
British Beer and Pub Association
British Sandwich Association
British Retail Consortium
British Association for Shooting and Conservation (BASC)
British Hospitality Association
British Institute of Inn keeping
British Independent Retailers Association
Care Forum Wales
Cardigan Bay Fishermen's Association Ltd
CBI Wales
Chamber Wales
Council for Economic Renewal
Consumer Focus Wales
DairyCo Wales
Development Trusts Association Wales
Estyn
Farmers' Union of Wales

Federation of Small Businesses – Wales
Food and Drink Federation (FDF)
Forum for Private Business
GMB
Governors Wales
Gwynedd Confectioners
Hospital Caterers Association
National Association of Head Teachers Cymru
National Caterers Association (NCASS)
National Federation of Meat and Food Traders
National Sheep Association Cymru Wales
National Farmers Union (NFU) Cymru
The Law Society
Organic Farmers & Growers Ltd
Public and Commercial Services Union (PCS)
Pupil Voice Wales
Royal Welsh Agricultural Society
South Wales Chamber of Commerce
Trading Standards Institute Wales
TUC Cymru
UNITE
UNISON
The Business Centre
Wales Tourism Alliance (WTA)
Welsh Language Commissioner
West Cheshire & North Wales Chamber of Commerce

Government/Local Government

Chief Executives of Local Authorities in Wales
Port Health Authorities
Welsh Local Government Association (WLGA)
Directors of Public Protection (Wales)
Be Safe Not Sorry
Local Better Regulation Office
Local Government Regulation
Local Authority Caterers Association
Office of Fair Trading
Sustainable Wales
Public Service Ombudsman Wales
Wales Audit Office (WAO)
Wales Heads of Trading Standards
Chartered Trading Standards Institute

Health

Chief Executives, Medical Directors and Nurse Directors of:
Abertawe Bro Morgannwg University Health Board
Aneurin Bevan Health Board
Betsi Cadwaladr University Health Board
Cardiff & Vale University Health Board
Cwm Taf Health Board
Hywel Dda Health Board
Powys Teaching Health Board

Velindre NHS Trust

Public Health

Public Health Wales

Association of Directors of Public Health

Chartered Institute of Environmental Health Wales

Faculty of Public Health

Welsh Combined Centres for Public Health

Food Businesses

3663 First for Foodservice

7 Day Catering Ltd

ABM Catering Ltd

Aldi Stores Limited

Aramark Limited

Artizian Catering Services Limited

Asda Stores Limited

Autograph Food Services

Baguette Express Franchise Limited

BaxterStorey Limited

Bay Restaurant Group

Brakes Group

Burger King UK Limited

Caffe Nero Group Ltd

Charlton House Catering Services Ltd

Compass Group UK & Ireland Limited

Co-operative Group

Costcutter Supermarket Group Ltd

Domino's Pizza Group Limited

EAT Ltd

Elior UK

Farmfoods Limited

Gondola Group Limited

Greene King Plc

Greggs plc

Iceland Foods Limited

ISS Eaton Limited

ISS Facility Services Healthcare

J D Wetherspoon plc

J Sainsbury plc

John Lewis Partnership

Kentucky Fried Chicken (UK and Ireland)

Kraft Foods UK Ltd

Marks and Spencer plc

McCain Foods (GB) Ltd

McDonald's Restaurants Ltd

Mitchells & Butlers plc

Musgrave Retail Partners GB

Nando's Chicken Restaurants Ltd

Nestle UK Limited

NSF-CMi Limited

Pizza Express Restaurants Ltd

Pizza Hut (UK) Limited
Pret A Manger (Europe) Ltd
Restaurant Group plc
S A Brain & Co Ltd
Sodexo UK & Ireland
Spar (UK) Ltd
Spirit Pub Company
SSP UK Limited
Starbucks Coffee Company
Subway International
Tesco Stores plc
The Real Greek Food Co Ltd
Tragus Group Limited
Unilever UK Limited
United Biscuits (UK) Ltd
Waitrose Limited
Whitbread Group plc
Wimpy UK
Wm Morrison Supermarkets plc
YO! Sushi
Hungry House
Just Eat
Eat Out UK
The Big Eat
Curries Online
Deliveroo

Those people who responded to the 2014 consultation

Transport

Arriva Trains Wales
Stena Line

Other

Which?

Food Hygiene Rating (Promotion of Food Hygiene Rating)(Wales) Regulations

Consultation Response Form

Please return this form to reach the Welsh Government no later than **13 November 2015**. The email address for responses or queries is: FoodHygieneRating@wales.gsi.gov.uk

Postal responses should be sent **freepost** to:
 Public Health Division
 Health and Social Services Group
 Welsh Government
 Freepost NAT 8910
 Cathays Park, Cardiff
 CF10 3BR

Telephone contact for enquiries: 029 2082 3240.

Alternatively, responses can be submitted via an online response form available at: <http://gov.wales/consultations/healthsocialcare/?skip=1&lang=en>

Your name:	
Are you a Food Business Operator?	
Organisation (if applicable):	
Email Address:	
Telephone Number:	
Your address:	

Questions

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

Question 2

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

Please provide reasons for your answer. If you answered no, why not?

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?

Please provide reasons for your answer. If you answered no, why not?

Question 4

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

Please provide reasons for your answer. If you answered no, why not?

Question 5

Do you think the enforcement penalties are fair and proportionate?

Comments:

Question 6
Do you think these regulations should apply to websites operated by takeaway food businesses and their listings on aggregate sites where online ordering for takeaway delivery/collection is provided?
Please give reasons for your answer.

Question 7
Do you agree with the estimated costs/benefits regarding the implementation of these Regulations?
Please give reasons for your answer.

Question 8
Do you have any comments on the expected costs to food businesses and food authorities?
Comments:

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?
Comments:

Question 10

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: