

Directors of Public Protection All Wales Food Safety Expert Panel

PROCEDURE
IMPLEMENTATION OF FOOD HYGIENE RATING SCHEME

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02	Food Safety Expert Panel			31/7/17

REVISION SUMMARY			
<p>31/7/17</p> <ul style="list-style-type: none"> Revised to reflect transition from voluntary to mandatory food hygiene rating scheme Reviewed to reflect extension to the Scheme- business to business trade, update of fixed penalty notice. Revised to reflect transitional arrangements from voluntary to mandatory scheme are no longer required. Updated to include The Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016. Fixed penalty notices updated. 			
DATE LAST REVIEWED	31/7/17	DATE OF NEXT REVIEW	31/07/18

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Operational Procedure for the National Food Hygiene Rating Scheme

1.0 INTRODUCTION

- 1.1 The Food Hygiene Rating Scheme (FHRS) became mandatory in Wales on 28th November 2013 replacing the voluntary scheme which had been in operation since 1st October 2010. The Food Hygiene Rating (Wales) Act 2013 makes the implementation of the scheme by food authorities and the display of food hygiene ratings by businesses mandatory. The primary purpose of the scheme is to allow consumers to make informed choices about where they eat, where they purchase food and, through this, to encourage businesses to improve hygiene standards.
- 1.2 The scheme includes safeguards to ensure fairness to businesses. This includes a right of appeal and a “right of reply” if the FBO considers a rating to be unjust and also includes a mechanism for requesting a rerating inspection when any necessary improvements have been made.
- 1.3 All ratings issued under either food hygiene rating scheme are available for public view at the food hygiene rating website www.food.gov.uk/ratings

2.0 PURPOSE

- 2.1 This procedure is intended to establish how the Food Hygiene Rating (Wales) Act 2013 will be implemented and operated. It should be read in conjunction with, the Food Hygiene Rating (Wales) Regulations 2013, the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016 and the statutory guidance.

3.0 SCOPE

- 3.1 This procedure applies whenever an officer carries out an intervention at a food business establishment included within the scheme.

4.0 RESPONSIBILITIES

- 4.1 The Director is responsible for the approval of this procedure and any amendment to it.
- 4.2 The Director has primary responsibility for the effective operation of this procedure
- 4.3 The officer carrying out the intervention will decide the hygiene rating score awarded to a premise. In the first instance the inspecting officer will deal with any disagreements regarding the score issued but if the matter cannot be resolved the Director will deal with any appeals. The officer dealing with an appeal must not have been involved in the decision which led to rating being

issued.

5.0 PROCEDURE

5.1 Scoping premises for inclusion in the scheme.

5.1.1 The scope of the FHRS extends to all food establishments to which registration requirements apply. This includes restaurants, cafes, takeaways, sandwich shops, retailers, other places that people eat food prepared outside of the home as well as businesses to business trade, for example food manufacturers, or packers with no retail outlet.

5.1.2 Establishments fall into the following categories:

a) Within the scope of the scheme

b) Exempt from the Scheme

Those businesses permanently outside the scope of the scheme:

- These are “an establishment where the sale of food is not the primary activity of the establishment; 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;”
- An establishment used for the purpose of providing caring services where the establishment is also used as a private dwelling e.g. childminders.

5.1.3 When carrying out interventions to food establishments officers should scope the businesses' position in the scheme even if the business has previously been scoped, as it's' position could have changed since the last intervention. When scoping a business the officer should have regard to the decision tree at Appendix 1 and by referring to the statutory guidance.

5.1.4 Once the decision has been made as to the businesses' scope then the inspecting officer should mark the information in the correct field on the inspection form and this will then be inputted together with the rest of the inspection data onto SBPHA database. Correct coding is essential to ensure that the premises are successfully uploaded to the FHRS website.

5.2 Issuing businesses a food hygiene rating

5.2.1 New Businesses

5.2.2 New businesses come to the attention of the department by a variety of means and are recorded on the Database. All new business will be sent a pack that includes information on how to register and the FHRS.

- 5.2.3 Where appropriate coaching may be offered to a new business prior to their first inspection. However once a business has begun trading it must be issued with a rating.
- 5.2.4 A new business should be rated at the first inspection, as defined below, which would normally be completed within 28 days of the business opening unless it meets the criteria making it exempt or is deemed to be low risk.

5.3 All Businesses within the scope of the scheme

- 5.3.1 Following a food hygiene intervention (inspection, partial inspection or audit), officers will risk rate the business in accordance with Annex 5 of the Food Law Code of Practice (Wales).
- 5.3.2 The rating given must reflect the conditions found at the time of the inspection, and should not reflect any remedial action taken during the inspection.
- 5.3.3 The following elements of Annex 5 are relevant to calculating the FHRS score:
- The level of (current) compliance with food hygiene and safety procedures (including food handling practices and procedures, and temperature control)
 - The level of (current) compliance with structural requirements (including cleanliness, layout, condition of structure, lighting, ventilation, facilities etc.), and
 - The confidence in management/control procedures.

Once the business has been risk rated the score is to be entered onto the database.

- 5.3.4 The food hygiene rating should be communicated to the business within the intervention report as soon as possible or at the latest within 14 days (includes bank holidays and weekends) of the intervention being carried out.
- 5.3.5 The inspection report should comprise the standard covering letter tailored to the individual business and details of how the business has been rated against the 3 elements should be listed using the standard all Wales food hygiene inspection report template. The appropriate number of risk rating stickers and information explaining the FHR scheme should be sent out with the inspection report.
- 5.3.6 Once the period for appeal has passed the rating should be uploaded to the FSA website platform. This must be done no later than 49 days from the time the FBO received notification of the food hygiene rating.

5.4 Mobile traders

- 5.4.1 It is the responsibility of the registering authority to issue the rating for a mobile trader and respond to any request for rescores, right to reply or appeal.

Where a mobile trader operates within SBPHA but is registered by another Local Authority (LA) the inspection report should be copied to the registering authority to assist them in determining an appropriate rating. Similarly for those businesses registered in SBPHA but operating outside of the Borough inspection reports issued by other LAs should be taken into account when issuing a rating.

5.5 Primary Authority

5.5.1 Inspecting officers must have regard to the inspection plan issued by any Primary Authority and not subject the HACCP to unnecessary assessment. Inspecting officers should, however, consider implementation of the HACCP-based procedures in the same way as for independent 'single outlet' businesses.

5.6 Mapping Annex 5 scores to the Bandings of the FHRs

5.6.1 The numerical scores from the risk ratings are mapped to the relevant band of the FHRs as follows: -

Mapping of numerical scores from the intervention-rating scheme at Annex 5 of the Food Law Code of Practice to the six FHRs food hygiene ratings						
Total Annex 5 scores	0 - 15	20	25 - 30	35 - 40	45 - 50	> 50
Additional scoring factor	No individual score greater than 5	No individual score greater than 10	No individual score greater than 10	No individual score greater than 15	No individual score greater than 20	-
Food hygiene rating	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5
Descriptor	Very good	Good	Generally satisfactory	Improvement necessary	Major improvement necessary	Urgent improvement necessary

5.6.2 Where an individual score (from the three elements in the Code of Practice) exceeds the additional scoring factor in the respective tier, the position of the establishment will drop down the banding to the maximum level at which the additional scoring factor is permitted. For example for a second tier establishment where there is an individual score of 15, the establishment would drop down to the fourth tier.

6.0 **APPEALS**

- 6.1 If a food business operator considers that the food hygiene rating given to their business following a routine intervention (full intervention, partial intervention or audit) is unjust; the FBO may appeal. The FBO may appeal on one of the following grounds:
- that the rating does not properly reflect the food hygiene standards at the establishment at the time of the inspection, or,
 - that the rating criteria were not applied correctly when producing the food hygiene rating.
- 6.2 The food business operator may still use the Authority's formal complaints procedure if he/she is dissatisfied with any aspect of the Authority's services.
- 6.3 If the food business operator disputes the hygiene rating this should initially be raised with the officer who carried out the intervention. Steps should be taken by the officer to resolve the matter.
- 6.4 If after this initial interaction the food business operator still disputes the hygiene rating then he/she should appeal to the Director. The appeal must be made within 21 days (including weekends and bank holidays) of notification of the hygiene rating and must be submitted on the prescribed form at Appendix 3. This form can be obtained from Swansea Bay Port Health Authority, FSA websites or by ringing the office.
- 6.5 Appeals received by post or hand delivery must be date stamped with the date of receipt and it is this date which should be entered on to SBPHA database. Similarly those received via e mail should be recorded on the database using the exact date that the appeal was received by the Authority. The appeal details should be entered onto the FSAs FHRS portal if the business has already been uploaded onto the system.
- 6.6 The appeal will then be considered by the Director or in his/her absence by another authorised food safety Environmental Health Officer nominated in his/her absence and, who has not been involved in the assessment of the rating that is being appealed.
- 6.7 The decision must be determined and communicated to the food business operator within 21 days from the date that the appeal was received.
- 6.8 If no appeal is lodged within 21 days of the date of notification of the hygiene rating then the score will be uploaded to the FSA's website for publication.
- 6.9 An appeals flowchart is attached at Appendix 2.
- 6.10 Following the determination of the appeal, the officer who has determined the appeal must also notify the FSA of its decision. Where the decision is to revise the food hygiene rating a copy of the notification of the revised food

hygiene rating, and details of why the establishment was rated as it was must also be sent.

This information should be forwarded to:
Local Authority Delivery and Support Team
Food Hygiene Rating (Wales) Act
Food Standards Agency Wales
11th Floor
Southgate House
Wood Street
Cardiff
CF10 1EW

Or by email to: fhrs.wales@foodstandards.gsi.gov.uk

- 6.11 Until the appeal has been determined the rating will be put on hold. Once the appeal has been determined it must be uploaded to the FSA platform no later than 28 days from the date of determination.

7.0 RE-RATING PREMISES

- 7.1 The re-inspection/re-visit mechanism applies in cases where food business operators have made the necessary improvements to address non-compliances identified by officers during planned interventions.

- 7.2 The FBO should apply for a rerating by using the form available on the website or by requesting a form from the office (See Appendix 4). The request should outline the case for re-rating/re-inspection i.e. it should indicate the actions that have been taken by the FBO to rectify the non-compliances identified at the planned intervention and, where appropriate, should include supporting evidence. The FBO must have paid the required fee for a re-rating visit, and the following conditions must be met:

- any appeal against the current rating has been determined,
- the operator has notified the authority of the necessary improvements that have been made at the establishment,
- the authority considers it reasonable to inspect and re-assess the establishment; taking into account the improvements that have been made,
- the current rating sticker is displayed at the establishment (does not apply to those rated under the voluntary scheme),
- the FBO has agreed to give access to the authority in order to carry out the inspection.

- 7.3 If the case made by the FBO is not substantiated or insufficient evidence is provided, the request should be refused. An explanation must be given as to

why the request is being refused at this stage and should re-emphasize the priority actions required to improve the level of compliance and indicate what evidence will be required for agreement to a re-rating/re-inspection.

- 7.4 If a FBO disagrees with an officer's decision to refuse a request for a re-visit they can raise the issue with the Director. If the matter cannot be resolved the FBO has recourse to the Authority's complaints procedure.
- 7.5 The food business operator cannot dictate when the re-inspection/re-visit will take place.
- 7.6 The re-rating inspection must be undertaken no later than 3 months after the request was received by the LA.
- 7.7 Where the improvements that have been made are issues concerned with confidence in management/control procedures it would be reasonable for the inspection for re-rating to take place towards the end of the 3 month period in order to establish that the improvements are fully implemented and sustained. The inspection should be unannounced, unless it is necessary to ensure that certain staff are present, and it does not compromise food safety.
- 7.8 The inspecting officer must ensure that a rescore revisit date is scheduled on to the SBPHA database.
- 7.9 The food business operator can ask the Director to investigate if his/her business has not received a revisit within the above timescale.
- 7.10 The FBO can make a request for an inspection for re-rating purposes at any time. For ratings given under the mandatory scheme the FBO may make an indefinite number of requests. However inspections for the purposes of re-rating will only be undertaken if all the conditions are met and in the case of the mandatory scheme the applicant has also paid the appropriate fee.
- 7.11 At the time of the inspection, the LA officer should not only check that the required improvements have been made, but should also assess the level of compliance that is found overall. This means that the food hygiene rating could go up, down or remain the same if deemed appropriate by the local authority officer.
- 7.12 The requested visit should involve a full intervention being carried out. (A new rating should not be given on the basis of documentary evidence alone). The intervention rating must be updated by the inspecting officer in accordance with Annex 5 of the Food Law Code of Practice.
- 7.13 Following a re-rating inspection the inspecting officer shall notify the FBO of the outcome, whether the rating has changed or remained the same. The notification must be sent in writing, within 14 days from the date of the inspection. A new inspection report shall be sent detailing why the establishment was rated as it was. In cases where the highest rating has not been given, details of the action needed, with reference to each of the rating

criteria, before the highest rating can be given, new sticker(s) and the appeal details etc. shall be included with the report.

- 7.14 Once the revisit has been carried out the officer shall enter the intervention on to the database.

8.0 RIGHT TO REPLY

- 8.1 This allows FBO's to explain to potential customers any actions they have carried out following the planned intervention to improve food hygiene standards or to specify if there were any unusual circumstances at the time of the intervention that may have affected the food hygiene rating. It is not an opportunity for FBO's to complain or criticize the food hygiene rating scheme or the food safety officer.
- 8.2 The right to reply comments must be made in writing. A "right to reply" template can be found at Appendix 5, although the FBO is free to submit their comments in a different written format as long as they are clearly marked as right to reply comments. The text should then be published on the FSA website food.gov.uk/ratings.
- 8.3 There is no deadline for submitting a right to reply. A FBO can do this anytime while the rating is valid, whether or not an appeal has been made against the hygiene rating.

9.0 ENFORCEMENT

- 9.1 Section 9 of the Food Hygiene Ratings (Wales) Act 2013 creates a number of offences if FBO's fail, without reasonable excuse, to comply with the provisions in relation to the display and communication of their hygiene rating. These can be summarised as follows:
- failing to display the sticker in the location and manner prescribed
 - displaying an invalid sticker
 - failing to retain a valid sticker
 - parting with possession of a sticker to any person
 - on request, failing to advise of the rating
 - on request, giving false or misleading info about rating
 - intentionally altering, defacing or tampering with a sticker other than for purpose of removing it.
- 9.2 In order to maintain the credibility of the Scheme officers shall routinely monitor the display of stickers.
- 9.3 Section 21 of the Food Hygiene Rating (Wales) Act 2013 gives authorised officers the discretion to issue fixed penalty notices (FPNs) in respect of offences under section 9 in relation to display and verbally informing of a food hygiene rating.
- 9.4 Regulation 5 of the Food Hygiene Rating (Promotion of Food Hygiene Rating)

(Wales) Regulations 2016 also creates offences where a FBO fails to comply, without reasonable excuse, with the requirements to promote a food hygiene rating contained in regulations 3 and 4. In particular any printed material which promotes take away food provided by the FBO's establishment which includes price together with how to place an order must include:

- a bilingual statement as prescribed in Regulation 4 of the Regulations

“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”.

Where publicity materials comply with the above then the food business operator may also:-

- choose to display the establishment's valid rating in the manner prescribed in Regulation 5 of the Regulations.

9.5 Regulation 10 of the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016 gives authorised officers the discretion to issue FPN's in respect of offences under Regulation 5.

9.6 In making a decision as to whether to issue an FPN, or which charges to bring, the inspecting officer must have consideration to the departmental Compliance and Enforcement Policy.

9.7 If the FBO disputes the decision to issue an FPN he/she has the option of applying for judicial review or opting for trial rather than accepting the FPNs.

9.8 The FPN to be issued by an inspecting officer is prescribed in Appendix 6 below.

9.9 The full amount of the fixed penalty as stipulated in the notice will be payable and must be paid within 28 days beginning with the day on which the notice is given. However, a discounted amount is payable instead of the full amount if payment is made before the end of the period of 14 days beginning with the day on which the notice is given.

9.10 Should a person who has received a FPN fail to pay the fixed penalty by the end of the 28 day period then the Local Authority may issue proceedings against that person for the offence to which the penalty notice related.

9.11 A record of all fixed penalty notices served shall be recorded on the xxx database.

10.0 CONSISTENCY

10.1 Consistency is monitored through implementation of the Internal Monitoring Procedure entitled SBPHA Internal Monitoring.

10.2 To ensure consistency in hygiene ratings scores the team will carry out risk rating exercises and regular discussions will take place amongst officers about individual cases. The FHRS is also a standard agenda item on the Food Safety Task Groups and All Wales Food Safety Expert Panel meetings where issues will be raised with colleagues in neighboring Authorities to ensure consistency.

11.0 **REFERENCES**

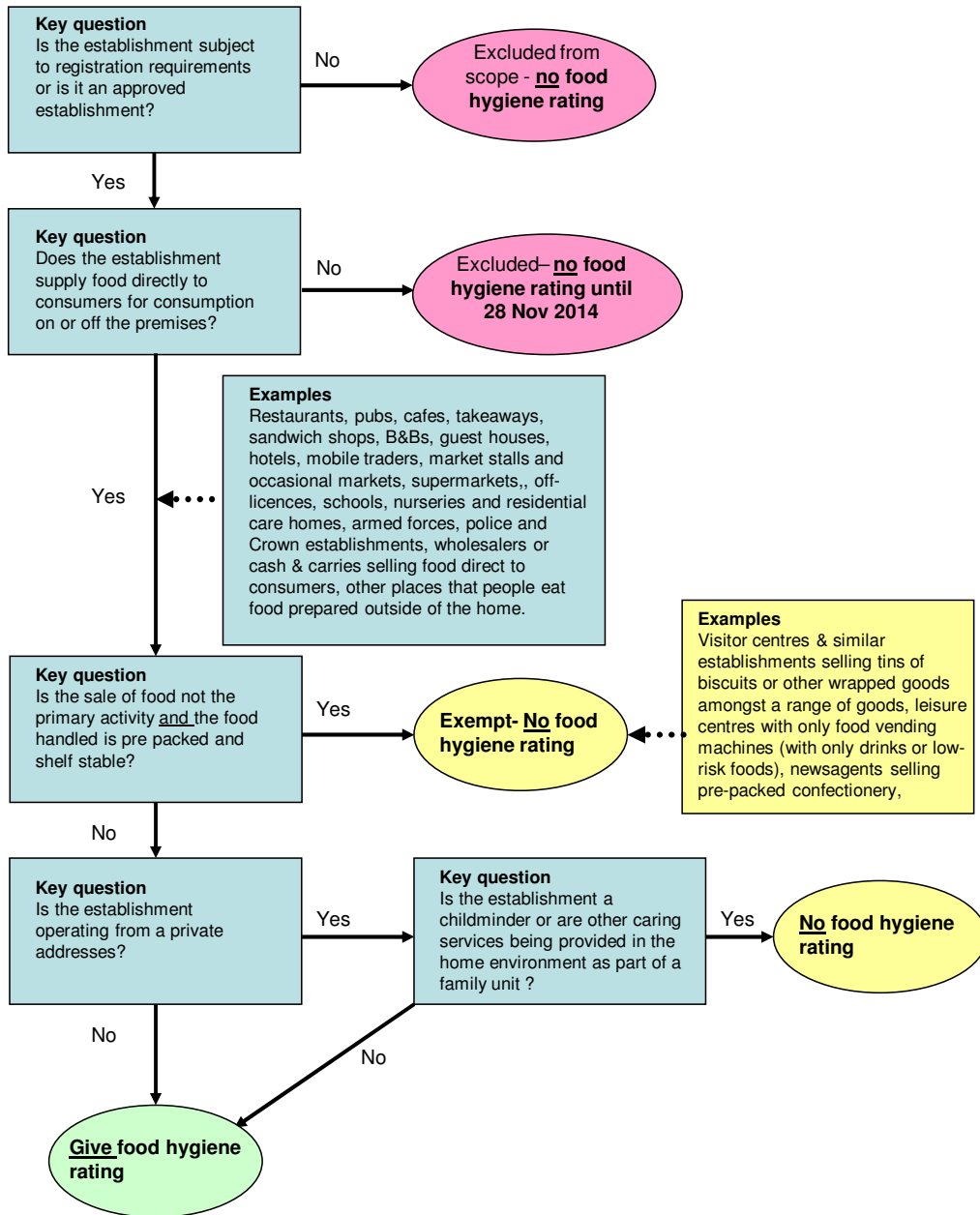
- Food Law Code of Practice (Wales)
- Food Law Practice Guidance (Wales)
- Food Hygiene Ratings (Wales) Act 2013
- The Food Hygiene Rating (Wales) Act 2013 and Food Hygiene Rating (Wales) Regulations 2013: Guidance for food authorities.
- The Food Hygiene Rating (Promotion of Food Hygiene Rating (Wales) Regulations 2016
- Enforcement Policy

12.0 **APPENDICES**

- Appendix 1 FSA's guidance on scope
- Appendix 2 Appeal flowchart
- Appendix 3 Appeal Form
- Appendix 4 Request for Re-Rating
- Appendix 5 Right to Reply Form
- Appendix 6 Fixed Penalty Notice for non-display
- Appendix 7 Fixed Penalty Notice for promotional material

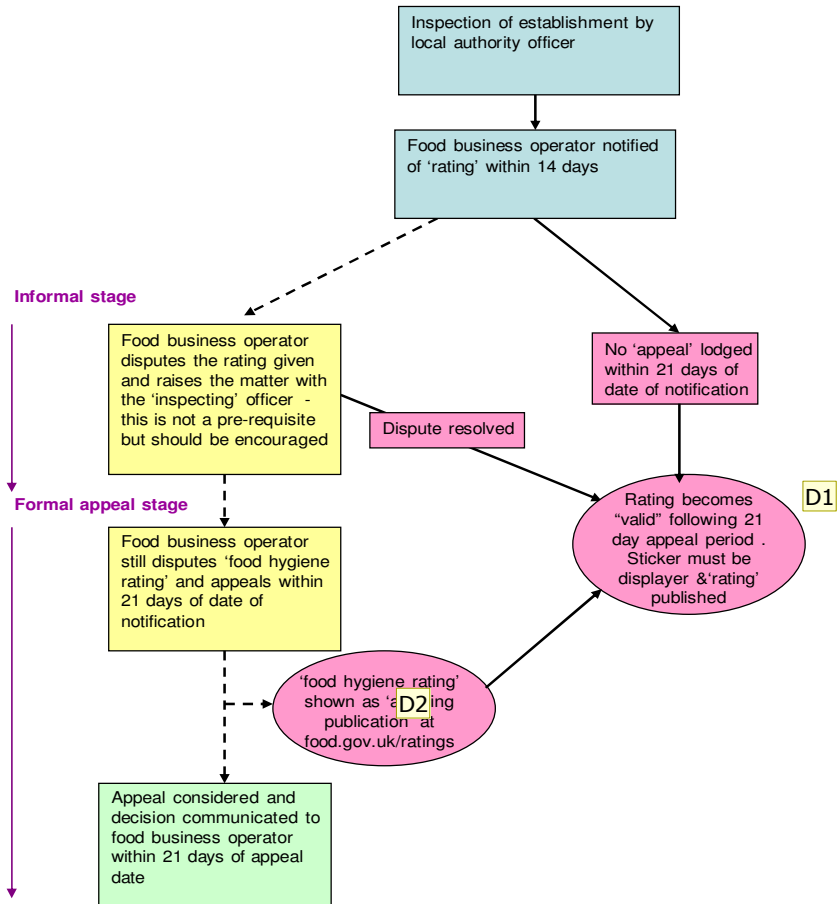
Appendix 1

Decision Tree for Determining which Types of Establishment Should Receive a Food Hygiene Rating



Appendix 2

Flowchart illustrating the appeals procedure



Notes

Any reference to numbers of 'days' includes weekends and bank holidays.

Appendix 3

SWANSEA BAY PORT HEALTH AUTHORITY

Form for Making an Appeal

The Food Hygiene Rating (Wales) Regulations 2013, Schedule 2

The form to be used by a food business operator when making an appeal against a rating must, subject to such adaptations as circumstances may reasonably require, be in the form set out below.

Notes for Businesses

- * As the operator of a food business you have a right, under Section 5 of the Food Hygiene Rating (Wales) Act 2013, to appeal the food hygiene rating given to the establishment if :
 - a) you do not agree that the rating properly reflects the hygiene standards found at the time of the inspection;
 - b) you believe that the rating criteria were not applied correctly when producing your food hygiene rating.
- * **You have 21 days (including weekend and bank holidays) from the date of receipt of the notification letter to lodge an appeal.**
- * Please use the form below and return it to your local authority - contact details are provided with the written notification of your food hygiene rating.
Your appeal will be determined by an authorised officer and the outcome of your appeal will be communicated to you within 21 days from the date the appeal was received.

Food Business Operator			
Business Name			
Business Addresses			
Business Tel. No.			
Business Email			
Date of Inspection		Food Hygiene rating given	

Date notified of rating	
Name of Inspecting Officer	

Contact name (if different to that of food business operator)	
Head Office address or contact addresses (if different to that of food business operator)	
Contact Tel. No.	

I do not agree with the food hygiene rating given by the food safety officer because :

- I believe that the rating criteria were not applied correctly, or
- I do not agree that the rating properly reflects the hygiene standard found at the time of the inspection.

(Please explain, under each of the three headings) :

Compliance with food hygiene and safety procedure	<hr/> <hr/> <hr/>
Compliance with structural requirements	<hr/> <hr/> <hr/>
Confidence in management/control procedures	<hr/> <hr/> <hr/>

Signed :	Date :
Name in capitals :	Position :

Please return this form to Telephone : 01792 653523

Appendix 4

SWANSEA BAY PORT HEALTH AUTHORITY

Form for Requesting a Re-Rating Inspection

The Food Hygiene Rating (Wales) Regulations 2013, Schedule 3

The form to be used by a food business operator when requesting a re-rating inspection must, subject to such adaptations as circumstances may reasonably require, be in the form set out below.

Notes for Businesses

- * As the operator of a food business you have a right, under Section 12 of the Food Hygiene Rating (Wales) Act 2013, to request at any time, an inspection for the purpose of re-rating, provided that you have paid the reasonable costs of the re-rating in accordance with Section 13 of the Food Hygiene Rating (Wales) Act 2013 (unless the food authority has not required payment of those costs in advance as provided for in Section 12(6) of the Act, in which case the costs may be paid after the re-rating inspection has been completed) **and** the following conditions have been met :
 - a) any appeal against the current food hygiene rating has been determined;
 - b) you have notified the food authority of improvements made to hygiene standards at the establishment;
 - c) the food authority considered it reasonable to further inspect and assess the establishment in view of the improvements said to have been made;
 - d) the current food hygiene rating sticker is displayed at your establishment in accordance with the requirements of Section 7 of the Food Hygiene Rating (Wales) Act 2013 and Regulation 9 of the Food Hygiene Rating (Wales) Regulations 2013;
 - e) you have agreed to ensure that the food authority will be given access to carry out an inspection of the establishment for the purpose of re-rating.
- * The local authority officer will give you a 'new' food hygiene rating based on the level of compliance that is found at the time of the re-visit - you should be aware that your rating could go up, down or remain the same.
- * To make a request for a re-visit, please use the form below and return it to the Food Safety Officer, Public Health Section of your local Authority with payment - contact details are provided with the written notification of your food hygiene rating.
- * The re-rating visit will take place within 3 months of the request being made and will usually be made without prior notification.

Food	Business	
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Operator			
Business Name			
Business Addresses			
Business Tel. No.			
Business Email			
Date of Inspection		Food Hygiene rating given	
Contact name (if different to that of food business operator)			
Head Office address or contact addresses (if different to that of food business operator)			
Contact Tel. No.			

Please describe the improvements that you have made with reference to the issues identified in the inspection letter/report provided to you by your local authority with your food hygiene rating :

Compliance with food hygiene and safety procedure	<hr/> <hr/> <hr/>
Compliance with structural requirements	<hr/> <hr/> <hr/>
Confidence in management/control procedures	<hr/> <hr/> <hr/>

Please provide any other supplementary evidence (e.g. photographs, invoices, copies of

relevant documentation etc.)

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Signed :	Date :
Name in capitals :	Position :

Please return this form to - Telephone : 01792 653523

Appendix 5

Swansea Bay Port Health Authority
The Food Hygiene Rating (Wales) Regulations 2013

‘Right to reply’

Notes for businesses

- As the food business operator of the establishment you have a ‘right to reply’, under Section 11 of the Food Hygiene Rating (Wales) Act 2013, in respect of the food hygiene rating given following the inspection of your establishment. You may exercise this right at any time while the rating is valid.
- The purpose of the right to reply is to enable you to give an explanation of subsequent actions that have been taken to make the required improvements as detailed in the inspection letter, or to give mitigating circumstances at the time of the inspection. It is not for making complaints or for criticizing the rating scheme or the food safety officer who carried out the inspection.
- If you wish to use this right to reply, please use the form below and return it to the food safety officer who undertook your inspection - contact details are provided with the written notification of your food hygiene rating.
- Your comments must be made in writing but you are not obliged to use this form. You may submit your comments in a different written format.
- Offensive, defamatory, clearly inaccurate or irrelevant remarks are unacceptable. If you submit such comments you will be invited to revise your text.
- Your comments will be submitted to the Food Standards Agency and published online and displayed together with your food hygiene rating at food.gov.uk/ratings.

Food business operator	<input type="text"/>		
Business name	<input type="text"/>		
Business addresses	<input type="text"/>		
Date of inspection	<input type="text"/>	Food hygiene rating given	<input type="text"/>

I agree with the inspection findings but have since carried out the following improvements (tick all that apply):

- The establishment has been thoroughly cleaned and procedures are in place to ensure that cleanliness is maintained.
- The establishment has been or will shortly be fully renovated.
- A new management system has been implemented.
- There is now a new manager and/or new staff.
- The staff have been trained/re-trained/given instruction/are under revised

supervisory arrangements.

Other – please expand below and use only the space provided

The conditions found at the time of the inspection were not typical of the normal conditions maintained at the establishment and arose because (Please explain below and use only the space provided. You can also state any other improvements made):

Signed	<input style="width: 95%;" type="text"/>
Name in capitals	<input style="width: 95%;" type="text"/>
Position	<input style="width: 95%;" type="text"/>
Date	<input style="width: 95%;" type="text"/>

Please return this form to - Telephone : 01792 653523

Appendix 6

Swansea Bay Port Health Authority

Food Hygiene Rating (Wales) Act 2013, Section 9

FIXED PENALTY NOTICE

Reference No: FHRS/

1. Alleged offender

Surname _____ Forename(s) _____
Address _____
Postcode _____
Date of Birth _____
(juveniles only)

2. Alleged Offence

I,a duly authorised officer of Swansea Bay Port Health Authority have reason to believe that onand without reasonable excuse, you ***[failed to display a valid food hygiene rating sticker in the location and manner prescribed] [displayed an invalid food hygiene rating sticker] [failed to retain a valid food hygiene rating sticker] [parted with possession of a food hygiene rating sticker to a person other than an authorised officer of a food authority] [intentionally altered, defaced or otherwise tampered with a food hygiene rating sticker]*** within the area of SBPHA and contrary to Section 9 of the Food Hygiene Ratings (Wales) Act 2013.

This notice offers you the opportunity to discharge any liability to conviction for the above offence by payment of a fixed penalty. Payment of the fine does not mean that you do not have to display the sticker. You must display the sticker in a conspicuous position even if you pay the fixed penalty notice. Failure to display the sticker will result in prosecution.

The penalty charge payable is £200. The penalty charge must be paid not later than the last day of the period of 28 days (which begins from the date of this notice).

A reduced charge of £150 is payable if the penalty charge is paid not later than the last day of the period of 14 days (which begins from the date of this notice).

Your rights relating to this charge are detailed on the rear of this notice.

Please make cheques payable to Swansea Bay Port Health Authority

3. Authorised Officer

Name _____
Signature _____ Date _____

Your rights:-

This fixed penalty notice has been issued under Section 9 of the Food Hygiene Ratings (Wales) Act 2013 for the reason outlined in the section 2, entitled Alleged Offence, overleaf.

While it offers you the opportunity to discharge any liability to conviction for the offence by payment of the fixed penalty, you also have the right to have the offence tried in a court of law. However, if you subsequently change your mind and pay the discounted or penalty amount before the end of the relevant payment period, those proceedings will not be continued. Should you wish for the offence to be tried in a court of law then please contact:

Director, Port Health Services, 01792 653523
e-mail : swansea-bay@cieh.org.uk

Please do not make payment if you wish to challenge this Fixed Penalty Notice.

If payment for the Fixed Penalty Notice is not received within 28 days from the date of the notice then further legal proceedings will be initiated. Please note that, on conviction, a Level 3 fine of up to £1,000 can be levied by the court.

If the authority considers that a fixed penalty notice should not have been given, the food authority must give notice to that person withdrawing the fixed penalty notice. If a fixed penalty notice is withdrawn then food authority must repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice, and no proceedings may be brought or continued against the person who received the notice for the offence in question.

If you believe this Notice should not have been served then the reasons for this should be outlined in writing to the address above. Be aware that there is no formal system of appeal against the issuing of the Fixed Penalty Notice and so it is important that any representations are made as soon as possible if they are to be considered and to ensure the date for repayment of the charge does not expire.

✂.....

This slip must accompany your payment.

Reference No.:

To:

I enclose with this letter the
amount of £ _____

Signature _____

Date: _____

Name (BLOCK LETTERS) _____

Address (BLOCK LETTERS)

Appendix 7

Swansea Bay Port Health Authority
The Food Hygiene Rating (Promotion of Food Hygiene Rating)
(Wales) Regulations 2016 Regulation 10
FIXED PENALTY NOTICE

Reference No: FHRS/

4. Alleged offender

Surname _____ Forename(s) _____
Address _____
Postcode _____
Date of Birth _____
(juveniles
only)

5. Alleged Offence

I,a duly authorised officer of Swansea Bay Port Health Authority..and without reasonable excuse, that on your publicity material you ***[failed to display the required statement in the position and manner prescribed] [displayed an invalid food hygiene] [failed to display a rating in the position and manner prescribed]*** within the area of SBPHA contrary to regulation 5 of the Food Hygiene Rating (Promotion of Food Hygiene Rating)(Wales)Regulations 2016

This notice offers you the opportunity to discharge any liability to conviction for the above offence by payment of a fixed penalty. Payment of the fine does not mean that you do not have to display the sticker. You must display the sticker in a conspicuous position even if you pay the fixed penalty notice. Failure to display the sticker will result in prosecution.

The penalty charge payable is £200. The penalty charge must be paid not later than the last day of the period of 28 days (which begins from the date of this notice).

A reduced charge of £150 is payable if the penalty charge is paid not later than the last day of the period of 14 days (which begins from the date of this notice).

Your rights relating to this charge are detailed on the rear of this notice.

Please make cheques payable to Swansea Bay Port Health Authority

6. Authorised Officer

Name _____
Signature _____ Date _____

Your rights:-

This fixed penalty notice has been issued under Regulation 5 of the Food Hygiene Ratings (Promotion of Food Hygiene Rating) (Wales) Regulations 2016 for the reason outlined in the section 2, entitled Alleged Offence, overleaf.

While it offers you the opportunity to discharge any liability to conviction for the offence by payment of the fixed penalty, you also have the right to have the offence tried in a court of law. However, if you subsequently change your mind and pay the discounted or penalty amount before the end of the relevant payment period, those proceedings will not be continued. Should you wish for the offence to be tried in a court of law then please contact:

Director, Port Health Services
Tel: 01792 653523
e-mail: swansea-bay@cieh.org.uk

Please do not make payment if you wish to challenge this Fixed Penalty Notice.

If payment for the Fixed Penalty Notice is not received within 28 days from the date of the notice then further legal proceedings will be initiated. Please note that, on conviction, a Level 3 fine of up to £1,000 can be levied by the court.

If the authority considers that a fixed penalty notice should not have been given, the food authority must give notice to that person withdrawing the fixed penalty notice. If a fixed penalty notice is withdrawn then food authority must repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice, and no proceedings may be brought or continued against the person who received the notice for the offence in question.

If you believe this Notice should not have been served then the reasons for this should be outlined in writing to the address above. Be aware that there is no formal system of appeal against the issuing of the Fixed Penalty Notice and so it is important that any representations are made as soon as possible if they are to be considered and to ensure the date for repayment of the charge does not expire.

✂.....

This slip must accompany your payment.

Reference No.:

To:

I enclose with this letter the amount of £

Signature _____

Date: _____

Name (BLOCK LETTERS) _____

Address (BLOCK LETTERS)

