
AS6

File No: 649848-1

Id No: 6561294

Presentation

FOOD BUSINESS SCORING SYSTEM PROPOSAL TO ACHIEVE
'VOLUNTARY' DISPLAY OF SCORES

REPORT OF: CITY STANDARDS MANAGER

Created: 15/03/2010

REPORT OVERVIEW

PURPOSE

To apprise Elected Members on the initial stakeholder engagement process regarding a proposed food premises scoring system and the voluntary display of results, from such system.

The report further seeks the approval of Council to:

- 1) Implement the food scoring system project with the ultimate outcome of the voluntary display of results from such a system;
- 2) Engage with other local governments undertaking food scoring projects to determine if resources can be shared and if regional consistency can be achieved; and
- 3) Refer the report to the Budget Steering Committee for 2010/11 budget considerations to fund the implementation of the food premises scoring program.

A presentation will be provided to Elected Members at the Committee meeting.

CORPORATE PLAN PRIORITY

5. Health and safe environments

5.1 Encourage community health and wellbeing

REPORT DETAIL

INTRODUCTION/BACKGROUND

The resolution to conduct stakeholder engagement was adopted by Council at its meeting of 16 February 2010, Minute No 41/2010. Since the resolution was adopted, an initial round of community and industry consultation was completed to determine if there is support to implement a food scoring system in Logan City Council. A web-based community survey was conducted, information was sent to all licensed food businesses and an industry workshop was held.

COMMUNITY ENGAGEMENT

Community and industry consultation has occurred as outlined in the attached 'Community Engagement Consultation Report: Ratings for Food Premises' at Appendix 1.

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The web survey results show strong community support (i.e. 96.5% of respondents) for the implementation of a food premises scoring system. The majority (i.e. 70.6%) preferred a system in which all food businesses would be scored.

The industry representatives who attended the industry workshop were very supportive of the scoring system, however wanted to ensure that the system would be simple, transparent and with a staged educational approach in order for businesses to have time to get used to the new system.

The feedback received via the 'foodsafety' e-mail address was consistent with the community web survey and industry workshop results, i.e. there was strong support for the implementation of a food business scoring system and similar questions/issues were raised.

ANALYSIS OF COMMUNITY ENGAGEMENT AND KEY MESSAGES

Attendance/non attendance at the industry workshop

Out of 926 licensed food premises, only 14 industry representatives attended the workshop. Less than 1.5% of licensees attended (please note: large franchised companies were often represented by one person from their head office).

There were very few representatives of smaller food businesses at the industry workshop. Future activities will focus on actively engaging these businesses and additional effort will be made to engage licensees with English as a second language.

Mandatory system

During the workshop, industry representatives clearly wanted State (preferably national) consistency. They noted that food business scoring should be legislated as mandatory. There was a common view that if businesses did not have to display their score, lower scoring businesses wouldn't display their score which could mean the system is less effective in improving food hygiene standards.

Key messages

The top five key messages are:

- 1) Consistency with other food business scoring schemes.
- 2) Keep it simple.
- 3) Publicity and community education are needed to ensure the scoring system is understood and used effectively by the public.
- 4) It must be clear to the public that the scoring system is about food safety and not food quality.
- 5) The new scoring system should be an extension of current inspection process.

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PROJECTED SCORES

Food premises grading schemes often use an A-F letter grade (e.g. Los Angeles, etc.) or 1-5 stars (e.g. Eat Safe Brisbane). The table below shows equivalent ratings and their meaning.

	Stars	A-F letter grade
Best practice / excellent performer	5 stars	A
Good practice / very good performer	4 stars	B
Compliant / good performer	3 stars	C
Non-compliant / poor performer	2 stars	D
Non-compliant (significant issues) / non-compliant performer	1 stars	E

Based on the results of food inspections conducted between January and April 2010, the number of food businesses expected to various ratings has been projected. The results are shown below.

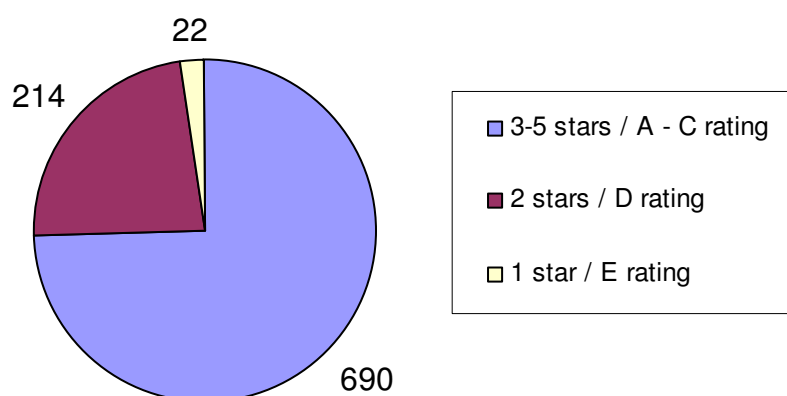


Figure 1: Projected ratings (based on recent inspection history).

This projection predicts that 690 out of 926 premises (i.e. 74.5%) would be able to display a star rating of 3 stars/C rating or above.

With education and support many businesses would be able to improve their score, so the overall number of businesses achieving a 3 star/C rating or better would increase. Without education and support it is likely that 236 food businesses (i.e. 25.5%) would receive a 1 star/E rating or a 2 star/D rating.

The intent of a food business scoring program is to improve food hygiene and safety standards and not to potentially adversely affect the financial viability of over 25% of the food businesses in Logan. Consequently, the inclusion of an effective education strategy (including information in several languages) is critical to the overall success of any food business scoring program in Logan.

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CURRENT REGULATORY PRACTICES

Council officers currently endeavour to inspect food businesses on an annual basis. Additional inspections are conducted to follow up any issues found during the initial inspection. In some cases a number of follow up inspections are required before the business is compliant.

If a food business is posing an 'immediate and serious risk' to the public Council can immediately suspend their licence, which means the business must stop trading. In some cases a voluntary closure is negotiated. Once the business is compliant a Council officer will approve for the business to reopen.

The process of inspecting businesses on a regular basis has been a common practice in Councils for many decades. Initially the practice was effective. However, since this time the number of food businesses has increased significantly and is continuing to grow rapidly, funding has not permitted equivalent increases in the number of Council officers, attitudes to compliance with laws has changed, the number and complexity of laws affecting businesses has increased significantly, and the complexity of inspections (due to increased technology and diversity of foods) has increased. Community knowledge regarding food safety issues has also improved considerably, creating a valuable resource to help Council ensure food businesses comply with relevant laws.

To maintain the current standards in the future a significant number of additional staff would be required. Due to competing priorities and limited resources Council may not be in a position to fund additional environmental health staff. Consequently the current practices are no longer considered sustainable.

The introduction of a food business scoring system would require an initial investment by Council. However, the long-term benefits including increased compliance (resulting in less time needed for enforcement action, follow-up inspections, etc.), and empowering the community to become informed consumers and place pressure on non-compliant businesses to improve would result in a more sustainable system for regulating the food industry.

OTHER COUNCILS

Brisbane City Council (BCC) is introducing a food grading scheme called 'Eat Safe Brisbane'. A significant amount of work has been completed by BCC and the public release of business star ratings is scheduled for later this year.

Gold Coast City Council (GCCC) recently announced that they were commencing community and industry consultation to determine if there was support to introduce a food business grading/scoring scheme in their area.

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During Logan City Council's recent consultation one of the most common messages was that there should be regional (preferably national) consistency in food business scoring schemes. Consequently, it would be beneficial to meet with the other Councils to see if a consistent approach could be used (likely to be the BCC model given the advanced state and quality of their project) and if resources could be shared. For example, one Council may develop and share an industry guide in return for another Council paying to have the guide translated into a number of languages for use by all Councils. This type of resource sharing has the potential to reduce overall expenses for the implementation of a project.

OPTIONS

Summary Options Table (Note: Budget impact detailed costs are explained at section 11):

Option	Description	Budget impact
1. Do not implement a food business scoring system until the Food Act is amended.	No scoring takes place and inspections continue as per current processes.	Nil.
2a. Implement a food business scoring system over 12 months.	Jul-Dec 2010 - industry education and support, preliminary scoring, etc. Jan-Jun 2011 - final scoring of food businesses, community education, etc. Jun 2011 public launch of website, etc.. Refer also to Appendix 2.	2010/11 \$417,300
2b. Implement a food business scoring system over 18 months.	Jul 2010-Mar 2011 - industry education and support, preliminary scoring, etc. Apr-Dec 2011 - final scoring of food businesses, community education, etc. Dec 2011 public launch of website, etc. Refer also to Appendix 2.	2010/11 \$228,650 2011/12 \$184,134 Total: \$412,784
2c. Implement a food business scoring system over 24 months.	Jul 2010-Jun 2011 - industry education and support, preliminary scoring, etc. Jul 2011-Jun 2012 - final scoring of food businesses, community education, etc. Jun 2012 public launch of website, etc. Refer also to Appendix 2.	2010/11 \$154,320 2011/12 \$67,143 Total: \$221,463
3. Implement a food business scoring system over 6 months.	Jul-Dec 2010 - scoring of food businesses, community education, etc Dec 2010 public launch of website, etc. Note: no significant industry education and support. Refer also to Appendix 2.	2010/11 \$243,650

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Option 1: Do not implement a food business scoring system until the Food Act 2006 is amended.

Benefits:

- The 2010/11 budget impact would be limited to resourcing the current licence audit regime.
- The display of scores from a food business scoring system would be implemented under a 'future' compulsory system, therefore eliminating a 'risk' of non-participation.

Disadvantages:

- There is strong support for the implementation of a food scoring program 'now' from both the community and the industry representatives present at the industry workshop. Not implementing a scheme opposes their views.
- The likely benefits of a food business scoring program would not be achieved (e.g. improved food safety and hygiene standards, increased consumer choice, long term reduction in regulatory requirements for Council, etc.).
- The current regulatory practices are unsustainable, particularly with likely growth in the food industry i.e. an inherent increase in officer resources would be required as food businesses increase.

Option 2a: Implement a food business scoring system over 12 months.

Benefits:

- This is a medium to long-term strategy with a definitive increase in the standard of food hygiene and handling practices by food businesses, resulting in reduced officer time per premises and reduced cost per premises.
- Enables Logan City Council to regulate the food industry in a more transparent and efficient manner which will help Council cope with future growth in the food industry.
- This option incorporates an intensive industry education and support period (as requested by industry), during which industry would become familiar with the scheme. Council staff would support businesses through information sessions, education and by providing preliminary scores. This period will allow businesses to improve and get the best possible score in the final round of scoring.
- The inclusion of the industry education and support period is more likely to result in improved food handling and hygiene practices, therefore achieving the desired outcome of the project.
- The number of food businesses receiving a poor grade will be reduced, which will also reduce the risk that the reputation of the food industry in Logan will be adversely affected.
- The timeframe is long enough for a quality program to be developed and implemented, and short enough for momentum and enthusiasm among staff to be maintained.

Disadvantages:

- The initial 12 month implementation phase is resource intensive with associated costs.
- If environmental health contractors cannot be sourced, the project may not be delivered on schedule. This is a definitive project risk.

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Option 2b: Implement a food business scoring system over 18 months.

Benefits:

- As detailed above for option 2a, except for the benefits relating to timeframes.
- The likelihood of being able to engage the required number of environmental health contractors is greater (i.e. preliminary and final grading could occur after the next group of environmental health graduates finish).
- Costs would be spread across two financial years.
- Businesses would have more time to become familiar with the program and improve their practices, in turn improving their score.

Disadvantages:

- The initial 18 month implementation phase is resource intensive with associated costs.
- The momentum would be reduced and business/staff may struggle to remain enthusiastic.

Option 2c: Implement a food business scoring system over 24 months.

Benefits:

- As detailed above for option 2a, except for the benefits relating to timeframes.
- The likelihood of being able to engage the required number of environmental health contractors is greater (i.e. two groups of environmental health graduates will finish during this period).
- Costs would be spread across two financial years.
- There would be plenty of time to address any issues that emerge during the project.
- Businesses would have plenty of time to become familiar with the program and improve their practices, in turn improving their score.

Disadvantages:

- The initial 24 month implementation phase is resource intensive with associated costs.
- The momentum would definitely be reduced and business/staff may struggle to remain enthusiastic.
- Consumers want access to food hygiene information, the delayed release of the program would delay consumer's ability to make informed choices.
- The opportunity to partner with other local governments and share resources would be significantly reduced as other Councils are likely to have shorter timeframes (i.e. they would not be willing to wait for Logan to produce resources to share and therefore would be less likely to partner with us).

Option 3: Implement a food business scoring system over 6 months.

Benefits:

- The community would have access to some results by the end of the year.
- There would be some improvement in food hygiene and safety standards in 2010/11 and the medium long term benefits of the system would be appreciated in 2012/13.

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Disadvantages:

- There would be a significant adverse impact on other core work, including responding to complaints.
- Additional funds would be required to implement the scoring system within a reduced time period.
- There would not be time to undertake extensive business education which is likely to result in more businesses receiving a lower score which in turn may adversely affect the Logan's image and the local economy.
- There would only be time to complete one scoring inspection. In options 2a to 2c a preliminary scoring inspection would occur, the business would then be able to improve their processes and then a second scoring inspection would occur. Only conducting one scoring inspection is likely to result in increased business dissatisfaction and an increase in the number of appeals Council receives.
- With less time to adjust to the scoring system, a larger proportion of businesses may choose not to display their result. Food business scoring schemes are generally only effective if the majority of businesses display their results. Consequently it is likely that many of the desired outcomes would not be fully achieved under this option.

PREFERRED OPTION

The implementation of any food business scoring system currently carries an unknown risk due to the success of the program relying on food businesses voluntarily displaying their results. However, with an appropriate level of support most businesses should achieve a good score and more likely to display their score. There is also no guarantee that the Food Act will ever be amended to incorporate the compulsory display of scores.

Option 2b is the preferred option as it effectively addresses the issues raised during the consultation process and is more likely to achieve greater benefits for Council, food businesses and the community than the other options. The 18 month implementation may reduce the likelihood that Logan City Council can share resources with other Councils, which would have reduced implementation costs. However, the timeframes associated with option 2b are more realistic given our internal resource limitations and will allow time for staff to better manage the project risks outlined in section 12 of this report.

The success of option 2b (and options 2a, 2c and 3) rely heavily on successful marketing.

HIGH LEVEL IMPLEMENTATION PLAN

Please see Appendix 1 for a high level implementation plan which is relevant for options 2a, 2b and 2c. This implementation plan can be achieved based on the resource requirements detailed below.

A detailed project management plan and implementation schedule would be developed if the project is approved.

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RESOURCE REQUIREMENTS*Staffing Resources*

To complete the project the following additional temporary human resources will be required to achieve implementation:

- additional contract EHOs to ensure that the Environmental Health Compliance core work (e.g. customer complaints, inspections of other licensed premises including Environmentally Relevant Activities) and service standards are maintained during the food business scoring implementation period; and
- a temporary business support officer (N.B.- using business support staff to complete all administrative work associated with the project reduces the number of contract EHOs required, reducing the overall cost of the project).

	Option 2a (12 months)	Option 2b (18 months)	Option 2c (24 months)	Option 3 (6 months)
Contract EHOs	(No. 3) \$297,960	(No. 3) \$305,409	(No. 1.5) \$151,463	(No. 3) \$148,980
Temporary Business Support Officer	(No. 1) \$49,340	(No. 0.75) \$37,375	nil	(No. 1) \$24,670
Total:	\$347,300	\$342,784	\$151,463	\$173,650

Legal Costs

Legal advice and assistance will be required for:

- The creation of a disclaimer on consumer information which outlines that Council is not liable for any damages, illness or injury caused by the food business, irrespective of their star rating/grade.
- The development of 'terms of use' that a food business will agree to by displaying their star rating/grade. The 'terms of use' would cover issues such as the unethical use of their star rating/grade, etc.
- To gain the exclusive legal rights to the name of the scheme (e.g. Brisbane City Council has the exclusive legal rights to 'Eat Safe Brisbane').

It is estimated that the legal costs will be approximately \$20,000.

Community Engagement and Marketing

As the success of the food scoring project relies heavily on education, promotion and marketing, the budget required for community engagement is estimated at \$50,000. This fee will cover the following:

- Costs associated with bulk mail-outs to all food businesses;
- Development and printing of industry information;
- Development and printing of consumer information;
- Industry information sessions;

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- Media releases; and
- Translation costs for community information (e.g. consumer guides), industry information (e.g. invitation to information sessions, industry guide to the program) and for translators to attend some industry information sessions.

Website Development

Information for businesses and consumers would be made available via the Council website. A webpage including a list of licensed food businesses participating in the voluntary display of their scores would be developed and launched during the project implementation.

If the relevant webpages are developed in 2011-12, this will correspond with the release of Logan's new external website and the web content will be able to be developed at no additional cost to City Standards.

Pathway Enhancements

Pathway will need enhancements to be able to capture new data as a result of the scoring inspections (e.g. the score achieved). This information needs to be incorporated into the system in a way that will enable reports to be generated. Based on preliminary investigations, the required Pathway enhancements can be made at no additional cost to City Standards.

RISKS

The greatest risks to the project being completed on schedule are:

- Not being able to engage the required number of environmental health contractors. This is a significant risk as there is a national shortage of Environmental Health professionals and City Standards have recently found it difficult to find qualified contractors for short term work.
- Not being able to retain environmental health contractors. A number of contractors have left Logan City Council for a permanent job with another employer. This issue can be partly overcome by providing longer term contracts (e.g. 12 continuous months which would only be possible in options 2a and 2b). Ensuring that contractors who are recent graduates receive appropriate support and professional development (through internal training) may also assist to retain contractors.
- Not being able to attract environmental health students to assist with some aspects of the project implementation. Environmental health students can complete some aspects of the project as part of their work experience, which is a requirement of their course. The students do not receive any wage while undertaking work experience. Griffith University intends to discontinue the environmental health course at their Logan campus. This may result in a reduced number of students being interested in undertaking their work experience with Logan City Council. This risk can be overcome by maintaining contacts with relevant Griffith University staff, promoting the benefits of undertaking work experience on a dynamic project at Logan City Council and through building relationships with environmental health students (e.g. during guest lecturing at Griffith University).

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- Industry will not have enough time to prepare for the food business scoring scheme, resulting in lower grades and reduced voluntary display of results. This issue is addressed through the implementation of an intensive education and business support stage in options 2a, 2b and 2c.
- Industry, public or internal desire to release scores ahead of schedule. To ensure that all businesses have the opportunity to display their score at the same time and receive the same potential benefits scores cannot be released until all food businesses have had their final scoring inspection. This issue needs to be clearly understood and Council needs to maintain a consistent message in relation to this issue.
- Public or internal desire to complete the project quickly resulting in reduced quality of scoring inspections and business not having time to adjust to the scheme resulting in lower scores. This issue can be overcome through the implementation of option 2a, 2b or 2c which have realistic timeframes and incorporate an industry education stage.
- A significant proportion of food businesses receive a low score, potentially tarnishing the reputation of the food industry in Logan. The majority of food businesses are compliant and should receive a good score. Through the inclusion of the industry education and support stage incorporated in options 2a, 2b and 2c all businesses will be able to achieve a positive score. However, some businesses will choose not to improve their food hygiene and safety practices and will receive a low score. It is anticipated that after the industry education and support stage only a small number of businesses will receive a low score. These businesses pose a risk to the safety and wellbeing of the community and appropriate enforcement action will be taken to ensure compliance with the minimum standards required by the Food Act.

KEY ISSUES

Common questions

It was evident from the industry workshop that food businesses had similar questions and concerns. Consequently a 'FAQ' document will be created which answers common industry and consumer questions and interprets audit results.

Business education and preliminary scoring

During industry consultation it was noted that there needs to be a period of education and business support during which businesses can become familiar with the scoring scheme, particularly the scoring criteria and what they need to do to improve their score.

The industry education and support stage will include:

- Industry information sessions;
- Distribution of a 'frequently asked questions' (FAQ) information sheet, an industry guide to the food business scoring scheme and a 'self-audit' scoring checklist;
- Factsheets and other educational resources regarding food safety information (e.g. hand washing stickers, temperature control magnets, cleaning factsheets);

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- An on-site inspection by an EHO in which a preliminary score will be provided and the business owner/manager will be advised what the business would need to do to achieve a higher score;
- Up-to-date information distributed through mail-outs and in Council's food safety newsletter ('The Secret Ingredient') and made available through Council's website;

Key industry resources (e.g. industry guide to the food business coring scheme) will be available in a number of languages. Translation services will also be used during the industry information sessions.

By undertaking a comprehensive industry education and support stage, including the preliminary scoring of food businesses, more businesses will improve their food safety and hygiene practices, businesses will achieve higher scores and therefore the number voluntarily displaying their results will increase. Consequently, the project is more likely to achieve the desired outcomes.

EHO consistency

A key concern of industry was that Council EHOs score businesses consistently so as not to disadvantage any businesses. This can be addressed through internal quality assurance (QA) practices, including rigorous training of the EHOs.

Senior staff will also work with EHOs and complete random checks to ensure consistency is being achieved.

Whilst incorporating QA processes into the program will initially increase labour costs, it is likely to result in increased industry and consumer confidence in the scheme, and fewer businesses applying to have their score reviewed.

Voluntary versus mandatory display of results

The *Food Act 2006* still remains unchanged and privacy provisions within the legislation prevent the food business scoring results to be displayed on a mandatory basis. Consequently, until the legislation is amended, it is recommended that the score results are given to a food business once they have signed a disclaimer and then they have the rights to voluntarily display their food business score.

OUTCOMES FROM LOBBYING SEQCOM, QLD HEALTH AND LGAQ

Council is still awaiting confirmation for a deputation with the Minister for Health, the Hon Paul Lucas, to discuss Council's request for the mandatory display of results from food business scoring. No advice has also been received from the Department of Health in respect to Council's submission. The SEQ Council of Mayors will also consider the matter as a formal agenda item from Logan City Council on 7 May 2010.

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Council also provided neighbouring local governments with a brief on its recent community/stakeholder engagement program, seeking their positions. This may have promoted the recent actions of Gold Coast City Council in entering its own community/stakeholder engagement programs. Whilst healthy officer "working together" discussions have taken place, no formal positions have been received in writing from neighbouring Councils.

SUMMARY AND PROPOSALS

There is industry and public support for the implementation of a food business scoring scheme. The key issues and concerns raised during consultation can be addressed during the development phase of the food business scoring scheme.

Options for the implementation of a food business scoring system are summarised below.

Option	Description	Budget impact
1. Do not implement a food business scoring system until the Food Act is amended.	No scoring takes place and inspections continue as per current processes.	Nil.
2a. Implement a food business scoring system over 12 months.	Jul-Dec 2010 - industry education and support, preliminary scoring, etc. Jan-Jun 2011 - final scoring of food businesses, community education, etc. Jun 2011 public launch of website, etc.	2010/11 \$417,300
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3. Implement a food business scoring system over 6 months.	Jul-Dec 2010 - scoring of food businesses, community education, etc Dec 2010 public launch of website, etc. Note: no significant industry education and support.	2010/11 \$243,650

Option 2b is the preferred option as it effectively addresses the issues raised during the consultation process and is more likely to achieve greater benefits for Council, food businesses and the community than the other options.

It will be recommended Option 2b be submitted for 2010/11 budget deliberations. The preliminary budget submission must be recognised as key pre-stakeholder engagement process to place the matter for the 2010/11 budget. Option 2b will replace that submission.

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Detailed decisions regarding the name of the scheme, the ratings used (e.g. A-F, 1-5 stars) and key policy positions (e.g. the process for the review of a score) will be referred back to the Committee following additional consultation.

RECOMMENDATION**IT IS RECOMMENDED:-**

1. That the implementation of Option 2b for the food business scoring system, as outlined in the report of the City Standards Manager dated 15 March 2010 (Id: 6561294), be endorsed.
2. That the Finance Manager be requested to refer the request for funding of the implementation of Option 2b for the food business scoring system, detailed in Clause 1 above, into the Future Budgets Register for future budget deliberations.
3. That, subject to funding approval in the 2010/2011 budget deliberations, the City Standards Manager be requested to:
 - (a) contact other South-East Queensland Councils to discuss the potential to share resources and implement consistent food business scoring schemes; and
 - (b) prepare a further report to a future Animals & City Standards Committee meeting seeking approval of the food business scoring scheme's name, grading scoring system and key policy positions.

Mr Shane Mansfield, City Standards Manager and Ms Natasha Musgrave, Environmental Health Compliance Team Leader provided a presentation to the meeting from 1.20pm to 1.40pm and discussions took place.

The Animals & City Standards Committee recommended:

1. That the City Standards Manager be requested to submit a report on the Food Business Scoring System proposal to achieve 'voluntary' display of scores, including alternate sources of funding to implement the proposal, for consideration as part of the 2010/2011 budget deliberations.
2. That the Finance Manager be requested to include the request in Clause 1 above in the Future Budgets Register, for future budget deliberations.

Adopted by Council at its meeting of 11/05/2010 Minute No 142/2010