

<u>HEADING</u>	Food Hygiene Rating Scheme re-inspection requests
<u>Submitted by:</u>	Head of Environmental Health Services
<u>Portfolio:</u>	Operational
<u>Ward(s) affected:</u>	All

Purpose of the Report

Following a trial of charging for requested Food Hygiene Rating Scheme (FHRS) re-inspections with a number of local authorities, the Food Standards Agency (FSA) have now confirmed a change in policy. This allows the use of powers in the Localism Act 2011 to introduce fees on a cost recovery basis for re-inspection/re-visits.

Recommendations

For committee to:

- a. note the change in the Food Standards Agency charging policy.
- b. to approve the proposal to introduce a cost recovery fee for FHRS re-inspections.
- c. to recommend to Cabinet the proposed charge of £160 for implementation on 1st April 2018

Reasons

Charging was previously specifically excluded by the FSA contract with Local authorities, but they have recently reconsidered this position and now advise that it is possible to charge for this service under the powers granted to local authorities by the Localism Act.

1. Background

- 1.1 The FSA has overall responsibility for the official control of food law enforcement in England. The FSA run the FHRS in England, Wales and Northern Ireland.
- 1.2 The Environmental Health Service is responsible for carrying out inspections of food businesses to check they meet requirements of food hygiene law. They give food businesses hygiene ratings based on the findings of inspections and then publish this information on the FSA website.
- 1.3 Ratings are given to places where the public can eat out such as restaurants, takeaways, pubs and hotels. The scheme also includes schools, hospitals, and residential homes or places where you shop, supermarkets, bakeries and delicatessens. A number of businesses are exempt from the scheme generally because they are a low risk in terms of food hygiene requirements for example Newsagents selling only wrapped sweets.
- 1.4 Once a food rating has been awarded, food businesses have the opportunity to request a revisit where they have scored below the maximum rating of 5 (Very Good). Currently they can only request one re-visit between the due periodic inspections; within the proposed fee paying scheme there is no limit on the number of requests a business may make.

- 1.5 The business must complete an application form and provide evidence to the satisfaction of the Lead Food Safety Officer that improvements have been made before a request for revisit will be undertaken.
- 1.6 It is proposed that the Environmental Health Service introduce a cost recovery fee for requested re-visits only. No fee is allowed to be charged for the initial inspection of the business which is carried out as part of the council's statutory duties.
- 1.7 There is no prescribed fee for this work and the guidance from FSA indicates each local authority must set a fee having regard to HM Treasury 'managing public money ' and other relevant guidance.
- 1.8 All requested re-visits would be carried out within three months of the fee being paid.

2. **Issues**

- 2.1 The service will need to be adequately resourced to deliver the re-visits. There is no accurate means of predicting demand, however it is not anticipated to increase significantly from the current demand.
- 2.2 Failure to deliver a service in accordance with the 'brand standard' FSA guidance may result in complaints against the service

3. **Proposal**

- 3.1 That Committee agrees to:
 - a. note the change in the Food Standards Agency charging policy
 - b. to approve the proposal to introduce a cost recovery fee for FHRS re-inspections
 - c. to recommend to Cabinet the proposed charge of £160 for implementation on 1st April 2018

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 4.1 The proposals relate to the delivery of environmental health services which would contribute to the following:
 - A clean, safe and sustainable borough
 - The negative impacts that the Council, residents and local businesses have on the environment will have reduced.
 - A borough of opportunity
 - Fair, proportionate and consistent regulation and enforcement creates an equal opportunity for business to thrive.
 - A healthy and active community
 - Fair, proportionate and consistent enforcement creates an environment for prevention, maintenance or improvement in health and wellbeing.
 - A co-operative Council delivering high quality, community driven, services.
 - High performing services will be delivered for all residents, businesses and customers.

5. **Legal and Statutory Implications**

- 5.1 Section one of the Localism Act 2011 gives local authorities the power to charge for a service which is not a statutory function. Re-inspections at the request of the food business operator to re-asses the food hygiene rating are not covered by the statutory duties i.e.

planned interventions that the Borough is required to undertake in accordance with the food law code of practice.

6. **Equality Impact Assessment**

6.1 No issues have been identified.

7. **Financial and Resource Implications**

7.1 Currently this service is delivered free of charge, so approval of the report would contribute towards the cost of re-inspections. The proposed charge would be set using the time taken for an average re-rating request at the appropriate hourly rates.

8. **Major Risks**

8.1 None identified

9. **Background Papers**

9.1 FSA Charging for Food Hygiene Rating Scheme re-inspection requests