

### **CHARGING FOR FOOD HYGIENE RATING SCHEME REVISITS**

<u>Report of the:</u>	Head of Housing & Community
<u>Contact:</u>	Oliver Nelson
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
<u>Annexes/Appendices</u> (attached):	None
<u>Other available papers</u> (not attached):	None

#### **REPORT SUMMARY**

**The Committee is asked to consider the introduction of a charge for food hygiene rating scheme (FHRS) re-inspections.**

#### **RECOMMENDATION (S)**

- (1) The Committee agree to introduce a charge for requested food hygiene rating scheme re-inspections on a cost recovery basis.**
- (2) The Committee authorise the Head of Housing & Community to set the fee at such level, or on such scale, as he thinks fit.**

*Notes*

#### **1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy**

- 1.1 The Council's Key Priority of Supporting Business and the Local Economy applies. Fair, justifiable and proportionate intervention to address poor standards in business helps to ensure a level playing field for law abiding operators whilst protecting and promoting public health.
- 1.2 The Council's Key Priority of Supporting our Community applies owing to the beneficial effects to public health of an effective food safety service. The service exists to protect and enhance public health, particularly in cases where the most vulnerable are involved.

## **2 Background**

- 2.1 The Council is responsible for operating official controls on food businesses within the Epsom & Ewell borough area. Such controls comprise of unannounced inspections, partial inspections, audits, revisits and food sampling. Additionally the service offers advice and recommendations as well as awarding ratings as part Food Standard Agency's (FSA), national scheme for rating the hygiene of premises, the Food Hygiene Rating System (FHRS).
- 2.2 In 2011 the Council adopted the FHRS scheme and premises are rated during a routine inspection in accordance with the Brand Standard and given a rating between 0 (urgent improvement necessary) and 5 (very good). The scheme is characterised by distinctive green and black window stickers supplied to food businesses combined with a national consumer website and associated mobile device apps.
- 2.3 Where a business is awarded a rating of less than 5, after undertaking the necessary improvements, they are entitled to request a re-rating inspection. The purpose of the re-rating is to establish if a higher rating can be obtained and hence displayed to the public. Without this, there would be no opportunity for another rating to be given to an improved business until the next planned full inspection.
- 2.4 Currently the arrangements are that only one re-rating inspection can be requested between programmed inspections, and that this visit should not in general take place until three months have elapsed (the 'standstill' period), since the inspection at which the original food hygiene rating was given. The re-rating visit must then take place within a further three months of the end of the initial three month 'standstill' period. This means that six months is the maximum amount of time a business should have to wait for a re-visit after making a request.
- 2.5 Charging for requested FHRS re-rating inspections was previously specifically excluded by the FSA's contract with local authorities to deliver the FHRS. However the FSA have recently reconsidered this position and have advised that it is now possible to charge for this service. The FSA have changed the FHRS Brand Standard to allow all local authorities to recover the costs of re-inspections if they wish to do so.

## **3 Proposals**

- 3.1 To seek approval to introduce a fee for re-rating inspections requested by food business operators on a full cost recovery basis.
- 3.2 To change the policy, in line with the national Brand Standard, to permit more than one revisit following initial inspection and for that visit to take place within three months from the re-rating application (eliminating the initial three month 'stand still' period).

#### **4 Financial and Manpower Implications**

- 4.1 Typically the service receives in the region of 10-12 requests for revisit per year which are carried out in addition to the due inspection programme. In the long term, more compliant food businesses can lead to a reduction in regulatory effort required to continually inspect and take enforcement action.
- 4.2 It would seem logical that the Council would seek to cover its costs of a service which is at the request of the food business in question, given that it now has powers to do so.
- 4.3 **Chief Finance Officer's comments:** *There is no estimate within the current approved 2017/18 Budget for any income from this proposed service. Therefore any income derived from the charge would benefit the Council's finances. It is not anticipated that the income derived from the proposed service would be significant, being unlikely to exceed £1,000.*

#### **5 Legal Implications (including implications for matters relating to equality)**

- 5.1 Section 93 of the Local Government Act 2003 and Part 1 of Chapter 1 of the Localism Act 2011 provide the powers necessary to permit the Council to charge for a non-statutory service on a cost recovery basis. Since FHRS re-inspections are not required by law, and are at the request and agreement of the food business operator, the provision enables the Council to make a charge for FHRS re-inspections.
- 5.2 **Monitoring Officer's comments:** *It will be important to ensure that we can demonstrate that the level of the charge does no more than cover the cost of the service provided (including overheads). Given the small number of likely applications it seems appropriate to delegate to officers authority to set the scale of fees.*

#### **6 Sustainability Policy and Community Safety Implications**

- 6.1 There are no implications for sustainability or community safety.

#### **7 Partnerships**

- 7.1 There are no implications for any partnerships. The Council has entered into agreement with the Food Standards Agency in respect of the operation of the FHRS scheme and branding.

#### **8 Risk Assessment**

- 8.1 There are no financial or other risks associated with these proposals.

## **9 Conclusion and Recommendations**

- 9.1 That the Council agree to implement a charge for FHRS re-inspections and delegate the calculation and setting of that charge to Officers.

**WARD(S) AFFECTED: (All Wards);**