

ENVIRONMENTAL HEALTH PARTNERSHIP- CHARGING FOR FOOD HYGIENE RE-RATING INSPECTIONS

Direct and Trading Advisory Committee - 1 November 2016

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Also considered by: Cabinet - 10 November 2016

Key Decision: Yes

This report supports the Key Aim of : A dynamic and sustainable economy

Portfolio Holder Cllr. Matthew Dickins

Contact Officer Annie Sargent Ext. 3085

Recommendation to Direct and Trading Advisory Committee: That it be recommended to Cabinet that

- a) Members note the Environmental Health's team participation in the Food Standards Agency pilot of charging businesses for a food hygiene re-rating inspection.
- b) the fee for a food hygiene re-rating inspection be set at £200 for the period of the Food Standards Agency pilot.
- c) if the pilot is successful, and with the support of the Food Standards Agency, to continue charging on a cost recovery basis.

Recommendation to Cabinet: That

- a) Cabinet note the participation in the Food Standards Agency pilot of charging businesses for a food hygiene re-rating inspection, and
 - b) the fee be set at £200 for the period of the pilot
 - c) if the pilot is successful, to continue charging on a cost recovery basis.
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Reason for recommendation: To recover valuable inspection resource that is currently lost to the team, as a result of the appeal process for the National Food Hygiene Rating Scheme. The benefit to a food business is that the 3 month waiting period that is usually implemented will be waived as part of the fee. The fee will be another incentive for businesses to obtain good food hygiene rating scores.

Introduction and Background

- 1 All food businesses that sell food and drink directly to the final consumer are given a food hygiene rating each time they are inspected. The ratings are from 5 (best) to 0 (worst) and the rating can go up or down depending on the officers findings at each inspection or re-rating visit. The scheme is popular with the public and has helped to drive up food hygiene standards across the sector.
- 2 Under the Rating Scheme as currently set out by the Food Standards Agency, any business that is awarded a rating of less than 5 at an inspection is entitled to apply once, and only once, for a re-rating inspection. From the date of the inspection there is a stand still period of 3 months during which the local authority cannot re-inspect. This gives the business time to deal with any legal contraventions that were identified during the original inspection. After the 3 months expires the local authority then has up to 3 months in which to undertake the re-rating inspection. Currently the local authority cannot charge for this additional inspection. In 2015-16 the Environmental Health Partnership undertook 32 re-rating inspections.
- 3 The scheme that the Food Standards Agency is piloting will allow the local authority to charge a fee for re-inspection, operating a cost recovery scheme based on the average cost that is currently incurred when undertaking a food hygiene re-rating inspection. The 3 month stand still period is removed. The local authority will have 3 months in which to undertake the inspection, from the date that the re-rating request and fee are received.
- 4 Under the proposed scheme, there will be no restriction on the number of times that a business can request a re-rating inspection but the fee will be due for each inspection. There is no indication that a fee will deter businesses from seeking a re-rating inspection and the ability to seek more than one re-inspection will enable step-by-step improvement and is likely to be welcomed by businesses.
- 5 The Food Standards Agency requested the Environmental Health Partnership to participate in the pilot. The intention of the pilot is to provide the Food Standards Agency with data which will help them finalise the detail of the revised scheme before they roll it out nationally in 2017.
- 6 The Portfolio Holder has therefore agreed that the Environmental Health Partnership should participate in the pilot, as a Portfolio Holder decision.
- 7 The Food Hygiene Rating Scheme is a non-statutory scheme in England and Wales and a re-inspection can therefore be described as a service which the Council currently provides on a non-commercial basis to a food business operator at their request.
- 8 Cost recovery for re rating visits have been in place for some time in Wales. There is evidence here to suggest that businesses implement best practice advice more when they are paying for it.

Key Implications

Financial

Due to the short period of the pilot it is not possible to estimate an income target, but based on the number of re-rating inspections in 2015/16, this is likely to be in the region of £6,000.

Legal Implications and Risk Assessment Statement

Section 1 of the Localism Act 2011 gives local authorities the power to charge for a service which is not a statutory function.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusion

This report provides Members with an overview of the Food Standards Agency's proposal to introduce a change to the National Food Hygiene Rating scheme. The purpose of the pilot is to trial charging food businesses when they request a re-rating inspection following an initial food hygiene inspection rating. The charge will be based on cost recovery and will be calculated on the average cost that the Council currently incurs for the provision of the service. The pilot will operate for a period of 3 months and the Food Standards Agency will use the data collected to introduce a National Charging Scheme in 2017.

Appendices

None

Background Papers:

[Portfolio Holder decision - 10 \(2016/17\)](#)

Richard Wilson

Chief Officer Environmental and Operational Services