

FOOD & SAFETY TEAM- GAIN OR RETAIN A 5

Cabinet – 12 October 2023

Report of: Deputy Chief Executive and Chief Officer Planning and Regulatory Services

Status: For Decision

Also considered by:

- Cleaner & Greener Advisory Committee – 10 October 2023.

Key Decision: no

Executive Summary: Environmental Health propose to implement a charging scheme for advice provided to food businesses either prior to them opening or between food hygiene inspections. The scheme would provide a number of benefits for both businesses and the District Council and it is hoped will help drive higher compliance with regulations.

The scheme aims to ensure consistency of advice to food businesses and enable SDC to recover the costs of undertaking this work.

This report supports the Key Aim of: Economy- Ensure businesses are able to access suitable business support to develop and grow business support to increase the resilience of businesses, including ecommerce and marketing.

Portfolio Holder: Cllr. Margot McArthur

Contact Officer(s): Nick Chapman, Ext. 7167 and Glenys Shorrick, Ext. 7158

Recommendation to Cleaner & Greener Advisory Committee

- To note the contents of this report including details of the proposed scheme and suggested fees and charges.
- To support the adoption of the Gain or Retain a 5 scheme within Sevenoaks District.

Recommendation to Cabinet

- To note the contents of the report
- To agree the adoption of the Gain or Retain a 5 scheme for Sevenoaks District
- To agree the fees and charges scheme set out in paragraph 23

Introduction and Background

- 1 There are currently 1174 food businesses currently operating within the Sevenoaks District. Each of these businesses is subject to periodic inspection (frequency determined by risk).
- 2 In addition to existing food businesses, the District Council receives an average of 140 new businesses registrations each year. The FSA requires that new businesses should be inspected within 28 days from registration
- 3 As part of the inspection process, every food business receives a rating from 0-5.
 - 5- Hygiene standards are very good
 - 4- Hygiene standards are good
 - 3- Hygiene standards are generally satisfactory
 - 2- Some improvement is necessary
 - 1- Major improvement is necessary
 - 0-Urgent improvement is required
- 4 In England, food businesses are not currently required to display their rating however they are published by the Food Standards Agency on their Food Hygiene Rating Scheme website ([Search the Sevenoaks area | Food Standards Agency](#)).
- 5 A food hygiene score of 0-2 indicates that at time of inspection, the food business was failing to comply with minimum legal standards. In these circumstances, the Environmental Health Team will need to take additional actions to address hygiene concerns (often through re-visit or legal action).
- 6 Currently 3% of food businesses in Sevenoaks are rated 0-2 (26).
- 7 A low food hygiene score can have a detrimental impact upon the reputation and profitability of a food business. Many of the food delivery platforms (Apps) require businesses to have achieved a minimum food hygiene rating before they are accepted onto the platform (Just Eat –3, Deliveroo –2, Uber Eats-2) and local newspapers regularly report businesses with 0-2 ratings within the area (<https://www.kentlive.news/news/kent-news/every-sevenoaks-tonbridge-tunbridge-wells-6667051>).
- 8 A food business, can appeal their awarded rating within 21 days to the Environmental Health Manager. Where an appeal is received, the officer inspection report, photographs and notes taken by the inspecting officer are reviewed and then based upon this evidence the food hygiene score is either confirmed or altered.
- 9 Following the introduction of electronic inspections (which are more accurate, understandable and show photographs of contraventions), the number of

appeals received by Sevenoaks District Council has substantially reduced (1 appeal received since 2020).

- 10 The rating awarded to a food business is fixed until the next full inspection (i.e. is not changed by a re-visit to check on required improvements identified during an unannounced visit). Businesses can however request a 'food hygiene rescore visit'. This is a chargeable service and once paid for a new full inspection will be undertaken without notice (within a 3 month period). The District Council currently charge £205 for a rescore visit.
- 11 A 'rescore visit' is a fresh inspection and the businesses food hygiene score can therefore go up, stay the same or reduce depending on what is seen by the inspecting officer.

Structure of the Food & Safety Team

- 12 The current Food & Safety Team comprises 5 officers and a Team Leader equating to 3.8 FTE. This team are extremely busy and in addition to undertaking food hygiene inspections are also responsible for:
 - Responding to Food & Safety enquiries and service requests
 - Investigation of infectious disease outbreaks
 - Investigation of Health and Safety incidents
 - Authorisation of Skin Piercing/ Tattooists etc
 - Food Sampling
 - Authorisation of some specialist food businesses
- 13 The Food & Safety Team at Sevenoaks have always provided advice to food businesses operators on a discretionary basis. The scale and nature of this advice varies on a case-by-case basis but often includes; written advice, telephone advice, site visit, assessment of proposed layout, explanation of legal requirements etc.
- 14 Some customers are particularly demanding in the information they want from the Council in advance of opening or re-inspection and this can take a significant amount of officer time. Time spent by officers providing discretionary advice takes them away from delivering the statutory elements of the service.

Gain or Retain a 5 Scheme

- 15 The Environmental Health team propose to introduce a new chargeable scheme for the delivery of comprehensive advice to food business operators. The proposal is to offer a set amount of advice and information within one chargeable fee that provides a Food Business Operator (FBO) with the best chance of obtaining a 5 rating at time of inspection.
- 16 Whilst details of the scheme need to be finalised it is considered that the following activities would form part of this:

- Visit/ informal inspection undertaken by a qualified and experienced Food Safety Officer who will provide practical advice appropriate to your business (up to 2 hours).
- Provision of advice relevant and tailored to the business on how to achieve the highest possible standards
- An electronic report (sent by email) containing simple and easy to understand advice relevant to the business and highlighting any issues or areas for improvement seen during our visit.
- An up to date Safer Food Better Business pack and diary. We will take you through what the pack contains, how to use it to improve food safety and how to complete it.
- An opportunity to ask for advice specific to the business.
- For new businesses at the planning stage:
 - i. We will provide guidance on the layout and design of a premises to avoid the risk of cross contamination and to adhere to structural requirements,
 - ii. advice on the suitability of proposed extract plant/ equipment
 - iii. advice on methods and mechanisms to minimise noise disturbances from your business

17 The scheme would not guarantee that a business would achieve a 5 food hygiene rating and this would be determined by the unannounced inspection and based upon food hygiene practices seen at that time.

18 The 'gain or retain a 5 scheme' would have the following benefits for businesses;

- It would save a business time by providing a one-stop-shop for advice relating to food hygiene and other environmental health matters tailored to the individual business.
- Help a business save money by providing advice on appropriate procedures and equipment needed (proportionate to the level of your business, avoiding over-spending on compliance).
- Enhance a food businesses chance of receiving or retaining a high FHRS rating that you can then be used in marketing. This gives a business a competitive edge and can help reduce the risk of reputational damage.
- Give a business reassurance from a compliance perspective
- Enable a business to put in place steps and measures to grow sustainably

19 The scheme would bring the following benefits for the District Council/ Environmental Health;

- It would provide some remuneration to the Environmental Health Team for work which is currently undertaken/ provided free of charge.
- Businesses may take advice provided more seriously than they do at present (greater perceived value of paid for advice).
- It may displace some non-statutory work that currently takes place- i.e. some businesses may decide not to approach Environmental Health in advance of opening, creating additional capacity within the team.
- It would provide a structure for advice that will be provided to businesses by Environmental Health including setting appropriate limits on officer time allocated to this task.

Advice outside of the Gain or Retain a 5 scheme.

- 20 When a Food Business Operator registers with Sevenoaks District Council, we contact them to acknowledge receipt of their registration. As part of this initial communication we provide web links to relevant information to help the FBO set up their business (i.e. links to relevant sections on the Food Standards Agency Website). We will continue to do this.
- 21 The Food Standards Agency website contains an excellent step by step guide to setting up a food business <https://www.food.gov.uk/business-guidance/getting-ready-to-start-your-food-business>. As a result a business is able to find all relevant information without contacting SDC should they wish to do so.
- 22 If a business wishes to obtain more specific information or advice regarding their business we will only do so where they have paid for and agreed to relevant terms and conditions associated with the proposed scheme.

Proposed Charges

- 23 The Environmental Health Team are only entitled to achieve cost recovery from fees and charges. Table X below outlines the proposed fees that would be associated with the 'Gain or retain a 5 scheme'.

	TASK	Unit Cost	Time (hrs)	Cost of task
Administration	Gain or Retain Request Form	17.71	0.1	£1.77
	Review of form- TL	33.41	0.5	£16.71

	TASK	Unit Cost	Time (hrs)	Cost of task
	Processing of charge- CS	17.71	0.1	£1.77
	Notification of charge	17.71	0.1	£1.77
	Creation of SR	17.71	0.2	£3.54
	Allocation of SR	17.71	0.2	£3.54
	Officer Training			£0.85
Task	Inspection	29.23	3	£87.69
	Travel	29.23	1	£29.23
	Writing up of report	29.23	1.5	£43.85
	Administration of report	29.23	0.2	£5.85
	Entry on System	29.23	0.2	£5.85
Management	Oversight by TL	33.41	0.25	£8.35
	TOTAL		7.35	£210.76

24 These fees are broadly aligned with those currently charged for a re-score visit.

Timescale for implementation

25 Prior to implementing the scheme, the Environmental Health Team will need to draw up some terms and conditions which will apply to users of the service. This work will need to be conducted with the assistance of our legal team.

26 We will need to work with the Customer Solutions Team and Project Team to ensure that appropriate payments can be taken for the Gain or Retain a 5 scheme.

27 With consideration to the above factors, we would intend to implement the scheme in April 2024.

Financial

It is anticipated that the “Gain or Retain a 5 scheme” as outlined above will generate a small income for Environmental Health.

Legal Implications and Risk Assessment Statement.

None

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.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council’s ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Appendices

None

Background Papers

[Search the Sevenoaks area | Food Standards Agency](#)

<https://www.kentlive.news/news/kent-news/every-sevenoaks-tonbridge-tunbridge-wells-6667051>

Richard Morris

Deputy Chief Executive and Chief Officer – Planning and Regulatory Services