

Decision under Delegated Powers

Request For Food Hygiene Rating Revisit Charges

Officer Requesting Decision

Food Safety Manager

Officer Making the Decision

Head of Regulatory Services

Recommendation

That a charge is introduced based on the hourly rate of officers for food hygiene re-rating inspections based upon full cost recovery with effect from 1st April 2018, reviewed in line with the fees and charges policy thereafter.

Reason

To enable the introduction of a new charge for Food Businesses requesting a re-rating inspection under the Food Hygiene Rating Scheme (FHRS).

Authority for Decision

By virtue of the Delegation to Heads of Service in section 8 of the Constitution, Heads of Service are delegated to undertake periodic review of fees and charges raised within their service areas and falling within the scope of the Council's Income and Charging Policy Framework.

The Lead Member for Regulatory Services, Enforcement & Licensing has been consulted on these proposals and is happy for these to be introduced in line with this Delegated Decision.

Decision and Date**Background**

Following the trial of charging for requested FHRS re-inspections/re-visits with some local authorities in England, using existing powers in the Localism Act 2011, the Food Standards Agency (FSA) have now confirmed a change in their policy, which will allow the use of these powers by local authorities in England to introduce full cost recovery for requested FHRS re-inspections/re-visits.

There are safeguards built into the rating system, Charnwood Borough Council, is statutorily obliged to visit premises to assess food safety, based on risk. Those businesses posing a high risk, being inspected more frequently and often being subject to formal action. Additionally, visits are conducted in accordance with the National FHS Brand Standard to ensure that businesses receive the correct rating at the time of the initial inspection. Charnwood Borough Council is obliged to provide visits to premises to assess safety and standards under the Food Safety Act 1990. Once the rating has been confirmed and any works completed the business can, under these proposals, request a re-rating visit.

There will be differences from the existing FHS scheme. Currently:

- a) a food business can only make one request for a re-rating visit following each planned statutory food inspection. This can be made at any time, providing the required improvements have been made; and
- b) businesses provide details of the improvements they have made along with their re-rating request, and if it is considered that sufficient evidence has been provided, there is a three month "stand still" period. An unannounced visit will then normally take place within three months from the end of the "stand still" period.

Under the proposed charging regime:

- a) there is no limit on the number of requests that can be made by individual businesses; and
- b) the "stand still" period will not be applied and the re-rating inspection must be carried out within three months from the receipt of the request and payment of the fee.

The business would not need to provide evidence as to the current position, however, if the work is not carried out there will be no change to the rating. It is entirely in the interest of the business to demonstrate an increase in their published rating, as it gives the public greater confidence that their food is prepared safely in accordance with the necessary legislation.

The majority of the re-rating inspection work needs to be completed by the officers who are already authorised for official food control work. There were 40 requests for re-visits last calendar year. The proposed charge will be set using locally collected data on the time taken for an average re-rating request and the appropriate hourly rates for the officers completing the work including overheads. The charge would need to be reviewed annually taking into account the most recent data unless a mandatory national or regional fee is subsequently prescribed. The FSA has collected data from local authorities, which concludes that, on average, a re-rating inspection would take four hours. We have collected and analysed data from our re-rating requests, including both the inspection and office administration elements and the average time spent was 3 hours.

Any business that has obtained a rating of less than 5, the top score, can request a follow up re-rating inspection once they have made any improvements brought to their attention following the first inspection. The

purpose of the re-rating is to establish if a higher rating can be obtained and able to be displayed to the public.

The frequency of planned food safety inspection varies from six months to three years. The frequency of inspection is determined by the risks posed by the food business and uses the Food Law Code of Practice's scoring system to process and calculate the risk and any follow up required. It is important to distinguish a re-rating inspection from other official control revisits that might be conducted as part of our usual food safety work.

Whilst a business in England can still choose whether they wish to display a rating sticker in their premises or not under the voluntary scheme, it is worth emphasising that all ratings are already published by the FSA on their ratings website www.food.gov.uk/ratings

The Food Hygiene Rating Scheme is a key element of improving food safety and standards of food hygiene in businesses.

One key difference between the current English Voluntary scheme and the two mandatory schemes in Wales and Northern Ireland is that both mandatory schemes enable a charge to be made for re-rating inspections.

Cost recovery from businesses would occur only where they make a commercial decision and choose to request a re-rating inspection. The legislation that allows for charges already exists and the preferred charge option is based on full cost recovery using an established model that meets the Borough's Financial Regulations.

Financial Implications

The estimated income receivable for this scheme is £6,000 based on a fee of £150 for the 40 revisits conducted last year. This is likely to increase as the FHRs gains popularity. Furthermore, it is reasonable to assume that businesses will want to request more re-rating inspections in order to show the best rating and compete for trade. The following provides a breakdown of the officer time and costs associated with re-rating inspections:

Process	Estimated Time in Mins	Officer Responsible	Total Cost
Initial Enquiry/supply of forms/advice	15	Admin Support	6.67
Receipt of Fee, checking application	10	Admin Support	4.45
Enter onto Civica database	5	Admin Support	2.22
Pre inspection file check	15	EHO	11.25
Travel to and from business	45	EHO	33.75
Rescore visit - (not full inspection)	60	EHO	45.00
Completion of inspection report	30	EHO	22.50
Completion of inspection letter	30	EHO	22.50
Input on Civica database	15	EHO	11.25
Total	225		<u>159.59</u>

It is, therefore, proposed to introduce a new charge of £150 to cover the majority of the costs, whilst still supporting businesses to maintain high standards.

Risk Management

No specific risks identified

Key Decision: No

Background Papers: None