

<b>Subject:</b>	Charging for requested Food Hygiene Rating Scheme re-inspections	<b>Status:</b>	For Publication
<b>Report to:</b>	Cabinet	<b>Date:</b>	29 <sup>th</sup> November 2017
<b>Report of:</b>	Head of Operations	<b>Portfolio Holder:</b>	Operations
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	No – initial EIA attached	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	That members agree to the application of charges for re-inspections made at the request of food business operators to re-assess the food hygiene rating.
1.2	That members agree for the cost recovery charge of £140 to be set with effect from 1 January 2018.
1.3	That delegated authority for further minor amendments and finalising the administration details of the scheme, is given to the Director of Communities and the Head of Operations, working in consultation with the relevant Portfolio Member.

## 2. PURPOSE OF REPORT

2.1 To seek approval to introduce cost recovery fees for the work carried out to re-inspect and re-score food businesses under the Food Hygiene Rating Scheme.

## 3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

## 4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

## 5. BACKGROUND AND OPTIONS

5.1 Environmental Health staff are responsible for regulating approximately 750 food businesses within Rossendale Borough Council area. In the current year 312 will be inspected.

5.2 At the conclusion of the majority of inspections the food business operator is given a score under the Food Standards Agency's (FSA) Food Hygiene Rating Scheme (FHRS). The officer inspecting the business checks how well the business is meeting the law by looking at:

- how hygienically the food is handled – how it is prepared, cooked, re-heated, cooled and stored
- the condition of the structure of the buildings – the cleanliness, layout, lighting,

ventilation and other facilities

- how the business manages and records what it does to make sure food is safe

5.3 Scores range from 0 to 5 with the top rating of '5' meaning that the business was found to have 'very good' hygiene standards. Those with a 0 score meaning urgent improvement is necessary.

5.4 In June 2017 the rating profile for Rossendale businesses which are included within the FHRs is shown in the table below. Some businesses, such as child minders and food manufactures, are not included in the scheme.

Rating	Jun 2017
0	0
1	9
2	4
3	19
4	64
5	427

5.5 The scores are published on the FSA's website at <http://ratings.food.gov.uk/> Window stickers which can be displayed on the premises are also issued but it is not mandatory to display them.

5.6 Under the current arrangements food business operators are able to request a re-inspection and re-score after 3 months. This is before the next routine food hygiene inspection is due to take place. The intention with re-inspections made at the request of the food business operator is for the business to be able to display a higher score than they previously achieved. The cost of carrying out these inspections is currently covered by the Local Authority. In the year 2016/17, 7 businesses requested a rescore. The majority are those scoring a 3 or 4 who wished to achieve a 5 rating.

5.7 The FSA has recently issued advice that charges can be made for this work using powers in the Localism Act 2011. The fee charged is set locally and should cover the cost of carrying out the work. Within Lancashire a number of authorities have introduced charges. They include Blackburn with Darwen, Burnley, Lancaster, Ribble Valley, South Ribble and West Lancs. A recent study of 73 local authorities found the range of fees to be from £90 to £250.

5.8 The FSA's FHRs brand standard guidance has been amended and states that the 3 month period of waiting between the scoring inspection and the re-inspection taking place no longer applies where a fee is charged. A food business operator will be able to request a re-inspection when they can demonstrate they have dealt with the issues which needed to be addressed. The 3 month standstill period will no longer apply. Any number of re-inspections can be requested provided the appropriate fee is paid.

5.9 The proposed fee has been calculated at £140 on a cost recovery basis. No VAT is applicable. It is proposed to implement the fees with effect from 1st January 2018 to enable the Council to communicate the introduction of the fees on relevant Council correspondence and the website.

## **COMMENTS FROM STATUTORY OFFICERS:**

### **6. SECTION 151 OFFICER**

6.1 Financial matters are noted in the report.

**7. MONITORING OFFICER**

7.1 All legal implications are covered within the body of the report.

**8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

8.1 Consultation with:

- Internal Council departments
- Portfolio Holder for Operations

A review of Environmental Health Lancashire Service Leads collation of chargeable services was carried out to determine which other authorities in Lancashire make similar charges.

An EIA initial assessment has been undertaken and it has been identified there are no disproportional impact and a Full EIA is not required.

**9. CONCLUSION**

9.1 The application of charges for these areas of Environmental Health services will allow for some cost recovery.

Background Papers	
Document	Place of Inspection
No background papers	