

Food Hygiene Rating Scheme – Cost Recovery for Requested Re-inspections

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Purpose of the Report

1.0 To propose the introduction of a fee to recover the costs associated with undertaking non-statutory visits to food businesses requesting a re-score of their food hygiene rating.

Forward Plan

2.0 This report appeared on the District Executive Forward Plan with an anticipated Committee date of 1st February 2018.

Public Interest

3.0 The Food Safety unit, as part of the Environmental Health Service, has a statutory duty to enforce legislation relating to food. This duty includes inspecting food businesses to ensure they are meeting their obligations with regards to food hygiene.

3.1 Since January 2011 the Service has contractually joined the Food Standard Agency's (FSA) Food Hygiene Rating Scheme (FHRS). This is a scheme providing customers with at-a-glance information about hygiene standards in food businesses. Businesses in South Somerset are rated following planned inspections by food safety officers, and this helps customers make informed choices about where they buy and eat food. The scores issued will range from 5 (very good) to zero (urgent improvement necessary).

3.2 The FHRS permits a food business to apply for a re-visit for the purposes of re-rating if they have taken action to rectify the issues that had been identified at the time of the planned inspection. We cannot charge for the planned inspection as this is part of our statutory responsibility, but following a review by the FSA a charge can now be made for the work involved in handling a business's re-rating application.

Recommendations

4. That the District Executive:
 - a. Note the introduction of the Food Standard Agency's guidance to cost recovery for requested re-inspections in England;
 - b. Consider and approve the proposal to introduce a cost recovery fee for Food Hygiene Rating Scheme re-rating requests;
 - c. Approve the proposal to charge a fee of £115 for a Food Hygiene Rating Scheme re-rating inspection on the basis of full cost recovery.

Background

- 5.0 The purpose of the National Food Hygiene Rating Scheme (FHRS) is to allow consumers to make informed choices about the places they eat or shop for food and, through these choices, encourage businesses to improve their hygiene standards. The overarching aim is to reduce the incidence of food-borne illness and the associated costs to the economy.
- 5.1 A Food Hygiene Rating score is considered by a food officer at the close of a scheduled food hygiene inspection. Those food businesses who fail to achieve the highest rating “5” may be disappointed and so often carry out any works required immediately so that they can improve their score and regain their commercial advantage (or minimise their disadvantage). Any application made to request a revisit will require an officer to return to re-assess the food hygiene conditions and management of the whole premises prior to re-score.
- 5.2 The Food Standards Agency has reviewed its guidance on charging a fee for requested re-inspections to re-assess food hygiene ratings, in consideration of the general power provided under the Localism Act (2011). The Agency considers that providing a re-inspection upon request by a food business operator, in circumstances where there is no statutory requirement to provide that re-inspection, falls within the general power that allows for the recovery of costs.
- 5.3 The Somerset Health, Safety and Food Group (Lead Food Officers from the other Somerset District Council’s) have worked together to identify a charging model with the aim of charging a uniform cost across Somerset. South Somerset is confident that the figure of £115 recovers full costs and the finance lead has provided the necessary data to reach this figure. This figure will be reviewed annually.
- 5.4 Under the proposed charging regime:-
- a) There will be 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 of the receipt of the request and payment of the fee.
The business would 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 food hygiene legislation.
- 5.5 During 2016-17 South Somerset DC carried out 70 re-score revisits at a cost to the Council. During the months’ April – September 2017 a total of 64 re-score revisits have taken place. A fee as proposed would have generated £8,050 recovered costs during 2016-17. This yearly figure may increase should mandatory rating display of the rating come into force.
- 5.6 It is proposed the charge will be introduced from the 1st April 2018.

Options Considered

- 6.0 The Council continues to cover the cost of requests to re-inspect where a food business believes they are suffering a commercial disadvantage by not holding a top rating of 5 by not being in full compliance with hygiene legislation at the time of the statutory inspection.
- 6.1 The Council introduces a fee of £115, reviewable annually, to recover those costs associated with any request to undertake a non-statutory re-visit to re-rate a food business’s food hygiene score.

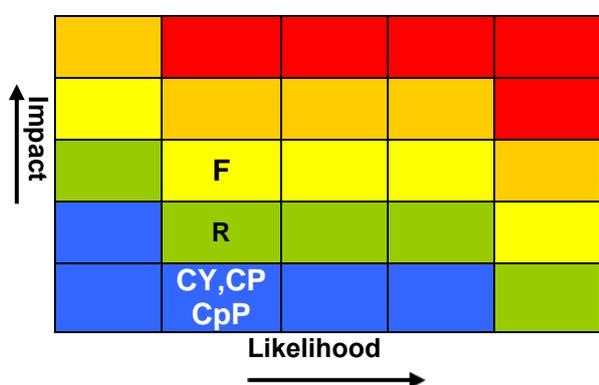
Financial Implications

7.0 There will be a net saving to the Council for this service as it is currently delivered free of charge.

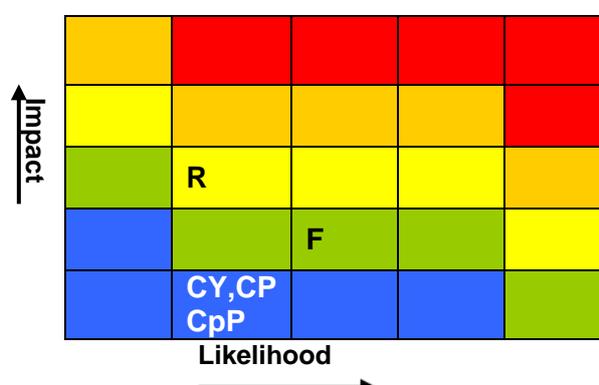
7.1 There is no means of accurately predicting the number of requests to re-inspect as this will be led by business demand. During 2016-17 we received 70 requests. During the first six months of this financial year 64 requests have already been made. It would be reasonable to assume that this number would likely reduce should a charge be introduced, but this would largely depend upon how each business views the impact of the scheme on potential customers and their willingness to remain with a score of less than 5 until their next planned inspection. This could be any time between 6 months and 3 years.

Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

| Categories | Colours (for further detail please refer to Risk management strategy) |
|---------------------------------|---|
| R = Reputation | Red = High impact and high probability |
| CpP = Corporate Plan Priorities | Orange = Major impact and major probability |
| CP = Community Priorities | Yellow = Moderate impact and moderate probability |
| CY = Capacity | Green = Minor impact and minor probability |
| F = Financial | Blue = Insignificant impact and insignificant probability |

Council Plan Implications

8.0 The work of the unit helps contribute towards the delivery of a range of our Council Plan aims including particular focus on both Economy and Health and Communities.

Carbon Emissions and Climate Change Implications

9.0 None directly arising from this report.

Equality and Diversity Implications

10.0 This report has been instigated following a change in national policy by the Food Standards Agency. The proposal to introduce a cost recovery fee has been piloted by the Agency and due consideration has been made to its national introduction. Its scope will extend to all food establishments supplying food direct to consumers.

10.1 Stage 1 Equality Impact Assessment carried out, outcome was low impact therefore a full Equality Impact Assessment not required.

Privacy Impact Assessment

11.0 No immediate impacts on privacy identified. Review to be maintained.

Background Papers

The Food Standard Agency's (FSA) Food Hygiene Rating Scheme (FHRS).
