

REPORT FROM: HOUSING, HEALTH AND ECONOMIC DEVELOPMENT
SERVICES MANAGER

TO: EXECUTIVE

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CHARGING FOR REQUESTED FOOD HYGIENE RATING SCHEME RE-INSPECTIONS

PURPOSE OF REPORT

To seek approval to introduce cost recovery charges for work carried out to re-inspections and re-score food businesses under the food hygiene rating scheme

RECOMMENDATIONS

- (1) That members agree the introduction of charges for re-inspections made at the request of the food business operator to re assess the food hygiene ratings.
- (2) That members agree for the cost recovery charge of £140 be set with effect from 1st April 2018

REASONS FOR RECOMMENDATIONS

- (1) To enable us to recover a cost for work over and above our statutory function
- (2) To enable the charges to be implemented at the start of the new financial year

ISSUE

Environmental Health are responsible for regulating approximately 820 food businesses within the Pendle Borough Council area which are inspected and assessed in line with their food hygiene risk. Over the next 12 months 564 premises will be inspected.

Following the Inspection the food business operator is given a score under the Food Standards Agency (FSA) Food Hygiene Rating Scheme (FHRS). The officer who has carried out the inspection assesses how well the business is meeting the law by considering;

- How hygienically the food is handled – how it is stored, prepared, cooked, cooled and re-heated.
- The condition of the structure of the building – the cleanliness, layout, lighting, ventilation and other facilities.
- How the business manages and records what it does to make sure that the food it produces is safe for the public.

Scores range from 0 to 5 with the score of 0 meaning that urgent action is needed to improve the practices, buildings and record keeping. Whilst a score of 5 means that the business was found to have 'very good' hygiene standards.

In September 2017 the rating profile for Pendle businesses which are included within the FHRS is shown in the table below. Some food businesses are not included in the scheme examples of these include child minders and food manufacturers.

Pendle's food Hygiene Rating Profile

Rating	October 2017
5	619
4	102
3	47
2	5
1	4
0	0

FSA website

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

Under the current Code of Practice the food business operators are able to request a re-inspection and re-score 3 months after the date of the last inspection. This is likely to be much sooner than the next programmed inspection would be due to take place. The intention of the food business operator in requesting a re-inspection is to demonstrate that the premises and practices have improved thus warranting a higher score than previously achieved. The cost of carrying out these inspections is currently covered by the Council. In the year 2016/17 5 businesses requested a re-score although this figure is increasing. Many of the businesses asking for a rescore are those scoring 2, 3 or 4 and wishing to achieve a 5 rating.

The FSA have recently issued advice indicating that charges can be made using powers in the Localism Act 2011. The level of the fee is at the discretion of the Local Authority and should cover the cost of carrying out the work. A recent study of 73 Local Authorities found that charges ranged from £90 to £250. A number of Local Authorities in Lancashire have recently introduced charges these include Blackburn with Darwen, Burnley, Lancaster, Ribble Valley, South Ribble and West Lancashire.

The Food Standards Agency Food Hygiene Rating Scheme brand standard was amended in June 2017 and states that the 3 month period of waiting (standstill Period) between the scoring inspections and re-inspections taking place no longer applies where the local authority charge a fee. A food business operator is able to request a re-inspection when they can demonstrate that they have dealt with the issues identified at the last inspection. The food business can request any number of re-inspections provided the appropriate fee is paid.

The Environmental Health Commercial team carries out internal audits of inspections to ensure the scores being given are consistent. There are also inter authority audits carried out in line with the

Food Standards Authority's (FSA) code of practice to ensure that inspections are being carried out in line with the legislation and guidance.

The proposed fee has been calculated at £140 on a cost recovery basis. It is proposed to implement the charge with effect from 1st April 2018. To enable the Council to communicate the introduction of the fee on the relevant letters and the councils website

The introduction of this charge will allow for some cost recovery for this area of Environmental Health's work.

IMPLICATIONS

Policy: The Environmental Health Enforcement Policy will need to be updated to take account of these changes

Financial: This charge is outside the scope for VAT

Legal: None arising from this report

Risk Management: None arising from this report

Health and Safety: None arising from this report

Sustainability: None arising from this report

Community Safety: None arising from this report

Equality and Diversity: An equality impact assessment screening has been carried out which indicated that there was no requirement for a full impact assessment to be carried out

APPENDICES

LIST OF BACKGROUND PAPERS

Food law Code of practice

Food Hygiene Rating Scheme Brand Standard