

CHARGING SCHEME FOR FOOD SAFETY RESCORE INSPECTIONS UNDER THE NATIONAL FOOD HYGIENE RATING SCHEME.

1. PURPOSE OF REPORT

- 1.1 The national Food Hygiene Rating Scheme (FHRS) has been in place in the New Forest since early 2013.
- 1.2 This report recommends the introduction of a charge for FHRS re-rating inspections using powers contained in the Localism Act 2011. Charging was previously prevented in the Food Standards Agency's agreement with local authorities to deliver the scheme. However, they have recently reconsidered this position and are advising that Local Authorities may charge for the service under general powers contained within the 2011 Act.

2. BACKGROUND

- 2.1 All Local Authorities in England participate in the national FHRS which is a partnership initiative with the Food Standards Agency (FSA) who are the central competent Food Authority. The basis for the scheme is the "food hygiene intervention rating scheme" set out in the Food Law Code of Practice.
- 2.2 The purpose of the scheme is to allow consumers to make informed choices on places where they eat out or shop for food and through these choices, encourage businesses to improve their hygiene standards.
- 2.3 The scheme scores food businesses on three main criteria, based on observation of food practices, the structure (standard of cleanliness and repair), and assessment confidence in management, following an unannounced food hygiene inspection. The ratings range from 5, (very good) to 0, (urgent improvement necessary). A business is given a window sticker to display with this rating and the score is published on the FSA website.
- 2.4 Where businesses are awarded a rating of less than 5, and they have undertaken necessary improvements, they are entitled to request a re-inspection to obtain an improved rating. If a re-rating inspection is not requested, the business would only receive a new rating at their next routine inspection, which could be anything between 6 months and 2 years later depending on food safety risks.
- 2.5 If a business requests a re-inspection visit, the visit is provided free of charge; an approach which is currently in line with other local authorities. There are cost implications in providing this service, but, given the previous approach to charging as set out in paragraph 1.2, and the fact that it was deemed in line with the corporate plan and priorities to support local businesses to prosper for the benefit of the community, charges have not previously been considered.

3. WHEN THE CHARGING WILL APPLY

- 3.1 The Food Standards Agency considers that adoption and implementation of the FHRS falls within the general power of the Localism Act 2011. Section 1 of the Act gives Local Authorities the power to charge for a service which is not a statutory function; this would include providing a re-inspection in response to a request by a food business operator. These re-inspections are additional visits (over and above those we carry out as follow-up enforcement action) and are in line with the FSA 'Brand Standard' Guidance (June 2017) on the implementation and operation of the FHRS.
- 3.2 A food business operator often requests a re-rating inspection so that a new awarded and published score acknowledges the recent work carried out by the business to improve hygiene standards.
- 3.3 The proposed charge will only apply to re-rating inspections and not when we conduct an official control revisit to check on essential work/improvements required to comply with the law.

4. PILOT SCHEME AND IMPACT ON NEW FOREST DISTRICT COUNCIL

- 4.1 Forty local authorities took part in a pilot exercise based on charging for re-ratings. This has now concluded and due to the success of the pilot, these local authorities are all continuing to recover their costs. The FSA supports Local Authorities implementing charging for re-inspections through amendment of the Brand Standard in June 2017.
- 4.2 Local authorities involved in the pilot scheme reported only a slight reduction in the number of businesses requesting re-inspections, indicating that charging did not deter businesses who wished to receive an improved score.
- 4.3 A review of the re-inspection requests received by New Forest District Council since inclusion in the FHRS in 2013 indicates an average of 43 requests per year. Since January 2017 we have received 7 requests. This contrasts with the national average of just below 23 requests per year in England reported by 100 local authorities in the year 2014 – 2015. Although the reason for this difference is unknown, it may be a combination of the importance to businesses of having a good rating in a popular tourist destination, along with officers proactively promoting the re-inspections option.
- 4.4 The number of re-inspection requests may reduce once a cost recovery regime is in place. Assuming a 25% reduction to 32 requests per year, at a charge of £153, this would equate to an approximate cost recovery of £4896 per year.

5. CALCULATION OF THE FEE

- 5.1 The charges implemented for the pilot scheme in England ranged from £90 to £254 per re-inspection, with an average of £154. In Wales, businesses are charged a 'reasonable' cost for re-rating inspections of £160. The only Authority in Hampshire involved in the pilot scheme was Rushmoor District Council who charged £170.
- 5.2 A proposed flat fee of £153 has been calculated for the New Forest. This is based on local statistical data on current average time taken for a re-rating inspection (Officer time for inspection and travel, administration and management etc.) and also having regard to the HM Treasury document 'Managing Public Money' (August 2015).

- 5.3 The charge is broadly comparable with charges elsewhere in the country during the pilot scheme, while recognising that travel times and costs in this District can be higher than in many other local authority areas.
- 5.4 It should be noted that the law does not allow income from charges to exceed the cost of provision of the service. The charge would be reviewed annually against current data unless a mandatory national or regional fee is subsequently prescribed.

6. CONCLUSION

- 6.1 The FHRS is a key element in improving food hygiene and safety standards in food businesses, and in promoting consumer choice through publishing the results.
- 6.2 Charging for re-inspections is discretionary but allows a service to be provided where there is a need without an additional cost to the Authority. The re- inspection provides benefit to the food business by recognising the improvements they have made.
- 6.3 However, businesses are under no obligation to request a re-inspection, and thus cost recovery would only occur where they make a commercial decision and choose to request a re-rating inspection.

7. RECOMMENDATIONS

- 7.1 That a flat fee of £153 be introduced for Food Hygiene Rating Scheme re-rating inspections and to implement the charge on the basis set out in paragraph 4 of the above report from 1 January 2018.

8. PORTFOLIO HOLDER ENDORSEMENT

- 8.1 I agree with the recommendation above.

Signed CLLR B RICKMAN, LEADER

Dated 31 OCTOBER 2017

Date on which notice given of this decision - 31 October 2017

Last date for call-in - 7 November 2017

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Background Papers:

None

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