



ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
5 June 2018  
Agenda Item 5

Key Decision [No]

Ward(s) Affected: All

**Improving food hygiene standards- proposal to charge a fee when requested to re-assess food hygiene ratings**

**Report by the Director for Communities**

**Executive Summary**

**1. Purpose**

- 1.1 To consider introducing a charge to Food Business Operators who request a re-inspection / re-visit under the Food Hygiene Rating Scheme to re-assess the food hygiene rating of their establishment.

**2. Recommendations**

- 2.1 That the committee agrees to the introduction of a set rate charge of £150 for a request for a re-inspection/ re-visit from a Food Business Operator, effective from 1 July 2018.

### **3. Context**

- 3.1 The Food Hygiene Rating Scheme (FHRS) is a Food Standards Agency (FSA)/Local Authority Partnership initiative. The general public will be aware of the scheme which provides a rating of between 0 and 5 which can then be displayed by the business owner in the premises. The national scheme currently works on a voluntary basis in England. It provides consumers with information about hygiene standards in food business establishments at the time they are inspected to check compliance with legal requirements on food hygiene. The food hygiene rating given reflects the inspection findings.
- 3.2 To ensure fairness to businesses, local authorities must have a procedure in place for undertaking re-inspections/ re-visits at the request of the Food Business Operator (FBO) for re-assessing the food hygiene rating of their establishment.
- 3.3 The re-inspection/re-visit mechanism applies in cases where FBOs with ratings of '0' to '4' have made the necessary improvements to address non-compliance identified during the local authority's planned intervention of the establishment.
- 3.4 The FSA has recently reviewed its guidance on charging a fee for requested re-inspections/ re-visits to re-assess food hygiene ratings, in consideration of the general power under the Localism Act (2011). The Agency considers that providing a re-inspection/ re-visit 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 under that Act, which allows for the recovery of costs.
- 3.5 During 2017/18 a total of 45 requests for a re-inspection/re-visit were received by Adur and Worthing Councils.

### **4. Issues for consideration**

- 4.1 Option 1 - That Adur & Worthing Councils utilise a cost recovery function in regard to requested re-inspections/ re-visits under the terms of the FHRS. This change in policy, to commence charging for a service which does not currently incur a charge, is proposed given the fact that the team has limited resources, a situation which is unlikely to change significantly, at a time when there are increasing demands to support and maintain the Food Service Delivery of our local businesses. Clearly it is the ambition of the team and of

the Councils that we have a thriving hospitality sector in our places, whilst supporting the health and wellbeing of our communities and visitors. At the same time, limited resources need to be directed to where they are most needed and this will be one way of supporting those resources.

- 4.2 Option 2 - To maintain the status quo and continue to provide a free service with regard to requested re-inspection/ re-visits.
- 4.3 The recommendation here is that the Committee follows option 1 and approves the the introduction of a set rate charge of £150, upon receipt of a request for a re-inspection/ re-visit from a Food Business Operator. It is proposed that this be effective from the 1 July 2018.

## **5. Engagement and Communication**

- 5.1 All Food Business Operator's (1,388 ) were advised by letter (Appendix A) of the intention to explore the implementation of a charging system and were invited to express their views during a 3 week consultation period (2 -23 March 2018).
- 5.2 Two responses to the consultation were received (Appendix B).

## **6. Financial Implications**

- 6.1 The proposed charge of £150 has been calculated based on cost recovery (Appendix C). This charge is less than the £160 introduced in Wales as part of their mandatory display scheme and has been calculated to ensure that costs are recovered.
- 6.2 The new fee should generate approximately £6,750 additional income per year which will cover the cost of delivering the service.

## **7. Legal Implications**

- 7.1 Adur & Worthing Councils have the power to charge for the discretionary service covered by this report under the Localism Act 2011. There is no relevant restriction in terms of charging for this service.

- 7.2 Section 111 Local Government Act 1972 provides that a Local Authority shall have the power to do anything, whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights, which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
- 7.3 Section 93 Local Government Act 2003 provides a Local Authority with a power to charge for discretionary services if the Authority is authorised to provide that service to a person who has agreed to its provision. The power is subject to a duty to secure that, taking one financial year with another, the income from charges under that sub-section does not exceed the costs of the provision.

### **Background Papers**

None.

### **Officer Contact Details:-**

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# **Sustainability & Risk Assessment**

## **1. Economic**

- 1.1 The continuation of the FHRS encourages competition among businesses in maintaining good standards of food safety.

## **2. Social**

### **2.1 Social Value**

The FHRS allows consumers to make informed decisions about the places where they choose to eat and also encourages businesses to improve their hygiene standards.

### **2.2 Equality Issues**

Matter considered and no issues identified.

### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified.

### **2.4 Human Rights Issues**

Matter considered and no issues identified.

## **3. Environmental**

Matter considered and no issues identified.

## **4. Governance**

The potential income generated is not assumed within the Councils approved budget at present and may be incorporated to ensure that successful Food Service Delivery is achieved.





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## Appendix A

The Food Business Operator  
«TRADNAME»  
«ADDR2»  
«ADDR3»  
«ADDR4»  
«ADDR5»

**Date:** «CURRENTDATE»  
**Service:** Public Health & Regulation  
**Tel:** 01903 221064  
**Email:** [publichealth.regulation@adur-worthing.gov.uk](mailto:publichealth.regulation@adur-worthing.gov.uk)

**Our Reference:** «UKEY»

Dear Sir/Madam

### **Adur & Worthing Councils intention to commence charging for a 'request a revisit' under the Food Hygiene Rating Scheme (FHRS).**

Under the Localism Act 2011 local authorities are able to charge for services they would not usually be required to undertake, such as a 'request a revisit'. It is the intention of Adur & Worthing Councils to utilise a cost recovery function in regard to 'request a revisit' under the terms of the Food Hygiene Rating Scheme. This change in policy, to commence charging for a service which currently doesn't incur a charge, is based on ongoing limited resources and rising demands in maintaining Food Safety Service Delivery. No profits shall be gained from this charging scheme.

Please note, this refers **only** to revisits made at the request of the food business operator following a programmed inspection and when you wish to have your Food Hygiene Rating re-assessed. It does not relate to revisits which are carried out following a programmed inspection in order to ensure compliance with matters identified at the inspection.

If the Councils adopt this approach some of the changes to the FHRS are as follows and these may be of benefit to you and your business:

- The three month 'stand-still' period following a programmed inspection will no longer apply. Requested revisits will be carried out within three months of

receipt of the request and payment. (Currently a requested revisit can take up to six months before taking place).

- There will be no limit to the number of revisits you may request, however, to avoid paying for multiple revisits you may wish to address any issues before you submit a request.

Continued...

Food Business Operators are reminded that during a requested revisit the officer may look at standards in general, not just the specific areas that the business has worked towards improving. The current Food Hygiene Rating could go up, down or remain the same.

You are invited to make representation to express any views you may have on the matter. Any responses shall be given consideration and incorporated into the decision making process. Please send any representations to [publichealth.regulation@adur-worthing.gov.uk](mailto:publichealth.regulation@adur-worthing.gov.uk) by **5pm on Friday 23rd March 2018**.

Yours sincerely



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## Appendix B

### Respondent no. 1

Further to your recent communication with regard to possible charges for a re-visit following a 'non-notified' visit from an Environmental Health Officer I am concerned as to the implication of this proposal.

For many years officers from the local council have called unexpectedly to carry out routine inspections of the premises and have 'awarded' stars relevant to their findings.

Should an establishment fall below the top quota of 5 stars a re-visit has always been accommodated within a reasonable time frame at no extra charge to allow that establishment the opportunity to improve on their star rating, indeed re-gaining a star or two that may have been 'lost' possibly due to changes in ownership/staff etc.

To now propose a charge for this service seems unreasonable given the current economic trading conditions many of us small businesses find ourselves in. You propose a charge but don't even give any indication as to what that charge might be which is not transparent in any way?

A re-visit has always been structured into your inspections within a given time scale and to penalise the business for requesting such a visit is not helpful or encouraging.

I am of the understanding that displaying stars on the door is not a requisite or something required by law so fail to see how you should wish to impose a charge?

### Respondent no. 2

I feel the anticipated cost should be included and for feedback depending on the cost this will affect my decision. I feel a charge should be levied for premises needing a revisit from EHO and for premises showing motivation and a drive to increase standards there should be no charge.

**Calculation of the costs of a re-inspection/ re-visit.**

<b>Process task</b>	<b>Officer responsible</b>	<b>Cost per hour (£)</b>	<b>Estimated Time (minutes)</b>	<b>Cost (£)</b>
Initial enquiry and supply of forms/advice	Technical Support Assistant (TSA)	13.53	15	3.38
Receipt of fee and checking of application.	TSA	13.53	10	2.25
Enter details into database	TSA	13.53	10	2.25
Pre- inspection file checks	Environmental Health Practitioner (EHP)	28.18	20	9.39
Travel to and from business (average)	EHP	28.18	45	21.13
Travel Costs (nominal figure)	-	-	-	6
Re-inspection/ re-visit	EHP	28.18	150	70.45
Completion of inspection report	EHP	28.18	60	28.18
Printing/completion of FHR Sticker	EHP	28.18	5	2.35
Enter details into database	EHP	28.18	10	4.70
			<b>TOTAL COST</b>	<b>150.08</b>