

Report of the Portfolio Holder for Leisure and Health

INTRODUCTION OF CHARGING FOR FOOD HYGIENE RE-RATING INSPECTIONS1. Purpose of report

To seek approval for the introduction of a charge for food hygiene rating scheme (FHRS) re-rating inspections.

2. Recommendation

Cabinet is asked to RESOLVE that Food Hygiene Re-Rating requests are charged for on a cost recovery basis and that fees are reviewed annually.

3. Detail

The Council operates the National Food Hygiene Rating Scheme (FHRS) which gives businesses in scope a food hygiene rating that they can display in their premises and is published at <https://ratings.food.gov.uk/>. A rating between 0 (urgent improvement necessary) to 5 (very good) can be given. Any business scoring less than a 5 can request a re-rating inspection in accordance with the Brand Standard. This activity can be charged for to offset the cost of providing this activity. Charging allows greater flexibility in the number of requests a business can make. Further information is provided.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with any costs being contained within existing budgets. Any additional income generated will be negligible.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

Section 1 of the Localism Act 2011 gives the Council the power to charge for a service which is not a statutory function. Re-inspections at the request of the food business operator to re-assess the food hygiene rating are not covered by the statutory duties i.e. planned interventions that the Council is required to undertake. It is for each local authority to decide to use these powers and set the charge in line with their costs.

Section 3 of the Localism Act 2011 provides that the general power is subject to a duty to secure that, taking one financial year with another, the income from charges does not exceed the cost of provision. Accordingly, the Council will need to base its charges on the costs of providing the service. The fee will need to be

reviewed annually taking into account the most recent data unless and until a mandatory national or regional fee is subsequently prescribed.

6. Human Resources Implications

There were no comments from the Head of Human Resources.

7. Union Comments

There were no Union comments.

8. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

9. Climate Change Implications

There were no comments from the Climate Change Manager.

10. Equality Impact Assessment

As this report proposes a change to Policy, an Equality Impact Assessment (EIA) is included at the appendix. The revised Food Service Plan is at appendix 2.

11. Background Papers

None.