

APPENDIX 1

FOOD HYGIENE RATING SCHEME – COST RECOVERY FOR FOOD HYGIENE RE-RATING INSPECTION REQUESTS**Executive Summary**

Food Business Operators can request a revisit to re-assess their rating under the Food Hygiene Rating Scheme (FHRS). The scheme operates nationally under guidance known as the Brand Standard. Broxtowe Borough Council was one of the first authorities in the Country to implement the Food Hygiene Rating Scheme and when first introduced the guidance did not include charging for revisits, even though there is no statutory requirement to provide a re-inspection. This changed in 2017 when the Brand Standard was amended using the powers available in the Localism Act 2011.

The FHRS encourages businesses to improve food hygiene standards and assists customers in making informed choices about where to eat.

Many local authorities have implemented charges for requested re-inspections and the Food Standards Agency (FSA) changed their policy in 2011 to allow local authorities to charge for this activity on a cost recovery basis.

Background/Explanation

The Food Hygiene Rating Scheme is a national scheme run by the Food Standards Agency. Environmental Health are responsible for carrying out inspections of food businesses to check they meet the requirements of food hygiene law and give food hygiene ratings based on the findings of the inspections and then publish the information on the FSA website. There are safeguards within the scheme such as an appeal process.

Ratings are given to activities where the public can eat or buy food and drink such as restaurants, takeaways, pubs, hotels, schools, hospitals, care homes, supermarkets, bakeries etc. Some businesses are exempt from the scheme such as businesses which are very low risk. Excluded from the scheme are businesses that do not sell food directly to the final consumer – such as food manufacturers and other businesses such as childminders. Businesses which operate from home are included but full addresses are not published.

Once a rating has been awarded, food businesses have the opportunity to request a revisit where they have scored below the maximum rating of 5 – Very Good. Currently food businesses can only request one revisit between periodic inspections and have to wait until a standstill period of 3 months has elapsed. The revisit should then be carried out no later than an additional 3 months after the request.

Within the proposed fee paying scheme there is no limit on the number of requests a business may make and there is no standstill period. This enables businesses to apply for a re-inspection promptly where things may have been rectified quickly, and then further re-inspections if they wish to demonstrate an improvement in practices and management where longer term evidence is required. This may also be helpful for businesses as many of the online platforms, do not allow businesses to receive orders unless they have at least a food hygiene rating of 3 – Generally Satisfactory.

The business must complete an application form and provide evidence to the satisfaction of the Lead Food Safety Officer and/or Head of Service that improvements have been made before a re-inspection is undertaken.

No fee can be charged for the initial inspection of the business which is carried out as an official control as part of the Council's statutory duties. There is no prescribed fee for undertaking this work and the FSA guidance indicates that each authority must set a fee having regard to the HM Treasury 'managing public money' and other relevant guidance. It is proposed to set the fee at £180 initially, based on the average time taken to carry out a re-inspection – including processing the request, confirming in writing the outcome to the food business and the administration and additional upload to the FSA website. All requested visits (appropriately validated) would need to be carried out within 3 months of the fee being paid.

There is no means of accurately predicting the number of requests for re-rating inspections businesses will make, but there are currently between 8 and 20 requests made annually. If display of the Food Hygiene Rating becomes mandatory in the future, there could be additional requests for re-rating inspections. Some of our requests for re-rating inspections have originated from businesses which have scored a 3 or 4 Rating. In accordance with the Brand Standard if we do not charge for these, we would be required to re-inspect between 3 and 6 months, even though in terms of risk and prioritising, these would not be the premises we would be targeting our interventions and it would also be beneficial that the cost of providing such re-ratings could then be recovered.

The main risks to the proposals include;

- Criticism from businesses that they do not want to pay for this service – there is no statutory duty for the Council to provide this service and will only be provided on a cost recovery basis with the food business operators agreement,
- Ensuring the service is adequately resourced to deliver the requested revisit within 3 months from payment.
- Failure to deliver the service in accordance with the FHRs Brand Standard and the agreement with the FSA.

National Policy guidance changed following a pilot and evaluation of the option. Many of the local authorities both across the Country and in Nottinghamshire and neighbouring Derbyshire have introduced a fee for this activity. By charging a fee, the standards may also be raised across the Borough as food business operators realise that poor performance at their initial inspection will result in additional costs if they want to improve their rating later.

Summary

The proposal will introduce a cost recovery fee for Food Hygiene Rating Scheme re-inspections when requested by the business operator. A suitable fee has been calculated in regard to the FSA Guidance and will be reviewed regularly. Charging provides the opportunity to generate a small additional amount of income which offsets the cost of carrying out this activity and provides consistency in the approach between local authorities.