

CABINET MEMBERS DELEGATED DECISION

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO
	Discretionary /	Need to be recommendations to Council		YES/NO
	Operational	Is it a Key Decision		YES/NO
Lead Member: Cllr Ian Devereux E-mail: cllr.Ian.Devereux@West-Norfolk.gov.uk		Other Cabinet Members consulted: Cllr Brian Long		
		Other Members consulted:		
Lead Officer: Vicki Hopps E-mail: vicki.hopps@west-norfolk.gov.uk Direct Dial: 01553 616307		Other Officers consulted: Geoff Hall, Food Safety Team		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)				
Date meeting advertised: 30 th July 2019		Date of meeting decision to be taken: 6 th August 2019		
Deadline for Call-In: 13 th August 2019				

TITLE: COST RECOVERY FOR RE-RATING INSPECTIONS UNDER THE FOOD HYGIENE RATING SCHEME (FHRS)

Summary

The Food Hygiene Rating Scheme in England has been running for over 5 years. The scheme works by applying a rating, from 0 to 5, to a food business at the time of the routine inspection according to the standards of food hygiene and safety found at the time of the inspection.

A local business is able to ask the Council to carry out a re-rating inspection when the business has made improvements and wants to obtain an improved hygiene rating. As the request is made by the business owner, and there is no statutory requirement to provide that re-rating inspection, the request is not carried out as part of the Council's statutory duties.

Recommendation

To introduce a charge of £225 per visit to cover the costs incurred by the Council in carrying out re-rating inspections requested by businesses under the FHRS. The charge to be introduced from 1 April 2020.

Reason for Decision

Over the last 3 years an average of 51 re-rating inspections were carried out in the borough which, had cost recovery at this level been operating, would have brought in £11,475 over the 3 years.

Background

The Food Hygiene Rating Scheme in England has been running for over 5 years. The scheme works by applying a rating, from 0 to 5, to a food business at the time of the routine inspection according to the standards of food hygiene found during the inspection.

The rating is a snapshot of the standards of food hygiene and safety found at the time of inspection. It is the responsibility of the business to comply with food hygiene law at all times. The inspection looks at:

- how hygienically the food is handled – how it is prepared, cooked, re-heated, cooled and stored
- the physical condition of the business –including cleanliness, layout, lighting, ventilation, pest control and other facilities
- how the business manages ways of keeping food safe, looking at processes, training and systems to ensure good hygiene is maintained. The officer can then assess the level of confidence in standards being maintained in the future

The ratings can be found online and on stickers which are displayed at business premises (display of the stickers is currently not a mandatory requirement in England.) The back of the sticker and the online rating shows the date of the inspection by the Council's food safety officer.

Ratings are given to places where food is supplied, sold or consumed, such as:

- restaurants, pubs and cafes
- takeaways, food vans and stalls
- canteens and hotels
- supermarkets and other food shops

The hygiene standards found at the time of inspection are then rated on a scale; 5 is top of the scale, this means the hygiene standards are very good and fully comply with the law; 0 is at the bottom of the scale, this means urgent improvement is necessary

To get the top rating, businesses must do well in all three elements above. If the top rating is not given, the officer will explain to the business the necessary actions they can take to improve their hygiene rating.

Where a business is not happy with the rating they received there are three options:

1. They can appeal the rating;
2. They can use their 'right to reply', in other words submit a form stating what measures they have taken since the inspection to improve their standards;
3. They can request a re-rating inspection from the Council.

Current situation

For the first 5 years of the FHRS Scheme in England the scheme was operated at no cost to food businesses. In 2016 the Food Standards Agency (FSA) changed the English scheme rules to allow councils in England to charge for requested re-rating inspections on a cost recovery basis after this was successfully launched in Wales and then trialed by 40 English local authorities.

As the request is made by the business owner, and there is no statutory requirement to provide a re-rating inspection, the request is not carried out as part of the Council's statutory duties.

Those businesses that have an initial rating of 5, where hygiene standards are very good, do not need or request revisits. Requested re-rating inspections are, therefore, a financial burden placed on the Council by businesses that don't fully comply.

Borough Council of King's Lynn & West Norfolk Costs

The hourly costs of staff involved in re-rating inspections are, as follows;

Post Description	Costs
	Maximum Hourly rate (on-costed)
Senior Environmental Health/ Senior Food Safety Officer	40.69
Admin Assistant	22.34

A review of the time and costs to the council involved in carrying out and processing a re-rating inspection, based on the processes in Wales and amended to reflect the council's procedures, resulted in the following figures:

Break down of cost to the Council of carrying out a re-rating inspection:

Process	Time Estimates	Officer	Cost
Initial Enquiry and supply of forms/advice	15	Admin Assistant	£5.59
Receipt of fee and checking of applications.	10	Admin Assistant	£3.72
Enter onto LA database	10	Admin Assistant	£3.72
Pre-inspection file checks	20	Environmental Health Practitioner	£13.56
Travel to and from business (average)	45	Environmental Health Practitioner	£30.52
Rescore visit (full inspection)	150	Environmental Health Practitioner	£101.73
Completion of inspection report	60	Environmental Health Practitioner	£40.69
Printing/completion of stickers and inspection letter	5	Admin Assistant	£1.86
Input onto LA database	10	Environmental Health Practitioner	£6.78
TOTAL	325		£208.17
Mileage costs average 30 miles round trip	30 miles @ 45p per mile		13.5
OVERALL TOTAL			£221.67

The time take for a re-rating inspection is 325 minutes. The estimated full cost recovery for a re-rating inspection would therefore be £221.67 It is recommended that this figure should be rounded up to £225 to cover any 'unseen' costs.

Cost comparison with other Local Authorities:

North Norfolk District Council	£150 per visits
Norwich City Council;	£160 per visit
Breckland Council;	£150 per visit
Brighton and Hove ;	£90 per visit
Huntingdonshire;	£75 per visit
London Borough of Waltham Forest;	£250 per visit
Medway Council;	£160 per visit
City of London;	£210 per visit
Dartford Borough Council;	£200 per visit
Westminster City Council;	£210 per visit

Options Considered

The Food Standards Agency is specific in their instructions to local authorities in how they operate the Food Hygiene Rating Scheme. Therefore the only options are to either charge or not charge for rerating visits.

Where a charge is agreed the council can set its own fees to recover costs.

Policy Implications

The decision is within the overall policy framework for food enforcement.

Financial Implications

The financial implication for the council is that there would be an increase in income. This would in turn pay for a service that we are not statutorily required to carry out and therefore free up resources to enable statutory duties to be fulfilled. There are no financial risks as a direct consequence of this report.

Personnel Implications

Statutory Considerations

Equality Impact Assessment (EIA)

(Pre screening report template attached)

Risk Management Implications

The additional charge may deter businesses from applying for a re-rating inspection. This would then, in turn, reflect negatively on the businesses and potentially reduce their takings as their rating would remain lower than it may be if a re-rating inspection was carried out. It will be for individual businesses to balance the cost of applying for a re-rating against the potential loss of income in not doing so.

Anecdotally, many businesses that have been asked over the last few years if a charge for a re-rating inspection would be a barrier to applying the answer has generally been no.

The existing scheme contains restrictions in that only one re-rating inspection is allowed in the inspection cycle and it must be carried out at least 3 months after the initial inspection. These restrictions are lifted if a local authority charges for re-rating inspections, and allow the business to request a re-rating inspection a number of times in an inspection cycle provided certain conditions are met and payment has been made.

The 3 month standstill period is also removed so, potentially, a business may have an earlier re-rating inspection than is currently the case. This will be beneficial by giving businesses more chances to improve, while paying for the service from the Council.

As noted above the charge may dissuade non-complaint businesses from applying for a re-rating and therefore the rating profile of businesses within borough may lower than if re-rating inspections were to remain free. This effect is likely to be so small as to be barely measurable and consequently the overall premises compliance profile of food businesses in borough would still remain high.

Declarations of Interest / Dispensations Granted

Background Papers

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

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Signed
(Cabinet Member)

.....
Date

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	Food Safety				
Is this a new or existing policy/ service/function?	New / Existing (delete as appropriate)				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Looking at introducing a charge for non-statutory re-rating of food businesses.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
Other (eg low income)			X		
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes / No	Service is aimed at the business sector			
3. Could this policy/service be perceived as impacting on communities differently?	Yes / No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes / No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	Yes / No	Actions:			
		Actions agreed by EWG member:			
Assessment completed by: Name					
Job title	Date				

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.