

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET 7 NOVEMBER 2017  
REPORT OF THE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

**FOOD HYGIENE RATING SCHEME – COST RECOVERY**

**1 Executive Summary**

- 1.1 In partnership with the Food Standards Agency, Public Health & Protection participate in the delivery of the national Food Hygiene Rating Scheme (FHRS).
- 1.2 Following a trial of charging for requested FHRS re-inspections/re-visits with some local authorities in England using existing powers in the Localism Act 2011, the Food Standards Agency have now confirmed a change in policy allowing use of these powers by local authorities in England to introduce fees on a cost recovery basis only for re-inspections/re-visits
- 1.3 At the Cabinet meeting on 6 June (Minute 5.2 refers) the following recommendations from the meeting of the Environment Overview and Scrutiny Committee meeting on 5 April 2017 (Minute 56 refers) were agreed:
  - 1) A full cost recovery fee for Food Hygiene Rating Scheme re-inspections/re-visits would be introduced.
  - 2) Delegated authority way is given to Head of Public Health & Protection, Executive Director (Public Protection, Planning and Governance) and in consultation with the Portfolio Holder for Public Protection that a suitable fee is determined giving regard to the Food Standards Agency's guidance and in consultation with the Council's Finance team.
  - 3) Recommendation to Cabinet that these changes are introduced and are sent to the Council to be adopted.
- 1.4 Following consultation with the Council's Finance team, the Head of Public Health and Protection, Executive Director (Public Protection, Planning and Governance) and the Executive Member (Business, Partnerships and Public Health) a fee of £180 per revisits has been determined.

**2 Recommendation(s)**

- 1) For the Cabinet to recommend that the fee of £180 per revisit is introduced and referred to the Council for approval.

### **3 Explanation**

- 3.1 The Public Health and Protection service are responsible for carrying out inspections of food businesses to check they meet the requirements of food hygiene law. They give businesses food hygiene ratings based on the findings of inspections and then publish this information on the Food Standards Agency website. No fee is allowed to be charged for the initial inspection of the business which is carried out as part of the Council's statutory duties.
- 3.2 Ratings are given to various food businesses and once a rating has been awarded food businesses have the opportunity to request a revisit where they have scored any score below the maximum rating of 5 (Very Good). Currently businesses can only request one revisit between due periodic inspections; within the fee paying scheme there is no limit on the number of requests a business may make.
- 3.3 There is no prescribed fee for undertaking revisits and the fee determined above has been obtained in consultation with our Finance Team and based on full cost recovery.

### **4 Legal Implication(s)**

- 4.1 Legal advice received by the Food Standards Agency indicates that powers are available to local authorities in England under the Localism Act 2011 Section 1 allowing for the recovery of costs for Food Hygiene Rating Scheme re-inspection/re-visits requested by businesses.

### **5 Financial Implication(s)**

There is no means of accurately predicting the number of requests for revisit that will be made as the requests are generated by business demand. The proposed fee has been set following discussions with the Council Finance Team and in light of guidance from the |Food Standards Agency and HM Treasury.

### **6 Risk Management Implications**

- 6.2 The main risks related to this proposal are:
- 6.3 The Council is at risk from public criticism from businesses that do not wish to pay a fee for this service. There is no statutory duty for the Council to provide this service, it shall be provided on a non-commercial basis with the food business operator's agreement.
- 5.1 The service will need to be adequately resourced to deliver the requested revisits within a specified time period. Though there is no accurate means of predicting demand, it is not anticipated to increase significantly from current demand which has been consistent for a number of years.
- 5.2 Failure to deliver a service in accordance with the 'brand standard' Food Standards Agency FHRs guidance may result in complaints against the service.

### **6 Security and Terrorism Implication(s)**

- 6.1 None associated with this report.



**7 Procurement Implication(s)**

7.1 None directly arising from this report.

**8 Climate Change Implication(s)**

8.1 None directly arising from this report.

**9 Link to Corporate Priorities**

9.1 The subject of this report is linked to the Council's Corporate Priorities "maintain a safe and healthy community", "protect and enhance the environment", "help build a strong local economy", "engage with our communities and provide value for money" and is linked to statutory provisions under food safety and hygiene legislation.

**10 Equality and Diversity**

10.1 This report has been instigated by change in national policy by the Food Standards Agency, the Central Government agency responsible for food safety in England. The proposal to introduce a cost recovery fee has been piloted and due consideration has therefore been made to E&D implications at a National level.

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