

CABINET

Agenda Item: 8

	Ward:	All
	Portfolio:	Cllr Nigel Taylor Community Health
Report Author(s):	Jo Barnett Hammonds SEHO	Meeting Date: 11 th September 2017

SUBJECT: Introduction of Cost Recovery Fee for Food Hygiene Rating Scheme Re-visits

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	Seen by:	Name	Date
Report Sign off	Chief Executive/ Deputy Chief Executive(s)	Tracy Aarons	21/08/17
	Legal		29/08/17
	Finance	Paul Deal	20/08/17
	Group Manager	Claire Malcolmson	18/08/17
	Portfolio Holder	Nigel Taylor	18/08/17
	Ward Member(s)		
Summary:	<p>The Food Standards Agency (FSA) has reviewed it's guidance on charging a fee for requested re-inspections/re-visits to re-assess a business's Food Hygiene Rating Scheme (FHRS) score, in consideration of the general power under the Localism Act (2011). The Agency considers that providing a re-inspection 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 that allows for the recovery of costs.</p> <p>The Council therefore wishes to introduce a new fee (£160), at the same time as all Somerset Districts, to enable the food hygiene officers to charge for this service from the 1st January 2018.</p> <p>In the Cabinet report of 11th April 2016 Cabinet agreed to reinforce its commitment to, and robustly apply, the policy of setting fees and charges on the basis of full cost recovery.</p>		
Recommendation:	<ol style="list-style-type: none"> 1. Cabinet is recommended to APPROVE the proposal to charge a fee of £160 for a FHRS re-score assessment from 1st January 2018. 2. Cabinet is asked to NOTE that it is proposed that food business operators be informed over the last quarter of this year so that they are aware of the future charge for this service. 		

Direct and/or indirect impact on service delivery to our customers and communities:	Officers already carry out these requested revisits at the cost of the council so the additional income generated can be used to enhance enforcement and deliver a robust service to all our customers. Businesses are not restricted to one re-score visit so they can request more provided they pay the charge. The ability to request more re-visits will encourage businesses to maintain good hygiene standards so they achieve a “5” rating at a scheduled inspection benefiting the wider community including visitors to the area.
Contribution to Corporate Priorities:	A recovery cost charge will boost income, encourage better hygienic standards in food premises and improve customer experiences.
Legal Implications:	<p>The Food Standards Agency has reviewed its guidance on charging a fee for requested re-inspections/re-visits to re-assess FHRs scores, in consideration of the general power under the Localism Act (2011). The Agency considers that providing a re-inspection 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 that allows for the recovery of costs.</p> <p>Cabinet is the decision making body for setting the fees and charges to be levied. Therefore any alterations to charges which are under the control of Mendip District Council must be approved by Cabinet before they are instigated.</p>
Financial Implications:	In the last year Mendip carried out 17 re-score revisits at the cost of the Council. A fee as proposed would have generated £2,700 income. This yearly figure may increase in the future if and when mandatory display of the Rating Sticker comes into force.
Impact on Service Plans:	Limited as re-scoring visits already form part of the service delivery, but will allow flexibility to engage a contractor if required to allow officers to invest more time and take a more robust approach to persistent ‘poor performers’.
Value for Money:	The charge covers costs.
Equalities Implications:	This will apply to all businesses.
Risk Assessment and Adverse Impact on Corporate Actions:	The other Somerset Councils have agreed to charge for FHRs re-visits. We would want to support the decision of the Somerset Health, Safety and Food Liaison Partnership and embed consistency with the principle of changing across the county.
Scrutiny Recommendation (if any)	Due to changes in current Scrutiny process and the timescale required in order to give notice of the introduction of the fees it hasn’t been possible to review this through the new Scrutiny regime.

INTRODUCTION

The purpose of the National Food Hygiene Rating Scheme (FHRS) is to allow consumers to make informed choices about the places they eat or shop for food and, through these choices, encourage businesses to improve their hygiene standards. The overarching aim is to reduce the incidence of food-borne illness and the associated costs to the economy.

A Food Hygiene Rating is carried out by a Mendip food officer at a scheduled food hygiene inspection. Those food businesses who fail to achieve the highest rating “5” may be disappointed and so often carry out any works required immediately so that they can improve their score and regain their commercial advantage (or minimise their disadvantage). This, should they request it, will require an officer to return to re-assess their whole premises and rescore.

The Food Standards Agency has 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 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 that allows for the recovery of costs.

The Somerset Health, Safety and Food group (Lead Food Officers from the other Somerset District Council's) have worked together to identify a charging model with the aim of charging a uniform cost across Somerset. Mendip is confident that the figure of £160 recovers full costs and the finance lead has provided the necessary data to reach this figure.

For information and to put into context other Councils across the country are already charging, Cornwall £175, Wales £175, Derbyshire LA £150, Brighton & Hove £145 to name a few.

In the last year Mendip carried out 17 re-score revisits at the cost of the Council. A fee as proposed would have generated £2,700 income. This yearly figure may increase if and when mandatory display of the rating comes into force.

It is proposed that food business operators be informed during the last quarter of this year so that they are aware of the future charge for this service. This charge will come into force from the 1st January 2018 in all Somerset authorities, if agreed.

OPTIONS CONSIDERED

1. The council introduce a re-inspection fee of £160 for a Food Hygiene Rating re-score from 1st January 2018.
2. The council continues to cover the cost of re-inspection, where food businesses believe they are suffering a commercial disadvantage by not holding a 5 rating as they were not in full compliance with food hygiene legislation at the time of the statutory inspection.

RECOMMENDATIONS

1. Cabinet is recommended to APPROVE the proposal to charge a fee of £160 for a FHRS re-score assessment from 1st January 2018.
2. Cabinet is asked to NOTE that it is proposed that food business operators be informed over the last quarter of this year so that they are aware of the future charge for this service.

REASONS FOR RECOMMENDATIONS

To support the Cabinet agreement to reinforce its commitment to, and robustly apply, the policy of setting fees and charges on the basis of full cost recovery.

Contact Officer: Jo Barnett Hammonds
Extension: 01749 341457
e-mail: jo.barnetthamonds@mendip.gov.uk

List of background Papers: