

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 3.00 pm on Thursday, 21 March 2019

Present:

Members: Councillor AS Khan (Chair)
Councillor P Akhtar (Deputy Cabinet Member)

Employees (by Directorate):

Place: D Blackburn, Place Directorate
G Carter, Place Directorate
N Castledine, A Chowns, U Patel

Apologies: Councillor E Ruane (invited for item 45 below)

Public Business

42. Declarations of Interest

There were no declarations of interest.

43. Minutes

The minutes of the meeting held on 10 January, 2019 were signed as a true record. There were no matters arising.

44. Proposal to Charge for Food Hygiene Rating Scheme Revisits

The Cabinet Member considered a report of the Deputy Chief Executive (Place) which sought approval to charge Food Business Operators for Food Hygiene Rating Scheme revisits.

On 1 April 2012, the City Council launched the Food Hygiene Rating Scheme (FHRS) which gives information about the hygiene standards in food businesses included in the scheme. This helps consumers make an informed choice of where to eat out or shop based on the hygiene rating of the business. The scheme is administered by Local Authorities in England, Northern Ireland and Wales and in partnership with the Food Standards Agency (FSA). The scheme operates on the basis that each business is given a 'hygiene rating' between 0 (urgent improvement necessary) and 5 (very good) when it is inspected by a Food Safety Officer. The rating shows how closely the business is meeting the requirements of food hygiene law. By publishing ratings on a national website and by encouraging businesses to display a rating sticker, it was hoped that standards of food safety in businesses would be driven up as a result of consumers making an informed choice about where to eat and shop, essentially 'voting with their feet'.

To ensure fairness to businesses, local authorities must have a procedure in place for undertaking revisits at the request of the Food Business Operator (FBO) for re-assessing the food hygiene rating of their establishment. These revisits would be

in addition to planned, risk rated interventions and did not form part of the Local Authorities proactive intervention programme. The revisits were merely a tool for the FBO to improve the business rating.

Following a trial of charging for requested FHRS revisits in England, using existing powers in the Localism Act 2011, the FSA has now confirmed a change in policy allowing the use of these powers by Local Authorities in England to introduce cost recovery for requested revisits/re inspections.

The number of requests for revisits in Coventry averaged at 41 per year since the FHRS was introduced. It was anticipated that the number of requests for revisits would continue at this level or would rise if the display of ratings at the premise becomes a mandatory requirement. In addition, demand could increase further with food businesses competing for the influx of customers coming to Coventry to celebrate City of Culture.

The average time taken to complete a FHRS revisit is 4 hours. This includes undertaking the inspection, travel, administration etc. With this in mind, it was proposed to charge FBOs £190 per revisit in order to recover costs, commencing from 1st April, 2019.

RESOLVED that the Cabinet Member for Policing and Equalities gives approval for Coventry City Council to charge for Food Hygiene Rating Scheme (FHRS) revisits.

45. Mandatory Houses in Multiple Occupation Licensing and Housing Inspection Fees and Charges

The Cabinet Member for Policing and Equalities considered a report of the Deputy Chief Executive (Place) which sought approval to adopt revised fees and charges relating to Mandatory Houses in Multiple Occupation (HMO) licensing and housing inspections commencing April 2019.

In October 2018 the Government amended the definition of a Mandatory Licensable House in Multiple Occupation (HMO) by removing the rule relating to the property being of three storeys or more and as such requiring all HMOs occupied by 5 or more people to be licensed under the national mandatory licensing scheme.

The Council now estimates that, as a result of the extension of the mandatory licensing definition there will be an additional 1200 HMOs that will require licensing under the mandatory scheme. This has increased the total number of licensable HMOs to around 2400.

Current resources were in place to deliver the original scheme and approval has been sought to provide additional resources to deliver the estimated increase in outputs. A recruitment process was currently underway to secure additional resources and the fees and charges to fund these posts have been reviewed resulting in the need for fees to be amended as per the report.

The Housing Act 2004 permits the Council to require any application for a licence under Part 2 to be accompanied by a licence fee and that this fee may properly

cover all costs incurred by the Council in carrying out its functions. In developing the fee structure, the Council had to have regard to the European Court of Justice ruling in *R (Hemming) V Westminster City Council* (Case C-316/15) and the High Court decision in *R (Gaskin) v LB Richmond Upon Thames* (2018) EWHC 1996 (Admin).

As a result of the Hemming case in particular, the Council is required to request payments in two stages – Stage 1 to cover the costs associated with determining the initial application and Stage 2 to cover the costs of running and enforcing the scheme.

As such the Council, when setting its fees, has adopted the two stage approach. All fees and charges will be reviewed on an annual basis. Table 1 within the report outlined the proposed fees and charges for the next financial year commencing 1st April 2019 which would be reviewed annually.

The Council also provides a number of inspection services for landlords who are proposing to use their property as a HMO and to provide their property to the Council for homelessness purposes. The Council currently delivers these services free of charge and it was proposed that costs are recovered through fees to provide these services, which would reduce the burden on the Council's budget and the public purse.

RESOLVED that, the Cabinet Member for Policing and Equalities:

- 1. Considered and approves the fees and charges relating to Mandatory Houses in Multiple Occupation (HMO) Licensing and housing inspections as set out in the report.**
- 2. Authorises the Head of Planning and Regulatory Services to implement the fees and charges structure commencing from 1 April 2019 and to review and amend the fees and charges (as appropriate) each financial year thereafter.**

46. Outstanding Issues

The Cabinet Member considered a report of the Deputy Chief Executive (Place) that contained a list of outstanding issue items that would be submitted to future meetings and summarised the current position in respect of each item.

RESOLVED that the Cabinet Member for Policing and Equalities notes the outstanding issue item listed in the report.

47. Any Other Business

There were no other items of business.

(Meeting closed at 3.25 pm)

