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Cabinet Member for Policing and Equalities

21<sup>st</sup> March 2019

**Name of Cabinet Member:**

The Cabinet Member for Policing and Equalities - Councillor A S Khan

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

All

**Title:**

Proposal to charge for food hygiene rating scheme revisits

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**Is this a key decision?**

No - although the proposals affect all wards, it is not anticipated that the impact will be significant.

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**Executive Summary:**

On the 1<sup>st</sup> April 2012, Coventry City Council launched the Food Hygiene Rating Scheme (FHRS). The scheme helps consumers choose where to eat out or shop for food by giving information about the hygiene standards in food businesses included in the scheme. The scheme is run by Local Authorities in England, Northern Ireland and Wales and in partnership with the Food Standards Agency (FSA). Each business is given a 'hygiene rating' of 0 (urgent improvement necessary) to 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 web site and by encouraging businesses to display a rating sticker, it is anticipated that standards of food safety in businesses will be driven up as a result of consumers making an informed choice about where to eat and 'voting with their feet'.

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

These revisits are in addition to planned, risk rated interventions and do not form part of the Local Authorities proactive intervention programme. The revisits are merely a tool for the FBO to improve the businesses 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 re visits in Coventry has averaged at 41 per year since the FHRS was introduced. It is anticipated that the number of requests for revisits will continue at this level or will 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 and administration etc. With this in mind, it is proposed to charge FBOs £190 per revisit in order to recover costs.

It is for this reason that Cabinet Member approval to charge for FHRS revisits is being sought.

**Recommendations:**

The Cabinet Member for Policing and Equalities is recommended to:

Give approval for Coventry City Council to charge for Food Hygiene Rating Scheme (FHRS) revisits.

**List of Appendices included:**

None.

**Background papers:**

None.

**Other useful documents:**

Guidance on the Food Hygiene Rating Scheme: The 'Brand Standard'  
<http://www.food.gov.uk/enforcement/enfcomm/fhrssteeringgroup/hygieneratingsguidance>

Food Law Code of Practice (England)  
<http://www.food.gov.uk/enforcement/enforcework/food-law>

Food Standards Agency Food Hygiene Ratings  
<http://ratings.food.gov.uk/>

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

## **Report title: Proposal to charge for Food Hygiene Rating Scheme revisits**

### **1. Context (or background)**

- 1.1 The FHRS is operated by Coventry City Council. Following each food safety inspection, all food premises included in the scheme receive a food hygiene rating ranging from 0 to 5, with a rating of 3 deemed to be 'broadly compliant'. There are currently 2 334 premises included in the scheme in the city, 1 608 of which are rated 5 (very good). Those with a rating of 4 or less, some 674 businesses, are able to apply to the Authority for a revisit with the aim of improving their rating. These revisits are currently provided free of charge and are completed in addition to the planned, proactive intervention programme. Since the launch locally of the scheme, the Council has or are in the process of completing 235 revisits at the request of the FBO. The majority of revisits undertaken result in the rating of the business improving.
- 1.2 The number of requests for revisits is expected to gradually increase, however, should mandatory display of ratings come into force, the number is expected to rise significantly.
- 1.3 It is possible that should the emphasis of inspections be changed to take account of emerging public health risks, such as emphasising allergen controls, then ratings may go down which may generate more requests for revisits.

### **2. Options considered and recommended proposal**

- 2.1 There are two options to consider in relation to this matter. Option 1 is to continue to provide revisits for rescoring purposes free of charge and option 2 is to charge the FBO a fee to recover the reasonable costs of the service provided.
- 2.2 Option 1 is no longer considered to be appropriate given the growing number of requests for revisits made by local businesses. The rating revisits are made in addition to any visits or interventions undertaken as part of the proactive intervention programme and are made based on business needs and desires rather than in response to public health risk. The Food Safety Team has limited resources and cost recovery would introduce a new income stream and generate approximately £7,790 per annum; a figure that is likely to grow as awareness of the scheme improves. In the current economic climate, it is not considered a fair use of local Council tax payers' money, to offer a service based on business need only. In addition, a change in FSA policy on cost recovery for FHRS revisits means a change in local policy is less likely to be challenged.
- 2.3 It is important to note that significant, free support for new businesses or failing businesses is provided by the Food Safety Team to ensure that food safety and public health is not put at risk and that there is no intention to charge for any such visit.
- 2.4 Option 2, charging for FHRS revisits, is the preferred option. Legal advice on the matter has been sought and is supportive of the proposal.

### **3. Results of consultation undertaken**

- 3.1 A cost recovery trial was undertaken by the FSA and several volunteer Local Authorities for four months at the end of 2016. Following an evaluation of the trial, the FSA changed their policy on cost recovery and have since written to all Local Authorities to advise of their change of stance and to confirm that cost recovery for FHRS revisits can occur under the provisions of the Localism Act 2011.

- 3.2 Several Local Authorities in the West Midlands and Warwickshire have already introduced cost recovery for FHRS revisits which range from £149 to £175 per revisit.

#### **4. Timetable for implementing this decision**

- 4.1 It is proposed that, should cost recovery for FHRS revisits be approved, it will commence on 1<sup>st</sup> April 2019.
- 4.2 The number of revisits requested and costs recovered will be monitored on a quarterly basis.

#### **5. Comments from the Director of Finance and Corporate Services**

##### **5.1 Financial implications**

It is proposed that a cost recovery charge of £190 is made for each FHRS revisit inspection. Based on current demand, approximately £7,790 could be recovered per annum.

##### **5.2 Legal implications**

Since the introduction of the FHRS, there has been a change in legislation in England and Wales, in the form of the Localism Act 2011, which has affected Local Authorities powers; including powers to charge. Section 1 of the Act means that Local Authorities may now do anything that an individual generally could do and in certain circumstances, may charge for what is done. It is the FSA's view that the implementation of the FHRS by Local Authorities falls within the general power and that providing a re inspection upon request, in circumstances where there is no statutory requirement to provide a re inspection, falls within the general power too.

#### **6. Other implications**

##### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan / scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The purpose of the FHRS is to allow consumers to make informed decisions about places where they eat out or shop for food and 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.

Cost recovery of FHRS re visits will provide the Food Safety Team with an additional income stream which will be used to help support the work of the team in tackling poor food safety in food businesses in the city; thus helping to drive up food safety standards and reducing the likelihood of food related illness in the city.

##### **6.2 How is risk being managed?**

The key risks associated with the proposal are:

- A possible reduction in number of requests made.
- Cost recovery may be a disincentive for local businesses to improve standards.
- That some FBOs may not be able to pay for a revisit.

The Food Safety Team undertakes regular inspections of all food businesses in the city on a risk basis, concentrating resource on poor performers and always issues a new food hygiene rating following an inspection. Those with a poor food hygiene rating will be proactively inspected more regularly (every 6 to 12 months) than those with a better risk score and officers work hard with poor performers during proactive inspections to help improve conditions and food hygiene rating. No food business in the city is allowed to operate if there is an imminent risk to health.

**6.3 What is the impact on the organisation?**

None.

**6.4 Equalities / EIA**

There are no public sector equality duties which are of relevance.

**6.5 Implications for (or impact on) the environment**

None.

**6.6 Implications for partner organisations?**

None.

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Finance: Cath Crosby	Lead Accountant	Resource	04.02.2019	06.02.2019
Legal: Amy Wright	Solicitor	Place	04.02.2019	05.02.2019
HR: No HR issues	-	-	-	-
Director: Andrew Walster	Director (Streetscene and Regulatory Services)	Place	04.02.2019	04.02.2019
Martin Yardley	Deputy Chief Executive	Place	13.02.2019	19.02.2019
Members: Councillor Khan	Cabinet Member Policing and Equalities	Cabinet Member		22.02.2019 – briefing by Davina Blackburn

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