

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 13

meeting date: TUESDAY, 25 MAY 2017
title: CHARGING SCHEME FOR FOOD SAFETY RESCORE INSPECTIONS
UNDER THE NATIONAL FOOD HYGIENE RATING SCHEME
submitted by: CHIEF EXECUTIVE
principal author: HEATHER COAR, HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To consider charging food businesses in the borough for food safety rescore visits made under the national Food Hygiene Rating Scheme (FHRS).

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – To help make people's lives safer and healthier.
- Corporate Priorities – To be a well-managed Council, providing services efficiently based on customer needs.
- Other Considerations – None.

2 BACKGROUND

2.1 Ribble Valley Borough Council are included in the FHRS co-ordinated by the Food Standards Agency (FSA). Under this scheme traders are given a rating between 0 (urgent improvement necessary) and 5 (very good) for the standards of food hygiene found at their routine inspection.

2.2 Where businesses are awarded a score less than the maximum 5, after undertaking necessary improvements, they are entitled to request a rescore with a view to obtaining a higher score.

3 ISSUES

3.1 The Food Standards Agency (FSA) has issued guidance that the adoption and implementation of the FHRS by local authorities falls within the general power under The Localism Act 2011.

3.2 The FSA 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, also falls within the general power.

3.3 The FSA considers that each of these circumstances apply to re-inspections because:

- a re-inspection can be properly described as a service which a local authority provides on a non-commercial basis to a food business operator with that food business operator's agreement;
- the FHRS is a non-statutory scheme in England, meaning that the local authority is under no statutory duty to perform a re-inspection; and
- for the reasons set out in the Agency's publication of September 2010, the local authority does not have any other power to charge a food business operator for a re-inspection.

- 3.4 A national pilot in 2016 was undertaken by local authorities and this proved successful.
- 3.5 During the period of the pilot, requests for re-scores were made by businesses.
- 3.6 Re-visits and inspections undertaken in order to protect public health and evaluate if further enforcement action is applicable are part of the statutory duties of the service and will not come within the scope of the charging scheme. On average annually Ribble Valley Borough Council receives around 20 requests for rescores.
- 3.7 Reversion to offering free of charge re-scores on request at a cost to the Council would continue to divert resources from statutory duties.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources - The proposed charge is subject to the council's Corporate Fees and Charges Policy. The proposed charge is £153 which is less than the £160 introduced in Wales as part of a mandatory display scheme and has been calculated to ensure that costs are recovered. This service committee shall keep all fees and charges under review and will receive an annual report from the Director of Resources on yearly changes.
 - Technical, Environmental and Legal - The Council has power to charge for this under the Localism Act 2011 s1. There is no relevant restriction in terms of charging for this service. The charging policy must comply with the Council's statutory duties (including the Human Rights Act and Public Sector Equalities Duty) and the manner of exercising the power must comply with general administrative law principles eg propriety of purpose. As the charging is not to be undertaken through a company, the amount of the charges must be set at a level which is limited to costs recovery (which can include overheads and other central costs).
 - Political – None.
 - Reputation – None.
 - Equality & Diversity – None.

5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Agrees to the introduction of a flat rate charge of £153 for rescoring visits requests received from food businesses.

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MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

None.

For further information please ask for Heather Coar, extension 4466.

REF: HC/EL/250517/H&H