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## FHRS Inspection Request Charging Decision - Summary Report

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Committee considering report: Joint Public Protection Committee

Date of Committee: January 2020

Date agreed by Joint Management Board:

Report Author: George Lawrence

### 1. Purpose of the Report

- 1.1 To supply the Joint Public Protection Committee with information that would allow for a policy decision to be made that would confirm recharging as a position for the partnership for the purpose of food hygiene inspection rescoring request's made by businesses under the Food Hygiene Rating Scheme (FHRS).

### 2. Recommendation(s)

- 2.1 The partnership should incorporate a cost recovery approach to food hygiene inspection requests for rescoring purposes using the existing fees and charges policy and methodology.
- 2.2 To keep businesses advised of this course of action, the partnership should ensure all FHRS associated documentation is updated accordingly.

### 3. Implications

- 3.1 **Financial:** Current demand would introduce around an additional 4k per year of recharge income across the PPP area – the equivalent of around 72 hours officer time.
- 3.2 **Policy:** A general recharging policy exists for PPP detailing the hourly rate for officer time. However, a policy for charging for this specific activity does not. The Partnership are signed up to the standards of the scheme set out by the FSA brand standard, which is 'official guidance' detailing how the scheme should be administered.
- 3.3 **Personnel:** The decision to charge would not incur additional resources or threatened existing resources. The income generated would be used to contribute to funding for inspecting officers. A decision not to charge, would result in continuing to provide qualified officer time on this function.
- 3.4 **Legal:** Powers under the Localism Act 2011 allow for the recovery of costs of re-inspections/re-visits made at the request of the FBO to re-assess the food hygiene rating.

**3.5 Risk Management:** The decision to request an inspection for FHRS purposes is a commercial decision. Service complaints may increase if the service was refused on grounds of non-payment, and at the same time service complaints may occur with the introduction of a charge. Risk management requires clear communication of service position during statutory inspection.

**3.6 Property:** None

**3.7 Other:** None

#### 4. Other options considered

**4.1** To continue to undertake food hygiene inspections on request, without any cost recovery undertaken.

**4.2** To refuse requests made from business for inspections of this type and advise business to wait until their next 'statutorily' timed inspection.

#### 5. Executive Summary

**5.1** The Councils' have, for a number of years, supported and signed up to the Food Hygiene Rating Scheme (FHRS), endorsed by the Food Standards Agency (FSA). This is a nationally recognised scheme and supported by a brand standard which details how the scheme should be operated by local authority. The scheme is a voluntary scheme.

**5.2** The purpose of the scheme is to inform customers of the hygiene standards within food business, and thereby facilitate free choice for consumers. From the food business perspective, advertising good ratings is a means to encourage business. .

**5.3** According to the brand standard, an 'out of routine' inspection (request to inspect) for the purpose of achieving a better rating should be provided on request, unless certain conditions exist. However, PPP do not currently charge for this service despite an ability to do so.

**5.4** The standard goes on to say; *'....powers available to local authorities in England under the Localism Act 2011 allows for the recovery of costs of re-inspections/re-visits made at the request of the FBO to re-assess the food hygiene rating. It is for each authority to decide to use these powers and set the charge in line with their costs'* (Pp.54).

**5.5** The PPP have an agreed fees and charges policy in place which details the hourly rate that would apply in this case.

**5.6** Below is a summary of the requests, and income potential since 2017, based on rescoring requests received by PPP.

Table 1: Rescore requests 2017-to November 2019.

April-March	Wokingham	Bracknell Forest	West Berkshire	Approximate time (hrs)	Income Potential*
2017	10	2	4	56	3136.00
2018	16	2	3	73.5	4116.00
2019 November	– 3	6	11	70	3920.00

\*Based on hourly rate of £56.00 per hour and a total of 3.5 hours taken per rescore inspection.

## 6. Conclusion

- 6.1 Re-scoring has resource implications regardless of whether there is a charging mechanism or not.
- 6.2 Cost recovery is a common service approach, and given the relatively low numbers in recent years, the partnership can absorb the additional charging demands within the existing financial cost recovery arrangements.
- 6.3 There are no confirmed national plans to make the scheme compulsory for businesses to display ratings in the same way that exists in Wales. However, were this to occur, it would not be unreasonable to expect further demand, and having in place a cost recovery system would assist the service in coping with any future demands.
- 6.4 There exists anecdotal evidence from officers from other Council's that already have in place a re-charging policy indicating that businesses attempt to use the appeal mechanism as a method to circumvent a re-scoring and charging exercise. However, this is unlikely to result in anything more than standard appeal approaches, which have prescribed time-scales, expectations in the audit process, and is clearly set out in the brand standard.
- 6.5 On the other hand, any increase in appeals would improve consistency and standards across the service and support existing internal processes.

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### Background Papers:

#### **The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation – The Brand Standard.**

<https://www.food.gov.uk/business-guidance/food-hygiene-ratings-for-businesses>

#### **PPP Fees and Charges Policy.**

<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=449&MId=4217&Ver=4>

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**PPP Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection**
- 2 – Protecting and Improving Health**
- 3 – Protection of the Environment**
- 4 – Supporting Prosperity and Economic Growth**
- 5 – Effective and Improving Service Delivery**

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