

Chichester District Council

CABINET

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Charging for Discretionary Food Safety Services

1. Contacts

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2. Recommendation

- 2.1 That Cabinet approve the new food safety fees and charges for 2020-21 for food hygiene rating revisits, advice for new and existing businesses and food export health certificates, as set out in the Appendix to this report.**

3. Background

- 3.1 The Health Protection team have been delivering the Food Standard Agency's (FSA) Food Hygiene Rating Scheme (FHRS) since 2011. This scheme encourages businesses to improve hygiene standards and assists consumers in making informed choices about where they eat. A green sticker is displayed for the public to see at the front of their premises. Following a food hygiene inspection by the Council's food safety officers, businesses are rated between 0 (urgent improvement necessary) and 5 (very good). Currently, a food business can request an officer inspection for re-rating at no charge however there are provisions in the legislation for the Council to charge for this service on a cost recovery basis.
- 3.2 Ratings for businesses are publicly displayed on the ratings website <https://ratings.food.gov.uk/> and so there is a greater incentive to businesses to improve standards more quickly. The introduction of a charge for a re-rating inspection will enable a revisit sooner so should drive up food hygiene standards.
- 3.3 In addition, the Council has always offered free advice to new and existing businesses to assist them in complying with the regulatory system. By providing such services, local businesses can be given considerable support which is beneficial in the long-term but it can be time consuming for officers and so it is appropriate to consider recovering these costs from the business operator.
- 3.4 Local Authority Environmental Health Officer's (EHO's) are authorised to issue Export Health Certificates (EHC) to premises holding Council approval for the manufacture/production of fishery products. The Council can charge for this service

on a cost recovery basis. This will apply once the UK has exited the EU and any transitional arrangements have passed.

4. Outcomes to be Achieved

- 4.1 That proposed fees are deemed to be fair and reasonable, based on the “Open for Business”: LGA guidance” on locally set fees and which achieve recovery of the Council’s costs in administering and delivery of these discretionary services which are valued by local businesses.

5. Proposal

- 5.1 That a new fee structure is introduced on 1 April 2020 (as set out in the Appendix) which ensures cost recovery to the Council of providing these discretionary services.
- 5.2 The proposal is to charge a fee of £166 for FHRS rating revisit inspections. All revisit requests will be carried out within a maximum three month period of the fee being paid. There is no limit on the number of requests a business can make but a fee will be payable each time.
- 5.3 Officers are also proposing to charge new and existing businesses who want food hygiene advice, a fee of £205 for a maximum two-hour visit with additional advice charged at £100 per hour. The exact service provided is specified in the Appendix for food hygiene advice and guidance. The fee is based on the average time spent providing local businesses for this service.
- 5.4 Businesses requiring Export Health Certificates (EHC) for fishery products will be charged £135 for the first certificate and any subsequent certificate requested on the same day/batch will be charged at an additional £65. This will apply after the EU Exit transitional period has finished, unless a trade deal is reached sooner.

6. Alternatives Considered

- 6.1 That these services continue to be provided free of charge – this is the current approach, but as these are discretionary services, there is considered to be justification for charging a fee on a cost recovery basis.
- 6.2 Do not provide any food hygiene advice – this would be likely to lead to a drop in food safety standards across the District and the increased risk of incurring additional enforcement work which will directly impact Council resources.
- 6.3 FHRS revisits – Whilst this is not a statutory duty, the Council is obliged to carry these out under the Food Standards Agency’s national FHRS scheme. Local Authorities are now specifically empowered to charge for this service and it is considered appropriate to do so.

7. Resource and Legal Implications

- 7.1 FHRS revisits and any food hygiene advice offered will be carried out within existing staff resources.

7.2 Based on previous years' workload levels, income is expected to be around £8,000 per annum (noting the possibility of an element of consumer resistance to a charging scheme). This will be used to offset staffing costs in the Health Protection Service.

7.3 There are no legal implications.

8. Consultation

8.1 Businesses are being advised about the anticipated introduction of charging during inspections and through other methods of communication in the lead up to 1 April 2020. All documentation and the Council's website pages relating to FHRS and food safety advice is in the process of being updated.

9. Community Impact and Corporate Risks

9.1 Although there is a cost to the food business, an improved rating is likely to be financially advantageous to the business by attracting additional custom, allowing the food business to recoup these costs. Advice given by Council Officers will enable a business to concentrate their efforts where most needed to comply with food safety regulations and therefore reduce any unnecessary expenditure.

9.2 When the UK has fully exited the EU it will be a legal requirement that fishery exports are accompanied by an Export Health Certificate.

9.3 Any corporate risk would be related to allegations of incorrect advice being given. Although this is considered unlikely, the Council is insured against any such losses that may result.

10. Other Implications

| Are there any implications for the following? | | |
|---|----------|----------|
| | Yes | No |
| Crime and Disorder | | X |
| Climate Change and Biodiversity | | X |
| Human Rights and Equality Impact | | X |
| Safeguarding and Early Help | | X |
| General Data Protection Regulations (GDPR) | | X |
| Health and Wellbeing Food Business Operators should ensure compliance with food legislation. Failure to comply could result in a risk to public health. The provision of this advice helps to ensure compliance with food safety legislation. | X | |
| Other | | X |

11. Appendix

11.1 Appendix – List of proposed Food Safety Services Fees and Charges 2020-21.

12. Background Papers

None

Appendix

| | | Charge (£) + VAT |
|----------|---|---|
| 1 | Food Hygiene Rating Scheme | |
| | Food Hygiene Rating Revisit | 166.00 |
| | | |
| 2 | New business advice | |
| | <p>Advice given by a Food Safety Officer before a new business opens to make them aware of food hygiene requirements to be considered before they start trading.</p> <p>There is a charge for this service of £205 for a maximum two hour visit by a Food Safety Officer and then £100 for each additional hour. This includes the following;</p> <ul style="list-style-type: none"> • A two hour site visit of the proposed premises offering advice about structural requirements and proposed layout. • On site written report summarising visit and recommendations. • Issued with a copy of the relevant Safer Food Better Business pack and a 12 month supply of diary sheets, along with explaining how it should be completed. • Signposting to other sources of information, agencies or Council departments as appropriate. | <p>205.00 (for max. 2 hr visit and inclusions)</p> <p>100.00 (for each additional hr)</p> |
| | | |
| 3 | Existing business advice | |
| | <p>For those already running a food business, they can request food safety advice or advice on how to improve their food hygiene rating.</p> <p>There is a charge for this service of £205 for a maximum two hour visit by a Food safety Officer and then £100 for each additional hour. This includes the following;</p> <ul style="list-style-type: none"> • A two hour site visit of the proposed premises offering advice about structural requirements and proposed layout. • A full review of your premises and food safety documentation i.e. SFBB • The officer will discuss with you the legal requirements and advisory matters that require attention. • A detailed report listing all the requirements that need to be addressed to improve their rating. • Other requests tailored to their needs. | <p>205.00 (for max. 2 hr visit and inclusions)</p> <p>100.00 (for each additional hr)</p> |
| | | |
| 4 | Export Health Certificates | |
| | First certificate (Includes max. 2 hours visit, travel time and issue of certificate) | 135.00 |
| | Subsequent certificates (issued for same batch on same day) | 65.00 |
| | | |