

Decision Maker: Public Protection and Safety Portfolio Holder

**For pre decision scrutiny by the Public Protection and Safety
PDS Committee on**

Date: Wednesday 29 March 2017

Decision Type: Non-Urgent Executive Non-Key

Title: CHARGING FOR FOOD HYGIENE RATING RESCORE VISITS

Contact Officer: Paul Lehane, Head of Food Safety, Occupational Safety and Licensing
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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

To propose the introduction of a fee to recover the costs associated with undertaking non statutory Food Hygiene Rating re-score visits to food businesses.

2. **RECOMMENDATION(S)**

The Portfolio Holder is asked to agree a fee of £165 for Food Hygiene Ratings re-score visits with effect from 1st April 2017.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
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Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Excellent Council Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley:
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Financial

1. Cost of proposal: Potential additional income of £3.3k
 2. Ongoing costs: Potential income of £3.3k per annum depending on a reduced take up of the service
 3. Budget head/performance centre: Public Protection and Safety Portfolio Budget
 4. Total current budget for this head: £1.3m
 5. Source of funding: Existing Revenue Budget 2017/18
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Personnel

1. Number of staff (current and additional): 5.76 fte existing
 2. If from existing staff resources, number of staff hours: 266 hours spent undertaking re-score visits last year
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approx. 2400 food businesses in the borough. 41 requests last year
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1. As a part of the Councils economic strategy officers have been asked to ensure that where legally possible services are charged so as to ensure full cost recovery and to look for new services that might be provided to increase income.
- 3.2 The Food Safety Service which is part of the Public Protection Division, provides a statutory minimum service (see report ES16008 to PP&S PDS Committee January 20 2016). This includes the administration for the Food Standards Agency, Food Hygiene Rating Scheme (FHRS). This is the scoring scheme that awards food businesses a star rating following a planned risk rated inspection. Star ratings range from Zero (urgent improvement necessary) to 5 (very good).
- 3.3 The food hygiene rating scheme permits a food business to apply for a re-score 3 months after the initial inspection. We cannot charge for the initial inspection as this is part of our statutory responsibility, but following a review by the FSA we can now make a charge for the time involved in a re-score application.
- 3.4 In the last year we received 40 applications for a re-score. This number is likely to reduce significantly should a charge be introduced for this service but it is reasonable to assume that around 20 applications would be received.
- 3.5 Based on 20 applications per annum, income of £3.3k could be received.

4. POLICY IMPLICATIONS

- 4.1 The introduction of a fee for FHRS re-score visits is in line with the Councils general policy to recover the cost of providing services where this is legally possible.

5. FINANCIAL IMPLICATIONS

- 5.1 An income of £3.3k is anticipated based on the assumption of 20 applications for re-score visits. The fee has been set to ensure the council's costs in providing the service are fully recovered.

6. LEGAL IMPLICATIONS

- 6.1 Legal advice provided to Local Authorities by the FSA in August 2016 supports the introduction of fees for re-score requests under the FHRS.
- 6.2 Section .1 of the Localism Act 2011 gave Local Authorities a general power of competence. This includes a power to charge for services offered in reliance on that power. The service proposed is one which can be offered in reliance on the power of competence.
- 6.3 Section 3 of the 2011 Act confers a power to charge as long as the service is not one which must be delivered by statute, the person paying has agreed to the service being provided, that there is no other power to charge and taking one financial year with another the income from charges does not exceed the costs of provision,

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, Personnel and Procurement Implications
Background Documents: (Access via Contact Officer)	FSA. Food Hygiene Rating Scheme – cost recovery for requested re-inspections in England August 2016 version 1