
Report of Environmental Health Manager

Report to Director of Communities and Environment

Date: 24th May 2017

Subject: Proposals for Enhanced Services to Food Businesses

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Local Authority has a statutory duty to enforce legislation relating to food safety. The Food Standards Agency (FSA) sets standards, monitors and audits local authorities to ensure they provide an effective enforcement service.
2. The current position in Leeds is one where premises are inspected in line with statutory requirements. Basic advice is currently offered to all newly registered businesses. Advice is provided to established businesses on request and as part of the inspection process.
3. FSA policy changes have opened the door to the use of new approaches for gaining food safety compliance and protecting public health. It is now possible for Authorities to make a charge for an enhanced service to food businesses which includes support, training, and guidance to enable them to comply without the need for formal action.
4. It is proposed to introduce a scheme to charge food businesses for a range of enhanced advice services.
5. It is important to note that no business will be forced to take up the enhanced level of service and all are able to continue as at present accessing free basic advice and avoid additional charges.

Recommendations

1. To approve the introduction of a scheme to charge food businesses for a range of enhanced advice services.

1 Purpose of this report

- 1.1 The report provides the Director of Communities and Environment with details of the food business advice service and seeks approval for its introduction.

2 Background information

- 2.1 There are 7,500 food businesses in Leeds, the 3rd largest number in the country with 400 new premises typically opening each year. These businesses are subject to regular contact by Environmental Health during inspections, complaint investigations, licensing visits and dealing with incidents. Businesses often contact Environmental Health for help, advice & guidance before or after a visit or when starting a new business.
- 2.2 A basic level of advice is currently offered with the majority of customers being sign posted to the relevant council web pages and the FSA site, both of which contain good levels of information.
- 2.3 The FSA currently operate the Food Hygiene Rating Scheme (FHRS) which publicise the results of local authority food hygiene inspections of shops, take-aways & restaurants to enable the general public to make informed choices when shopping or eating out. Displaying the rating (0 to 5) is not compulsory in England, as it is in Wales and Northern Ireland. This may change in the near future however. Should that be the case, there will be an increased desire by food business to improve their rating to the maximum 5.
- 2.4 The FSA has recently changed policy to allow local authorities to charge a fee for re inspections requested by food businesses to reassess their Food Hygiene Rating. This is to help local authorities carry out these re inspections in a timely manner. The decision to charge on a cost recovery basis, and the calculation of the costs, is for each local authority. This brings the scheme in England in line with Wales and Northern Ireland where a charge is already made for this service.
- 2.5 Food safety is a dynamic subject area in the UK and EU, with new legislation and guidance produced on a regular basis. Whilst information is available on the internet, many businesses may prefer to receive practical advice directly from the enforcing authority, as officers are able to explain how new developments and requirements will affect the business.

3 Main issues

- 3.1 Leeds has a growing and competitive food industry. Recent policy changes by the FSA have opened up new ways of seeking regulatory compliance. There is a real opportunity for the Council to build a self funding service to support food businesses and improve food hygiene standards across Leeds.

3.2 It is proposed to offer a range of advice packages,

- A service for businesses to request an early re inspection after the official rating inspection and after the required improvements have been in order for the business to show a higher rating. It is proposed that this enhanced service attracts a fee of £150.00.
- A service which provides advice and training to new and established businesses in Leeds on food safety management, staff training, pest control, premises cleanliness and maintenance. It is proposed that this enhanced service attracts a fee of £225.00.
- A service whereby premises are inspected prior to the official visit to receive tailored advice & help secure a good inspection outcome and good rating. It is proposed that this enhanced service attracts a fee of £225.00.

3.3 The offer of paid business advice by regulatory services, including environmental health is a relatively new initiative. Market research has identified that a number of local authorities are taking advantage of the change in FSA policy and are introducing this service. Cornwall Council, which is seen as having the most established business advice service, charges around £195 for a food safety advice package. York City Council offers a pre inspection advice visit for £225 to approximately 500 businesses a year and has a take up rate of 10%. We inspect around 1,500 premises each year, a similar take up rate in Leeds would be attainable with effective marketing. This equates to 150 pre advice visits a year with a potential income of £33,750. Bradford, Wakefield and Calderdale Councils are also looking to introduce the offer of an early re inspection at between £150 and £200.

3.4 Private consultancy services typically charge between £80 and £125 per hour for advice but are unable to undertake rating inspections.

3.5 Whilst initially focusing on food safety, the remit of the scheme could be widened to include health & safety, pest control, licensing, nuisance issues, planning and waste management, thus creating a 'one stop shop' advice service for businesses in Leeds.

4 Corporate considerations

4.1 Consultation and engagement

4.1.1 Leeds Bid and colleagues from economic regeneration are supportive of the proposals as a way to support commerce, in particular SME's, and raise food hygiene standards across the city.

4.2 Equality and diversity / cohesion and integration

4.2.1 Food businesses in Leeds are culturally diverse. The enhanced advice service will be available to all food businesses. A marketing strategy will be produced to promote the scheme and will include measures to ensure all business operators are made aware of the scheme and its benefits.

4.3 Council policies and best council plan

4.3.1 The safety and quality of the food we eat is of fundamental importance to our health and wellbeing. The provision of additional and bespoke advice to food businesses will support an improvement in food hygiene standards and contribute to the Council

ambitions of reducing health inequalities and ensuring everyone can enjoy a healthy life.

- 4.3.2 The scheme will support SME's to comply with legislation, avoid enforcement action and achieve a higher hygiene rating. Recent research by the FSA shows that consumers are actively considering ratings when choosing where they eat.

4.4 Resources and value for money

- 4.4.1 The offer of an early re inspection has no resource implications as it is simply bringing forward the re inspection date. Subject to approval this service can be implemented in July 2017.
- 4.4.2 The pre inspection advice offer would be provided by the existing team of nine fully qualified Environmental Health Officers. In the short term the team have the capacity to absorb the estimated increase in workload with no adverse impact on other environmental health functions. Longer term if demand exceeds expectations it is the intention to fund an additional post(s) using income generated by the business advice service. Subject to approval this service can be ready for implementation from September 2017.
- 4.4.3 Start up costs including marketing & design of the product and IT support is estimated at £5,000 which will be met from the existing environmental health budget.
- 4.4.4 Monitoring the effectiveness of the Business Advice Service will be via improvements in food hygiene ratings.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The Local Government Act 2003 makes it possible for local authorities to charge for discretionary services to cover the cost of delivery. The provision of food safety advice over and above the current basic level and offered as an optional enhanced service would be classed as discretionary.

4.6 Risk management

- 4.6.1 Charging for services which may have been perceived as previously "free" does pose a reputational risk to the Council. It will be important to ensure that the service is clearly marketed as an enhanced, additional and optional service. The current level of advice and support will remain free and readily available. Our web based advice is currently under review to ensure a comprehensive level of advice and signposting is available to all food operators.
- 4.6.2 There may be potential for a business that has paid for advice but not attained an improved rating or becomes subject to enforcement action to feel aggrieved. The scheme will include a legal disclaimer that the information provided is advisory and the local authority will not be liable for any unforeseeable loss which arises as a consequence of the advice. It will be made clear the purchase of an advice package does not guarantee an improved rating nor exclude the business from enforcement action. Initially the proposal will focus on 2, 3 and 4 rated premises which have the basics in place and the ability to improve. Those premises rated as 0 or 1 may require a more intensive approach including enforcement.

4.6.3 To eliminate any conflict of interest issues an officer providing advice will not undertake compliance and rating inspections at the business. There will be a clear distinction between our statutory duties and business advice service.

5 Conclusions

5.1 FSA policy changes have opened up new ways of seeking regulatory compliance.

5.2 An enhanced food business advice offer would provide an opportunity to build a self funding service to support food businesses and improve hygiene standards across Leeds.

6 Recommendations

6.1 To approve the introduction of charges for an enhanced food business advice service.

7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.