



CABINET - 27TH MARCH 2019

SUBJECT: FOOD HYGIENE RATING (WALES) ACT 2013 - PROPOSED INCREASE IN RE-RATING FEE

REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of the review of the mandatory fee for businesses submitting re-rating applications under the Food Hygiene Rating (Wales) Act 2013 and associated Regulations and to seek approval for a revised re-rating fee.

2. SUMMARY

- 2.1 The Food Hygiene Rating (Wales) Act 2013 and Regulations introduced a mandatory Food Hygiene Rating Scheme which came into force at the end of November 2013. Section 12 of the Act introduced a charge for businesses that require a re-rating of their food business establishment. It is proposed that the current fee for a re-rating visit is increased from £160 to £180 and once the re-rating process has commenced the whole fee will be retained.

3. RECOMMENDATIONS

- 3.1 That Cabinet approve the increase of the food hygiene re-rating visit fee to £180 with effect from 1st April 2019.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 The fee has been raised in line with the increase in officer hourly rates and on costs and is necessary to recover reasonable costs, and to ensure proper and effective enforcement of the legislation.

5. THE REPORT

- 5.1 The Food Hygiene Rating (Wales) Act 2013 and Regulations introduced a mandatory Food Hygiene Rating Scheme which came into force at the end of November 2013. The Act introduced mandatory display of food hygiene ratings at food business establishments. Food Hygiene Ratings are awarded to businesses following an unannounced food hygiene inspection.
- 5.2 Section 12 of the Act introduced a charge for businesses that require a re-rating of their food business establishment. The Act states that a re-rating will not take place until the operator of the establishment has paid the reasonable costs of the re-rating, as determined by the local authority. The Food Safety Expert Panel of the Wales Heads of Environmental Health Group has reviewed the current fee of £160 which was set in 2016 and recommends a new set fee of

£180 per re-rating visit for all businesses located in Wales. This fee will be reviewed annually by the Wales Food Safety Expert Panel.

5.3 **Conclusion**

That Cabinet consider the content of this report and agree the revised re-rating fee as set by the Wales Food Safety Expert Panel.

6. **ASSUMPTIONS**

6.1 No assumptions have been made or were thought necessary.

7. **LINKS TO RELEVANT COUNCIL POLICIES**

7.1 The following policies are relevant to this decision:

- Public Protection Enforcement Policy
- Food Law Enforcement Plan 2018/19.

7.2 **Corporate Plan 2018-2023**

Food law enforcement serves to promote good business thereby supporting economic growth contributing to Corporate Well-being Objectives,

Objective 2 - Enabling employment

The availability of safe food also contributes to:

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015.

8. **WELL-BEING OF FUTURE GENERATIONS**

8.1 Public protection is a statutory duty of the authority and contributes towards the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language

9. **EQUALITIES IMPLICATIONS**

9.1 There are no potential equalities implications resulting from this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

10. FINANCIAL IMPLICATIONS

- 10.1 An average of 23 re-ratings are undertaken per year at £160 which results in £3680 in rating fees. An increase in the fee to £180 would generate an additional £460 of income annually based on this average number of annual re-ratings.

11. PERSONNEL IMPLICATIONS

- 11.1 None.

12. CONSULTATIONS

- 12.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

13. STATUTORY POWER

- 13.1 Food Hygiene Rating (Wales) Act 2013 and the Food Hygiene Rating (Wales) Regulations 2013. The discharge of duties under the above legislation is a Cabinet function.

14. URGENCY

- 14.1 The decision will be subject to the “call-in” procedure.

Author: Michele Wehden, Senior Environmental Health Officer
Consultees: Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
Mark S. Williams – Interim Corporate Director, Communities
Rob Hartshorn, Head of Public Protection, Community and Leisure Services
Rob Tranter, Head of Legal Services/Monitoring Officer
Mike Eedy, Finance Manager
Shaun Watkins, HR Service Manager
Anwen Cullinane, Senior Policy Officer