



Please ask for Brian Offiler
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The Chair and Members of Appeals
and Regulatory Committee

5 December 2017

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 13 DECEMBER 2017 at 10.00 am in Committee Room 1, Town Hall, Chesterfield, S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. Review of Licence and Registration Fees 2018/19 (A000) (Pages 3 - 30)

Yours sincerely,

A handwritten signature in black ink, appearing to be "Brian Offiler", written over a horizontal line.

Local Government and Regulatory Law Manager and Monitoring Officer

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FOR PUBLICATION

REVIEW OF LICENCE AND REGISTRATION FEES 2018/19 (A000)

MEETING: APPEALS AND REGULATORY COMMITTEE

DATE: 13 December 2017

REPORT BY: SENIOR ENVIRONMENTAL HEALTH OFFICER

WARDS: ALL

1.0 **PURPOSE OF REPORT**

- 1.1 To seek approval for the proposal not to increase animal licensing and skin piercing registration fees for 2018/2019, following the annual review of fees. (See Appendix A)
- 1.2 To ask the committee to consider the introduction of a charge for food hygiene rating scheme (FHRS) re-rating inspections.
- 1.3 To ask the committee to agree the introduction of a fee for food export health certificates.

2.0 **BACKGROUND - EXISTING FEES AND CHARGES**

- 2.1 In accordance with the Council's financial regulations it is necessary for all fees to be annually reviewed.
- 2.2 The services for which fees have been reviewed relate to the regulation, control and administration of the following areas:
 - Animal licensing at pet shops, animal boarding, breeding and riding establishments;
 - Businesses carrying out skin or body piercing, electrolysis, tattooing or acupuncture. Businesses who offer skin piercing services are required to be registered with the Council but this is a one-off payment;

- 2.3 Members are reminded that those services mentioned in 2.2 are statutory services and as such are not subject to market forces. The Council has discretion about the setting of fees.

3.0 BACKGROUND - PROPOSED NEW FEES AND CHARGES

- 3.1 The Council is responsible for carrying out official controls on food businesses within Chesterfield Borough Council's area. Such controls comprise of unannounced inspections, partial inspections, audits, revisits and food sampling. Additionally the team offer advice and award ratings as part of the Food Standards Agency (FSA) national scheme for rating the hygiene of a food business, known as the Food Hygiene Rating Scheme (FHRS)
- 3.2 Food businesses are rated during a routine food hygiene inspection in accordance with the FSA's brand standard which all local authorities must follow. A rating between 0 (urgent improvement necessary) to 5 (very good) can be given. The scheme is characterised by the distinctive green and black window stickers supplied to food businesses. Ratings are also uploaded onto a consumer website and associated mobile phone apps.
- 3.3 Where a business is rated less than 5 under the scheme, they are entitled to request a re-rating inspection, after undertaking necessary improvements. The purpose of a re-rating inspection is to allow the business an opportunity to achieve an improved rating. Subsequently a new sticker can be provided with the higher rating, for the business to display. Without this opportunity to re-rate the score will remain the same until the next scheduled inspection.
- 3.4 Currently, where no fee is charged, arrangements are in place for only one re-rate inspection to be carried out. Under the terms of the scheme there must generally be a 'standstill' period of three months before an officer can return to carry out a re-rate inspection. The re-rate inspection must then take place within another three months of the end of the initial 'standstill' period. This means that six months is the maximum amount of time a business must wait to be re inspected following a re-rate request received by the Council.
- 3.5 If a charge is introduced this standstill period is waived and the re-rate inspection must take place within three months of the payment/request being received

- 3.6 Charging for re-rate inspections, which was previously not an option to Local Authorities, is now permitted under the revised brand standard for the scheme. This allows LAs to recover the costs for any re-rate inspection if they wish to do so.
- 3.7 The Council is represented at the Derbyshire food liaison group which meets every quarter to discuss food safety issues and emerging changes. As part of last year's meetings an exercise has been carried out to determine costs which would be appropriate if the Derbyshire authorities were to start charging under this scheme. Two Derbyshire authorities already charge a fee for re-rate visits. The remaining Councils propose to start charging from April 2018. It is therefore proposed that Chesterfield Borough Council introduces a charge for re-rate inspections from April 2018. See Appendix C for consistency exercise of rates.
- 3.8 On average the Council receives around 20 requests for re-rate inspections to be carried out each year. This could be set to increase if, as expected, the display of food hygiene ratings becomes mandatory in the future. Further where a fee is charged there is no limit to the number of rerating requests a food business may make. These additional inspections are on top of the existing work programme.
- 3.9 The team's primary function is to support businesses in compliance with Food Hygiene Law and allow them to seek improvement where necessary. However, it is only logical that the Council seeks to cover the costs of a service that is provided at the request of a food business, given that the LA now has the powers to do so.
- 3.10 Section 93 of the Local Government Act 2003 and Part 1 of Chapter 1 of the Localism act 2011 provide the powers necessary to permit the Council to charge for a non-statutory service on a cost recovery basis.

4.0 BACKGROUND - FOOD EXPORT HEALTH CERTIFICATES

- 4.1 There is free movement of goods within the EU – where no customs checks are usually carried out. Exporting to non EU Countries - will require a company to ensure they are aware of any restrictions and what conditions apply before food can be exported to a third country.

- 4.2 In the UK DEFRA and its agencies are the lead for international exports – what controls are needed depends on the food to be exported.
- 4.3 Export Health Certificates fall under the following legislation. The Food Safety & Hygiene (England) Regulations 2013 and EC Regulation 853/2004.
- 4.4 The FSA is not responsible for issue of these certificates – it will be Chesterfield Borough Council or Derbyshire County Council depending on the nature of the food.
- 4.5 The Council had not previously issued export certificates until July 2016 when a request came in. Staff took advice from colleagues in other neighbouring LAs and the first one was issued. Since this date, 12 have been issued.
- 4.6 Councils can apply a fee for export certificates to recover its costs for staff to carry them out.
- 4.7 It is proposed that a charge of £50 is applied for staff to complete and provide an export certificate to businesses. See Appendix E for figures.

5.0 PROPOSALS

- 5.1 No increase is proposed for animal licensing and skin piercing registration fees to bring fees in line with neighbouring Derbyshire authorities and in preparation for a change of fees following changes to animal licensing processes proposed by Department for Environment, Food & Rural Affairs (DEFRA). See Appendix D
- 5.2 It is proposed that Chesterfield Borough Council introduces a charge for food hygiene re-rate inspections from April 2018 at a rate of £170 per visit. See Appendix B for working on how the figure of £170 has been devised.
- 5.3 It is proposed that Chesterfield Borough Council introduces a fee for the issuing of food export health certificates at a rate of £50 per certificate.

6.0 FINANCIAL IMPLICATIONS

- 6.1 The proposal to leave the current level of fees and charges for animal licencing and skin and body piercing premises will have no impact on existing budgets.
- 6.2 The introduction of a charge for re-inspection of food premises will generate additional income of £1700 per annum as this work can be undertaken within existing staffing levels.
- 6.3 The introduction of a fee for export health certificates will generate additional income. Amount unknown.

7.0 RECOMMENDATIONS

- 7.1 To approve that the animal licensing and skin piercing registration fees for 2018/2019 are not increased, following the annual review of fees.
- 7.2 To approve the proposed introduction of a charge for re-rate food inspections from April 2018 at a rate of £170 per visit.
- 7.3 To approve the proposed new fee for export health certificates from April 2018 at a rate of £50 per certificate.

For further information on this report contact:
Catherine Bromhall, Senior Environmental Health Officer on (34)5749.

Licence Type	Fees 2017-18	2018-19 No increase proposed
Horse Riding Establishment (PLUS Vets Fee)	143	143
Animal Boarding	328	328
Animal home boarding	165	165
Pet Shop	252	252
Dangerous Wild Animals (PLUS Vets Fee)	139	139
Breeding of Dogs	327	327
Zoo licence	650	650
Acupuncture, Tattooing, Earpiercing and electrolysis premises	60	60
Acupuncture, Tattooing, Earpiercing and electrolysis per person	84	84
Pleasure Boat	60	60
Pleasure Boat Navigator	11	11
		New Fee for 2018/19
Re-rate inspection for food inspections under FHRS		170
Export Health Certificate		50

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