



St Albans District Council

Food Hygiene Rating Scheme:  
Revisit Charging Policy

Published [17<sup>th</sup> June 2022]  
Revised []

## Contents

| Section  | Page |
|--|------|
| 1. Definitions   | 3    |
| 2. Introduction  | 5    |
| 3. Our powers and duties   | 5    |
| 4. How we will use the policy  | 5    |
| 5. Implementation  | 6    |
| 6. Revisits  | 7    |
| 7. How do you request a revisit?   | 7    |
| 8. When can you request a revisit?   | 8    |
| 9. What is the procedure where we have refused a revisit request?  | 8    |
| 10. What is the procedure where we have accepted a revisit request?  | 8    |
| 11. Fees   | 9    |
| 12. Safeguarding Measures  | 9    |
| Appendices   | 9    |
| 1. FHRS Brand Standard (Revision 6 - June 2017)<br>( <a href="https://www.food.gov.uk/sites/default/files/media/document/The%20Food%20Hygiene%20Rating%20Scheme%20Guidance%20for%20Local%20Authorities%20on%20implementation%20and%20operation%20-%20Brand%20Standard_2.pdf">https://www.food.gov.uk/sites/default/files/media/document/The%20Food%20Hygiene%20Rating%20Scheme%20Guidance%20for%20Local%20Authorities%20on%20implementation%20and%20operation%20-%20Brand%20Standard_2.pdf</a> ) |      |
| 2. Food Hygiene Rating Scheme<br><a href="https://www.food.gov.uk/safety-hygiene/food-hygiene-rating-scheme">https://www.food.gov.uk/safety-hygiene/food-hygiene-rating-scheme</a>   |      |
| 3. The Food Safety and Hygiene (England) Regulations 2013<br><a href="https://www.legislation.gov.uk/uksi/2013/2996/contents/made">https://www.legislation.gov.uk/uksi/2013/2996/contents/made</a>   |      |
| 4. FHRS revisit request form   |      |
| 5. Rating decision letter  |      |

|                           |   |
|---------------------------|---|
| <b>Author</b>             |   |
| Policy created & reviewed | 16 <sup>th</sup> June 2022  |
| Policy created by         | Solicitor – Regulatory Team Leader<br>Business Compliance Officer |
| Policy review due         | June 2025   |

## **1. Definitions**

|  |   |
|--|---|
| <b><u>We</u></b>                           | St Albans District Council, usually acting through its officers.  |
| <b><u>You</u></b>                          | The applicant, i.e. the person applying for a re-visit  |
| <b><u>District</u></b>                     | The area covered by St Albans District Council.   |
| <b><u>Food Business Operator (FBO)</u></b> | The person operating the registered food business   |
| <b><u>Inspecting Officer</u></b>           | An officer employed by us to carry out Food Safety/hygiene inspections  |
| <b><u>Lead Officer for Food Safety</u></b> | An officer(s), who are responsible for the operational management of food law matters at each Local Authority |
| <b><u>Rating</u></b>                       | The rating given in accordance with the Food Hygiene Rating Scheme.   |

## **2. Introduction**

This Policy has been created in order to utilise the ability under the Localism Act 2011 to charge for revisits where they are requested by you as the FBO.

The Food Safety Act 1990 (as amended) provides the framework for all food legislation and the Food Standards Act 1999 established the Food Standards Agency who operate the Food Hygiene Rating Scheme (FHRS). The FHRS operates on a voluntary basis in England with the aim of ensuring that food businesses are inspected to achieve a specified standard of compliance with legal requirements on food hygiene.

Our aim with this policy document is to attain a high standard of food hygiene ratings at 4 or 5 in the District and enable premises to request revisit inspection within a three month period of receiving their initial food hygiene rating.

Section 3 of the Localism Act 2011 gives us the power to charge a fee where we provide a service for a non-commercial purpose. The service has to be a discretionary function, and the individual has to request the service. There is a further requirement that there is no other power to allow us to charge for the service. In this case we can charge a fee for revisits providing that fee is set to cover our costs and we do not make a profit. We have assessed the fee so that it allows us to recover the cost for the work we will carry out for a revisit. We will review the fees annually to ensure that the income does not exceed the cost of providing revisits.

## **3. Our powers and duties**

Our duty to regulate food safety at premises selling food in the District comes from:

- Food Safety Act 1990
- Food Safety and Hygiene (England) Regulations 2013
- FHRS Brand Standard (Revision 6 – June 2017)
- Localism Act 2011 (power to charge a fee inspection)

## **4. How will we use the policy?**

The policy provides guidelines about our current position on making revisits and charging a fee for that revisit. We will consider the policy when making those decisions.

We will consider each request on its own merits. We will take the policy into account when dealing with requests and we will normally follow the policy. If

we have to depart substantially from it, we will explain clearly why we have departed from the policy.

## **5. Implementation**

This policy was considered and approved by the Public Realm Committee on [16<sup>th</sup> June 2022]. For further information regarding this document please contact: FHRS St Albans City & District Council, St Peter's Street, St Albans, AL1 3JE

Tel: 01727 819460

Email [FHRS@stalbans.gov.uk](mailto:FHRS@stalbans.gov.uk)

## **6. Revisits**

As part of the FHRs St Albans District Council will undertake a revisit to ensure fairness to businesses. Under the Scheme, you, operating as a Food Business Operator (FBO), can request a revisit to reassess the food hygiene rating of their business.

The revisit mechanism applies in cases where a FBO has made the necessary improvements to address non-compliance identified during a food hygiene inspection of a business.

This revisit procedure applies specifically to revisits requested by you and does not apply to those revisits undertaken in the course of normal follow-up enforcement action.

This policy will apply where there has been a planned intervention (i.e. an inspection, partial inspection or audit of a business premises) by us and you have been given a food hygiene rating and you now want a reassessment with a view to obtaining a higher rating. We will expect you to have taken action to rectify any non-compliance identified. You will then have an opportunity to ask us to reassess your premises with a view to receiving a higher rating.

This policy continues to apply until either, the request for a revisit has been refused and this refusal confirmed by the Lead Officer for Food Safety or until the revisit has been carried out by the Inspecting Officer.

If you disagree with our decision to refuse a request for a revisit, you can raise the issue with the Lead Officer for Food Safety. If the matter cannot be resolved, you can complain through the Council's complaints procedure.

## **7. How do you request a revisit?**

A request for revisit must be made in writing by completing the FHRs 'request for a revisit' form (Appendix 4) and sending it to the Lead Officer for Food Safety by an acceptable means of delivery. Acceptable means of delivery are email and post.

## **8. When can you request a revisit?**

You can request a revisit at any time after the planned intervention. The revisit should take place within three months of receipt of the request and payment. We have set out the relevant fees at Appendix 6.

The request for revisit must outline the case for a revisit: it must indicate the actions that have been taken by the food business operator to rectify the non-compliance identified at the planned intervention. Supporting evidence can and should be provided where appropriate.

## **9. What is the procedure where we have refused a revisit request?**

We will make an initial decision as to whether you have made a valid request for a revisit. We will refuse the request for revisit if it is not valid. For example, if you have not provided sufficient supporting evidence or you have not paid the fee.

Where we have refused your request for a revisit, the Inspecting Officer will discuss this with you as soon as possible. We will contact you to explain the actions that we consider you need to take, and what evidence we will require before we agree a further revisit.

If we have refused your request and you wish to challenge that decision, you can ask the Lead Officer for Food Safety to reconsider the request for a revisit. All reconsiderations will be carried out within 14 days of the request for the review. They will issue a response either refusing or agreeing the request for a revisit.

In the absence of the Lead Officer for Food Safety, the Business Compliance Manager can reconsider a request for a revisit.

## **10. What is the procedure where we have accepted a revisit request?**

If we accept your request for a revisit, we will write to tell you that it has been agreed and arrange for payment of the fee. Appendix 6 sets out the fee information. Where we have agreed a revisit we will conduct the revisit within three months of receipt of the payment. A revisit will consist of one inspection visit.

We will attend to carry out the inspection at a date and time of our choice and all revisits will be unannounced. We will provide home caterers with 24 hour notice as required.

At the time of the re-visit, we will not only check that the required improvements have been made, but should also assess the overall level of compliance. This means that the food hygiene rating could go up, down, or remain the same as is considered appropriate by the Inspecting Officer.

After a requested revisit, we will send you the following documentation within 14 days of the revisit:

- a) A revisit letter either showing a decreased rating; improved rating or rating remaining the same (see Appendix 5)
- b) Notification of the revised food hygiene rating and our justification
- c) A FHRS sticker of the revised rating



If we do not carry out a revisit within the three month period, you can make a complaint to Lead Officer for Food Safety. If the matter has not been resolved, you can make a formal complaint using the Council's Complaints procedure <https://www.stalbans.gov.uk/complaints-and-compliments> .

In addition, you can appeal any rating, including the rating given at a revisit, where you do not agree with the rating applied. To do this you must use the procedure set out under the safeguarding measures below.

Whilst we can conduct further revisits, each one will require a further request and payment.

## **11. Fee**

The fee you have to pay for a revisit will be fixed at £212.

## **12. Safeguarding Measures**

This is relevant to all food hygiene ratings not just revisits and further details can be found on the FHRS website here: <https://www.food.gov.uk/business-guidance/food-hygiene-ratings-for-businesses>

# APPENDICES

# Food Hygiene Rating Scheme: Request for a re-visit

## Notes for businesses:

- As the food business operator of the establishment you have a right to request a re-visit for the purposes of re-rating if you have taken action to rectify the non-compliances identified at the time of inspection.
- You can usually make one request for a re-visit per each planned statutory inspection by the local authority and you can make this at any time after the statutory inspection provided that you have made the required improvements. Some local authorities will charge for this re-visit. The letter informing you of your rating will indicate this and the amount charged. Where a charge is made, there is no limit on the number of requests you may make.
- You must provide details of the improvements made with your request, including supporting evidence where appropriate.
- If the local authority considers that you have provided sufficient evidence that the required improvements have been made, and provided that a three month 'stand still' period has passed since the statutory inspection, the local authority will make an unannounced visit. This will take place within three months of the end of the three month 'stand still' period or within three months of the request if this made after the 'stand still' period (if you were only required to make permanent structural improvements or repairs or to upgrade equipment, the local authority can choose to carry out the requested re-visit sooner than this). Where the local authority charge for the re-visit, the stand-still period will not be applied and the re-visit will be carried out within three months of the receipt of your request and payment of the fee.
- The local authority officer will give you a 'new' food hygiene rating based on the level of compliance that is found at the time of the re-visit - you should be aware that your rating could go up, down or remain the same.
- To make a request for a revisit, please use the form below and return it to the food safety officer from your local authority – contact details are provided with the written notification of your food hygiene rating.

## Business details

|                                   |  |
|-----------------------------------|--|
| Food business operator/proprietor |  |
| Business name                     |  |
| Business addresses                |  |
| Business tel. number              |  |
| Business email                    |  |

## Inspection details

|                           |  |
|---------------------------|--|
| Date of inspection        |  |
| Food hygiene rating given |  |

## Action taken

Please describe the remedial action you have taken with reference to the issues identified in the inspection letter/report provided to you by your local authority with your score:

|  |  |
|--|--|
| Compliance with food hygiene and safety procedures |  |
| Compliance with structural requirements            |  |

|   |  |
|---|--|
| Confidence in management/control procedures |  |
|---|--|

|  |  |
|--|--|
| Please provide any other supplementary evidence (e.g. photographs, invoices, copies of relevant HACCP documentation etc.). |  |
|--|--|

|           |  |
|-----------|--|
| Signature |  |
|-----------|--|

|                    |  |
|--------------------|--|
| Name - in capitals |  |
| Position           |  |
| Date               |  |

**Please now return this form to your local authority.**

## APPENDIX 5



**FOOD HYGIENE RATING**

**Community & Place Delivery**

Our Ref:

Please ask for:

Direct Dial:

Email:

Date:

Dear Sir/Madam

### **Food hygiene inspection report and your food hygiene rating**

**FOOD HYGIENE RATING**

We inspected your business premises on **!!/!!/!!!!** to check compliance with the requirements of food hygiene law and I am writing now to outline to you our findings and to tell you what your food hygiene rating is.

#### **Inspection report**

I have enclosed a copy of your inspection report. This outlines my findings and highlights the priority actions and improvements that are needed to ensure that you are complying with the Food Hygiene (England) Regulations and associated legislation. These are listed under three areas:

- Compliance with food hygiene and safety procedures
- Compliance with structural requirements
- Confidence in management/control procedures.

If you are unclear about anything in the report, please get in touch with me – my contact details are given at the end of this letter.

#### **Your food hygiene rating**

This authority operates the national Food Hygiene Rating Scheme. This is designed to help consumers choose where to eat out or shop for food by giving them information about the hygiene standards in food outlets at the time they are inspected to check compliance with legal requirements. Details of how ratings are calculated are enclosed.

On the basis of the standards found at the inspection your rating has been calculated as follows:

|  |  |
|--|--|
| Compliance with food hygiene and safety procedures |  |
| Compliance with structural requirements            |  |
| Confidence in management/control procedures        |  |
| Total score  |  |
| Highest (this means poorest) individual score      |  |
| Food hygiene rating                                |  |

A sticker showing your rating will be sent in due course. You can tell your customers how good your hygiene standards are by putting the sticker up in the window or on the door. If you do not have a suitable glass surface, you could fix the sticker onto a transparent surface before fixing that onto a wall or other surface. Please destroy the sticker showing your previous rating as only one rating – the most recent rating - should be displayed. To continue to display a previous rating may constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008.

Your rating will also be published on the Food Standards Agency’s website at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings) between 35 to 40 days after the date of inspection.

You may request that the rating is published before this. Details can be found on the FSA website at <https://www.food.gov.uk/business-guidance/food-hygiene-ratings-for-businesses>

## **Safeguards**

If you make the improvements to hygiene standards that are highlighted in your inspection report, you can **request a re-visit** with a view to giving you a new and higher food hygiene rating. You can find the form to use to request a revisit for a rescore at <https://www.food.gov.uk/contact/businesses/services/make-an-appeal/appeal-your-food-hygiene-rating>

If you think that the rating is wrong or unfair – in other words it does not reflect the hygiene standards at the time of your inspection – you have 21 days in which you can **appeal** against this. You should appeal in writing to the Lead Officer for food by email at [environmental@stalbans.gov.uk](mailto:environmental@stalbans.gov.uk) , but I would recommend that you get in touch with me first so that I can help you to understand how your rating was worked out.

If you have improved hygiene standards since your inspection, or if there were unusual circumstances at the time of the inspection that might have affected your food hygiene rating, you have a '**right to reply**' so that you can explain this to potential customers that look up your rating online.

More information about these safeguards is provided on the FSA's website at:

<https://www.food.gov.uk/business-guidance/food-hygiene-ratings-for-businesses>

### **Where may I get further information?**

If you have any questions or concerns about your inspection report or about your food hygiene rating, please contact me by telephoning or by email at [fhrs@stalbans.gov.uk](mailto:fhrs@stalbans.gov.uk)

Yours sincerely,

**Business Compliance Officer**



## **FOOD HYGIENE & SAFETY PROCEDURES**

### **Schedule A – Food Safety Contraventions**

- 1.**
- 2.**
- 3.**

### **Schedule B – Food Safety Recommendations**

- 1.**
- 2.**

## **STRUCTURAL REQUIREMENTS**

### **Schedule A – Structural Contraventions**

- 1.**
- 2.**
- 3.**

### **Schedule B – Structural Recommendations**

- 1.**
- 2.**

## **CONFIDENCE IN MANAGEMENT**

### **Schedule A – Confidence in Management Contraventions**

- 1.**
- 2.**
- 3.**

### **Schedule B – Confidence in Management Recommendations**

- 1.**
- 2.**

## Food Hygiene Rating scheme - how your rating is calculated

### Your inspection

At inspection, the food safety officer will check how well you are meeting the law on food hygiene. Three areas will be assessed. These are:

- how hygienically the food is handled – how it is prepared, cooked, cooled, stored, and what measures are taken to prevent food being contaminated with bacteria
- the condition of the structure of the premises including cleanliness, layout, lighting, ventilation, equipment and other facilities
- how you manage and record what you do to make sure food is safe using a system like Safer food, better business







You will be given a score for each area – see below. Food safety officers use guidance to determine how to score each of these areas.

| Criteria                                | Score       |        |    |    |    |            |
|---|-------------|--------|----|----|----|------------|
| How hygienically the food is handled    | 0           | 5      | 10 | 15 | 20 | 25         |
| Condition of structure                  | 0           | 5      | 10 | 15 | 20 | 25         |
| How you manage and document food safety | 0           | 5      | 10 |    | 20 | 30         |
| <b>Total score</b>                      | <b>0</b>    | —————→ |    |    |    | <b>80</b>  |
| <b>Level of compliance</b>              | <b>High</b> | —————→ |    |    |    | <b>Low</b> |

### Your food hygiene rating

The rating given depends on how well the business does overall – the total score. It also depends on the area(s) that need improving the most - the business may do better in some areas and less well in others.

To get the top rating, you must score no more than 5 in each of the three areas. All businesses should be able to get the top rating. You will automatically get a new rating at each planned inspection.

|                                    |   |   |   |  |   |   |
|------------------------------------|---|---|---|--|---|---|
| Total score                        | 0 – 15  | 20  | 25 – 30   | 35 – 40  | 45 – 50   | > 50  |
| Highest permitted individual score | 5   | 10  | 10  | 15   | 20  | -   |
| Rating                             |  |  |  |  |  |  |

## Improving your food hygiene rating

The Food Standards Agency has a range of tools, such as Safer food, better business, that can help you manage food hygiene and keep your customers.



Check these out at [www.food.gov.uk/goodbusiness](http://www.food.gov.uk/goodbusiness)

To get the best possible rating, here's what you can do now:

- Look at your last food hygiene inspection report to check that you've taken all of the actions needed to ensure that you meet legal requirements. If you can't find your last report, contact us and we will be able to give you a copy.
- At your next inspection, if you don't get the top rating and you have queries about the improvements you need to make to get a better rating, then the food safety officer should be able to give you advice.
- Make sure that you and your staff continue to comply fully with all aspects of food hygiene law.

