

Frequently asked questions

The process of providing a risk rating

Q1. When should businesses be rated?

All businesses are rated following an inspection that takes place prior to grant/renewal of the licence or a requested re-inspection. Businesses may also be re-rated following an unannounced or additional inspection (e.g. following a complaint), if major issues are highlighted that require follow up action.

Q2. When should new businesses be rated?

New businesses should be rated following their initial inspection.

Q3. Where businesses have a licence for multiple activities within the scope of the regulations, should each activity be rated separately?

The licence holder should receive only one rating, which must cover all the activities. Where they are meeting different standards for different activities (e.g. meeting the higher standards for dog breeding, but the minimum standards for dog boarding), the overall score should reflect the lower of the two.

Q4. What information should the local authority provide with the star rating following the inspection at which a rating was determined?

The following information will be provided in writing:

(a) The star rating itself.

(b) Details of why the business was rated as it was. This should include a list of the higher standards that the business is currently failing to meet, or a list of the minimum standards that the business is failing to meet if it is considered to be in the minor failing category. This should also include a copy of the risk management table showing the scores under each point. Details recorded must be sufficient to support the score given for each element to facilitate internal monitoring or enable review where an appeal is made.

(c) Details of the appeals process and the deadline by which an appeal must be made.

The appeals process

To ensure fairness to businesses, an appeal procedure is in place for businesses to dispute the star rating given in respect of their business. The appeal procedure is relevant where the business wishes to dispute the star rating given as not reflecting the animal welfare standards and risk level of their business at the time of the inspection. This should not be used if the business has made improvements to their business and wishes to be reassessed – in this case, they should apply for re-inspection

Q5. How can a business appeal their star rating?

Any appeal should be made in writing to The Head of Public Health & Wellbeing, Portland House, 44 Richmond Road, Worthing, BN11 1HS, or email to publichealth.regulation@adur-worthing.gov.uk .

A business disputing a rating should be encouraged to discuss this informally first with the inspecting officer so that there is an opportunity to help explain to the business how the rating was worked out. This may help resolve the matter without the business having to lodge an appeal. Any such discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged. This should be made clear to the business so that they may lodge an appeal, and may subsequently withdraw it, if they wish.

Businesses have 21 days (including weekends and bank holidays) following the issue of their licence in which to appeal the star rating.

Q6. How will a local authority determine the outcome of the appeal?

The appeal will be determined either by the Head of Public Health & Wellbeing or by a designated deputy, or by the equivalent in another authority. No officer involved in the production of the rating, or in the inspection on which the rating is based will consider the appeal.

The local authority then has 21 days (including weekends and bank holidays) from the date they receive the appeal to consider the appeal, within which time they must issue a decision to the business.

The appeal will be consider the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.

Q7. What if the business disagrees with the outcome of the appeal?

If the business disagrees with the outcome of the appeal, they can challenge the local authority's decision by means of judicial review. The business also has recourse to the local authority complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered

Requests for re-inspections for re-rating purposes

To ensure fairness to businesses a procedure is in place for undertaking re-inspections at the request of the business for re-assessing their star rating.

The re-inspection mechanism applies in cases where businesses with ratings of '1' to '4' have accepted their rating and have subsequently made the necessary improvements to address non-compliances identified during the previous inspection. Businesses should be aware that re-inspection for re-rating purposes could lead to a lower rating being awarded rather than an increase in rating.

Q7. Who pays for a re-inspection visit?

Re-inspection falls under full cost recovery, and so the business will be required to pay for the costs of the inspection.

Q8. When is the inspection carried out?

The re-inspection should be carried out within three months of receipt of the request. Where an inspection does not occur within the three months, the business can raise the issue with the Head of Safer Communities. If the matter cannot be resolved, the business has recourse to the local authority complaints procedure.

Q9. How many re-inspections can a business request?

There is no limit to the number of re-inspection visits a business can request, however, there will be a fee for each visit charged at full cost recovery.

Q10. How should a business request a re-inspection?

The request should be made in writing to The Head of Public Health & Wellbeing, Portland House, 44 Richmond Road, Worthing, BN11 1HS, or email to publichealth.regulation@adur-worthing.gov.uk .and should outline the case for a re-inspection, i.e. it should indicate the actions that have been taken by the business to improve the level of compliance or welfare since the inspection and, where appropriate, should include supporting evidence. The supporting case should refer to those actions that the local authority informed the business would need to be made in order to achieve a higher rating.

Q11. Must the local authority accede to all requests for re-inspections?

No. If the case made by the business is not substantiated or insufficient evidence is provided, the local authority can refuse to undertake a re-inspection on that basis. In doing so, the local authority must explain why the request is being refused at this stage and should re-emphasise the priority actions that must be taken in order to improve the rating and indicate what evidence will be required for agreement to a re-inspection to be made on further request. If the business disagrees with the decision to refuse a request for a re-inspection, they can raise the issue with The Head of Public Health & Wellbeing, Portland House, 44 Richmond Road, Worthing, BN11 1HS, or email to publichealth.regulation@adur-worthing.gov.uk . If the matter cannot be resolved, the business has recourse to the local authority complaints procedure.

Q12. Where there is a supporting case, must a re-inspection be made or can a new rating be given on the basis of documentary evidence?

A re-inspection must be made. A new rating must not be given on the basis of documentary evidence only.

Q13. Where a re-inspection is to be undertaken, should this be unannounced?

This will depend on the reason for the re-inspection. This can be by appointment, unless an unannounced visit is necessary to ensure that compliance is checked properly (e.g. if the non-compliance was related to cleanliness standards).

Q14. If standards have not improved or have deteriorated at the time of the re-inspection, should a lower rating be given?

At the time of the re-inspection, the inspecting officer will not only check that the required improvements have been made, but should also assess the ongoing standards. This means that the rating could go up, down or remain the same and affect the licence length.

Q15. Will the ratings be published?

The star rating is contained on the licence which should be displayed by the business. It is not the intention of the council to maintain a list of licensed businesses and their associated ratings on their websites.