

## **Appendix C – Procedure for the appeal of a risk rating score**

- The process is relevant where a business wishes to dispute the star rating awarded as not reflecting the animal welfare standards and risk level of their business at the time of inspection.
- This process will not be relevant in the case where a business has made improvements following a risk rating awarded at an inspection. In this case the business should request a re-inspection. (See re-inspection section below)
- Before submission of an appeal, businesses will be encouraged to discuss their intention to make an appeal with the inspecting Officer before a formal written appeal submission is made. The 'inspecting Officer will explain how the rating was awarded which may help resolve the need for a formal appeal.
- In the event a business is still not satisfied with the risk rating score following an informal discussion with the inspecting Officer the business can submit a formal appeal in writing to the authority.
- Appeals will not be accepted after 21 days from the date the licence is issued. In this case businesses should be mindful to submit an appeal at the earliest possible opportunity with a view that should informal discussions with the inspecting Officer be productive, the appeal can be withdrawn.
- An appeal will be determined by the Joint Licensing Manager being the person responsible for the licensing function. In the event the Joint Licensing Manager is unavailable, or has had an involvement in the rating being appealed, an appeal will be determined by the Environmental Health Manager responsible for the food, Health & Safety and Licensing function. The inspecting Officer will not be involved in the process.
- The Council will consider an appeal within 21 days of receipt and provide a response to the business in writing within that time.
- The appeal assessment will be based on the paperwork completed by the inspecting Officer (inspected to include the relevant activity specific inspection proforma and risk rating) any premises history including compliance history, any documentation that supports the business and other useful material. A further visit to the business may be required but will not be a requirement of the process.
- There is no cost of submitting an appeal. In the case where the appeal is upheld and the original rating remains the same or lowered, should the need for an inspection be required, the cost of that inspection will be recovered.
- In the event that a business disagrees with the outcome of an appeal, there is a further right of challenge by means of a judicial review. In the event that a business feels that the service provided by the Council has not been delivered

properly, a complaint can be made in the first instance through the Council's complaint procedure and finally through the Local Government and Social Care Ombudsman. The Council's complaints procedure should not be used as another means of disputing a rating unless there is a clear link between the rating issued and a failure of the Council decision making when setting the rating.

### Re-evaluation of rating

- Businesses will be able to request a re-inspection for the purposes of re-evaluating an issued star rating. A request can be made using the dedicated Animal Welfare Rating Scheme: Request for a re-inspection visit form.
- The business, should outline the case for re-inspection and should indicate the actions that have been taken by the business to improve the level of compliance or welfare since the inspection. If appropriate supporting evidence can be provided, however the case should relate to the actions the Council advises the business should be made in order to receive a higher rating.
- A re-inspection can be refused in the event the Council feels the request made has not been substantiated or there is insufficient evidence. In this case the Council will explain the reasons for a refusal and will reiterate the steps the business needs to take before a re-inspection will take place. In the event the business is not satisfied with this approach a complaint can be made via the Council's complaint procedure.
- The Council will never issue a new rating based solely on documentary evidence. A re-inspection visit will always be made.
- The Council will make a judgement as to whether a re-inspection visit will be announced or unannounced. It will be usual practice to undertake an announced visit unless the purpose of a re-inspection is to ensure that standards which are not procedural are being maintained.
- A re-inspection visit will not just focus on the grounds for the requested re-inspection and will always include an assessment of the ongoing standards seen at the time.
- A request for re-inspection will apply in the case where a business has been awarded a rating between 1-4 stars, where the rating has been accepted, and where the business has made the necessary improvements to address non-compliance raised at the previous inspection.
- A cost for a re-inspection will be required.
- It must be noted that a re-inspection could lead to a lower rating.

- A re-inspection request visit will be made within 3 months of receipt of a request. Where this does not occur, the business holder has the right to make a complaint in accordance with the Council's complaint procedure.
- A business is not limited to the number of re-inspection visits it can request, however a re-inspection fee will apply in each case.