

# How to appeal against a decision made by a local authority

If you do not agree with a decision that a local authority inspector has made when inspecting your business, you can appeal against it in many ways.

## Appealing legal or formal enforcement actions

If you want to appeal against a legal notice or formal enforcement actions you should read the documents that were supplied with the notice. These should contain guidance on what to do to appeal, including the amount of time you should submit it. This will involve an appeal to the magistrates' court (or a Sheriff in Scotland).

## Appealing advice from a local authority inspector

If an inspector has given you written advice asking you to act to improve something in your food business (but has not served an enforcement notice) and you disagree with it, you should first discuss this with the inspector.

If you are unable to resolve the issue with the person you have been dealing with, ask them for the name of their manager (letters from local authorities will usually give this information). You can then ask to speak with, or if you prefer, write to them to see if the issue can be resolved.

All councils have procedures for considering complaints or appeals against the actions of their officials. If you disagree with the outcome of this, you could approach your local councillor or contact your local government or public services ombudsman.

## Port Health Authorities

If you are an importer of food and feed into the United Kingdom and you are concerned about enforcement activity or intend to appeal against any Notices or actions taken, and you are in any way unsure whether to appeal or how to do this, you can ask for an independent legal opinion; for example, from a Citizens Advice Bureau, solicitor or other independent legal advisor.

When you can appeal against a notice relating to imported food or feed, details of how to appeal and the amount of time you should appeal in should be provided to you by the officer serving the notice. If you haven't been given this information, you can contact the officer and ask for it.

## Food Hygiene Ratings System (FHRS) appeals

If you think the food hygiene rating or inspection result given to your food business is unfair or wrong, you will need to speak to the food safety officer that did the inspection to ask why that rating or inspection result was given. If you still think the rating or result is wrong follow the appeal

process set out in the Safeguards section of the [Food Hygiene Rating System business guidance page](#).

## FSA Independent Business Appeals Panel (IBAP)

We introduced an independent business appeals panel in 2014. You can complain or appeal against advice given by local authorities in England about food safety and food standards that you think is incorrect or goes beyond what is legally required.

Before you can appeal to the panel, you must have made an appeal or complaint to the local authority who did the inspection and this process must have finished.

You also need to check if you have justification for an appeal:

- check the relevant recognised industry guide to good hygiene practice produced by the food industry. These guides provide guidance on compliance, good practice and the application of HACCP principles within the legislative framework
- use the business and industry section of this website to find our guidance and key industry publications
- contact your relevant trade association for advice: [www.taforum.org](http://www.taforum.org)
- if your business has a Primary Authority or Home Authority relationship with a local authority, you may be able to appeal through a [separate process as outlined on GOV.UK](#)

### Contacting the independent appeals panel

IBAP will look into complaints from businesses and give a second opinion regarding written advice given by local authority inspectors in England about food safety and food standards which the food business operator thinks is incorrect or goes beyond what is legally required.

The panel does not consider appeals against formal enforcement action (for example, where a local authority has served a legal notice), Food Hygiene Rating Scheme ratings or where there is a Primary Authority partnership in place as appeals mechanisms are already in place.

To begin the appeals process with IBAP, email [businessappealspanel@food.gov.uk](mailto:businessappealspanel@food.gov.uk). Once the panel has all the relevant information, it will review your case then tell you and the relevant local authority its findings.

### Other ways to complain

- write to the local authority's Chief Executive and/or your local councillor, if you have not already done so. [You can do this online](#)
- write to ask your MP to take up your case with us or with ministers. You can find your MP's contact details by using the [Find your MP](#) website
- make a complaint to the Local Government Ombudsman (LGO). Its role is to investigate complaints about councils in a fair and independent way:

### England

[Local Government Ombudsman](#)

## **Northern Ireland**

[NI Ombudsman](#)

## **Wales**

[Public Services Ombudsman](#)

- finally, you can go to judicial review. This is a court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body, such as a local authority. You can find out more about this process on the [Courts and Tribunal Judiciary website](#)