

For publication

Environmental Health Fees and Charges 2018 – 2019

Meeting: Cabinet

Date: 5th December 2017

Cabinet portfolio: Cabinet Member for Health and Wellbeing

Report by: Senior Environmental Health Officer

For publication

1.0 Purpose of report

1.1 To ask Members to approve the proposed fees and charges for 2018/19, as outlined in Appendix A that relate to various environmental health functions.

2.0 Recommendations

2.1 That Members approve the proposed fees and charges, including concessionary rates (where applicable), as detailed in Appendix A, with effect from 1st April 2018.

2.2 That the Senior Environmental Health Officer continues to have discretion to offer reduced charges for micro-chipping of dogs at promotional events and campaigns associated with the mandatory chipping that came into effect in April 2016.

2.3 That the Senior Environmental Health Officer continues to have discretion to offer an alternative enforcement option for fly-tipping offences instead of issuing a fixed penalty notice (this could include a simple caution or prosecution).

3.0 **Background**

3.1 In accordance with the Council's Financial Regulations, it is necessary for all fees and charges to be reviewed annually.

3.2 General principles that govern the Council's approach to charging include:

3.2.1 To make a charge wherever non-statutory services benefit an identifiable group as opposed to the entire community.

3.2.2 Fees and charges should aim to recover at least the full cost of the service except where:

- there is an opportunity to maximise income; or
- Members determine a reduction or subsidy should be made, for a specific reason.

3.2.3 That where charges are reduced from full cost the reason for that reduction is reviewed periodically (at least annually) to ensure it remains valid.

3.2.4 People on low income and/or suffering disadvantage through poverty or social exclusion may be charged less to ensure equal access.

3.3 On 12th January 2016 Cabinet approved the recommendations made by the 'Overview and Performance Scrutiny Forum' and it was resolved that '*concessions for bulky waste and pest control be reduced from 50% to 20%*'.

3.4 The 'concessions working group' has developed the Concessions Policy and this was approved by Cabinet in November 2016. This Policy supports the recommendations of the 'Overview and Performance Scrutiny Forum' in 3.3 and confirms that concessions will be available for pest control treatments for residents in receipt of 'income based' benefits.

4.0 **Scope of Review**

4.1 The services for which fees and charges are reviewed in this report are as follows:

- Environmental Permitting – statutory function to inspect and regulate certain activities that might give rise to atmospheric pollutants.
- Dog Control – statutory function for seizure and kennelling of stray dogs and compulsory micro-chipping.
- Pest Control – provision of advice and treatment at domestic and commercial premises.
- Fixed penalty levels for antisocial and environmental crimes – where the level of penalty to be offered in lieu of prosecution for the offence.
- Abandoned vehicles – statutory function to investigate reports of abandoned vehicles and arrange for removal from the highway and/or private land.
- Environmental information requests – supply of information under the Environmental Information Regulations 2004 (EIR).
- Air quality – local site operator for air quality stations.

5.0 **Outline of Services**

5.1 Environmental Permitting

5.1.1 The Pollution Prevention and Control Regime (PPC), (or Permitting Regime) is a statutory process for controlling pollution from certain industrial activities such as foundries, petrol stations, dry cleaners, concrete batching plants and vehicle re-sprayers. Environmental Permits are issued under the Pollution, Prevention and Control Act 1999 and the Environmental Permitting (England and Wales) Regulations 2013. The Environmental Permit specifies conditions that must be complied with to ensure that the process operates in a way that does not give rise to excessive atmospheric pollutants and is operated in a manner that does not give rise to noise and/or odour complaints.

5.1.2 When applying for an Environmental Permit the operator must pay an application fee. Once an Environmental Permit has been issued, each operator is required to pay

Chesterfield Borough Council an annual charge (subsistence fee) to cover administration and inspection fees. DEFRA are responsible for setting all fees and charges and these are reviewed on an annual basis. The current fees are available in Appendix B. This service is anticipated to bring in just over £15,000. A list of premises and the annual subsistence fees is listed in Appendix C.

5.2 Dog Control

5.2.1 A stray dog is any dog that is running free in a public space without its owner being present. The law requires all local authorities to treat all unaccompanied dogs on public land as strays, regardless of whether they are wearing a collar/tag and/or have been microchipped. The Council must seize such dogs and if they cannot be returned immediately to their owner they must be taken to a kennelling facility where they are held for a mandatory period of 7 days. After the 7 day period, the dog legally becomes the property of the kennels and the kennels can either re-home the dog to a new owner (if suitable for re-homing), keep the dog at the kennels or, following veterinary advice, put the dog to sleep.

5.2.2 The following table shows trends for demand on the dog control service.

Table 1 – requests for service for lost and stray dogs (number of service requests received)

	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 April to Oct
Number of dogs reported as 'lost dogs'	94	107	88	82	48
Number of dogs reported as 'stray dogs'	307	300	214	176	95
Total number of service requests	401	407	302	258	143

5.2.3 The overall number of service requests for dog control has reduced significantly since 2013/14 and this can be attributed to the use of social media to reunite dogs with

their owners. In addition to this, compulsory microchipping of dogs came into force in April 2016 making identification easier and resulting in less dogs being transported to the kennels.

- 5.2.4 What has been noticed by the officers is the number of dogs that are microchipped but the contact information on the relevant database is incorrect; resulting in the dog warden being unable to reunite the dog with its owner and the dog being taken to the kennels.
- 5.2.5 The levying of charges for the seizure and detention of a stray dog primarily reflects the costs we incur for kennelling that dog until it is claimed. The kennelling and out of hours reception service we are statutorily required to provide is contracted out (it should be noted that the service is a 24-hour reception point for incoming dogs, but not a 24-hour service for owners wishing to collect their dog(s)).
- 5.2.6 We cannot profit from individuals who pay these charges. The contract with the current kennelling provider ceases at the end of March 2018. The contract is currently available for tender via the procurement process and we are awaiting applications. The outcome of this will be reported separately when the process is complete.
- 5.2.7 The Council may receive occasional requests from other authorities, such as Housing Services, the Police and Social Services to provide transportation to the kennelling facility for dogs coming into their possession. We recommend that the fee for providing this service be retained at £50 an hour. It is anticipated that this service will generate an income of £100.
- 5.2.8 The Council offers a competitively priced microchipping service for dogs. Microchipping provides a permanent means of identification and the on 6th April 2016 The Microchipping of Dogs (England) Regulations 2015 made it a legal requirement for all dogs to be micro-chipped. We encourage dog owners to act responsibly by getting their pet microchipped and this can reduce the time officers

spend dealing with stray dogs as well as assist with disputes over ownership. Anyone can provide a microchipping service and currently the Dogs Trust is funding free microchipping surgeries. The main advantage of our service to customers is that it can be provided in their home, which can be more relaxing for dog owners and their pet. The current fee is £16 including VAT and no changes are proposed to this fee. It would be of benefit to the service for the Senior Environmental Health Officer to have discretion to reduce this fee (i.e. to £10) when participating in promotional events across the Borough.

5.2.9 The service has generated an income of £414 since April 2016. Appendix D shows a comparison of stray dog and microchipping fees at other local authorities in Derbyshire.

5.3 Pest Control

5.3.1 There is no statutory duty upon the Council to provide a pest control treatment service. However, the Council has a statutory duty to keep the borough free from rats and mice, principally on its own land (Prevention of Damage by Pests Act 1949). It also means that we must use enforcement powers and we have discretionary powers to provide advice and offer treatment services for the control of vermin. Pest control fees are subject to VAT.

5.3.2 Appendix E shows a comparison of pest control fees at other local authorities in Derbyshire.

5.3.3 The following table shows annual trends for the pest control service (i.e. number of requests/treatments for each pest type).

Table 2 – numbers of pest control treatments (domestic and commercial)

	2013 – 2014	2014 – 2015	2015 – 2016	2016 - 2017	2017 April to Oct
Rats (full price)	466 (free service)	162	156	154	74
Rats (concessionary)	n/a	50	46	43	15
Rats (commercial)	12	27	28	16	8
Mice (full price)	180 (free service)	53	46	39	20
Mice (concessionary)	n/a	44	28	18	7
Mice (commercial)	1	8	4	7	-
Wasps (full price)	160	226	150	241	129
Wasps (concessionary)	58	57	47	49	25
Wasps (commercial)	21	22	20	20	7
Ants (full price)	9	12	11	9	10
Ants (concessionary)	17	20	17	12	3
Ants (commercial)	4	3	5	2	4
Bed bugs (full price)	3	4	9	5	3
Bed bugs (concessionary)	3	3	2	3	-
Bed bugs (commercial)	-	1	-	-	1
Fleas (full price)	28	38	37	62	47
Fleas (concessionary)	23	38	24	3	14
Fleas (commercial)	3	3	4	3	-
Cockroaches	3 (free service)	-	1	-	-
Other insects	2	8	33	16	16
Advice only - telephone	2	415	163	200	196
Home visits	n/a	n/a	n/a	4	3
Total no. of requests for service	995	1194	831	938	582

5.3.4 In April 2014 a charge for treatment of pests posing a significant public health risk (i.e. rats, mice and cockroaches) was introduced. From the table above it is clear to see that there was a significant decrease in requests for service for the treatment of rat/mice infestations and an increase in the number of requests for “advice only” telephone calls.

5.3.5 The total number of requests for service (for treatments) has declined since 2013/2014. This could be attributed to an increase in telephone calls for advice; advisory information available on the Council’s website or residents sharing ideas for treatment via social media. It could also

be an indication that the cost is deterring potential customers.

- 5.3.6 The current income covers the salary and some of the on-costs. An option would be to increase the cost of the treatments; however, there is concern amongst the profession that increasing the standard charges would encourage potential customers to shop around for a more competitive quote and/or self-treat. If the latter is carried out in an incorrect manner the pests, in particular vermin, can become immune to future baits and treatment programmes.
- 5.3.7 We will continue to offer free telephone advice and the charge for home visits will be standardised with no concessionary charge (this is to ensure that as a minimum, the hourly rate of the pest control officer is covered).
- 5.3.8 I recommend to retain the treatment charges for pest control the same as the 2017/18 fees. The charges for pest control are listed in Appendix A. The charges set by other local authorities in Derbyshire for pest control treatments are set out in Appendix E.

5.4 Fixed Penalty Levels

- 5.4.1 Whilst penalties should not be seen as "income"; Cabinet maintains the discretion to vary them from the national default sum. Fixed Penalty Notices can be issued for a range of environmental offences including littering, flytipping, dog related issues and nuisance parking and Public Spaces Protection Order offences.
- 5.4.2 Further information about Fixed Penalty Notices can be found [online](#).
- 5.4.3 Current government guidance is that local authorities must have an enforcement strategy that details
- ✓ Offences included in the local authority FPN scheme
 - ✓ How much fine is issued for each offence
 - ✓ Details of any early repayment discounts
 - ✓ How fixed penalty notices are issued

- ✓ How we will deal with juvenile offenders
- ✓ What we will do if the offenders don't pay
- ✓ How to appeal (if that option is offered)
- ✓ How the money received from FPNs will be spent
- ✓ What records we will keep

5.4.4 The Enforcement Policy is currently under review and the revised document will reflect current government guidance and the [Regulators Code](#); it is anticipated that there will be a section of the report dedicated to Fixed Penalty Notices to ensure the themes raised in section 5.4.3 are addressed.

5.4.5 It is noted that the levels of fixed penalties issued fluctuates. Furthermore, we have seen some non-payment leading to prosecution. Whilst costs are awarded to the Council, it can be some time before the monies are returned to us via the Courts and then into the central funds (so are not included here). We have had some recent successes with quick payments of FPNs for littering and dog fouling.

5.5 Abandoned Vehicles

5.5.1 Under the Refuse Disposal (Amenity) Act 1978 (as amended), Chesterfield Borough Council has a duty to remove abandoned vehicles or parts of vehicles (e.g. trailers) that have been left on land open to the air. Between April 2016 and March 2017, 333 referrals were made to the Council alleging vehicle abandonment. Of these 33 vehicles/cases required removal and disposal.

5.5.2 The legislation also allows for local authorities to serve a Fixed Penalty Notice (of up to £200) on the registered keeper at the time of abandonment (if this person can be identified) to discharge their liability for committing the offence of abandoning a vehicle. Under the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 there is also the option for the

local authority to recover costs associated with the removal and disposal of abandoned vehicles.

5.5.3 At the moment we do not recover the costs for removal and/or disposal, nor do we issue a Fixed Penalty Notice for abandoned vehicles. Preliminary enquiries with other local authorities in Derbyshire show that we are no different, with the exception of Amber Valley Borough Council who does recover costs for storage and disposal. The options for the local authority is to either pursue the registered keeper by means of issuing a fixed penalty notice or send an invoice to the registered keeper for the prescribed charges. It is anticipated that this will be explored and full details reported by mid-2018.

5.5.4 It should be noted that on a quarterly basis the number of vehicles inspected and 'lifted' (i.e. removed from the highway) is reported to Derbyshire County Council and for this we receive a fixed fee for each vehicle inspected; this fee is currently set at £36.94.

5.6 Environmental Information Requests

5.6.1 The Environmental Information Regulations 2004 (EIR) give rights of public access to information held by public authorities.

5.6.2 The overarching purpose of the EIR is to encourage straightforward access to environmental information. Public authorities can charge for supplying environmental information that they hold in response to requests, but any charge must be 'reasonable' and take account the aim of the Regulations.

5.6.3 Requests are usually made for information held on commercial premises (i.e. any known contamination issues, nuisance complaints, pollution incidents etc.), properties (both commercial and residential) going through the conveyancing process and for professional opinion on environmental reports from solicitors and commercial proprietors for insurance purposes.

5.6.4 The charge for this type of enquiry will be £50 per hour.

5.7 Air Quality

5.7.1 As part of our statutory duties regarding Local Air Quality Management (under the Environment Act 1995) we operate two monitoring stations which feed data into the DEFRA Automatic Urban/Rural Network (AURN).

5.7.2 To achieve AURN status Chesterfield Borough Council has to comply with the operational guidance set out by DEFRA. For the award of this status we are paid to carry out calibrations and upkeep of the air quality stations. This brings in an 'income' of almost £3000 and off-sets the need to pay for data verification and maintenance charges.

6.0 **Equalities Impact Assessment (EIA)**

6.1 A preliminary Equalities Impact Assessment has been completed and no group is anticipated to face a disproportionate negative impact. We continue to facilitate appropriate income based concessions to assist residents.

6.2 Registered assistance dogs, as defined in law, shall be exempt from fees associated with straying.

7.0 **Financial Implications**

7.1 It is not easy to accurately predict the financial gain that will be achieved through these charges, as demand is variable and can be wholly dependent upon the weather (i.e. wasps) and, in the case of kennelling income, is principally there to offset the fees we pay to our contractor.

7.2 For the purposes of these calculations, demand is based on recent years (and takes averages of fluctuations) and conservative predictions about the take-up of chargeable vermin control, since it came into effect in April 2014.

7.3 The Concessionary Policy will ensure that residents in receipt of 'income based' benefits will be eligible for concessionary fees for pest control treatments.

8.0 **Alternative options to be considered**

8.1 Given the agreed policy in terms of income generation, the alternative is to increase charges above those suggested and/or further reduce the level of concessions for pest control.

9.0 **Risk Management**

9.1 Details of the risks associated with fees and charges are given in Table 4 below.

Table 3 - Risk Factors Affecting Income

Risk	Likelihood	Impact	Mitigating Action	Revised Likelihood	Residual Impact
Below expected take up of services and competition	Medium	Medium impact on the income levels	Conservative income projection. Marketing of pest control services. Training to provide a wider range of pest treatments. Competitive pricing and concessions. Publicity about risks associated with DIY treatments.	Low	Low
Unpaid fees and written off debts	Low	Low	Pre-payment is necessary for many services. In others it is at point of delivery, apart from commercial invoicing	Low	Low
Fixed penalty fees not paid	Low	Low	Existing reminder letters to offenders keeps payment rates high. Court costs will be sought.	Low	Low
Reduced income due to uptake of Universal Credit	Low (due to phased introduction)	Low	Advice sought from Revenues. Limit to "income based" claimants. To monitor uptake.	Low	Low

10.0 Recommendations

- 10.1 That Members approve the proposed fees and charges, including concessionary rates (where applicable), as detailed in Appendix A, with effect from 1st April 2018.
- 10.2 That the Senior Environmental Health Officer continues to have discretion to offer reduced charges for micro-chipping of dogs at promotional events and campaigns associated with the mandatory chipping that came into effect in April 2016.
- 10.3 That the Senior Environmental Health Officer continues to have discretion to offer an alternative enforcement option for fly-tipping offences instead of issuing a fixed penalty notice (this could include a simple caution or prosecution).

11.0 Reasons for recommendations

- 11.1 To set the environmental health fees and charges for 2018/19.

Decision information

Key decision number	678
Wards affected	All wards
Links to Council Plan priorities	To provide value for money services.

Document information

Report author	Contact number/email
Esther Thelwell, Senior Environmental Health Officer	01246 345767
Background documents These are unpublished works which have been relied on to a material extent when the report was prepared.	
This must be made available to the public for up to 4 years.	
Appendices to the report	
Appendix A	Proposed Fees for 2018 to 2019
Appendix B	DEFRA fees and charges for Environmental Permitting

Appendix C	Subsistence charges for 2018/2019 for processes regulated by CBC
Appendix D	Comparison of stray dog and microchipping fees across Derbyshire (correct at the time of writing)
Appendix E	Comparison of pest control fees across Derbyshire (correct at the time of writing)