

For publication

Environmental Health Fees and Charges 2019 – 2020

Meeting:	Cabinet
Date:	13 th November 2018
Cabinet portfolio:	Cabinet Member for Health and Wellbeing
Report by:	Ian Waller, Assistant Director for Health and Wellbeing

1.0 Purpose of report

- 1.1 To ask Members to approve the proposed fees and charges for 2019/20, 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 2019.
- 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).
- Skin piercing.
- Food re-rate visits.
- Export health certificates.

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 whilst these are reviewed on an annual basis, the Council cannot deviate from the set statutory fees. The current fees are available in Appendix B. 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), April to March

	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	04/2018 to 09/2018
Number of dogs reported as 'lost dogs'	107	88	82	79	46
Number of dogs reported as 'stray dogs'	300	214	176	139	79
Total number of service requests	407	302	258	218	125

5.2.3 The overall number of service requests for dog control has reduced significantly since 2014/15 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 If a stray dog is microchipped the dog can be reunited with its owner, but the owner must pay a statutory fee of £25 prior to the dog being handed over. In the period April 2017 to March 2018, only 21 dogs were 'returned to owners'.

5.2.5 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.

- 5.2.6 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. We are statutorily required to provide a stray dog service and we use the kennels at a private facility.
- 5.2.7 We cannot profit from individuals who pay these charges. In March 2018 the contract with the previous kennelling provider ceased and in April 2018, new arrangements were put in place with a new kennelling provider.
- 5.2.8 The arrangements with the new kennelling provider mean that the Council has to pay a 'retention fee' to the kennelling provider for each of the five kennels, regardless of whether or not there is a dog in that kennel. For each day a dog is kennelled, there is an additional daily charge for that kennel. We endeavour to reunite all dogs with owners and if this is not achieved we have a legal duty to kennel that dog for the statutory maximum of 7 days.
- 5.2.9 Before a dog can be reunited with its owner, the law requires all fees to be paid prior to the release of the dog from the kennels. The kennel release fee consists of three parts:
- Administrative fee.
 - Statutory 'return to owner' fee.
 - Kennelling fees/daily charges.
- 5.2.10 On 24th April 2018 Members approved the '*Stray dog and Dog Law Policy*' which sets out the Council's approach to all dog related legislation, in particular stray dogs and recovering kennelling and veterinary costs from owners.

5.2.11 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. It is recommended 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.

5.2.12 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 microchipped. 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.

5.2.13 The service has generated an income of £142 between April 2017 and March 2018. 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 for 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 – 2018	2018 – mid 2019
Rats (full price)	466 (free service)	162	156	154	146	83
Rats (concessionary)	n/a	50	46	43	31	13
Rats (commercial)	12	27	28	16	16	2
Mice (full price)	180 (free service)	53	46	39	48	31
Mice (concessionary)	n/a	44	28	18	16	11
Mice (commercial)	1	8	4	7	-	-
Wasps (full price)	160	226	150	241	134	254
Wasps (concessionary)	58	57	47	49	25	49
Wasps (commercial)	21	22	20	20	7	25
Ants (full price)	9	12	11	9	10	4
Ants (concessionary)	17	20	17	12	3	3
Ants (commercial)	4	3	5	2	5	6
Bed bugs (full price)	3	4	9	5	4	7
Bed bugs (concessionary)	3	3	2	3	-	-
Bed bugs (commercial)	-	1	-	-	2	-
Fleas (full price)	28	38	37	62	65	30
Fleas (concessionary)	23	38	24	3	16	8

Fleas (commercial)	3	3	4	3	-	1
Cockroaches	3 (free service)	-	1	-	-	3
Other insects	2	8	33	16	19	10
Advice only - telephone	2	415	163	200	253	195
Home visits	n/a	n/a	n/a	4	3	7
Total no. of requests for service	995	1194	831	938	804	751

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 fluctuated but 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 With specific regard to wasps, there has been a significant increase in the number of treatments provided from 2017/2018 to 2018/19 and this can be attributed to the exceptional warm weather during the summer months.

5.3.7 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.

5.3.8 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).

5.3.9 The recommendation is to retain the majority of treatment charges for pest control the same as the 2018/19 fees. The charges for pest control are listed in Appendix A with the exception of bedbugs and fleas. The 2018/19 fees for bedbugs and fleas is based on treatment of 1 room. Recent treatments have shown that there are an increasing number of whole house treatments required for both bedbugs and fleas. It should also be noted that a treatment for bedbugs requires two officers to attend. Furthermore, many of the recent treatments for bedbugs have required additional visits; this has resulted in changing to a different and more expensive insecticide. 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 (FPNs) can be issued for a range of environmental offences including littering, flytipping, dog related issues and nuisance parking and Public Spaces Protection Order (PSPO) offences.

5.4.2 Table 3 lists the fixed penalty levels for a range of statutory functions.

Table 3 – levels of FPNs

Offence	FPN amount	Discount applied
Litter	£150	£60 if paid within 14 days
Flytipping	£300.00	n/a
PSPO – dog control (e.g. dog fouling, dog in an excluded area, dog off a lead and nuisance dog)	£80.00	n/a
Community Protection Notice	£70.00	n/a
Smoke-free legislation	£50.00	£30.00 if paid within 29 days

- 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 Corporate Enforcement Policy was approved by Members on 13th March 2018. As part of the committee papers, a separate '*Fixed Penalty Notice*' document was appended to the Corporate Enforcement Policy.
- 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 2017 and March 2018, 302 calls for services were made to the Council alleging vehicle abandonment. Of these 19 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 a local authority are to either pursue the registered keeper by means of issuing a FPN or send an invoice to the registered keeper for

the prescribed charges. It is anticipated that this will be explored and full details reported before April 2020.

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 Skin Piercing

5.7.1 The Local Government (Miscellaneous Provisions) Act 1982 (as amended) allows a local authority to charge

such reasonable fees as they may determine for registration under the legislation for skin piercing.

5.7.2 From 1st April 2017 to 31st March 2018, 28 premises visits were made and 13 personal applications submitted. There has already been a similar amount of visits between 1st April 2018 to 22nd October 2018 at the time this report was prepared and it is estimated that a similar amount will continue each year.

5.7.3 Table 4 below shows the comparison of fees across Derbyshire for skin piercing. Currently, Chesterfield Borough Council can be seen as one of the lower fees and with the revisions proposed will bring its fees more in line with others across Derbyshire. Appendix F shows the matrix used to determine the proposed fees.

5.7.4 Table 4 shows the comparison of fees for skin piercing.

Table 4 - showing the comparison across Derbyshire for application fees for skin piercing

	Premises Registration	Personal Registration
Amber Valley Council	£120	£40
Bolsover District Council	£37	£23.5
Chesterfield Borough Council New proposed fee	£60 (£130)	£84 (£130) (£45 if at same time as premises visit)
Derbyshire Dales District Council	£82	£82
Derby City Council	£149	£230
Erewash District Council	£120	£120
High Peak District Council	£150	£85
North East Derbyshire District Council	£76.50	£76.50
South Derbyshire District Council	£116	£116

5.8 Animal Licensing

5.8.1 Following a change in legislation, the council have recently reviewed animal licensing fees. Members of the Appeals and Regulatory Committee approved the revised fees on 26th September 2018

5.9 Food re-rate visits

5.9.1 This scheme is governed by the Food Standards Agency operating under the Food Hygiene Rating Scheme. Currently a fee of £170 is charged for re-rate inspections. It is recommended that an increase of 3% is applied. The new fee will be £175. From 1st April 2018 when the new fee came into place 11 re-rate visits have taken place resulting in an income of £1870. It is estimated that a similar amount will continue into 2019 and progressing in 2019 to 2020.

5.10 Export Health Certificates

5.10.1 Since 1st April 2018, 2 applications for export health certificates have been submitted resulting in an income of £100 (as the current fee is £50). It is recommended that an increase of 3% is applied. The new fee will be £52. It is estimated that this number of export certificates is low in the future.

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 and fouling.

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 the kennelling provider.

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 5 below.

Table 5 - Risk Factors Affecting Income

Risk	Likelihood	Impact	Mitigating Action	Revised Likelihood	Residual Impact
Below expected	Medium	Medium impact	Conservative income projection.	Low	Low

take up of services and competition		on the income levels	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.		
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
Risk	Likelihood	Impact	Mitigating Action	Revised Likelihood	Residual Impact
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 2019.

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 2019/20.

Decision information

Key decision number	847
Wards affected	All wards
Links to Council Plan priorities	To provide value for money services.

Document information

Report author	Contact number/email
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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 2019 to 2020
Appendix B	DEFRA fees and charges for Environmental Permitting
Appendix C	Subsistence charges for 2019/2020 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)
Appendix F	Review of skin piercing fees