

For publication

Environmental Health Fees and Charges 2017/18 (E000)

Meeting: Cabinet

Date: 29 November 2016

Cabinet portfolio: Cabinet Member for Health and Wellbeing

Report by: Senior Environmental Health Officer

1.0 Purpose of report

1.1 To ask Members to approve the proposed fees and charges for 2017/18, 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 2017.

2.2 That the Senior Environmental Health Officer has 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 has 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).

2.4 That the Pest Control Business Plan is given full consideration when developed.

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:

3.2.2.1 there is an opportunity to maximise income; or

3.2.2.2 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:
- 4.1.1 Environmental Permitting – statutory function to inspect and regulate certain activities that might give rise to atmospheric pollutants.
 - 4.1.2 Dog Control – statutory function for seizure and kennelling of stray dogs and compulsory micro-chipping.
 - 4.1.3 Pest Control – provision of advice and treatment at domestic and commercial premises.
 - 4.1.4 Fixed penalty levels for antisocial and environmental crimes – where permitted the level of penalty to be offered in lieu of prosecution for the offence.

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. DEFRA have not

changed the statutory fees since 2014. This service is anticipated to bring in just over £13,000.

5.1.3 It should be noted that for 2017/2018 period there will be a reduced income compared to 2016/2017 period. This is due to changes in legislation and how 'small waste oil burners' are regulated. We had six premises using small waste oil burners and each paid a £76 annual subsistence fee. A list of premises and the annual subsistence fee 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 tables show trends for demand on the Dog Control Service and the outcomes for how those dogs have been processed.

Table 1 – requests for service for lost and stray dogs

	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 April to Sept
Number of dogs reported as 'lost dogs'	126	95	107	52	7
Number of dogs found by resident	116	137	134	51	54
Number of stray dogs taken directly to kennels	20	29	23	2	25
Number of dogs picked up as 'stray' by dog	4	6	24	19	23

warden					
Number of dogs collected from vet	5	8	7	4	1
Number of dogs collected from RSPCA	3	5	6	1	1
Stray dogs taken to kennels out of hours	97	107	93	56	50

Table 2 – requests for service for lost and stray dogs

	2012 - 2013	2013 - 2014	2014 – 2015	2015 - 2016	2016 April to Sept
Number of dogs returned to legal owner	15	9	36	36	42
Number of owners that paid the kennel costs	127	130	161	72	43
Reduced kennel costs (officer discretion)	8	2	-	1	-
Number of dogs donated to kennels (for re-homing)	89	64	68	14	2
Number of dogs kept by finder	7	1	7	3	2
Euthanasia	9	17	24	8	6

5.2.3 The number of service requests for dog control has significantly reduced since 2012/13 and this can be attributed to the use of social media to reunite dogs with their owners. More dogs are micro-chipped, making identification easier and resulting in less dogs being transported to the kennels.

5.2.4 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)). Before a stray is returned, its owner has to pay a fee that consists of 3 elements. The current charges for 2016/17 are as follows:

5.2.4.1 Daily kennelling cost of £15.50

5.2.4.2 Statutory fee of £25 (set in 1992)

5.2.4.3 Administrative fee of £11 per dog

- 5.2.5 We cannot profit from individuals who pay these charges. The kennel contract was extended in April 2016 for an additional 2 years (i.e. until end of March 2018) and there will not be any changes to the fees listed above. It is anticipated that in 2017 the provision of the kennelling contract for stray dogs will be reviewed via the usual procurement/tender process.
- 5.2.6 The cost of the service peaked in 2011/2012 and has steadily declined resulting in £10,000 being removed from the 2016/2017 budget.
- 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 maintained 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 £284 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 3 – numbers of pest control treatments (domestic and commercial)

Pest Treatment	2013 – 2014	2014 - 2015	2015 – 2016	2016 April to Sept
Rats (full price)	466 (free service)	162	156	69

Rats (concessionary)	n/a	50	46	25
Rats (commercial)	12	27	28	9
Mice (full price)	180 (free service)	53	46	18
Mice (concessionary)	n/a	44	28	8
Mice (commercial)	1	8	4	3
Wasps (full price)	160	226	150	214
Wasps (concessionary)	58	57	47	45
Wasps (commercial)	21	22	20	16
Ants (full price)	9	12	11	7
Ants (concessionary)	17	20	17	10
Ants (commercial)	4	3	5	-
Bed bugs (full price)	3	4	9	3
Bed bugs (concessionary)	3	3	2	1
Bed bugs (commercial)	-	1	-	-
Fleas (full price)	28	38	37	36
Fleas (concessionary)	23	38	24	23
Fleas (commercial)	3	3	4	2
Cockroaches	3 (free service)	-	1	-
Other insects	2	8	33	15
Advice only - telephone	2	415	163	141
Home visits (full price)	n/a	n/a	n/a	4
Total no. of requests	995	1194	831	649
No. of free treatments	646	n/a	n/a	n/a
No. of full price treatments	205	503	443	362
No. of concession treatments	101	212	164	112
No. of commercial treatments	41	64	61	30
% free treatments	64.9	n/a	n/a	n/a
% full price	20.6	42.1	53.3	55.8
% concessions	10.2	17.8	19.7	17.3
% commercial	4.1	5.4	7.3	4.6
% telephone calls	0.2	34.8	19.6	21.7

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 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 treatments carried out has declined since 2013/2014. This could be attributed to an increase in telephone calls for advice; 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 keep the treatment charges for pest control the same as the 2016/17 fees, on the basis that there will be a mid-year review of the service. The charges for pest control are listed in Appendix A. The Pest Control Business Plan is currently being developed and will be available as a separate document. The charges set by other local authorities in Derbyshire for pest control treatments are set out in Appendix E.

6.0 **Fixed Penalty Levels**

6.1 Whilst penalties should not be seen as "income"; Cabinet maintains the discretion to vary them from the national default sum so it is convenient to do so here. Dog fouling has been set at the maximum permissible level of £80, with other dog control offences set at £50. Litter is set at £60. Breach of a Community Protection Notice has been set at £70. No changes are proposed until such time as the Cabinet proposes to adopt Public Space Protection Orders (PSPOs). The consultation for dog control/PSPO ends on 4th November 2016.

- 6.2 In May 2016, Cabinet agreed with the introduction of a new fly-tipping fixed penalty notice, set at £300, with no option of an early repayment charge.
- 6.3 It is noted that the levels of fixed penalties issued fluctuates and this is in part due to reduced capacity within Environmental Protection Team following recent restructures as well as increasing compliance around smoking litter. 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).

7.0 **Equalities Impact Assessment (EIA)**

- 7.1 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.
- 7.2 Registered assistance dogs, as defined in law, shall be exempt from fees associated with straying.

8.0 **Financial Implications**

- 8.1 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.
- 8.2 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.
- 8.3 The Concessionary Policy will ensure that residents in receipt of 'income based' benefits will be eligible for concessionary fees for pest control treatments.

9.0 **Alternative options to be considered**

9.1 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. Alternatively the pest control service could be withdrawn. A full review of the options will be available in the Pest Control Business Plan (will be available as a separate document).

10.0 Risk Management

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

Table 4 - 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. 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

11.0 **Recommendations**

- 11.1 That Members approve the proposed fees and charges, including concessionary rates (where applicable), as detailed in Appendix A, with effect from 1st April 2017.
- 11.2 That the Senior Environmental Health Officer has 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.
- 11.3 That the Senior Environmental Health Officer has 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).
- 11.4 That the Pest Control Business Plan is given full consideration when developed.

12.0 **Reasons for recommendations**

- 13.0 To set the environmental health fees and charges for 2017/18.

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	Current and Proposed Fees for 2017 to 2018
Appendix B	DEFRA fees and charges for Environmental Permitting
Appendix C	Subsistence charges for 2017/2018 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) for 2016/2017