

For publication

Environmental Health Fees and Charges 2020 - 2021

Meeting: Cabinet

Date: 12th November 2019

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 the period 2020/21, that relate to various environmental health functions; as detailed in Appendix A.

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 2020.

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 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.

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

3.2.3 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** – discretionary service for the 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.
- **Environmental information requests** – supply of information under the Environmental Information Regulations 2004 (EIR).
- **Skin piercing** – application and inspection of all skin piercing activities (including acupuncture, cosmetic piercing, ear piercing, electrolysis, semi-permanent make up such as microblading and tattoo studios).
- **Animal Licensing** – application and inspection of animal related activities such as animal boarding establishments, animal breeders and pet shops.
- **Food re-rate visits** – charges to cover reinspection of food businesses for reinspection.
- **Export health certificates** – charge for administration of 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 2018. 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 corresponding 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 Chesterfield Borough Council. If the dog has a suitable temperament, it will be possible to re-home the dog to a new owner.

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	2018 - 2019	2019 (April to end of Sept)
Number of dogs reported as 'lost dogs'	107	88	82	79	94	34
Number of dogs reported as 'stray dogs'	300	214	176	139	134	61
Total number of service requests	407	302	258	218	228	95

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 What has become evident is the number of dogs that are microchipped but the contact information on the relevant database is incorrect; resulting in the duty dog

warden being unable to reunite the dog with its owner and the dog being taken to the kennels.

5.2.5 In March 2018 arrangements were put in place with a new kennelling provider. As part of the contractual arrangements with the kennelling provider the Council must 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. There is an additional charge when the kennel is occupied.

5.2.6 The 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. We cannot profit from individuals who pay these charges.

5.2.7 If the dog cannot be reunited with its owner and is taken to the kennels, the dog cannot be handed back to its owner until all the fees are paid – this is a legal requirement. The kennel 'release fee' consists of three parts:

- Administrative fee.
- Statutory 'return to owner' fee.
- Kennelling fee/daily charge.

We are also obliged to ensure that stray dogs receive veterinary treatment (when necessary) and these costs are passed onto the dog owner and are in addition to the kennelling fees.

5.2.8 The Council may receive occasional requests to provide transportation to the kennelling facility for dogs coming

into their possession (e.g. Social Services, Prison Services etc). It is recommended that the fee for providing this service be retained at £50 an hour.

5.2.9 Compulsory microchipping of dogs became a legal requirement in April 2016. The Council offers a competitively priced microchipping service for dogs and 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.

5.3 Pest Control

5.3.1 Provision of a pest control treatment service is discretionary; however, the Council does have a statutory duty to keep the borough free from rats and mice, principally on its own land (Prevention of Damage by Pests Act 1949).

5.3.2 Table 2 below shows number of requests for the pest control service (i.e. number of requests/treatments for each pest type/year).

Table 2 – number of requests for the pest control service

Pest treatment/year	2012 to 2013	2013 to 2014	2014 to 2015	2015 to 2016	2016 to 2017	2017 to 2018	2018 to 2019	April 2019 to Sept 2020
Advice (telephone)	2	2	415	162	200	253	275	272
Advice (home visit – full pay)	--	--	--	--	4	3	11	4
Advice (home visit – concession)	--	--	--	--	--	--	1	n/a
Ants	17	9	12	11	9	10	6	4
Ants (concession)	39	17	20	17	12	3	3	2
Ants (commercial)	6	4	3	5	2	5	9	7
Bedbugs	2	3	4	8	5	4	13	4
Bedbugs (concession)	1	3	3	2	3	--	10	1
Bedbugs (commercial)	--	--	--	--	--	2	--	-
Cockroaches	1	3	--	1	--	--	3	-
Fleas	25	28	38	37	62	65	41	26
Fleas (concession)	32	23	38	24	35	16	15	9
Fleas (commercial)	--	3	3	4	3	--	1	-
Mice	244	180	53	46	39	48	56	19
Mice (concession)	--	--	44	28	18	16	24	10
Mice (commercial)	3	1	8	4	7	--	--	1
Rats	443	466	162	156	154	146	180	117
Rats (concession)	--	--	50	46	43	31	40	14
Rats (commercial)	12	12	27	28	16	16	7	6
Wasps	137	160	226	150	241	134	279	209
Wasps (concession)	58	58	57	46	49	25	53	37
Wasps (commercial)	13	21	22	20	20	7	33	14
Pigeons	2	2	--	--	--	1	3	1
Other insects	2	2	8	33	16	19	11	10
Total	1,039	997	1,194	828	938	804	1,074	767

- 5.3.3 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.
- 5.3.4 The total number of requests for service fluctuates on an annual basis and this can be explained by the variation in wasp treatments (attributed to exceptional warm weather/heat waves during the summer months).
- 5.3.5 The number of ‘telephone advice’ calls remains high, in spite of the readily available information on the Council’s webpages. This could be because customers prefer to speak with a pest control officer rather than seek information from our website and/or customers are seeking advice and treating the pest themselves because the cost of treatment is a barrier to using the service. Moving forward with the ‘digital transformation programme’ the number of advice calls should significantly reduce as residents will be encouraged to ‘self-serve’ on our website as well as more calls being answered by the contact centre.
- 5.3.6 As part of the ‘digital transformation programme’ there will be a desire to cease taking cash payments for this service; instead customers will be asked for payment by card when booking the treatment. Carrying large sums of cash has been identified as a health and safety risk for the pest control officers and this risk will be eliminated in the future. What is not known at this time is whether this arrangement will have an impact on the number of treatments booked, as we know that some

pest customers (estimate 10%) still prefer to pay in cash at the time the treatment is carried out.

5.3.7 The current income covers the salary and some of the on-costs. Increasing the standard charges could deter potential customers to shop around for a more competitive quote and/or self-treat. Self-treating (i.e. purchasing of over the counter baits and insecticides) causes concern amongst the profession as pests can become immune to future baits and treatment programmes. Furthermore, we lose the knowledge of what is happening within our area, for example, if a resident is continually treating a vermin infestation without the knowledge of the pest control officer they may fail to identify the source of vermin (such as a drainage fault and/or a nearby property with harbourage).

5.3.8 The recommendation is to retain the majority of the treatment charges for pest control the same as 2019/2020 with the introduction of set fees for some 'one-off' pest treatments at commercial premises. The charges for pest control are listed in Appendix A.

5.3.9 Appendix D shows a comparison of pest control fees at other local authorities in Derbyshire.

5.4 Fixed Penalty Levels

5.4.1 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 Whilst penalties should not be seen as "income"; Cabinet maintains the discretion to vary them from the national default sum.

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

Table 3 – levels of FPNs

Offence	Minimum full penalty	Maximum full penalty	CBC	Discount?
Littering in the street	£50	£80	£60	None offered
Littering from a vehicle	-	£150	£150	Reduced to £60 within 14 days.
Anti-social Behaviour Crime & Policing Act 2014 Community Protection Notices	-	£100	£70	None offered
Anti-social Behaviour Crime & Policing Act 2014 Public Spaces Protection order s.63 Order (alcohol)	-	£100	£100	None offered
Anti-social Behaviour Crime & Policing Act 2014 Public Spaces Protection Order s. 67 Order (asb)	-	£100	£100	None offered
Anti-social Behaviour Crime & Policing Act 2014 Public Spaces Protection Order s. 59 Order (dog control)	-	£100	£80	None offered
Flytipping (commercial)	£200	£400	£300	None offered
Flytipping (household duty of care)	£150	£400	£250	None Offered
Smoke free	-	£50	£50	Reduced to £30 if paid within 15 days

5.4.4 Table 4 shows the number of FPNs issued.

Table 4 – number of fixed penalty notices issued

Offence	April 2016 to March 2017	April 2017 to March 2018	April 2018 to March 2019	April 2019 to Sept 2019
Littering in the street	34	26	17	8
Littering from a vehicle	FPN not available in legislation	FPN not available in legislation	11	11
Community Protection Notices	2	3	9	-
PSPO (town centre)	-	7	9	4
PSPO (dog control, including dog fouling)	9 (previously under dog control legislation)	11 (previously under dog control legislation)	10	6
Flytipping (commercial)	1	-	4	1
Flytipping (householder duty of care)	FPN not available in legislation	FPN not available in legislation	FPN not available in legislation	-
Smokefree	3	9	6	2

- 5.4.5 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

5.4.6 The level of FPN has to reflect local demographics and the amount of penalty has been set at a level that encourages prompt payment. Non-payment of FPNs can result in prosecution; preparing a case file can be time-consuming and whilst costs can be awarded to the Council, it can be some time before monies are returned to the central funds.

5.5 Environmental Information Requests

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

5.5.2 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.

5.5.3 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.

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

5.6 Skin Piercing

5.6.1 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.

5.6.2 Appendix E list the fees and charges for skin piercing.

5.7 Animal Licensing

5.7.1 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.

5.7.2 Appendix E lists the fees and charges for animal licensing.

5.8 Food re-rate visits

5.8.1 This scheme is governed by the Food Standards Agency operating under the Food Hygiene Rating Scheme. Currently a fee of £175 is charged for re-rate inspections. It is recommended that an increase of 3% is applied. The new fee will be £180. From 1st April 2019 to date 8 re-rate visits have taken place resulting in an income of £1400. It is estimated that a similar amount will continue into 2020/21.

5.9 Export Health Certificates

5.9.1 Since 1st April 2019, 5 applications for export health certificates have been submitted resulting in an income of £260 (as the current fee is £52). It is recommended that an increase of 3% is applied. The new fee will be £54. 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 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 2020.
- 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 2020/21.

Decision information

Key decision number	913
Wards affected	All wards
Links to Council Plan priorities	To provide value for money services.

Document information

Report author	Contact number/email
Ian Waller, Assistant Director Health & Wellbeing	01246 345337
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 pest control fees across Derbyshire (correct at the time of writing)
Appendix E	Fees for animal licensing and skin piercing