

For Publication

Environmental Health Fees & Charges report – April 2022 to March 2023

Meeting:	Cabinet
Date:	14 December 2021
Cabinet portfolio:	Health and Wellbeing
Directorate:	Leisure, Culture and Community Wellbeing

1.0 Purpose of report

- 1.1. To ask Members to approve the proposed fees and charges for the period 2022/23, that relate to various environmental health functions; as detailed in Appendix 1.

2.0 Recommendations

- 2.1. That Members approve the proposed fees and charges, including concessionary rates (where applicable), as detailed in Appendix 1, with effect from 1st April 2022.
- 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 Reason for recommendations

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

3.2. 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 of pests 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.

4.0 Report details

4.1. Environmental Permitting

4.1.1. 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.

4.1.2. 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 2. A list of premises (from the public register) and the corresponding annual subsistence fees is listed in Appendix 3.

4.2. Dog Control

4.2.1. 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.

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

Table 1 – requests for service for lost and stray dogs

	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
Number of dogs reported as 'lost dogs'	88	82	79	94	71	28
Number of dogs reported as 'stray dogs'	214	176	139	134	105	25
Total number of service requests	302	258	218	228	176	53

4.2.3. The overall number of service requests for dog control has reduced significantly since 2015/16 and this can be attributed to the use of social media to reunite dogs with their owners. There has been a further reduction in demand on the service since March 2020 and this can be attributed to residents being at home more than usual and residents walking their dogs on leads more. In addition to this, compulsory microchipping of dogs came into force in April 2016 making owner identification easier and resulting in less dogs being transported to the kennels.

- 4.2.4. When a dog is 'seized' (i.e., collected by the duty dog warden) and that dog has an identification tag, or an up-to-date microchip, the duty dog warden will attempt to reunite that dog with its owner. Before the dog can be handed over, the owner must pay a statutory 'return to owner fee'. Since 1992, this fee has traditionally been set at the recommended £25 when the fees were first introduced. However, it is noted that the current £25 'return to owner' fee does not reflect the costs incurred to the Council for returning a dog to its owner. It is proposed to increase this fee to £40.00 for dogs returned to their owners Monday to Friday. At the weekend additional costs are incurred to the Council for a contracted 'dog warden/pet courier' and it is proposed to have the 'return to owner' fee set at £45 for any dogs processed on a Saturday and £55 for any dogs processed on a Sunday/Public Holiday.
- 4.2.5. When dogs cannot be reunited with their owner (e.g., no identification tag, incorrect microchip details), the dog must be taken to a kennelling facility. 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 a private kennelling facility. Whilst we cannot profit from individuals who pay these charges, it is proposed to increase the daily kennelling fee from £20 to £30 so that there is a more accurate reflection of the costs the Council pays to the private kennelling facility, which consists of a 'daily retention fee' (paid to the kennelling facility to keep the kennels available for our use) and 'kennelling fee' (paid to the kennelling facility when the kennel is occupied).
- 4.2.6. If the dog is taken to the kennelling facility, 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:
- 4.2.6.1. Administrative fee.
 - 4.2.6.2. Statutory 'return to owner' fee.
 - 4.2.6.3. 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.

- 4.2.7. 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. This reflects the costs incurred for delivering this service.

4.2.8. 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 as it is an important element in our continued efforts to maintain an effective dog control service. 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.

4.3. Pest Control

4.3.1. 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).

4.3.2. In April 2014 a charge was introduced for the treatment of pests posing a significant public health risk (i.e., rats, mice, and cockroaches). At that time, there was a decrease in requests for service for the treatment of rat/mice infestations and an increase in the requests for 'advice only' telephone calls. 'Advice only' telephone calls, which are currently free of charge, continue to be one of the most-requested parts of the service (alongside vermin and wasps). Furthermore, the number of requests for a treatment fluctuates seasonally; more treatment for rats and mice are requested in the Autumn and Winter months and more treatments for wasps are requested in the Summer months (spikes in demand are noticed if the weather is exceptionally warm) – this pattern is similar across the whole of the United Kingdom.

4.3.3. The number of telephone 'advice only' calls remain high, despite readily available information on the Council's web pages. This could be because customers prefer to speak with a pest control officer rather than seek information for themselves from the website and that those customers may be also seeking verbal advice to enable them to treat themselves as the cost of treatment (from the council or any other provider) may be a barrier. As part of the 'digital transformation programme' it is hoped that customers will 'self-serve' and access the Council's informative webpages to seek advice, thus reducing the number of 'advice calls' processed by the pest control officer. Another change as part of the digital transformation work is that cash payments are no longer taken by the pest control officer and payment is taken at the time of booking the pest appointment. This

has made efficiencies within the service and ensures that there are no health and safety risks for the pest control officer with carrying cash.

4.3.4. Table 2 below shows the number of requests for the pest control service since 2012.

Table 2 – number of requests for the pest control service/pest type/year

Pest treatment/year	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
Advice (telephone)	2	2	415	162	200	253	275	370	291
Advice (home visit – full pay)	--	--	--	--	4	3	11	4	0
Advice (home visit – concession)	--	--	--	--	--	--	1	n/a	0
Ants	17	9	12	11	9	10	6	5	19
Ants (concession)	39	17	20	17	12	3	3	4	1
Ants (commercial)	6	4	3	5	2	5	9	8	1
Bedbugs	2	3	4	8	5	4	13	5	11
Bedbugs (concession)	1	3	3	2	3	--	10	2	2
Bedbugs (commercial)	--	--	--	--	--	2	--	-	-
Cockroaches	1	3	--	1	--	--	3	1	0
Fleas	25	28	38	37	62	65	41	31	7
Fleas (concession)	32	23	38	24	35	16	15	11	6
Fleas (commercial)	--	3	3	4	3	--	1	-	4
Mice	244	180	53	46	39	48	56	45	36
Mice (concession)	--	--	44	28	18	16	24	15	24
Mice (commercial)	3	1	8	4	7	--	--	1	7
Rats	443	466	162	156	154	146	180	239	211
Rats (concession)	--	--	50	46	43	31	40	31	63
Rats (commercial)	12	12	27	28	16	16	7	11	18
Wasps	137	160	226	150	241	134	279	230	186
Wasps (concession)	58	58	57	46	49	25	53	40	24
Wasps (commercial)	13	21	22	20	20	7	33	18	7
Pigeons	2	2	--	--	--	1	3	2	0
Other insects	2	2	8	33	16	19	11	10	1
Total	1,039	997	1,194	828	938	804	1,074	1094	919

4.3.5. The current income from the pest control service covers the salary of the pest control officer and some of the on-costs, the proposal is to increase the pest control charges as outlined in Appendix 1. The rationale for the proposed pricing increase is that:

- Since 2016 the cost of bait/insecticides has increased and as a result this increased costs need to be reflected in the pricing to the customer.
- In 2019 the labelling legislation governing the use of insecticides (namely Ficam D for the treatment of wasps) changed. Ficam D can still be used, however, use has been restricted, meaning that it can only be used to treat some wasp nests (depending on the location of that nest). The pest control service has invested in a variety of alternative products for the treatment of wasp nests. These products are generally more expensive, are only available in small quantities and contain fewer active ingredients meaning that on some occasions the pest control officer has had to revisit the same wasp nest multiple times. Consequently, these costs / factors need to be reflected in the price to the customer and have informed the proposed fees and charges in Appendix 1.

4.3.6. Appendix 4 shows a comparison of pest control fees across Derbyshire.

4.3.7. A recent telemarketing exercise for the cost of treatment of rats identified that both the current and proposed Chesterfield Borough Council pest control fees are significantly lower than local private pest control providers. Company A charged £90 for two visits, Company B charged £80-£100 for two visits and Company C charged £120 for three visits.

4.3.8. More recently the service has received requests for treatment from residents living in neighbouring local authority areas such as Matlock. Treatments have been provided to these customers (when possible/subject to available slots in the pest diary) and will have incurred additional fees such as officer time and fuel on top of the treatment fee.

4.3.9. The service has sought to only increase fees and charges where there has been an increase in operating costs to deliver the service, in an attempt to continue to support residents needing to control pests and to minimise the risks from self-treatment. 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).

4.4. Fixed Penalty Notices

4.4.1. 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. Whilst penalties should not be considered as 'income'; Cabinet maintains the discretion to vary them from the national default sum.

Table 3 – shows the list of offences, a link to the supporting legislative framework and the chargeable amount

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

4.4.2. 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. The recommendation is to retain the FPN fees the same as 2021/2022 with a proposed review of all Fixed Penalty Levels by September 2022.

4.5. Environmental Information Requests

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

4.5.2. 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.

4.5.3. 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.

4.5.4. The recommendation is to retain the enquiry fee at £50 per hour.

4.6. Skin Piercing

4.6.1. 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.

4.6.2. The proposal as outlined in Appendix 1 is for an increase of 4% on these fees.

4.7. Animal Licensing

4.7.1. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 allows a local authority may charge such fees as it considers necessary for—

a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal, or variation,

b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence

conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,

- c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- d) the reasonable anticipated costs of compliance with regulation 29.
- e) The fee charged for the consideration of an application for the grant, renewal, or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

4.7.2. The proposal as outlined in Appendix 1 is for an increase of 4% on these fees.

4.8. Food re-rate visits

4.8.1. This scheme is governed by the Food Standards Agency operating under the Food Hygiene Rating Scheme. The proposed fee is listed in Appendix 1 and reflects a relatively small uplift in pricing from £185 to £192 which is reflective of the costs incurred in undertaking the visit.

4.9. Export Health Certificates

4.9.1. It is hard to predict the demand for export certificates for the next 12 months and as such a small circa 4% rounded up increase is recommended. The proposed fee is listed in Appendix 1.

5.0 Alternative options

5.1. Local authorities can charge for both discretionary and statutory services and whilst the charges must not exceed the cost of delivering that service; the revenue generated through fees and charges is increasingly valuable support for local authorities.

5.2. The fees are set to ensure a fair price for all services delivered and for discretionary services such as pest control; the fees are competitive with local businesses operating similar services.

5.3. To increase revenue for discretionary services such as pest control, in addition to making efficiency savings, it may be necessary to consider in

future years the cessation of the free 'advice only' telephone calls, signpost customers to our website and promote the paid for 'home visits'.

- 5.4. The fees for fixed penalty notices could also be increased to the statutory maximum, however, this may discourage payment and increase the number of prosecutions cases (which are both timely and significantly increase costs to the Council).

6.0 Implications for consideration – Financial and value for money

- 6.1. It is not easy to accurately predict the financial gain that will be achieved through the proposed fees and charges, as demand is variable and can be wholly dependent upon the weather (i.e., wasps) and community circumstances (i.e., during April 2020 we have noted a significant reduction in the number of dogs reported as 'stray'). However the recommendations will continue to support the authority in managing budget pressures and the delivery of a sustainable budget.
- 6.2. The Concessionary Policy will ensure that residents in receipt of 'income based' benefits will be eligible for concessionary fees for pest control treatments.

7.0 Implications for consideration - Legal

- 7.1. There are no legal implications arising directly from this report.

8.0 Implications for consideration – Human Resources

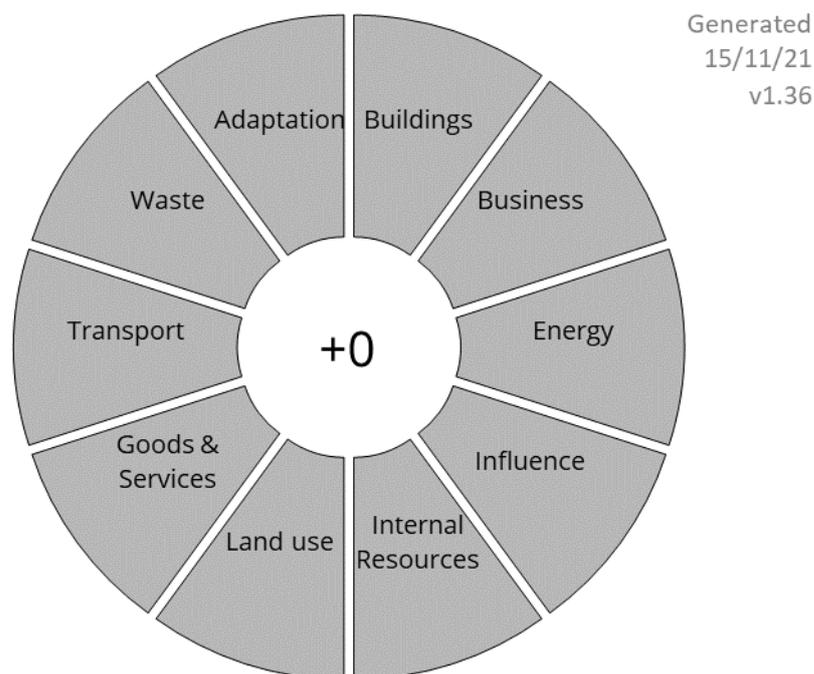
- 8.1. There are no implications arising directly from this report.

9.0 Implications for consideration – Council Plan

- 9.1. Make Chesterfield a thriving borough by ensuring that Chesterfield is the best place to live, work and visit.
- 9.2. Improving the quality of life for local people by delivering value for money services.
- 9.3. Providing value for money services by ensuring services are competitively priced compared to similar business/trades.

10.0 Implications for consideration – Climate Change

10.1. There are no climate change implications arising from this report. There will be no change to service provision or delivery.



Chesterfield Borough Council has committed to being a carbon neutral organisation by 2030 (8 years and 1 months away).

11.0 Implications for consideration – Equality and diversity

11.1. 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.

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

12.0 Implications for consideration - Risk management

12.1. Details of the risks associated with fees and charges are given in the Table below/next page.

Table 4 – table showing risks associated with fees and charges

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Below expected take up of services	High	Medium	Conservative income projection. Marketing of	Medium	Low

and competition			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	Medium	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

Decision information

Key decision number	1066
Wards affected	All

Document information

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Appendices to the report

Appendix 1	Proposed fees for 2022/2023
Appendix 2	Defra fees
Appendix 3	Subsistence charges/environmental permitting
Appendix 4	Pest control comparison fees