

For publication

Environmental Health Fees and Charges report – April 2023 to March 2024

Meeting:	Cabinet
Date:	13 th December 2022
Cabinet portfolio:	Health and Wellbeing
Directorate:	Health and Wellbeing – Environmental Health

1.0 Purpose of report

- 1.1 To ask Members to approve the proposed fees and charges for the period 2023/24, 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 related to environmental health functions, including concessionary rates (where applicable), as detailed in Appendix 1, with effect from 1st April 2023.
- 2.2 That Members approve the proposed fees and charges related to fixed penalty notices, including discounted early payment rates (where applicable), as detailed in Appendix 5, with effect from 1st April 2023.
- 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.

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 Retaining the ability for the senior health and safety officer to have discretion over fly-tipping enforcement enables a more flexible and proportionate response.

4.0 Report details

Approach to setting fees and charges

- 4.1 In accordance with the Medium-Term Financial Strategy, fees and charges are required to be reviewed on an annual basis to ensure that the cost of providing the service is recovered.
- 4.2 The Medium-Term Financial Plan is constructed on the basis that additional income will be generated from fees and charges. The process being followed for the review of income to be realised includes an assessment of each fee to identify how it meets the Councils strategic purposes and the level of increase that is proposed as well as taking account of present economic conditions. The fees have been based on a robust estimate of the impact of cost increases and demand within the services and the Councils overall financial position. This includes assessing the affordability of any of these increases to our residents and customers. Cost pressures and changes in demand include:
- Increases in energy costs
 - Inflationary increases (October CPI 11.1%) resulting in increases in supplier costs and materials
 - NJC Pay Claim for 2022-23 which has resulted in a higher than budgeted for pay increase for staff and a higher than anticipated budget for the 2023-24 Pay Claim
 - Any specific service issues around cost increases or service usage

Environmental Permitting

- 4.3 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.
- 4.4 After 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.
- 4.5 The current fees are available in Appendix 2. A list of premises (from the public register) and the corresponding annual subsistence fee is listed in Appendix 3.

Dog Control

- 4.6 A stray dog is any dog that is running free in a public space without its owner being present. 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.
- 4.7 Before the dog can be returned, the owner must pay a statutory 'return to owner fee'. The fee the council charges for returning a dog to its owner is £40.00 for dogs returned on Monday to Friday. At the weekend additional

costs are incurred to the Council for a contracted 'dog warden/pet courier' and the 'return to owner' fee is set at £45 for any dogs processed on a Saturday and £55 for any dogs processed on a Sunday/Public Holiday.

- 4.8 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.
- 4.9 Statute states we cannot profit from individuals who pay these charges, and therefore the daily kennelling fee of £30 is an accurate reflection of the costs the Council pays to the private kennelling facility. The council is statutory required to only recover costs in regard to this service.

Pest Control

- 4.10 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).
- 4.11 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:
- The average cost for each member of staff within the Environmental Health Department has risen by 5.89% in the 2022/23 financial year with a predicted pay increase of 4% for the next financial year.
 - The cost of bait/insecticides has increased and 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.
- 4.12 Appendix 4 shows a comparison of pest control fees across Derbyshire.

Fixed Penalty Notices

- 4.13 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.
- 4.14 Appendix 5 outlines the suggested changes to the fixed penalty notice charges for 2023/24.
- 4.15 The level of the FPN charge 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 increase the FPN fees where the current FPN fee is not at the statutory maximum.

Environmental Information Requests

- 4.16 The Environmental Information Regulations 2004 (EIR) give rights of public access to information held by public authorities.
- 4.17 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.
- 4.18 The proposed fee for 2023/24 is outlined in Appendix 1.

Skin Piercing

- 4.19 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.
- 4.20 The proposed fees for 2023/24 are outlined in Appendix 1.

Animal Licensing

- 4.21 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 allows a local authority to charge fees as it considers necessary for the consideration of applications, any anticipated costs for investigations, costs for enforcement and renewal of licences.
- 4.22 Appendix 1 outlines the proposed fee.

Food re-rate visits

- 4.23 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 which is reflective of the costs incurred in undertaking the visit.
- 4.24 Nationally and locally, there has been an increase in the number of re-visits under the Food Hygiene Rating Scheme, as the standard of food hygiene in some food establishments, such as takeaways, has reduced. The reduction in standards appears to coincide with the increase in food and fuel prices and reflects how some businesses may be reducing standards in order to save money.

Export Health Certificates

4.25 It is hard to predict the demand for export certificates for the next 12 months and as such an increase is recommended to cover the increased costs of administering this process. The proposed fee is listed in Appendix 1.

5.0 **Alternative options**

5.1 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.

5.2 The fees for fixed penalty notices could also be increased to the statutory maximum, however, this may in some cases, 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 income that will be achieved through these charges, as demand is variable and can be wholly dependent upon the weather (i.e., wasps) and community circumstances (i.e., during the last two years the council has seen a significant reduction in the number of dogs reported as 'stray').

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**

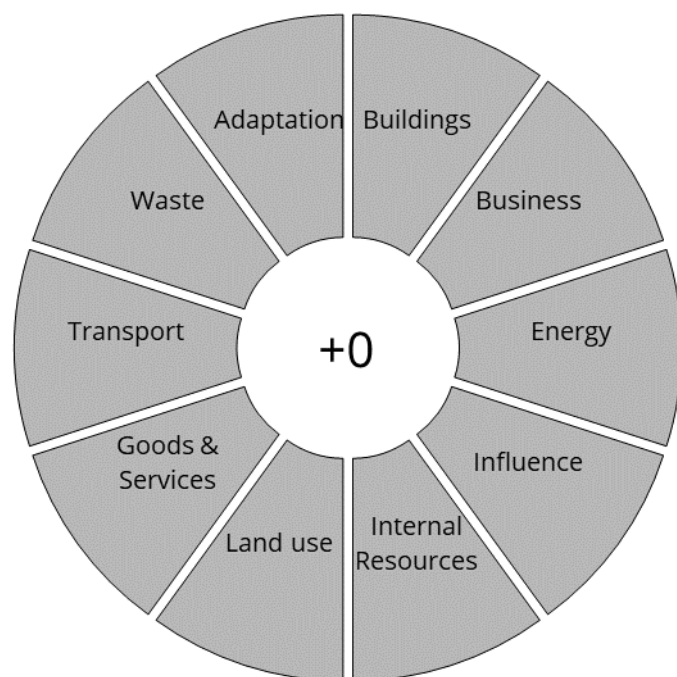
9.1 There are no implications arising directly from this report.

9.0 **Implications for consideration – Council Plan**

9.1 The implementation of the recommendations in this report will positively contribute to the council plan through maintaining and improving the quality of life for local communities. For example, the ability to ensure food hygiene and skin piercing standards, as well as regulate environmental pollution, will contribute to the health and wellbeing of local people. Additionally, the proportionate use of fixed penalty notices to enforce standards in terms of environmental issues and anti-social behaviour, will also help to ensure our communities are positive places for local people to live and work.

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.



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

10.2 Environmental Health team will continue to identify opportunities to deliver their operations in a sustainable way to support the actions contained within the Councils climate change action plan.

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 1 – Risks associated with fees and charges

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

services and competition			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.		
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	1120
Wards affected	all

Document information

Report author	
<i>Shaun Morley Head of Regulatory Services Health & Well-being</i>	
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
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
Appendix 5	Proposed fixed penalty notice charges for 2023/24.