

**FOR: REGULATORY AND LICENSING COMMITTEE**

**Date: 6th February 2014**

**Agenda Item: 11  
Contact Officer Tim Matthews  
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**ANNUAL REVIEW OF LICENCE AND OTHER FEES AND CHARGES 2014/2015  
FOR ENVIRONMENTAL HEALTH SERVICE FUNCTIONS.**

**1. Purpose of Report**

- 1.1 To consider and confirm the annual fees and charges for Environmental Health Service functions for the forthcoming financial year 2014/15.

**2. Summary of background and issues for consideration**

- 2.1 Your Committee receives a report annually for the approval of various fees and charges made by the Environmental Health Service. Through this process, the Council and service then agrees and formally sets these fees before the commencement of the forthcoming financial year.
- 2.2 Councils are responsible for administering a range of licences and approvals resulting from both national legislation and discretionary functions that are agreed locally. For the majority of these regimes the costs are recovered through fees set by each council and paid by the licence applicant. Locally set fees are a vital means of ensuring that full costs can be recovered by each and every council, rather than relying on subsidy by local tax payers.
- 2.3 While the licensing role within local government may be long established, the decisions that are being made by individual councils in this area are facing increased scrutiny from businesses, the public and in the media, particularly in relation to fee setting. Recent case law resulting from the European Services Directive, the introduction of new licences for Scrap Metal Dealers and the pending introduction of locally set fees for Alcohol Licensing have all placed an added emphasis on the need for every council to set fees in a legally robust and transparent manner.
- 2.4 The European Services Directive aims to make it easier for service and retail providers to establish a business anywhere within Europe. The principle of ensuring that regulation is transparent and that the burdens placed on businesses are kept to a minimum resonates entirely with the way councils work.
- 2.5 The general principles of the Services Directive apply to all processes and administrative procedures that need to be followed when establishing or running a service or retail business, including the setting, charging and processing of fees for licences. The Directive also includes specific requirements that apply to the charging of fees.
- 2.6 In 2012/13, a legal challenge was brought against the fee charged by Westminster City Council for licensing sex entertainment venues on the grounds that it could not be considered reasonable. The case established a number of key points about setting fees under the Services Directive and the Court of Appeal ruled that the fees set must be not exceed the costs

of administering the licensing regime.

- 2.7 The Council have always sought to ensure that their fees and charges for the individual licences or services are reasonable and are reviewed and historically set for each forthcoming financial year on the basis that any such fees and charges (unless set by statute) could be challenged by appeal to the courts in any event, if the recipient of that service considers it to be unreasonable.
- 2.8 Therefore an internal process to review all locally set current fees and charges commenced in 2013 supported by colleagues from Financial Services and this will be subject to a further report to your committee when this detailed process has been completed. This is anticipated to be completed later in the year and will be subject to a further report. The remainder of the fees and charges that are statutory will remain unchanged.
- 2.9 It is therefore requested that your committee confirm all current fees and charges as set out in appendix A at the same level for all fees for the forthcoming 2014/15 but subject to a further report relating to any locally set fees as detailed.

### **3. Recommendation requested**

- 3.1 That with effect from the 1<sup>st</sup> April 2014, the fees and charges for various types of services undertaken by the Environmental Health Service as detailed at **Appendix A** are considered and approved subject to a further review of local fees during the year.

### **4. Financial Implications**

- 4.1 The fees and charges proposed within the report seek to recover reasonable costs incurred where permitted by statute and provide essential income into the Council and service budget.
- 4.2 The effect of the proposed review of locally set fees will be reported in a subsequent report.

### **5. Strategic Plan Implications**

- 5.1 The provision of good value services by the Council is a key objective.
- 5.2 The Council is committed to Boosting business and our Economy.

### **6. Risk Management Issues**

- 6.1 Applicants can challenge fees and charges if the fees and charges are considered to be unreasonable.

#### **Background Documents:**

**Appendix A** – Fees comparison table of current and proposed fees and charges for Environmental Health Service functions 2013/2014 and 2014/2015.  
LGA draft guidance

**ANNUAL REVIEW OF FEES AND CHARGES FOR ENVIRONMENTAL HEALTH  
FUNCTIONS 2014 - 15**

<b>Activity/service/legislation</b>	<b>Type</b>	<b>Fee/Charge/Fine 2014/15 £</b>
<u><b>DOG BREEDING LICENCE</b></u> (BREEDING OF DOGS ACT 1973, etc.) ■ Annual	Licence	£145
<u><b>DOG AND CAT BOARDING</b></u> (ANIMAL BOARDING ESTABLISHMENTS ACT 1963) ■ Annual	Licence	£145
<u><b>PET SHOPS</b></u> (PET ANIMALS ACT 1951) ■ Annual	Licence	£145
<u><b>RIDING SCHOOLS</b></u> (RIDING ESTABLISHMENTS ACT 1964 ETC) ■ Annual - up to 9 Horses ■ Annual - more than 9 Horses	Licence	£150 + Vet's fee  £250 + Vet's fee
<u><b>DANGEROUS WILD ANIMALS LICENCE</b></u> (DANGEROUS WILD ANIMALS ACT 1976) ■ Annual	Licence	£250 + Vet's fee
<u><b>ZOO LICENCE</b></u> (ZOO LICENSING ACT 1981) ■ Issued every six years with annual inspections	Licence	Fee is calculated on actual cost basis - full cost recovered
<u><b>SEX ESTABLISHMENTS</b></u>  LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  ■ PREMISES	Licence	Grant £3000 <i>(Inclusive of non returnable application fee of £1000)</i>  Renewal or Transfer £1750
<u><b>SEXUAL ENTERTAINMENT VENUE</b></u>  LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 THE POLICING AND CRIME ACT 2009  ■ PREMISES	Licence	* <b>New licence fee</b> for 2014 Policy came into force 1 <sup>st</sup> February 2014  Grant £ 3000 <i>(Inclusive of non returnable application fee of £1000)</i>  Renewal or transfer £ 1750

**APPENDIX A**

Activity/service/legislation	Type	Fee/Charge/Fine 2014/15 £
<p><b><u>SKIN TREATMENTS (inc Tattooists) AND EAR PIERCING *</u></b></p> <p>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</p> <ul style="list-style-type: none"> <li>■ Premises</li> <li>■ Persons</li> <li>■ Person (minor amendment)</li> </ul> <p><i>*This is a one off registration fee only</i></p>	Registration fee	<p style="text-align: right;">£150</p> <p style="text-align: right;">£60</p> <p style="text-align: right;">£20</p>
<p><b><u>STREET TRADING (Not Market Stalls)</u></b></p> <p>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</p> <ul style="list-style-type: none"> <li>■ Annual Based on daily fee per days worked per 50 week year</li> <li>■ Temporary Fee - per week Fee: - per day</li> </ul>	<p style="text-align: center;">Consent</p> <p style="text-align: center;">Consent</p>	<p style="text-align: right;">£ 13</p> <p style="text-align: right;">£ 180</p> <p style="text-align: right;">£ 60</p>
<p><b><u>TRAINING COURSES –</u></b></p> <ul style="list-style-type: none"> <li>■ CIEH Level 2 Award in Food Safety &amp; Catering per Course (Inc course materials) <ul style="list-style-type: none"> <li>• Commercial and business</li> <li>• Schools and educational establishment</li> </ul> </li> <li>■ CIEH Level 2 Award in Healthier Food &amp; Special Diets per Course Incl. course materials</li> </ul>	<p style="text-align: center;">Charge</p> <p style="text-align: center;">Charge</p>	<p style="text-align: right;">£45</p> <p style="text-align: right;">£35</p> <p style="text-align: right;">£35</p>

Activity/service/legislation	Type	Fee/Charge/Fine 2014/15 £
<p><b><u>STRAY DOGS</u></b></p> <ul style="list-style-type: none"> <li>■ Fines and charges                             <ul style="list-style-type: none"> <li>■ Fine to owner for allowing to stray</li> </ul> </li> <li>■ Dog chipping charge</li> </ul>	<p><i>*Statutory</i> fine of £25</p> <p><i>Optional service</i> * new fee for 2014/15</p> <p>Charge</p>	<ul style="list-style-type: none"> <li>• Category one - if dog tagged or chipped collection charge of £20 plus kenneling</li> <li>• Category two - if no identification collection charge of £25 plus kenneling</li> <li>• <i>Return of dog from SOT kennels - £60</i></li> <li>• <i>*Additional discretionary charge for transport requiring additional journey - £25</i></li> <li>• £5 each</li> </ul>
<p><b><u>DOG FOULING, WASTE AND LITTERING OFFENCES</u></b></p> <ul style="list-style-type: none"> <li>■ Offence of Dog Fouling (THE FOULING OF LAND BY DOGS (LICHFIELD) ORDER 2009)</li> <li>■ Offences for dropping of Litter (THE ENVIRONMENTAL PROTECTION ACT 1990)</li> <li>■ Offence of duty of care in transporting Waste (THE ENVIRONMENTAL PROTECTION ACT 1990)</li> <li>■ Offence of Transporting waste (THE CONTROL OF POLLUTION (AMENDMENT) ACT 1989)</li> <li>■ Offence of breaching litter clearance notice (THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005)</li> </ul>	<p><i>*Statutory</i> Within a range of fines as prescribed by law</p>	<p>£80 (reduced to £70 if paid within 10 days)</p> <p>£80 (reduced to £60 if paid within 10 days)</p> <p style="text-align: center;">£300</p> <p style="text-align: center;">£300</p> <p style="text-align: center;">£100</p>
<p><b><u>THE ENVIRONMENTAL INFORMATION ACT</u></b></p> <ul style="list-style-type: none"> <li>■ Environmental Information Search Under On Site/Address</li> </ul>	<p>Admin fee</p>	<p style="text-align: center;">£80</p>

**APPENDIX A**

<b>Activity/service/legislation</b>	<b>Type</b>	<b>Fee/Charge/Fine 2014/15 £</b>
<ul style="list-style-type: none"> <li>■ Copy Of Public Register</li> </ul>	Admin fee	a) free to view on reception b) £30 / copy
<ul style="list-style-type: none"> <li>■ Copy of Technical Reports inc Health &amp; Safety Accident / Investigation Report For External Bodies / Individuals/Food Purity Certificates/Legal Matters</li> </ul>	Admin fee	£ 70 and £35 per hour or part thereof
<p><b><u>RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS 2005</u></b></p> <ul style="list-style-type: none"> <li>■ Re-use of public information for purposes other than its original purpose</li> </ul>	Licence fee	Fee charged on a site/information specific basis (in consultation with Chairman of Regulatory and Licensing Committee)
<p><b><u>PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984, PART III</u></b></p> <p>Disposal of Dead Bodies</p> <ul style="list-style-type: none"> <li>■ Charge to deceased estate for reasonable administration charges for statutory duty works carried out.</li> </ul>	Admin fee	Fee charged on a case specific basis. Fee structure is Officers time cost with a £75 min fee
<p><b><u>THE HOUSING ACT 2004</u></b></p> <ul style="list-style-type: none"> <li>■ Private Sector Housing enforcement action fee and - recharge of Officer time.</li> </ul>	Admin fee	£85 minimum fee (or cost of Officers time cost whichever is greater)
<p><b><u>HOUSES IN MULTIPLE OCCUPATION LICENCE</u></b></p> <ul style="list-style-type: none"> <li>■ Premises</li> </ul>	Licence	£460
<p><b><u>PRIVATE DRAINAGE WORKS</u></b></p> <ul style="list-style-type: none"> <li>■ This is for works undertaken in default</li> </ul>	Admin/ service fee	Fee charged at 20% of officers time subject to a maximum of 20% of total costs of works

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Activity/service/legislation	Type	Fee/Charge/Fine 2014/15 £
<p><b><u>PRIVATE WATER SUPPLY WORKS</u></b></p> <p>■ This is for a new work undertaken under the Private Water Supply Regulations 2009</p>	<p><i>*Statutory</i> Within a range of fines as prescribed by law</p>	<p>Cost up to the maximum permitted by statute (currently £500) and as prescribed below:</p> <p>Risk Assessment - £500</p> <p>Sampling - £100</p> <p>Investigation each - £100</p> <p>Granting per Authorisation - £100</p> <p>Analysis (each) –</p> <ul style="list-style-type: none"> <li>■ Taken under Reg 10 – £25</li> <li>■ Taken during checking - £100</li> <li>■ Taken during audit monitoring - £500</li> </ul>