

Report to Portfolio Holder for Public Protection

Subject: Public Protection Fees and Charges 2023/2024

Date: 26 May 2023

Author: Head of Environment

Wards Affected: Borough-wide

Purpose

To approve the proposed fees and charges for Public Protection services for 2023/24. .

Key Decision

This is not a Key Decision

Recommendation(s)

THAT:

The proposed Fees and Charges for 2023/24, as detailed in Appendix A, be approved.

1 Background

- 1.1 The fixing of fees proposed in the attached fee schedule at Appendix A for 2023/24 is a function that can be carried out by the Executive as laid out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. This function has been delegated to the Portfolio Holder.
- 1.2 As set out in the General Fund Revenue Budget 2023/24 report approved by Cabinet on 2 March 2023, the 2023/24 budget includes an additional £34,700 of discretionary income for Environment based upon a 5% increase from 1 April 2023.

- 1.3 The power to charge a fee for the functions listed in Appendix A, is either a specific statutory power for the particular function or under section 93 of the Local Government Act 2003 or Section 3 of the Localism Act both of which give the Council the power to levy a fee for discretionary services on a costs recovery basis. Further details can be found at paragraph 5.1 below, along with any limitations as to what can be included in the fee. Officers are satisfied that all fees have been calculated taking into account the powers, including any limitations.
- 1.4 The discretionary services fees are regularly benchmarked and are set separately and reflect either an enhanced service or have been introduced to meet additional demand. Benchmarking of the proposed fees includes consideration of factors such as:
- Latest trends in demand for these services
 - The potential to enter new markets
 - The fees charged by competitors
 - Attempting to retain existing customers
 - Rising costs in the provision of these services

These factors include:

- The Borough's priorities.
- The comparative price of neighbouring authorities and the cost benefit of the service.
- The effect an increase in price would have on the activity, including customer resistance.
- The cost of buying in products and services to carry out the Councils functions.
- The cost of carrying out compliance visits and inspections.
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2 Proposal

- 2.1 It is proposed the Fees and Charges are approved as detailed in Appendix A.

3 Alternative Options

- 3.1 An alternative percentage increase for inflation could have been applied. This, however, would not have been in consideration of the proposed Medium Term Financial Plan or current CPI inflation measures.

4 Financial Implications

- 4.1 The proposed fees and charges set out in the Appendix A are intended to meet the financial target budgets set by the Council for 2023/24.

5 Legal Implications

- 5.1 The Water Industry Act 1991 places a duty on the Council to sample and analyse private water supplies. The Council is entitled to recover the costs incurred in the provision of this duty up to a prescribed maximum as set out in the Private Water Supplies Regulations 2016.

Section 149 of the Environmental Protection Act 1990 give the Council an express power to charge a fee for dealing with stray dogs. This fee cannot exceed the expenses incurred by the Council in detaining the dog.

The Scrap Metal Dealer Act 2013, Schedule 1, paragraph 6 gives the Council an express power to charge a fee for applications for registration and variation of a licence. Any fee must be set having regard to the guidance issued by the Secretary of State.

Section 49 of the Housing Act 2004 allows a local authority to make a reasonable charge as they consider appropriate as a means of recovering certain administrative and other expenses incurred by the Authority in undertaking various enforcement action.

In serving an improvement or hazard awareness notice the fee can cover expenses in determining whether to serve the notice, identifying any action to be specified in the notice and serving the notice.

In taking any emergency remedial action the fee can cover the expenses incurred in determining whether to take such action and serving the notice.

In making a prohibition order, emergency prohibition order or demolition order the fee can cover the expense incurred in determining whether to make the order and serving copies of the order.

A reasonable charge can also be made for any reviews required to recover the expenses in carrying out the review and serving copies of the decision.

- 5.2 The power to charge a fee for the discretionary services of pool sampling and pest control comes from section 93 of the Local Government Act 2003 and the general power conferred on the Council by the Localism Act 2011 both of which allow the Council to charge a fee set on a costs recovery basis.

6 Equalities Implications

6.1 None

7 Carbon Reduction/Environmental Sustainability Implications

7.1 None

8 Appendices

8.1 Appendix A – Proposed Fees and Charges 2023/24 - including a comparison with the existing fees.

9 Background Papers

9.1 None

10 Reasons for Recommendations

10.1 To contribute to the delivery of a balanced budget both in 2023/24 and in the medium term and to satisfy statutory duties.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer