

## **Report to Portfolio Holder for Public Protection**

**Subject:** Public Protection Fees and Charges for 2024/25

**Date:** 30<sup>th</sup> July 2024

**Author:** Director of Place

### **Wards affected**

Borough-wide

### **Purpose**

The report details a revised set of Fees and Charges for Public Protection Services and seeks approval for their introduction from 1 September 2024.

### **Key Decision**

This is not a Key Decision.

### **Recommendation(s)**

- a) To approve the revised Fees and Charges for 2024/25 as detailed in Appendix A.
- b) To approve the price revisions to be introduced from 1 September 2024.

## **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. This allows consideration to be made for factors that influence the rate at which fees and charges are set. These factors include:

- The Borough's priorities.
- The comparative price of neighbouring authorities.
- The effect an increase in price would have on the activity, including customer resistance.
- The cost benefit of the service.

- The cost of carrying out compliance visits and inspections.
- 1.2 A 5% minimum increase for discretionary income has been agreed by Cabinet for 2024/25, to support a balanced budget. This fee increase has been set following a review of the 23/24 budgets to ensure the fees fully recover the costs incurred by the council administering these services.
  - 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

Benchmarking data is important when setting fees and charges, these are set out in Appendix B.

- 1.5 A new fee is proposed to recover the costs incurred by the council when providing discretionary food hygiene rating scheme re-scoring revisits. These are at the request of the food business when they are seeking a revised score after carrying out improvement works following their statutory food hygiene inspection and rating. In 2023/24 the council received 8 request for re-scoring from food businesses.
- 1.6 A new fee is proposed to recover the costs incurred by the council when providing discretionary immigration inspections. These are required when people are immigrating to the UK from outside the EEC and must confirm that the housing they are moving to will be suitable and not overcrowded. The Immigration Authority asks the 'sponsor' or host for written proof that this is the case. The British High Commission normally asks for an inspection by a suitably qualified surveyor or Environmental Health Officer.

- 1.7 The inspection and report or letter needs to show that the accommodation:
- doesn't pose a significant risk to the health or safety of those who will be living there
  - is in a reasonable state of repair and will not become overcrowded with the extra people living there.

1.8 Between January 2015 and December 2017 there were 36 requests for immigration inspections and all of these inspections were completed without charge. These inspections were suspended during the global coronavirus pandemic and have not resumed – customers have signposted to private sector surveyors to complete the inspections for a fee. This report seeks to resume the immigration inspections and introduce a fee for the discretionary service.

## **2 Proposal**

2.1 It is proposed that the fees and charges are revised, as detailed in appendix A. It is recommended that these be introduced on 1 September 2024.

## **3 Alternative Options**

3.1 An alternative percentage increase for inflation could have been applied. This, however, would not be in line with the proposal contained in the MTFP.

## **4 Financial Implications**

4.1 The proposed fees and charges set out in the Appendix A have been reviewed with clear justification for the price setting, which ensure they are achieving full cost recovery. These will be reviewed on an annual basis and adjusted accordingly. The increase is in line with the agreed increase of 5% which reflects the pay award and other cost increases.

The benchmarking which is set out in Appendix B against other local Council's has been reviewed. The fees are broadly in line, however there are few that are higher than the average such as Stray Dogs.

Gedling charge £151 for stray dogs claimed before 24hrs and £192 for after 24hrs. The price that is set is a result of the kennel costs that are incurred, plus fuel costs and overheads. The contract with the kennel is up for renewal and the costs will be reviewed for next financial year.

## **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 pest control, food hygiene revisits and immigration inspections 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 The Equality Impact Assessment can be found in Appendix C.

## **7 Carbon Reduction/Environmental Sustainability Implications**

7.1 The Climate Impact Assessment can be found in Appendix D.

## **8 Appendices**

8.1 Appendix A: Current fees for 2023/24 and proposed fees for 2024/25.

8.2 Appendix B: Benchmarking Data.

8.3 Appendix C: Equality Impact Assessment.

8.4 Appendix D: Climate Impact Assessment

## **9 Background Papers**

9.1 None.

## **10 Reasons for Recommendations**

10.1 To contribute to the delivery of a balanced budget both in 2024/25 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**