

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet
18th January 2017

Report of the Head of Planning and Public Protection N. Pearce

Matter for: Decision

Wards Affected: All Wards

Environmental Health and Trading Standards Fees and Charges

Purpose of the Report

1. To seek approval of changes to the fees and charges for Enforcement and other chargeable services.

Executive Summary

2. Due to the need to achieve savings targets associated with the Forward Financial Plan and in order to cover the cost of service delivery, it is proposed to increase the fees and charges to ensure that they cover the cost of officer time in delivering the services.

Background

3. Delegated authority was granted by Cabinet to the appropriate Director on the 1st March 2012 to increase existing fees and charges. These delegated powers were re-confirmed by Council on the 3rd February 2016. Such delegated powers can only be exercised in consultation with the relevant Cabinet Member, Scrutiny Chair and the Leader. However, due to the scale of the increase proposed, it is considered appropriate in this instance to report the changes to Cabinet for decision.
4. This report details the proposed fees and charges for the period from 1st February 2017 and until further amended for the Environmental Health and Trading Standards service.
5. Officer costs will only apply where legislation allows the recovery of expenses or the department provides a service to another department, organisation or member of the public because of the expertise it possesses. The type of work that the Environmental Health and Trading Standards department charge for include the following:-

- **Court legal fees** – As the enforcement department for the regulation of Health and Safety, Food safety offences, housing, statutory nuisance and pollution offences. Officers attend court to prosecute any contravention of legislation that is enforced by the service. Officer costs are submitted alongside legal costs to the court.

- **Housing Act notices** - There is a charge applicable for the service of notices served under the Housing Act 2004. Section 49 of the Housing Act 2004 gives local authorities the power to make a reasonable charge to recover certain expenses incurred by them when taking enforcement action under the Act. The charges are based upon officer time involved in the case from inspecting the property and preparing the case, to drafting the notice and then serving it. The charges cover the following enforcement notices:

- Serving an Improvement Notice (requiring works)

- Serving a Suspended Improvement Notice (as above, but the operation of the notice is delayed until a specific event occurs (e.g. a vulnerable person moves into the property))

- Making a Prohibition Order (prohibiting use of the property or an area within the property)

- Making a Suspended Prohibition Order (as above, but the operation of the notice is delayed until a specific event occurs (e.g. the current occupier is moves out))

- Taking Emergency Remedial Action (requiring works to reduce imminent risk)

- Making an Emergency Prohibition Order (prohibiting use of the property or an area within the property to reduce imminent risk)

6. **The Private Water Supplies (Wales) Regulations 2010**

introduced a requirement for all local authorities to undertake risk assessments and monitor private water supplies used for commercial activity. Officers within EHTS charge for this service which includes a comprehensive risk assessment, site survey and sampling.

7. **Reports for specialised services** concerning Houses in Multiple Occupation, drainage and contaminated land. These are discretionary services provided by the department, which are an income stream by using the expertise of EHTS staff. The reports are mainly technical in nature and can be time consuming to produce.

8. **The arrangement of Paupers burials** under section 46 Public Health (Control of Disease) 1984, this involves the arrangement of the funeral and investigation into the deceased finances and enquiries to locate family members. Officer costs are only reclaimed in these cases where the estate of the deceased (or next of kin if found) has the necessary finances.

Examples of recent cases where charges have been imposed

9. There have recently been a number of investigations and associated court cases which have featured in the media which demonstrate the intervention of the Council and the associated charges.
10. They include the prosecution of a fish and chip owner for extremely poor hygiene levels and pest infestations within his property in Sandfields. This resulted in the temporary closure of his business and his subsequent prosecution. The owner was found guilty on a number of charges including failure to ensure that the food premises were kept clean and failure to protect food against contamination. He was given a 12 week prison sentence suspended for one year and ordered to pay £800 in costs which were a combination of Environmental Health Officer time and legal costs.
11. Other high profile cases relate to a number of takeaways within the County Borough who have been successfully prosecuted for falsely describing beef curry as lamb. In addition to the defendants being fined for the offences, the Council have successfully secured on average an award of costs of around £750 in each case.
12. Rogue landlords also feature as good examples where the council frequently needs to intervene. This is in circumstances where they are not maintaining their properties to a standard which are considered to be fit to be occupied by their tenants and as such they are causing a public health risk. In those circumstances, officers from Environmental Health have taken enforcement action to secure necessary improvements to the properties to enable their safe occupation. The service will then try to retrieve the costs associated with such intervention from the landlord.
13. In view of the above, the vast majority of charges are imposed upon individuals who are subject to enforcement activities by the Council as they are not complying with relevant legislation and the charges levied should be based on the true cost of service provided.

Services which will continue with no charge being imposed

14. The Environmental Health and Trading Standards Department provides the following services free of charge.
15. Provision of advice to new businesses for food hygiene purposes to assist new business owners meet their legal obligations to provide food that is safe to eat and sell, it also assists the business to aim for a high Food Hygiene Rating score. This free service includes an initial face to face advisory visit.
16. Inspection of food businesses for food hygiene or food standards enforcement duties.
17. Investigation of General Environmental Health matters including the service of statutory notices in matters relating to statutory nuisances, (noise and damp investigations make up a large proportion of complaints received by the department), drainage investigations, filthy and verminous premises, landlord and tenant disputes involving illegal evictions or harassment cases.
18. Investigations of infectious disease cases including outbreaks e.g. Salmonella, Campylobacter and E.coli, which usually result via a notification from Public Health Wales.
19. Health and safety accident investigations where the Environmental Health department is the enforcing authority.
20. Provision of talks and workshops to community groups on Trading Standards issues such as Scams or Rogue Traders.
21. Air pollution monitoring.

Financial Impact

22. The Environmental Health and Trading Standards service apply a charge for officer costs for a number of the functions it delivers, such as contaminated land reports, housing enforcement and submission of costs of enforcement for Court.
23. A detailed assessment of the current charges shows that they do not cover the officer costs of delivering the service. There are various methods of calculating officer costs across different services, therefore financial advice was sought to establish the scale of charges that should be used to ensure full cost recovery.
24. The existing and proposed officer costs per hour are as follows:

Table 1: Current and Revised Costs Per Hour Per Officer Grade

	Current Charges	Revised (Proposed) Charges
Grade 13	-	£ 60.10
Grade 11	-	£ 53.00
Grade 10	£22.54	£49.48
Grade 9	£22.54	£44.76
Grade 8	£20.77	£39.91
Grade 7	£15.96	£35.97
Grade 6	-	£31.53

(It should be noted that the charges imposed by the pest control service which operates within the Streetcare section will remain unaffected by this report)

Equality Impact Assessment

25. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

Workforce Impacts

26. There are no workforce impacts associated with this report.

Legal Impacts

27. There are no legal impacts associated with this report.

Risk Management

28. There are no risk management issues associated with this report accepting that increases in fees and charges are never welcome by service users.

Consultation

29. There is no requirement under the Constitution for external consultation on this item.

Recommendation

30. It is recommended that the proposed charges for services delivered by the Environmental Health and Trading Standards service reflect the revised hourly rate as defined in Table 1 of this report. The changes will take effect from the 1st February 2017.
27. To revise Officer costs using the above method of calculation annually at the start of the financial year.

Reason for Proposed Decision(s)

28. To ensure that the charges applied cover the costs of service delivery.

Implementation of Decision

29. The decision is proposed for implementation after the three day call in period.

List of Background Papers

30. Screening Assessment under the Equalities Act

Officer Contact

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