

CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOODS

**Venue: Town Hall,
Moorgate Street,
Rotherham. S60 2TH**

Date: Monday, 4th March, 2013

Time: 10.00 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972 (as amended March 2006).
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Fees & Charges 2013/14 - Community Protection Services (report herewith) (Pages 1 - 7)
4. Date of Next Meeting
- Monday, 18th March, 2013 at 10.00 a.m.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Safe and Attractive Neighbourhoods
2.	Date:	4th March 2013
3.	Title:	Fees & Charges 2013/14 – Community Protection Services
4.	Directorate:	Neighbourhoods and Adult Services

5. Summary

This report proposes the 2013/14 fees and charges for Housing and Environmental Protection enforcement.

The level of fee and charges recommended in the report reflect corporate guidance regarding any required increase, market pricing and also nationally prescribed fee levels.

6. Recommendations

It is recommended that the Cabinet Member for Safe and Attractive Neighbourhoods approves the proposed fees and charges for 2013/14 scheduled within the report.

7. Proposals and Details

Legislation provides powers of discretion for local authorities to make charges for specific services. This report proposes the level for the 2013/14 fees for services where charges are currently made across Housing and Neighbourhoods Services. A further report will be submitted to the Licensing Committee on licensing activities falling within that Committee's terms of reference.

Section 93 of the Local Government Act 2003 provides powers for local authorities in England to make charges for discretionary services, providing income from the charges does not exceed the service cost.

Proposals are as follows:

Houses in Multiple Occupation

Fees for the mandatory licensing of Houses in Multiple Occupation (HMO) were established in June 2006. Although there are over 200 HMOs in Rotherham, there are fourteen that attract the mandatory licence fee. Only HMOs which have three storeys or more, and are occupied by five or more persons living in two or more households, are subject to this fee.

The fee is only payable every five years, and with the low numbers of mandatory licensable HMOs it is not anticipated that this revenue stream will realise any significant income.

A recommended minimum fee has been suggested by Government as £350. Rotherham's fee was set at £756 based upon comparison with neighbouring authorities. The proposal is that the fees are increased in line with the Corporate advised inflationary uplift of 2.5%. This fee is in line with neighbouring authorities.

Housing Act 2004 Legal Notices

The Council in July 2011 adopted powers in the Housing Act 2004 to charge for the service of legal notices, including:

- Improvement and Suspended Improvement Notices (sections 11, 12 and 14).
- Prohibition and Suspended Prohibition Orders (sections 20, 21 and 23).
- Emergency Remedial action (section 40).
- Emergency Prohibition orders (section 43)

The charge is variable according to the details of the case such as the officer time spent on the case and the circumstances of those involved consequently a specific charge cannot be levied other than identifying that the indicative level is likely to be in the region of £400.

It is not anticipated that these charges will generate significant income as it is often the case that where landlords are warned of the charges levied for the notices they are in a more ready to comply with legislation without necessitating the service of legal notice.

Pollution control

The Environmental Protection Act 1990 as amended by the Environmental Permitting Regulations 2010 provide for the setting of fees and charges for Local Air Pollution Control (LAPC), Local Air - Integrated Pollution Prevention and Control (LA-IPPC), and Local Air Pollution Prevention and Control (LAPPC) at levels that are aimed at recovering costs of local authorities of implementing the system.

Fees for EPA Part A2 and Part B processes are set in accordance with statutorily prescribed DEFRA guidance and national fees. This national approach ensures a consistency of fees and charges to business across the country.

The level of fees is out to consultation with Local Authorities until 18th January 2013, with confirmation of the actual fees during February 2013. However DEFRA in recognition of the economic climate nationally are again recommending a board freeze on these fees and charges, and it is anticipated that this position will not change following the consultation. Any variation on this will be reported to the Cabinet Member at the Delegated Powers meeting.

In Rotherham over the past twelve months income generated from such permitted premises has again fallen as a consequence of a number of businesses closing

A full schedule of the proposed 2013/14 fees and charges is attached to this report as Appendix A.

8. Finance

Proposed fees and charges for 2013/14 meet established requirements for the setting of revenue budgets. An inflationary increase of 2.5% has been built into the 2013/14 budget planning.

9. Risks and Uncertainties

The council can only set fee levels at a rate that enable it to cover the costs of providing the service.

The setting of fees in relation to Pollution Control is nationally governed and consequently the proposed freeze of fees will not take account of increased service costs or of the year on year reduction of income through industrial closures.

The level of fees and charges place a burden on local businesses and may, if set at unreasonably high level, affect economic growth and/or become subject to challenge. In the event that income budgets are not achieved, it will be necessary for services to make compensatory savings.

10. Policy and Performance Agenda Implications

The services contribute to the Corporate Plan's objectives of;

- Helping to create safe and healthy communities, and
- Improving the environment

In particular the services helps support the protection of healthy homes and neighbourhood health and contribute in ensuring people feel safe where they live, particularly that Anti-Social behaviour and crime is reduced.

In addition the services contribute to the Public Health priorities in particular through tackling health inequalities.

The service fits within existing strategic priorities in Rotherham. In particular the way we deliver our services directly impacts upon:

- Helping to Create Safe and Healthy Communities.
- Improving the Environment.

11. Background Papers and Consultation

- RMBC Fees & Charges 2012/13
- The Environmental Permitting Regulations 2010
- DEFRA - Local Authority Environmental Regulation of Industrial Plant 2013-14 Fees and Charges - A consultation (closure 18th January 2013)

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Proposed Fees and Charges 2013/14 (excluding VAT)

Service	2012/13(£)	2013/14 (£)
HOUSES IN MULTIPLE OCCUPATION		
First Application	756	775
Subsequent Applications	525	540
HOUSING ACT – Legal Notices		
Charge for the service of Enforcement Notices under the Housing Act 2004 re; <ul style="list-style-type: none"> ▪ Improvement and Suspended Improvement Notices (sections 11, 12 and 14). ▪ Prohibition and Suspended Prohibition Orders (sections 20, 21 and 23). ▪ Emergency Remedial action (section 40). ▪ Emergency Prohibition orders (section 43) and Housing Act 1985 (section 265) Demolition Orders	£400 - illustrative Charge levied per notice is variable dependant on case specifics, including but not exclusively; <ul style="list-style-type: none"> ▪ Officer time for preparation of notice ▪ Personal circumstances of the recipient The charge must be “reasonable” & may be appealed against	£400 - illustrative Charge levied per notice is variable dependant on case specifics, including but not exclusively; <ul style="list-style-type: none"> ▪ Officer time for preparation of notice ▪ Personal circumstances of the recipient The charge must be “reasonable” & may be appealed against
POLLUTION CONTROL – ENVIRONMENTAL PROTECTION ACT PROCESSES (NATIONALLY SET)		
Application Fee		
Standard process	1579	1579
Additional fee for operating without a permit	1137	1137
PVR I, SWOBs and Dry Cleaners Reduced fee activities	148	148
PVR I & II Combined	246	246
Vehicle Refinishers (VRs)	346	346
Reduced fee activities additional fee for operating without a permit	68	68
Mobile screening and crushing plant	1579	1579
for the third to seventh applications	943	943
for the eighth and subsequent applications	477	477
<ul style="list-style-type: none"> ▪ Where an application for any of the above is for a combined Part B and waste application, add an extra £297 to the above amounts ▪ Reduced fee activities are: service stations, vehicle refinishers, Dry Cleaners and small Waste Oil Burners under 0.4MW 		
Annual Subsistence Charge		
Standard process LOW	739 (+99)*	739 (+99)*
Standard process MEDIUM	1111(+149)*	1111(+149)*
Standard process HIGH	1672 (+198)*	1672 (+198)*
Reduced fee activities Low/Medium/High	76 151 227	76 151 227

Service	2012/13(£)	2013/14 (£)
PVR I & II Combined Medium Component	108 216 326	108 216 326
Vehicle Refinishers Low/Medium/High	218 349 524	218 349 524
Odourising of natural gas Low/Medium/High	76 151 227	76 151 227
Mobile screening and crushing plant Low/Medium/High	618 989 1484	618 989 1484
for the third to seventh authorisations Low/Medium/High	368 590 884	368 590 884
for the eighth and subsequent authorisations Low/Medium/High	189 302 453	189 302 453
Late Payment Fee	50	50
<p>* the additional amounts in brackets must be charged where a permit is for a combined Part B and waste installation Where a Part B installation is subject to reporting under the E-PRTR Regulation, add an extra £99 to the above amounts</p>		
Transfer and Surrender		
Standard process transfer	162	162
Standard process partial transfer	476	476
New operator at low risk reduced fee activity	75	75
Surrender: all Part B activities	0	0
Reduced fee activities*: transfer	0	0
Reduced fee activities*: partial transfer	45	45
Temporary Transfer for Mobiles		
First Transfer	51	51
Repeat Transfer	10	
Repeat Following enforcement or warning	51	51
Substantial change s10 and s11		
Standard process	1005	1005
Standard process where the substantial change results in a new PPC activity	1579	1579
Reduced fee activities*	98	98
<p>* Reduced fee activities are:- Service Stations, Vehicle Refinishers, Dry Cleaners and Small Waste Oil Burners under 0.4MW</p>		
Part A2		
Application	3218	3218
Additional fee for operating without a permit	1137	1137
Annual Subsistence LOW	1384	1384
Annual Subsistence MEDIUM	1541	1541
Annual Subsistence HIGH	2233	2233

Service	<u>2012/13(£)</u>	<u>2013/14 (£)</u>
Late Payment Fee		50
Substantial Variation	1309	1309
Transfer	225	225
Partial Transfer	668	668
Surrender	668	668