

Appendix 6

COMMUNITY PROTECTION CHARGES 2016/17

1.1 Housing Act 2004

1.1.1 Changes to Housing Licensing fee structure

Guidance issued by the Local Government Association¹ in 2015 now requires local authorities to re-structure how it charges for some services. This includes licenses issued under the Housing Act 2004. Charges have previously been developed in compliance with RMBC guidance², but the guidance now requires the licence fee to be split – (i) a fee for assessing the application and (ii) a separate fee, if a licence is granted, for resultant compliance monitoring and administration of the licence.

Consequently, the application processing and decision making elements of housing licensing have been identified and the proposal is to charge an application fee which must be received with the application. This fee will be made up of the costs incurred in deciding upon a license application plus the cost of an inspection of the property at the beginning of the licence. As such, applications must be received with the relevant application fee for the number of properties to be licensed.

On a licence being considered grantable the full fee becomes payable by the applicant. A licence will not be issued without the relevant fee being paid. For Selective Licences, appropriately completed Direct Debit mandates submitted with an application will ensure a flow in the payment process.

1.1.2 Selective Licensing

On the introduction of Selective Licensing in 2015 the fee was calculated to account for the costs of the scheme over the full five year life of the designations. This fee is still applicable. It is recommended that the fee remains the same as in 2015/16, but split to account for the changes brought in by 7.1.1. above.

1.1.3 Houses in Multiple Occupation (HMO)

It is proposed that the fee is increased in line with salary cost increases of 1% but split to account for the changes brought in by 7.1.1. above. The application fee accounts for the likely inspection cost of the property plus the administrative costs involved in reviewing the license application.

The fee is for new applications or renewal (every five years) and, with there only being 19 mandatory licensable HMOs in the Borough the revenue stream will not realise any significant income.

1.1.4 Housing Act 2004 Legal Notices

In July 2011 under powers under the Housing Act 2004 charges for the service of Housing Act legal notices were introduced. The charges cover the service of the following statutory notices:

- Improvement and Suspended Improvement Notices (sections 11, 12 and 14).

¹ Open for business - LGA guidance on locally set fees, 2015
www. http://www.local.gov.uk/documents/10180/6869714/L15-496+OpenForBusiness_02+FINAL.pdf

² Rotherham Council Fees and Charges Policy

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

The charge made is variable according to the specific circumstances and details of the case; this includes the officer(s) time engaged on the case and the circumstances of those involved. The charge should be reasonable and auditable. Consequently an actual fixed charge cannot be levied; although an indicative level is likely to be in the region of £400.

It is highly unlikely that these charges will raise any significant income, as it is found that, when warned about the risk of financial charges, landlords tend to respond more quickly to avoid the need to serve a statutory notice.

1.2 Pollution Control

Under Local Air Pollution Control (LAPC) certain industrial processes are regulated by, in effect, conditioned licenses to control emissions. Fees for these specific industrial processes are set annually in accordance with statutorily prescribed Department for Environment, Food and Rural Affairs (DEFRA) guidance and national fees. This national approach ensures a consistency of fees and charges to business across the country.

At this time DEFRA have not set the level of the fees for 2016/17 but it is expected, in recognition of the national economic picture, a freeze on these fees and charges will be again imposed. Although, there have been a number of reviews which have taken place in relation to simplify processes, the fees set by Government have mainly remained static since 2011, however, some fees for less polluting processes have been reduced. Whilst reduced and the freezing of fees positively impact on the costs for industry, they consequently reduce the income of Councils. For Rotherham, the reduction in fees, has resulted, over the period 2013 to 2016, in a fall in income for the Council by around £15,000, or 30%. This has been factored into service budgeting.

1.3 Works in Default

The Council can carry out Works in Default to address the noncompliance of a range of enforcement notices that have been served to protect the health and safety of the public eg statutory nuisance abatement, local area amenity and filthy/ verminous premises. If a notice is not complied with, the Council can prosecute and/or carry out works in default. Works in Default are undertaken where there is particularly medium/high risk sustained by non-compliance and the works are needed to stop the impact on neighbours or a vulnerable individual. The Council recharge the cost of these works to the person responsible.

The cost recharged must be reasonable and includes, where necessary, the cost of both internal or contractor services to carry out the works and Council officer time in commissioning & supervision of the works. Consequently, the costs recharged are variable on the type, extent and time taken. It is standard practice to calculate these costs in line with advice from Legal Services and by reference to the Council's Standing Orders and Financial Regulations. A sample of Legal Notices, Current Cases and Outstanding Debts were tested in 2015 by Internal Audit to verify costs had been correctly recharged. A number of cases had administrative charges attached to invoices and these were deemed reasonable. There were no items to report. The final Internal Audit report is awaited.

1.4 Consultation Fees

The consultation fees in previous years had been £61 for the first hour of work, and then an hourly rate of £26 thereafter. Following LGA guidance and internal guidance on charging for

services, as discussed in the Housing Licensing charges section, the charge levied in 2016/17 will be the appropriate hourly rate for the officer carrying out the work. Consequently, the costs recharged are variable on the type, extent and time taken. Associated staff costs are calculated as an hourly rate advised by Human Resources and Financial Services from the applicable salary scale of the officer(s) involved. An examination of full cost recharge will be made in 2016/17.

1.5 High Hedges

Part 8 of the Anti-social Behaviour Act 2003 allows the Council to intervene in disputes in relation to high hedges. Residents can complain to the Council about the height of a hedge and an investigation can follow. There is national guidance issued regarding such circumstances.

On making a service request to the service, customers are advised to speak with their neighbours about their concerns, to utilise mediation, and to warn their neighbours that they will be complaining to the Council if the matter is not rectified. Should this fail to reach a solution and the resident wishes to make a formal complaint to the Council, the above legislation allows the Council to charge the customer making the complaint.

Currently the Council charges £304 for the investigation (previous 50% discounting for Rothercard holders was withdrawn in 2015/16). It is proposed that this charge is increased in accordance with the 1% salary cost increase for 2016/17. It is extremely unlikely that these charges will generate any significant income with only one or two each year reaching the threshold for charging.

1.6 Fixed Penalty Notices

The service issues Fixed Penalty Notices (FPNs) for a range of offences to enable the offender to discharge their liability for an offence. The power to issue a FPN is contained within a range of legislation and the Council is legally able to reinvest the income in related services. The setting of the level of the FPNs has taken full consideration of both national legislative frameworks and the local context. The level of penalty available for each offence together with the available range for each is detailed in Appendix A.

APPENDIX 6A - Fees and Charges 2016/17 (excluding VAT)

Service	2015/16(£)	2016/17 (£)	
CONSULTATION FEES			
Consultation Enquiry	£61 per consultation plus £26/hour after the first hour	£19.71/hour	
HOUSING LICENSING			
House in Multiple Occupation (HMO) - New Application	£800	£808 Made up of £175 fee on application and £633 paid 1 st Notice of intention to grant a licence*	
HMO License renewal (available for renewing applications which have not expired)	£557	£563 Made up of £40 fee on application and £523 paid on minded to grant a licence decision*	
Selective Licence of other houses in designated areas	£592	£592 Made up of £154 fee on application and £438 paid 1 st Notice of intention to grant a licence*	
Selective License renewal for remaining 4 year licence when the 1 year licence has not expired (only available to properties which obtained a 1 year licence up to the date this report was decided upon)	£393.60 (+£13 invoice fee if requested to pay by instalments)	£393.60 (+£13 invoice fee if requested to pay by instalments)	
*The process of consulting on granting each license will not begin until full payment has been received.			
HOUSING ACT – Legal Notices			
Charge for the service of Enforcement Notices under the Housing Act 2004 re; • 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; • Officer time for preparation of notice • Personal circumstances of the recipient The charge must be “reasonable” and may be appealed against	£400 illustrative Charge levied per notice is variable dependant on case specifics, including but not exclusively; • Officer time for preparation of notice • Personal circumstances of the recipient The charge must be “reasonable” and may be appealed against	
WORKS IN DEFAULT			
Calculation of costs per job is carried out in compliance with Standing & Financial Regulations relating to the contracted aspects of the works with, in addition, an administrative element to cover arrangements around the carrying out of the works. These administrative costs include hourly staffing costs and travelling expenses associated in the arrangement, and supervision of the works. The recharge will be reasonable to the works carried out.			
HIGH HEDGES			
Formal Investigation	£304	£307	
FIXED PENALTY NOTICES			
Offence	Range Available	Current level	2016/17
Leaving Litter	£50 £80	£80	£80
Not removing dog fouling forthwith	£75 £100	£80	£80
Domestic waste receptacles notice	£60 £80	£80	£80
Graffiti and Fly Posting	£50 £80	£75	£75
Failure to comply with a Community Protection Notice	Up to £100	£100	£100
Failure to comply with nondomestic waste receptacles notice	£60 £100	£100	£100
Failure to produce authority to transport controlled waste	£300	£300	£300
Failure to produce waste disposal	£300	£300	£300

documentation		
Service	2015/16(£)	2016/17 (£)
POLLUTION CONTROL – ENVIRONMENTAL PROTECTION ACT PROCESSES		
Application Fee		
Standard process	£1,579	£1,579
Additional fee for operating without a permit	£1,137	£1,137
PVR I, SWOBs and Dry Cleaners Reduced fee activities (1)	£148	£148
PVR I & II Combined	£246	£246
Vehicle Refinishers (VRs) and other Reduced Fee activities (2)	£346	£346
Reduced fee activities additional fee for operating without a permit	£68	£68
Mobile screening and crushing plant for the third to seventh applications	£1,579 £943	£1,579 £943
for the eighth and subsequent applications	£477	£477
<p>1. Reduced fee activities are: Service Stations, Dry Cleaners and Small Waste Oil Burners under 0.4MW 2. Other Reduced Fee activities are Vehicle Refinishers, Powder Coating, Bitumen, Pet Food, Maggot Breeding, Polymerisation, Natural Sausage Casing, Fish Meal, Hide and Skin, Tobacco, and Mushroom Substrate process from January 2015. 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</p>		
Annual Subsistence Charge		
Standard process LOW	£739 (+99)*	£739 (+99)*
Standard process MEDIUM	£1,111(+149)*	£1,111(+149)*
Standard process HIGH	£1,672 (+198)*	£1,672 (+198)*
Reduced fee activities Low/Medium/High	£76 £151 £227	£76 £151 £227
PVR I & II Combined Medium Component	£108 216 326	£108 £216 £326
Vehicle Refinishers Low/Medium/High	£218 £349 £524	£218 £349 £524
Odouring of natural gas Low/Medium/High	£76 £151 £227	£76 £151 £227
Mobile screening and crushing plant Low/Medium/High	£618 £989 £1,484	£618 £989 £1,484
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
* 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 EPRTR Regulation, add an extra £99 to the above amounts		
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	£30	£0
Reduced fee activities*: partial transfer	£45	£45
Temporary Transfer for Mobiles		
First Transfer	£51	£51
Repeat Transfer	£10	
Repeat Following enforcement or	£51	£51

warning		
Substantial change s10 and s11		
Standard process	£1,005	£1,005
Standard process where the substantial change results in a new PPC activity	£1,579	£1,579
Reduced fee activities*	£98	£98
* Reduced fee activities are: Service Stations, Vehicle Refinishers, Dry Cleaners, Small Waste Oil Burners under 0.4MW, Roadstone Coating, Timber, Cement, Quarry Processes, and from 1st January 2015, Powder Coating, Bitumen, Pet Food, Maggot Breeding, Polymerisation, Natural Sausage Casing, Fish Meal, Hide and Skin, Tobacco, and Mushroom Substrate process.		
Part A2		
Application	£3,218	£3,218
Additional fee for operating without a permit	£1,137	£1,137
Annual Subsistence LOW	£1,384	£1,384
Annual Subsistence MEDIUM	£1,541	£1,541
Annual Subsistence HIGH	£2,233	£2,233
Late Payment Fee		£50
Substantial Variation	£1,309	£1,309
Transfer	£225	£225
Partial Transfer	£668	£668
Surrender	£668	£668