

BIRMINGHAM CITY COUNCIL

**REPORT OF THE INTERIM ASSISTANT DIRECTOR OF
REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

10 MARCH 2021
ALL WARDS

**REVIEW OF LICENSING AND PUBLIC PROTECTION
FEES AND CHARGES 2021/2022**

1. Summary

- 1.1 The Corporate Charging Policy and Financial Regulations require that fees and charges levied by the Licensing and Public Protection Committee be reviewed on an annual basis to ensure the continued full recovery of costs.
- 1.2 It should be noted that some of the fees relating to areas which come within your Committee's remit are set nationally through statute, and these cannot be varied by your Committee. These are indicated in the report.
- 1.3 All fees and charges have been set to with the objective of maximising income so far as is possible within legal constraints.
- 1.4 This report deals with all fees and charges within the control of your committee other than the fees charged by the Licensing Service, which are considered in a separate report.

2. Recommendations

- 2.1 That the changes to the fees and charges for Trading Standards Services, as detailed in Appendix 1, are approved to take effect from 1 April 2021.
- 2.2 That the changes to the fees and charges for Environmental Health Services, as detailed in Appendix 2(a), are approved to take effect from 1 April 2021.
- 2.3 That the changes to the fees and charges for Animal Welfare Services, as detailed in Appendix 2(b), are approved to take effect from 1 April 2021.
- 2.4 That the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in Appendix 2(c), are approved to take effect from 1 April 2021.

- 2.5 That the changes to the fees and charges for Pest Control Services, as detailed in Appendix 2(d), are approved to take effect from 1 April 2021.
- 2.6 That the changes to the fees and charges for Register Office Services, as detailed in Appendix 3, are approved to take effect from 1 April 2021.
- 2.7 That the statutorily set charges for the Register Office, as detailed in Appendix 3(a) be noted.
- 2.8 That the changes to the fees and charges for Coroner's Services as detailed in Appendix 4, are approved to take effect from 1 April 2021.
- 2.9 That the changes to the fees and charges for Birmingham Account Team (Acivico-Building Consultancy) as detailed in Appendix 5, are approved to take effect from 1 April 2021.
- 2.10 That the changes to the fees and charges for Highways Services as detailed in Appendix 6 are approved to take effect from 1st April 2021.
- 2.11 That authority be delegated to the Interim Assistant Director of Regulation and Enforcement and Heads of Service to authorise the negotiation of variations to the fees and charges identified in this report, in the interests of commercial flexibility.

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3. Background

- 3.1 The City Council's Corporate Charging Policy and Financial Regulations require that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided.
- 3.2 Tables with greyed out boxes indicates the fee is set in statute and is for noting only.

4. Proposals

- 4.1 The fees proposed in this report are calculated to maximise income and recover the full cost of carrying out the various services in line with City Council policy. This includes all overheads, administrative costs, expenses and any appropriate recharge of officers' time.
- 4.2 The areas covered are as follows:
- Appendix 1 – Review of Charges for Trading Standards.
 - Appendix 2(a) – Review of Charges for Environmental Health
 - Appendix 2(b) – Review of Animal Welfare charges
 - Appendix 2(c) – Review of Charges for FPNs issued by Environmental Health
 - Appendix 2(c) – Review of Charges for Pest Control
 - Appendix 3 – Review of Charges for Register Office.
 - Appendix 3(a) – Register Office statutorily set fees.
 - Appendix 4 – Review of Charges for the Coroner's Service
 - Appendix 5 – Review of charges for Birmingham Account Team (Acivico-Building Consultancy) (formerly Surveying Services)
 - Appendix 6 – Review of Highway Services Charges
- 4.3 Where fees in any service area are not covered by the appendices or a recovery of monies is to be levied then the full recharge will be based on the following table. The hourly rate by grade (includes full overhead recovery and central support costs) is broken down by the seven salary grading bands the Local Authority appoints its officers under. The hourly rate for officers has reduced by around £1 per hour due to improved efficiencies leading to the central support costs being reduced. These hourly rates are a corporate calculation.

OFFICER SALARY GRADE	CHARGEABLE HOURLY RATE 2020/21	CHARGEABLE HOURLY RATE 2021/22
Grade 2	£38	£37
Grade 3	£51	£50
Grade 4	£65	£65
Grade 5	£83	£82
Grade 6	£107	£105
Grade 7	£143	£141

4.4 In carrying out this annual review of charges reference has been made to the requirements of the Corporate Charging Policy. Particular attention has been paid to the need to ensure that income is maximised insofar as possible.

4.5 With regard to matters which relate to trading in the open market consideration has been given to competitors pricing and what the market can sustain. Where a fee has been proposed that does not achieve full cost recovery (for instance due to the need to compete with alternative providers), it has been indicated in the relevant appendix.

4.6 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary and alternative savings proposals developed to meet new and emerging pressures.

5. Consultation

5.1 This report will be appended to a wider reaching City-wide Fees and Charges report to full Cabinet at the end of February 2021.

6. Implications for Resources

6.1 The proposals represent an increase to budgeted income for 2021/22. The proposed increases are in line with the budget strategy for 2019/20 and 2020/21.

7. Implications for Policy Priorities

7.1 The recommendations are in accordance with Financial Regulations, budget requirements and the Corporate Charging Policy.

8. Public Sector Equality Duty

8.1 There are no specific implications identified.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council – Corporate Charging Policy

REVIEW OF TRADING STANDARDS CHARGES 2019/20

- 1.1 Due to the ongoing pandemic and the pressure this has put on small Birmingham based businesses, it is proposed that the fees for 2021/22 do not include any increases from those applied in 2020/21. This should help support the sector through this difficult and uncertain time.

Measuring Instruments for Measuring Liquid Fuel or Lubricants or Mixtures Thereof

Weights and Measures	2021/22
Un-subdivided container types	£102.00
1 meter tested	£127.00
2 meters tested	£207.00
3 meters tested	£290.00
4 meters tested	£365.00
5 meters tested	£437.00
6 meters tested	£533.00
7 meters tested	£608.00
8 meters tested	£671.00
All other Weights and Measures on site - charge per hour	£83.00
Measuring Instruments off-site within BCC boundary hourly rate + mileage	£83.00
Measuring Instruments on-site outside BCC boundary hourly rate + mileage + 10 % for other overheads	£83.00
Duplicate certificates or duplicate statements of accuracy (each)	£24.00
Work outside of normal Office Hours, hourly rate will be subject to a 50% increase	
Metrology minimum charge for cancelled appointment	£83.00

1.3 Bespoke seminars/training

A charge for businesses or trade sectors expressing an interest in a bespoke seminar or training on Trading Standards legislation relevant to that business or trade sector; this would include certification of Weighbridge Operators. It is proposed that the charge is £92 + VAT per attendee for a day course and £58 +VAT for half day course (minimum of 10 attendees) remains unchanged.

1.4 **Primary Authority Partnership**

This is part of a national programme to enable local authorities and businesses to work together to help improve consistency in regulation. The programme is overseen by the Better Regulation Delivery Office and enables local authorities to recharge for the time spent on servicing the partnership. Primary Authority Partnerships are agreed on a cost recovery basis.

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2021/2022 Grade 5 Officer hourly rate of £83 plus expenses.

1.5 **Business Support**

Where Businesses request business support but without entering into a Primary Authority Agreement, the local Authority would seek cost recovery and charge at Grade 5 Officer hourly rate of £83.

Head Office	2020/21
Primary Authority Partnerships (cost recovery only)	£83.00
Primary Authority Partnership (PAP) - hourly rate	£83.00
Business Advice outside/without PAP Agreement	£83.00
Accredited Financial investigations for partner local authorities or other internal services.	£200 initial assessment. £83 per hour or ½ of any subsequent POCA ARIS incentivisation

1.6 **Private Hire Access to Knowledge Course**

This course is available to potential drivers in relation to preparation for the Licensing Private Hire Knowledge Test. It is proposed that the charge is £39 per attendee in 2019/20 remains the same as Trading standards have managed to slightly decrease costs for this event.

Private Hire Knowledge	2019/20	2020/21
Private Hire Access to Knowledge Course Fee per attendee	£39.00	£39.00

1.7 Financial Investigations

Accredited Financial Investigators within Trading Standards are able to provide financial investigation services to both internal and external (public sector) clients. It is proposed that where services are provided outside Birmingham Trading Standards that the charge be at a GR5 hourly rate of £83.00 plus expenses. Any incentivisation money resulting from a Proceeds of Crime Act 2002 investigation will be shared according to the Home Office incentivisation scheme. The current Home Office Asset Recovery Incentivisation Scheme (ARIS) stipulates:

- Under the Home Office Asset Recovery Incentivisation Scheme (ARIS) 50% of the monies recovered from a particular defendant is given to the Home Office and the remaining 50% is distributed amongst the agencies involved in the Confiscation.

These agencies will receive the appropriate share (of the 50%) from their asset recovery activities allocated as follows:

Confiscation order receipts

Criminal Justice Service Ministers have agreed that confiscation order receipts will be split three ways thus:

- Investigation (Local Authority) – 18.75%;
- Prosecution (Local Authority) – 18.75% and
- Enforcement (Her Majesty's Court Service) – 12.5%.

Cash Forfeitures

The ARIS 'rules' for cash forfeitures are different in that the agency seizing the cash receives 50% share of the forfeited amount. If the offender has the ability to pay prosecution costs after the 'confiscation proceedings' have concluded these are also recoverable.

Providing Service to other Local Authorities

It is proposed that where the services of the Accredited Financial investigator are provided by Birmingham Trading Standards on behalf of another local authority and this has resulted in cash forfeiture, then 25% of the total forfeited amount will be retained by Birmingham Trading Standards.

It is proposed that where the services of the Accredited Financial Investigator have resulted in a successful confiscation order receipt the 18.75% investigation allocation will be retained by Birmingham Trading Standards.

Regional Investigations Team

The Regional Investigations Team is hosted by Birmingham Trading Standards. The grant agreement requires that 50% of the any ARIS payment awarded and received by the hosting Local Authority is returned to National Trading Standards (NTS). It is, therefore, proposed that any successful financial investigation undertaken on behalf of this team will result in the retention of 25% of the remaining ARIS money after payment is made to the NTS. This amounts to 9.375% of the total amount of a confiscation order and 12.5% of total cash forfeiture.

Negotiation

Financial investigation is a growing service within the public sector and many local authorities are now offering these services. There are many different charging policies and in some circumstances it may be beneficial to have the ability to negotiate the charges with the client to secure the job. The Director of Regulation and Enforcement and the Head of Trading Standards have the discretion to agree any negotiated changes to the proposed fees and charges relating to financial investigations.

1.7 Trading Standards Fixed Penalty Notice and Penalty Charge Tariffs

All of the tariffs in the table below are set by statute except for the tariff for early payment discount in respect of nuisance parking and it is not proposed to change that tariff.

Fixed Penalty Notices	2021/22
Nuisance Parking (s6(1) Clean Neighbourhoods and Environment Act)	£100
Energy Performance Certificates - Duty to Provide to Prospective Buyers (Energy Performance of Buildings (England & Wales) Regulations 2012)	£200
Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(a)	£1,000
Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(b)	£500
Energy Performance Certificates - Duty of Controllers of Air conditioning Systems (Energy Performance of Buildings (England & Wales) Regulations 2012) - 18(1), 20, 21	£300
Redress Schemes (requirement of Estate Agents to belong to scheme)	£1,000
Minimum Efficiency Standards for buildings (from April 2018) - £5,000 to £10,000 or 10%-to-20% of rateable value	

**REVIEW OF CHARGES – ENVIRONMENTAL HEALTH
AND PEST CONTROL 2021/2022**

2.0 In reviewing these fees and charges, officers from the Directorate have considered:

- the budget strategy for 2021/22, which is for a 2% income where it is sustainable.
- the need to ensure that relevant expenditure and income targets are met and full cost recovery achieved.
- fees and charges levied by neighbouring districts and similar providers.

2.0.1 The non-statutory fees and charges have been set in accordance with the above considerations.

2.0.2 For 2021/2022 Environmental Health have again used the rationale of maximising income, based on market forces, to assist in meeting the corporately set income targets and fees inflation for the sections.

2.1 **Issuing of Food Condemnation/Surrender Notes by Environmental Health Officers**

It is proposed that the fee for issuing condemnation/surrender notes for freezer breakdowns and for similar insurance purposes be increased to £118 per hour (from £115). This is based on the hourly rate for a GR5 officer plus administration support cost. (Non-Business activity VAT exempt (Tax Code A8 applies))

2.2 **Provision of Food Export Certificates**

It is proposed not to increase these charges as this will support businesses that have been affected by Covid restrictions as well as those that need to complete new export forms following Brexit changes.

It is proposed that where an inspection of the premises is required, this will be subject to a minimum of £160 (current charge £160) plus an administrative charge of 10%. Inspections that are longer than one hour will be charged at an hourly rate for a GR5 Officer per hour or part of an hour thereafter. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Where no visit is required it is proposed that the fee increase will be £105 (current charge £105) for the certificate. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Where Export Certificates have been produced and are no longer required, there will be a charge of £30 (current charge £30) cancellation fee for each certificate produced.

2.3 Food Hygiene Rating Scheme revisits

It is proposed to increase the charge for all FHRS revisits that are requested by businesses to obtain a new food hygiene score to £200 (currently £195). These requests are received following a programmed inspection that gave a lower score than a business would like to trade under and is additional work over and above our statutory duty for food interventions. As this only applies to businesses that are not compliant with relatively simple requirements for hygiene and operation it is not proposed to hold the fees the same as last year.

Summary

Food Condemnation / Export / Hygiene matters	2020/21	2021/22
Food Condemnation / Surrender Notes	£115	£118
Provision of Food Export Certificates	£160	£160
Provision of Food Export Certificates where no visit required	£105	£105
Food Export Certificates where produced but no longer required	£30	£30
FHRS Revisit to obtain new Food Hygiene Score	£195	£200

2.4 Health and Safety

On occasions solicitors request copies of health and safety accident reports. The Health and Safety at Work etc. Act 1974, Section 28, sub-section 9, allows a disclosure by an authorised officer of a “written statement of relevant facts observed by him” (Employment Protection Act 1975). It is proposed to make a minimum charge of £166 (two hours at GR5) plus the hourly rate of £83 per hour or part hour thereafter. (Current charge is £166 and £83 per hour). VAT will be applied at its appropriate rate, in addition to this cost.

- 2.5 Your officers can deliver a range of bespoke training courses specifically for other local authority officers for example on practical incident investigation. This service assists other local authorities who have less experience and smaller health and safety teams. It is proposed that the charge is increased to £92 per delegate for one day’s training [including any refreshments] with a minimum number of ten delegates per course (currently £90). (VAT exempt if only L/A officers attend. VAT would be payable for external delegates and must be added to their charge).

Summary

Health and Safety	2020/21	2020/21
Section28 HSWA for legal Accident Reports	£166.00	£166.00
Section28 HSWA additional hourly rate for accident reports	£83.00	£83.00
Health and Safety Training - per delegate, per day	£90.00	£92.00

2.6 Food and Health and Safety Primary Authority Partnerships.

Environmental Health Food and Health & Safety Teams have set up a number of Primary Authority Partnerships with national multisite businesses. This is part of a national programme to enable local authorities and businesses to work together to help improve consistency in regulation. The programme is overseen by the Government's Office of Product Safety & Standards and enables local authorities to recharge for the time spent on servicing the partnership. By statute costs incurred by Councils participating in Primary Authority Partnerships are recharged on a cost recovery basis.

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2021/2022 Grade 5 Officer hourly rate of £82 plus expenses. (Current charge £83). (VAT applies but is currently zero rated for this work).

2.7 Environmental Conveyancing Searches

A number of requests are made (usually by solicitor firms) for environmental information held by the Service to assist in conveyancing. The information has to be supplied (where held) under the Environmental Information Regulations. Although no charge can be made for providing the raw information, a charge can be made for the cost of processing the information into a usable report. It is proposed that the fees increase to £80 for a Basic Search and £115 for an Advanced Search (current charges £73 and £107 respectively).

2.8 Statutory Default Work

Where work is carried out in default, reasonable costs of the work are recovered i.e. the officers' time (at their respective hourly rates) plus the costs associated with the work necessarily required from third party agents such as locksmiths or vehicle recovery contractors. It would also include any statutory fees and daily charges that are applicable. It is proposed to charge £105 (previously £100) for administration costs for invoices. This work is undertaken by a GR4 officer and the costs reflect both the raising of the invoice and chasing up and close down of invoices that are paid. The total time of this is estimated to be 1½ hours on average per invoice. Officer time relating to seizure of sound equipment is charged at a fixed rate of £120 (currently £115). This is designed to minimise the likelihood of seized equipment not being reclaimed by owners, which would potentially result in excessive/on-going storage and disposal costs for the council that may not be rechargeable.

2.9 Attendance at Exhumations

It is proposed to increase the fixed fee from £340 to £350 (plus VAT) to be received in advance of an exhumation. This is inclusive of early starts and completion of documentation before and after such work. If human remains are to be added to an existing grave requiring an exhumation approval then the charges for this work will be based on an hourly rate of a GR5 officer.

2.10 Licences for the Distribution of Free Literature

The three areas of the city which are designated as consent areas for the distribution of free literature are: the City Centre, Digbeth and Hurst Street. The current charge for consents is £290 and it is proposed to not increase this to support business re-starting. The income supports the implementation and enforcement of this consent regime and this avoids putting any further burdens on businesses advertising in the City by way of free literature. Under the legislation local authorities may only make reasonable charges for setting up and enforcement activities within the consent zones and the consent zones are designed to prevent the defacement that can be caused by discarded material. All of the receipts from the scheme are reinvested in its implementation, operation and enforcement and no charge can be levied for clear-up costs. It is proposed to charge £50 for replacement identity badges.

Summary

Conveyancing and Default work / Free Literature Consents	2020/21	2021/22
Primary Authority Partnership's (Statutorily set at cost recovery)	Cost recovery	Cost recovery
Processing Environmental Information for conveyancing – Basic	£80.00	£80.00
Processing Environmental Information for conveyancing – Advanced	£115.00	£115.00
Statutory Default Work - Admin costs for Invoices / Processing	£100.00	£105.00
Statutory Default Work - Seizure of Sound Equipment	£115.00	£120.00
Attendance at Exhumations (inc. completion of documentation)	£340.00	£350.00
Distribution of free literature consents	£290.00	£290.00
Replacement Identity badges	New	£50.00

2.11 Animal Welfare – Stray Dog Charges

It is not proposed to alter the charges applied to dog owners where their dogs strayed. Where dogs are claimed from the Birmingham Dogs Home or where dogs are returned directly to their owners there will be a £25 charge made. The £25 fee is a statutory amount prescribed by the Environmental Protection Act 1990 and cannot be altered. The Act also permits local authorities to charge dog owners all costs incurred by the seizure and detention of their dog if seized as a stray. We will continue therefore to charge dog owners all such costs, which may include out of hours kennelling charges or veterinary fees, as well as additional officer time, where applicable.

We will continue to charge £95 for dog handling services, in respect of restraining or removing dogs for example at an eviction or forced entry. Where the attendance on site extends beyond an hour additional time spent will be charged at GR3 per hour or part thereof. Any additional Dog Wardens that need to attend for multiple or large / difficult dogs, will be charged at an additional GR3 per officer per hour.

Where officers carry out assessments of dogs kept by any person looking to adopt or foster a child, it is proposed to charge the officer's full hourly rate from the start to completion of the assessment, this includes travel time and providing a report on the suitability or otherwise of any dog(s) kept by the potential carers to the adoption/fostering team.

Where officers carry out work on behalf of social services involving the removal of animals where their owners have been admitted into hospital or found to be deceased, the charge of £95 will remain unchanged, to attend and remove animals and a further £51 (GR3) per hour or part thereof charged for any subsequent visits required. Office activities (GR4) will be charged at the officer's hourly rate or part thereof.

Officers provide a stray dog collection service for Solihull Metropolitan Borough Council. It is proposed to charge £76.50 to collect and impound a stray dog or return it to its owner, this is based on a GR 3 officers time at 1.5 hours per attendance. Should any there be any additional requirements in terms of time or officers needed, this will be charged in in additional at the officer's standard hourly rate.

2.12 Animal Welfare Licensing

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, came into effect on 1 October 2018. The new Regulations allow licences to run for 1, 2 or 3 years and licence fees must reflect this; they must also reflect the need for a separate application and annual fee. The length of a licence is determined by a star rating of premises, which must be applied by the inspecting officers following inspection and in consideration of previous compliance history. There are also provisions to allow licenced premises to apply for a variation to their licence and to request additional inspections.

The tables below identify animal related licensed premises and associated reviewed fees. The proposed fees are in-line with charges made by other local authorities and have been based on the average times taken by GR4 and GR5 officers undertaking this work. It is proposed to make no increase in the licence fees, except in relation to those imposed by the increase in officers' hourly rate.

2.13 **Animal Welfare licence fees - 2021/2022.**

New Licences

Licensable Activity	Total Licence Fee 1 year licence	Current Fee	Vets Fees	LA Inspection upon Request	Application to Vary Licence
Selling Animals as Pets	£461.75	£444.25	At Cost	£74	£117
Commercial Animal Boarding	£391.25	£373.75	At Cost	£74	£117
Dog Breeding	£391.25	£373.75	At Cost	£74	£117
Dangerous Wild Animals	£391.25	£373.75	At Cost	£74	£117
Home Dog Boarding	£271.25	£259.25	At Cost	£74	£47.50
Arranging Animal Boarding (where no animal boarding licence in place)	£209 (plus £83 per inspection as required)	£140.75 (plus £83 per inspection as required)	At Cost	£74	£47.50 (plus £83 per inspection as required)
Hiring of Horses	£515.75	£492.25	At Cost	£74	£117
Keeping/Training Animals for Exhibition	£474.25 (3 year mandatory licence)	£452.75 (3 year mandatory licence)	At Cost	£74	£117

Renewal Licences

Licensable Activity	Application Fee	Licence Fee (1 year)	Licence Fee (2 year)	Licence Fee (3 year)	Vets Fees	LA Inspection on request	Application to Vary Licence
Selling animals as pets	£170.25	£83	£166	£249	At Cost	£74	£117
Commercial Animal Boarding	£183.75	£83	£166	£249	At Cost	£74	£117
Dog Breeding	£183.75	£83	£166	£249	At Cost	£74	£117
Dangerous Wild Animals	£183.75	£83	£166	£249	At Cost	£74	£117
Home Dog Boarding	£84.50	£83	£166	£249	At Cost	£74	£47.50
Arranging Animal Boarding (as stand-alone licence)	£126 (plus £83 per inspection as required)	£83	£166	£249	At Cost	£74	£47.50 (plus £83 per inspection as required)
Hiring out Horses	£225.25	£83	£166	£249	At Cost	£74	£117
Keeping or Training Animals for Exhibition	£225.25	N/A	N/A	£249	At Cost	£74	£117

Note 1- Cost for the re-issue of an existing licence £10.50 (Licensing Act 2003 standard charge)

Note 2- Any animal licencing work required outside of the above will be charged at the officer's hourly rate of the relevant officer as per the table in 4.3

Note 3- Where any veterinary inspection is required then these will be charged at cost.

Note 4 - Zoo Licensing remains unchanged, any inspections carried out by Inspector appointed by the Secretary to State are charged to the applicant as an additional fee.

Type of Licence	Current Fee	Proposed Fee
Zoos		
- 4 year licence (new)	£2,670	£2,670
- 6 year licence (renewal)	£2,670	£2,670

APPENDIX 2(c)

2.14 Fixed Penalty Notice Tariffs

The Fixed Penalty Notice (FPN) tariffs are tabulated below.

2.15 All other FPNs are set at their legal maximum except:

- Domestic Duty of Care FPN

(Tariffs amended by The Environmental Offences (Fixed Penalties) (England) Regulations 2017)

2.16 Committee can consider varying the tariff for the FPNs in 2.15 and if so minded, reduce the tariff of any FPN which is not set by statute.

2.17 With regard to the Littering FPN committee are asked to consider the following:

- The current payment rate of FPNs remains approximately 85%
- Approximately 700 prosecutions for non-payment were submitted last year (10% of FPNs issued)
- The remainder had reasons not to be pursued.
- Increasing the tariff to the maximum may dissuade littering
- Increasing the tariff may decrease the repayment rate and increase the prosecution rate. An increased prosecution rate would require extra staff to administer this process.

2.18 Early repayment discounts were discontinued as few people took note of the timelines and most paid the lower payment significantly after the expiry of the discounted period. This led to inequalities and administration difficulties. It is your officer's recommendation that committee do not reinstate early payment rates.

FIXED PENALTY NOTICE TARIFFS

OFFENCE	LEGISLATION	EXISTING TARIFF 2020/2021 Existing FPN & Early Discount	PENALTY CAN BE SET	FPN TARIFF FOR 2021/2022
Community Protection Notice. (For fixed penalty notices repealed under Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005, including former Street Litter Control notices and Litter Clearing Notices)	s.52(7) Anti-social Behaviour Crime and Policing Act 2014	£100 No discount for early payment	Maximum £100 Indeterminate discount can be offered for early payment (the range is not specified)	£100 No Discount for early payment
Unauthorised distribution of literature in a consent area	Schedule 3A, para.7(2) Environmental Protection Act 1990	£150 No discount for early payment	Between £65 - £150 Minimum discount for early payment £50	£150 No Discount for early payment
Graffiti and Flyposting	s.43 Anti-social Behaviour Act 2003	£150 No discount for early payment	Between £65 - £150 Minimum discount for early payment £65	£150 No Discount for early payment
Litter	s.88(1)Environmental Protection Act 1990	£150 No discount for early payment	Between £65 - £150 Minimum discount for early payment £65	£150 No Discount for early payment
Domestic Duty of Care Fixed Penalty Notice	Section 34(2)(A) Environmental Protection Act 1990	£200 No Discount for early payment	Between £150 to £400 Discount can be set between £120 & £150	£200 No Discount for early payment
Failure to produce written particulars of waste [waste transfer notes]	s.34A (2) Environmental Protection Act 1990	£300 set by statute No discount for early payment	Set by statute Minimum discount for early payment £180	£300 No Discount for early payment
Failure to furnish documentation of waste carriers registration	s.5B(2) Control of Pollution (Amendment) Act 1989	£300 set by statute No discount for early payment	Set by statute Minimum discount for early payment £180	£300 No Discount for early payment

OFFENCE	LEGISLATION	EXISTING TARIFF 2020/2021 Existing FPN & Early Discount	PENALTY CAN BE SET	FPN TARIFF FOR 2021/2022
Failure to comply with notice for commercial or industrial waste receptacles and presentation	s.47ZA, 47ZB of the Environmental Protection Act 1990	£110 No discount for early payment	Between £75 - £110 Minimum discount for early payment £60	£110 No Discount for early payment
Failure to comply with notice for household waste receptacles and presentation	s.46, Environmental Protection Act 1990	£60	Set by statute No discount allowed	£60
Noise from domestic dwellings exceeding a permitted level	s.8 Noise Act 1996	£110 No discount for early payment	Between £75 - £110 Minimum discount for early payment £60	£110 No Discount for early payment
Noise from licensed premises	s.8 Noise Act 1996	£500	Set by statute No discount allowed	£500
Unauthorised deposit of waste (fly-tipping)	33A Environmental Protection Act 1990	£400 No discount for early payment	Between £150 and £400 Minimum discount for early payment £120	£400 No Discount for early payment
Abandoning a vehicle	s.2A (1) Refuse Disposal (Amenity) Act 1978	£200 set by statute No discount for early payment	Set by statute Minimum discount for early payment £120	£200 No Discount for early payment
Smoking in a smoke free place or vehicle	S.7 Health Act 2006	£50 £30 If paid in 15 days	Set by statute Discount set by statute £30 if paid within 15 days	£50 £30 If paid in 15 days
Failure to display no smoking signs	s.6 Health Act 2006	£200 £150 if paid in 15 days	Set by statute Discount set by statute £150 if paid within 15 days	£200 £150 if paid in 15 days

APPENDIX 2(d)

2.19 Pest Control

For 2021/22 Pest Control have used the rationale of maximising their income, having regard to market forces, to assist in meeting the income targets for the section. The proposed rates will be held for 2021/22 as the officer hourly rates have not increased and this is a competitive market.

DOMESTIC Pest Control

Due to almost no take up of commercial services in the domestic setting, I propose not to increase charges for residents.

Domestic	2020/21 (inc VAT element)	2021/22	VAT @20%	Total
Rats - All domestic treatments	Free of charge	Free of charge	N/A	Free of charge
Cockroaches - all treatments - first visit	£78	£65.00	£13.00	£78.00
Bedbugs - all treatments - first visit	£78	£65.00	£13.00	£78.00
Mice - mouse poison offered at Neighbourhood Office	Free of charge	Free of charge	N/A	Free of charge
Mice - All domestic treatments	£78	£65.00	£13.00	£78.00
Wasps - Minimum call out charge for a treatment	£60.00	£50.00	£10.00	£60.00
Wasps - 2 or more nests, multiple treatments + revisits	£75.00	£62.50	£12.50	£75.00
Fleas - Treatment per property (per visit)	£78	£65.00	£13.00	£78.00
Other insect treatments - first hour	£78	£65.00	£13.00	£78.00

COMMERCIAL

Commercial	2020/21	2021/22	VAT @20%	Total
All treatments for commercial / non-domestic and landlords that are responsible for property wide infestations - first visit	£115	£95.83	£19.17	£115.00
Bedbugs / Pharaoh Ants - first visit	£115	£95.83	£19.17	£115.00
Clearance work (rodent/insect/bird/premises) - first hour	£115	£95.83	£19.17	£115.00
Clearance work (rodent/insect/bird/premises) - subsequent hours plus materials plus VAT	£115	£95.83	£19.17	£115.00
Additional Charges for jobs involving hazardous waste (clinical/needle/etc.)	£170	£141.67	£28.33	£170.00
Land clearance and associated weed control when treating for rodents (Land clearance materials charged plus 10% administration)	£115	£95.83	£19.17	£115.00

Commercial jobs that are competitively tendered, at a rate above or below the agreed rate above will be authorised by the Head of Service or Director, plus materials and VAT.

REVIEW OF CHARGES - REGISTER OFFICE 2021/2022

1.0 Relevant Background

- 1.1 In reviewing these fees and charges, officers from the Directorate have considered:
- The budget strategy for 2021/22 and 2022/23.
 - The ongoing pandemic and the pressure that this has put on the event industry
 - Fees and charges levied by neighbouring local authorities.
- 1.2 Where applicable, prices for 2022/23 have also been included. This is principally to allow for advanced booking and payment for ceremonies.
- 1.3 It is proposed that the majority of fees for 2021/22 and 2022/23 do not include any increases from those applied in 2020/21. This should help support the sector through this difficult and uncertain time.
- 1.4 It is proposed to further support the Approved Premises sector (ceremony venues) through this difficult and uncertain time by reducing the fee for any three-year Approved Premises Licence applied in 20-21 by one third, and by increasing the length of a standard three-year licence period for any new or renewed licence to a period of four years.
- 1.5 Some fees relate to services that are traditionally booked well in advance. Fees for 2021/22 and 2022/23 which are an increase on 2020/21 were set as part of the 2020/21 fees and charges process. Since these fees have already been charged for a number of forthcoming services it is not proposed to reduce these fees.
- 1.6 The non-statutory fees and charges have been set in accordance with the above considerations.
- 1.7 The Registration Service provides a number of non-statutory services; however these are in competition with neighbouring Local Authorities and so are priced with regard to market sensitivities.
- 1.8 The provision of Registration Services is currently under review nationally by the General Register Office (GRO). The current focus is on charges for marriages including licensing of approved premises. It is highly likely that there will be statutory fees for licensing of approved premises and also for attendance at approved premises which will be considerably lower than fees currently charged by Birmingham City Council. Any changes or recommendations to discretionary prices made could cause financial pressure in the near future for this budget.

2.0 Approved Buildings

- 2.1 Birmingham City Council has responsibility for approving non-religious venues for Civil Marriage and Partnerships. Some fees relate to services that are traditionally booked well in advance. For these services the fees are set out for more than one financial year.

TABLE 1 Approved Building Licence Fees

1. Register Office - Approved Buildings	2020/21	2021/22
New Application for approval of premises to include ONE room 3 years	£3,402.00	N/A
New Application for approval of premises to include ONE room 4 years	N/A	£3,402.00
Renewal of existing approved premises to include ONE Room 3 years	£2,376.00	N/A
Renewal of existing approved premises to include ONE Room 4 years	N/A	£2,376.00
Additional rooms included in the application (per room) 3 years	£756.00	N/A
Additional rooms included in the application (per room) 4 years	N/A	£756.00
Additional rooms added after the application approved 3 years	£864.00	N/A
Additional rooms added after the application approved 4 years	N/A	£864.00
Application for approval of religious building for Civil Partnerships 3 years	£668.00	£668.00
Renewal of existing approved premises to include ONE Room 6 years	£4,212.00	£4,212.00
Additional rooms included in the application (per room) 6 years	£1,080.00	£1,080.00
Additional rooms added after the application approved 6 years	£864.00	£864.00
Application for approval of religious building for Civil Partnerships 6 years	£668.00	£668.00

3.0 Register Office Ceremony Suites

- 3.1 Holding the ceremony in Birmingham is not statutory and the Registration Service faces tough competition from neighbouring Local Authorities and other business premises.
- 3.2 A simpler and streamlined fee structure was brought in for 2019/20 and is proposed to be continued.
- 3.3 The fees for a ceremony within the Superintendent Registrar's office are statutory by nature.
- 3.4 Statutory fees are set nationally by General Register Office and not by Licensing and Public Protection Committee. They are however provided for information.
- 3.5 Enriched marriage/ civil partnership services are available for which increased fees are charged as shown in the table below.
- 3.6 The Ceremony Room charge for a standard ceremony will be £203 from 01 April 2021.
- 3.7 If the couple wish to have enhanced items such as readings and music then an additional charge of £51 will apply for those items chosen from the pre-approved list.
- 3.8 If the couple wish to add either readings or music that are not on the pre-approved list then a further (i.e. additional to the £51) charge of £32 per additional item will be levied.
- 3.9 If the couple wish to have separate interviews prior to the ceremony, there is a fee of £32.00
- 3.10 If the couple wish to have a fully enhanced ceremony a fee of £360.00 will apply.

TABLE 2 Marriage - Ceremony Suite

2. Register Office - Ceremony Suite	2020/21	2021/22	2022/23
Ceremony Suite - <u>Statutory</u> Room (excludes Certificate)	£46.00	£46.00	£46.00
Ceremony Suite - Charge for Basic Room (excludes Certificate)	£199.0	£203.00	£203.00
Ceremony Suite - Charge for Enhancements (Readings/Music)	£51.00	£51.00	£51.00
Ceremony Suite - Additional - Own Reading (not pre-approved list)	£32.00	£32.00	£32.00
Ceremony Suite - Additional - Own Music (not on pre-approved list)	£32.00	£32.00	£32.00
Ceremony Suite - Additional - Separate Interview before ceremony	£32.00	£32.00	£32.00
Ceremony Suite- Fully Enhanced (excludes certificate)	£360.0	£360.00	£360.00

3.11 By setting the fees so far in advance it allows couples, wishing to marry, to plan and budget ahead with confidence.

3.12 All ceremony suite fees are subject to room availability

4.0 Attendance at Approved Premises

4.1 Fees for registration staff to attend a ceremony taking place at one of the City's 48 approved venues are also set out for more than one financial year for the same reason as above.

TABLE 3 Marriage - Attendance at Approved Premises

3. Register Office – Attendance	2020/21	2021/22	2022/23
Monday to Friday	£551.00	£551.00	£551.00
Weekend	£704.00	£704.00	£704.00
Public Holiday	£800.00	£800.00	£800.00

5.0 Other Fees

- 5.1 Citizenship ceremonies could be requested elsewhere, however the individual would need to apply to the Home Office to request a change of district. The main competition/market sensitivity therefore is the price differential between the statutory ceremony and the private ceremony.

TABLE 4 Other Fees

4. Register Office - Other Fees	2020/21	2021/22	2022/23
Private Citizenship Ceremony - Monday - Friday	£206.00	£206.00	£206.00
Private Citizenship Ceremony - Saturday	£235.00	£235.00	£235.00
Advanced Booking – Statutory Register Office Ceremony	£56.00	£56.00	£56.00
Advanced Booking – Ceremony Suite	£66.00	£66.00	£66.00
Advanced Booking – Approved Premise	£77.00	£77.00	£77.00
Cancellation fee- Statutory Register Office Ceremony	£57.00	£57.00	£57.00
Cancellation fee- Ceremony Suite	£66.00	£66.00	£66.00
Cancellation fee- Approved Premise	£67.00	£67.00	£67.00
Fee for change of ceremony appointment- Statutory Register Office Ceremony	£56.00	£56.00	£56.00
Fee for change of ceremony appointment- Ceremony Suite	£66.00	£66.00	£66.00
Fee for change of ceremony appointment- Approved Premise	£77.00	£77.00	£77.00
Fee charged for research (per half hour)	£51.00	£51.00	£51.00
Fee for international postage via on-line application	£7.00	£7.00	£7.00
Additional appointment/ change of appointment	£44.00	£44.00	£44.00
Celebratory Certificates (at time of birth registration)	£11.00	£11.00	£11.00
Change of Name deed (includes certificate)	£61.00	£61.00	£61.00
Change of name certificate additional copies	£11.00	£11.00	£11.00
Special Celebratory Certificates (birthday, grandparents, anniversary)	£21.00	£21.00	£21.00
Photographs and flowers package from	£135.00	£135.00	£135.00
Pitch at Wedding Fayre	£51.00	£51.00	£51.00
Hire of ceremony rooms 2 or 3 for function/event - half day or full day	POA	POA	POA
Hire conference room for function/event - half / full day	POA	POA	POA
Training for authorised person to register marriages / quarterly returns	£77.00	£77.00	£77.00
Appointment to check completeness / validity of notice for Marriage (non-refundable)	£44.00	£44.00	£44.00
Save the day – approved premise- ceremony > 12 months in advance	£77.00	£77.00	£77.00

Save the day – ceremony suites- ceremony > 12 months in advance	£66.00	£66.00	£66.00
Save the day – ceremony suites- Register Office ceremony > 12 months in advance	£56.00	£56.00	£56.00
Priority service at approved premises – to take place within 12 weeks (additional)	£77.00	£77.00	£77.00
Provision of folder	£1.00	£1.00	£1.00
Provision of envelope	£0.50	£0.50	£0.50
Postage	£3.50	£3.50	£3.50
Postage International	£7.00	£7.00	£7.00
Priority Correction/ Re-registration Appointment	£44.00	£44.00	£44.00
Production of further documents for notice of marriage/civil partnership	£44.00	£44.00	£44.00
Keepsakes/additional products	POA	POA	POA
Administration of post-dated passport forms	£21.00	£21.00	£21.00
Advice in advance of taking notice of marriage per applicant	£6.00	£6.00	£6.00
Processing of a non-priority application for a standard certificate after registration	£7.00	£7.00	£7.00

6.0 Statutory Fees and Charges

6.1 Statutory fees are set externally / nationally and are provided for information.

5. Register Office – Statutory Fees	2020/21	2021/22
Superintendent Registrar/Registrar's Certificate	£11.00	£11.00
Priority Superintendent Registrar/Registrar's Certificate after registration	£35.00	£35.00
A general search in indexes not exceeding 6 hours	£18.00	£18.00
Certificate of Worship	£29.00	£29.00
Registration of a religious building for marriage	£123.00	£123.00
Registration of a religious building for marriages for same sex couples (That is already registered)	£64.00	£64.00
Notice of Marriage	£35.00	£35.00
Notice of Marriage subject to immigration Act	£47.00	£47.00
Notice of Civil Partnership subject to immigration Act	£47.00	£47.00
Notice of Civil Partnership	£35.00	£35.00
Fee to reduce the legal waiting period of a notice of marriage/civil partnership	£28.00	£28.00
Fee for sharing information under the Digital Economy Act	£50.00	£50.00
Fee payable to Registrar for marriage Ceremony at register Office	£46.00	£46.00
Fee payable to Registrar for marriage Ceremony at registered building	£86.00	£86.00
Attendance of Civil Partnership Registrar at Register Office	£46.00	£46.00
Notice given at Housebound Person's abode SR attendance	£47.00	£47.00
Notice given at Detained Person's abode SR Attendance	£68.00	£68.00
Attendance of Registrar at Housebound Person's Marriage	£81.00	£81.00

Attendance of Registrar at Detained Person's Marriage	£88.00	£88.00
Attendance of Superintendent Registrar at Housebound Person's marriage	£84.00	£84.00
Attendance of Superintendent Registrar at Detained Person's marriage	£94.00	£94.00
Attendance of CP Registrar at Housebound Person's CP	£81.00	£81.00
Attendance of CP Registrar at Detained Person's CP	£88.00	£88.00
Registrar General's Licence for Marriage	£15.00	£15.00
Fee of priority certificate –Next working day	£24.00	£24.00
Standard Conversion Civil partnership to marriage	£45.00	£45.00
Two stage procedure stage 1 conversion civil partnership to marriage	£27.00	£27.00
SR attendance Conversion Civil partnership to marriage according to Jews / Society of Friends	£91.00	£91.00
SR attendance Conversion Civil partnership to marriage Housebound	£99.00	£99.00
SR attendance Conversion Civil partnership to marriage detained	£117.00	£117.00
Registrar General's Licence for Civil Partnership	£15.00	£15.00
CP Registrar's attendance at religious building	£86.00	£86.00
CP certificate issued after registration	£11.00	£11.00
CP certificate issued after registration	£11.00	£11.00
First short birth certificate issued at time of registration	£11.00	£11.00
Consideration by a Superintendent Registrar of a divorce/Civil Partnership dissolution	£50.00	£50.00
Consideration by a Registrar / Superintendent Registrar of a correction application	£75.00	£75.00
Consideration by the Registrar General of a correction application	£90.00	£90.00
Consideration by the Registrar General of divorce/ CP dissolution from outside British Isles	£75.00	£75.00
Consideration of a reduction in the 28 day notice to marry / civil partnership	£60.00	£60.00
Amendment	£40.00	£40.00
Adult attending communal citizenship ceremony	£80.00	£80.00

REVIEW OF CHARGES – CORONER’S SERVICE 2019/2020

- 4.1 Fees that are chargeable are set out nationally in the Coroners Allowances, Fees and Expenses Regulations 2013.
- 4.2 There are nationally set at:
 - 4.2.1 After inquest, a document disclosed as a paper document is charged at £5 for a document of 10 pages or less, with an additional 50p payable for each subsequent page.
 - 4.2.2 A fee of £5 per document where it is disclosed in any form other than email or paper – i.e. CD copies of inquests.
 - 4.2.3 For a transcription of an inquest of 360 words or less the fee is £6.20, 361-1,439 words is £13.10 and 70p for every additional 72 words or part thereof.
- 4.3 The only locally set fee is the search fee for archive documents. It is proposed to increase the fee to £50 per hour (from £48) which is based on the GR3 hourly cost.

REVIEW OF CHARGES – STATUTORY TEAM 2021/2022

(Acivico-Building Consultancy)

- 5.1 The Statutory Team (formerly Birmingham Account Team), which is part of Acivico (Building Consultancy) Limited, carry out a range of professional surveying services for both internal and external client groups that are responsible for property portfolios. The scope of services includes the carrying out of technical functions in support of the discharge of the Council's Building Control allied legislative requirements as detailed in The Building Act 1984 and the administration of demolition contracts required to facilitate the Council's regeneration targets. The group also carry out a variety of enforcement duties where full cost recovery is undertaken when the legislation allows.
- 5.2 The work is normally charged on an hourly basis. The current (2020/2021) charge is £85.00 per hour, and it is proposed that this fee will be kept at the same rate of £85.00 per hour. Acivico have carried out a review of the cost and due to the identification of efficiency savings and a reduction in the groups overheads we are confident that the rate is still applicable and will allow us to cover our costs. The decision to leave the rates the same also recognises the difficult financial circumstances that the Council and private individuals could find themselves in following the end of pandemic. The rate is a composite rate being as the work is carried out by a mix of grade 5, 6 and 7 surveyors. The rate is still in line with other professional services carried out within the council and very competitive with regards to the private sector.
- 5.3 The charge levied in respect of Private Demolition Notices, which is a fixed fee per notification, is currently (2020/2021) set at £260.00. It is proposed to maintain this level of fee for the forthcoming year due to the reasons given above in paragraph 5.2. Therefore, the fee for 2021/2022 will be £260.00.
- 5.4 The charge in respect of notices for temporary grandstands, which is required under the West Midlands County Council Act 1980 Section 39, is based on cost recovery in line with the hourly rate for the Statutory Team as above and it is proposed to maintain this at the rate to £85.00 per hour as well.
- 5.5 Work carried out indicates that, within the limitations of operating within a competitive market and statutory framework, the fees proposed should maintain income to the City Council through Acivico as well as providing good value for money to Acivico customers

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2020/2021**1.0 SUMMARY**

1.1 This Appendix 6 deals with the annual review of fees and charges for Highway Services within the delegations of the Licensing and Public Protection Committee.

2.0 BACKGROUND

2.1 The City Council's Financial Regulation 1.16 (ii) in Section D of the Birmingham City Council Constitution requires that Chief Officers, at least annually, report to and seek approval from Committee on a review of fees and charges levied for services provided. The last review for Highways Services was approved by the Licensing and Public Protection Committee on 10th April 2019.

2.2 Specific licences, under the legislation shown in Table 1 below, are currently prepared by the Council's Highway Maintenance and Management Service Provider, Amey. Following the end of Amey's involvement on 31st March 2020, the specific licences will be prepared by an Interim Service Provider from 1st April 2020.

2.3 The Interim Service Provider will be entitled to retain the fee / charge associated with the issue of certain licences. Table 1 below, identifies the fee recipient for different specified licence types;

Table 1. Recipient of fees and charges

Statutory Basis	Fee Recipient
Highways Act 1980:	
Section 115E – Street Cafés / Objects or Structures	Authority
Section 139 – Placement of Skips in the Highway	Authority
Section 142 – Plant and Maintain Trees Shrubs etc. in the Highway	Authority
Section 169 – Scaffolding and Cranes	Interim Service Provider
Section 171 – Deposit of materials on the highway	Interim Service Provider
Section 172 - Hoarding	Authority
Section 177 – Oversailing the Highway	Interim Service Provider
Section 184 – Carting Over (Temporary Access)	Interim Service Provider
New Roads and Street Works Act (NRSWA) 1991:	
Section 50 - Licence for Private Apparatus in the Highway	Authority

3.0 PROPOSALS

- 3.1 The fees and charges covered by this report have been reviewed in line with the Corporate Charging Policy. The fees are to be increased by 5% to allow for inflation, the additional costs of superannuation, national insurance and pay award. These fees and charges, which have been rounded for ease of use and consistency, have been provided in Appendix 6 (a) of this Appendix 6.
- 3.2 The fees and charges have been compared to those of neighbouring West Midlands local authorities and other UK cities for similar services. The proposed charges are not significantly disparate to those of other authorities.
- 3.3 Where new objects or structures are to be installed by third parties on the highway under s115E Highways Act 1980, a fee is added to cover the costs of this licence. Due to the wide variety of items that could be installed and the different locations, these are included simply 'at cost' that will be determined on a case by case basis.

4.0 IMPLICATIONS FOR RESOURCES

- 4.1 Based on estimated usage of services, it is envisaged that implementation of the proposed fees and charges will generate sufficient income to meet budgeted income levels for 2020/21.