



# Oadby and Wigston Borough Council

## TO COUNCILLOR:

G S Atwal  
Miss A R Bond  
G A Boulter  
Mrs L M Broadley (Chair)  
F S Broadley

Ms K M Chalk  
Miss M V Chamberlain (Vice-  
Chair)  
M H Charlesworth  
M L Darr  
R F Eaton

R Fahey  
J Kaufman  
Mrs H E Loydall  
R H Thakor

Dear Councillor et al

I hereby summon you to attend a meeting of the **LICENSING AND REGULATORY COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **WEDNESDAY, 20 JULY 2016** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
12 July 2016

Mark Hall  
Chief Executive

## AGENDA

## PAGE NO'S

**1. Apologies for Absence**

**2. Appointment of Substitutes**

To appoint substitute Members in accordance with Rule 4 of Part 4 of the Constitution.

**3. Declarations of Interest**

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

**4. Minutes of the Previous Meeting held on 14 April 2016**

**1 - 6**

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.

**5. Petitions and Deputations**

To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.

**6. Review of Fees and Charges (Environmental Health)**

**7 - 11**



**MINUTES OF A MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD AT  
THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 14 APRIL 2016  
COMMENCING AT 7.55 PM**

<b><u>IN ATTENDANCE:</u></b>		
Chair - Councillor Mrs H E Loydall Vice-Chair - Councillor Miss M V Chamberlain		
<b>COUNCILLORS (9):</b>		
G S Atwal G A Boulter	Mrs L M Broadley B Fahey	Dr T K Khong K J Loydall
<b>OFFICERS IN ATTENDANCE (2):</b>		
M Arnold	S J Ball	

Min Ref.	Narrative	Officer Resp.
1.	<p><b><u>APOLOGIES FOR ABSENCE</u></b></p> <p>An apology for absence was received from Councillors F S Broadley, Ms K Chalk, R F Eaton, J Kaufman and Ms A R Bond.</p>	
2.	<p><b><u>APPOINTMENT OF SUBSTITUTES</u></b></p> <p>Councillor Dr T K Khong substituting for Councillor Ms A R Bond.</p>	
3.	<p><b><u>DECLARATIONS OF INTEREST</u></b></p> <p>None.</p>	
4.	<p><b><u>MINUTES OF THE PREVIOUS MEETING HELD ON 14 JANUARY 2016</u></b></p> <p><b>RESOLVED THAT:</b></p> <p>The minutes of the previous meeting of the Committee held on 14 January 2016 be taken as read, confirmed and signed.</p>	
5.	<p><b><u>PETITIONS AND DEPUTATIONS</u></b></p> <p>None.</p>	
6.	<p><b><u>FOOD SAFETY AND HEALTH AND SAFETY SERVICE PLAN 2016/2017</u></b></p> <p>The Committee gave consideration to the report and appendices (at pages 9 - 19) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document.</p> <p>The Chair enquired as to how the Food Safety and Health and Safety Service Plan (“the Plan”) compared to other local Regulatory Authorities in Leicester/shire.</p>	

The Interim Environmental Health Team Leader advised that there was no significant difference in terms of the Plan's substantive content: however, the number of premises administered under the Plan was said to be comparatively lower due to the relative size of the Borough.

With reference to the services' diagram (at page 12), the Chair enquired as to whether the Environmental Health Officer, Mr Robert Watson, was assigned to 'Commercial' or 'Environment' and whether the Technical Officer and Pest Control Assistant were in-post.

The Interim Environmental Health Team Leader advised that Mr Watson was assigned to 'Environment' and that the Technical Officer and Pest Control Assistant were in-post.

With reference to Food Hygiene Rating Scheme (FHRS) (at page 15), the Chair enquired as to how often the 13 premises rated '1' or '2' were to be inspected.

The Interim Environmental Health Team Leader stated that premises were ordinarily inspected on a six-monthly or annual basis as per the interventions chart (at page 15). He advised that those 13 premises in question were to be revisited on a more frequent basis with a view to offer guidance and support. He noted that a number of enforcement actions were available where necessary to ensure safety compliance.

The Chair enquired as to whether premises holders were under a legal obligation to publically-display their FHRS rating.

The Interim Environmental Health Team Leader advised that no such obligation was incumbent upon premises holders in England at the present time.

The Chair sought further clarification as to what was meant by 'formal action will be taken *where possible*' (emphasis added) (at page 16).

The Interim Environmental Health Team Leader advised that a breach in law must first be established to instigate formal action vis-a-vis a negligible fall below the requisite standards.

The Chair enquired as why the exact number of health and safety premises for which the Council were responsible could not be ascertained.

The Interim Environmental Health Team Leader stated that there was no registration scheme for premises, and that the estimate of approximately 700 premises was based on historical data.

The Chair enquired as to whether Leicester Racecourse, Oadby categorised as a "large event" under the Plan's remit (at page 16).

The Interim Environmental Health Team Leader advised that the Racecourse did not categorise as such due to its regularity of meetings. Councillor G A Boulter stated that there were a number of events in the Borough which exceeded 1,500 attendees and therefore required individual consideration.

	<p>The Interim Environmental Health Team Leader advised that this County-aspect of concern pertained to large concerts/festivals and not events generally attended by the public at large. He stated that individual consideration would be given to concerned events in the Borough in consultation with the Licensing Department.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>The Borough of Oadby and Wigston Food Safety and Health and Safety Service Plan 2016/2017 (as set out at Appendix 1) be approved.</p>	
7.	<p><b><u>REVIEW OF FEES AND CHARGES FOR ENVIRONMENTAL HEALTH - PRIVATE SECTOR HOUSING</u></b></p> <p>The Committee gave consideration to the report and appendices (at pages 20 - 27) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document.</p> <p>The Chair welcomed the revised Scale of Private Sector Housing Fees and Charges (“the Scale”) on a full costs recovery basis. She sought clarification as to whether the current House in Multiple Occupation (HMO) licence period was five-years.</p> <p>The Interim Environmental Health Team Leader answered affirmatively.</p> <p>The Chair enquired as to how the Scale compared to other local Regulatory Authorities in Leicester/shire.</p> <p>The Interim Environmental Health Team Leader advised that all fees and charges were in range and benchmarked, accordingly.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>(i) The revised Scale of Private Sector Housing Fees and Charges (as set out at Appendix 1) be approved; and</p> <p>(ii) A ten-week period for the processing of a House in Multiple Occupation licence or re-licence application, after which tacit consent will apply (as set out paragraph 3.5 of the report) be approved.</p>	
8.	<p><b><u>FIRE AND AMENITY STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION</u></b></p> <p>The Committee gave consideration to the report and appendices (at pages 28 - 92) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document.</p> <p>The Chair raised a concern regarding the potential number of unidentified HMO’s within the Borough, and the safety implications associated therewith, and enquired as to what course of action had, or would be taken, to identify the same.</p> <p>The Interim Environmental Health Team Leader advised that investigatory work had been undertaken by Officers in the last two-months, including a</p>	

	<p>number of property visits/inspections and office-based research conducted on rooms-to-let websites. He estimated that there were approximately 30 unidentified HMO's in the Borough.</p> <p>Councillor K J Loydall emphasised the need for confidential communication channels to empower concerned tenants to confidently report failures in standards and that an equally robust enforcement machinery be employed to manage rogue landlords.</p> <p>The Interim Environmental Health Team Leader reported that HMO's identified upon a survey exercise were inspected imminently. It was said that moderate failures were to be addressed by formal letter, whereas severe failures would warrant the service of a formal Notice directing compliance. He stated that, due to the oft-transient nature of HMO tenants, there were difficulties in pinpointing complainants: however, he assured Members that a pro-active approach would continue to be undertaken.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>(i) The adoption of the Amenity Standards for Houses in Multiple Occupation (as set out at Appendix 1) be approved; and</p> <p>(ii) The adoption of the Guide to Fire Safety in Houses in Multiple Occupation (as set out at Appendix 2) be approved.</p>	
<p>9.</p>	<p><b><u>REDRESS SCHEMES FOR LETTINGS AGENCY WORK AND PROPERTY MANAGEMENT WORKS</u></b></p> <p>The Committee gave consideration to the report (at pages 93 - 95) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document.</p> <p>The Chair welcomed the recommendation as set out in the report at paragraphs 2.2.</p> <p>Councillor Mrs L M Broadley enquired as to whether lettings agents and property managers for short-term lettings (i.e. less than one-year) were required to register with one of the three Government approved schemes.</p> <p>The Interim Environmental Health Team Leader answered affirmatively. He advised that agents and managers ought to be fully aware of the legal requirement.</p> <p>The Chair enquired as to whether it was possible to seek confirmation from agents and managers once they had registered.</p> <p>The Interim Environmental Health Team Leader advised that the Environmental Health Department exclusively acted in an enforcement, as opposed to an investigatory, capacity.</p> <p>Councillor G A Boulter seconded the recommendations.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>(i) Delegated authority be granted to the Head of Communities and</p>	

	<p>Environmental Health Team Leader to agree the implementation and enforcement arrangements for the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 (“the Order”);</p> <p>(ii) The penalty for non-compliance with the Order of £5,000 be approved;</p> <p>(iii) Delegated authority be granted to the Head of Communities and Environmental Health Team Leader to review the monetary penalties for non-compliance with the Order, taking the recommendations of Department of Communities and Local Government guidance into account; and</p> <p>(iv) The amendments to the current Corporate Enforcement and Prosecution Policy (as set out in paragraph 3.7 of the report) be approved.</p>	
10.	<p><b><u>SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015</u></b></p> <p>The Committee gave consideration to the report and appendix (at pages 96 - 100) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document.</p> <p>With reference to the Statement of Principles (at Appendix 1), the Chair requested that mention to “smoke alarm” be substituted with “<i>working</i> smoke alarm” (emphasis added) and that a suitable time-lapse be incorporated between inspections of the same premises in relation to penalties.</p> <p>The Interim Environmental Health Team Leader advised that it was statutorily-implied that an “alarm” was to be functional to be considered as such and, therefore, no such qualification was necessary. He further advised that Officers were to employ their professional judgement to deem what periods of time between inspections were appropriate in the obtaining circumstances.</p> <p>Councillor G A Boulter similarly requested that a paragraph be inserted into the Statement of Principles with regard to the explicit requirement of a “working” smoke alarm so that the Council may duly discharge the strict governance obligation(s).</p> <p>The Member further noted that it ought to become the aspiration of the Council to prescribe the use of hard-wired smoke alarms in later years.</p> <p>The Interim Environmental Health Team Leader explained that hard-wired smoke alarms were always the preferred option.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>(i) Delegated authority be granted to the Head of Communities and Environmental Health Team Leader to make arrangements to implement the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (“the Regulations”) and to put in place arrangements to review penalties in line with central government guidance; and</p> <p>(ii) The penalty for non-compliance with the Regulations as detailed in the</p>	

	attached Statement of Principles (as set out in Appendix 1) for determining the amount of a penalty charge up to a maximum of £5,000 be approved.	
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**THE MEETING CLOSED AT 8.44 PM**



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**CHAIR**

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**WEDNESDAY, 20 JULY 2016**

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<b>Licensing and Regulatory Committee</b>	<b>Wednesday, 20 July 2016</b>	<b>Matter for Information and Decision</b>
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**Title:** **Review of Fees and Charges (Environmental Health)**

**Author:** **David Lingard (Community Safety and Environment Manager)**

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## **1. Introduction**

Members will recall that at the last meeting of this Committee, the fees for Houses in Multiple Occupation and other housing matters were updated and approved.

In updating the website and the fees and charges list, the opportunity has been taken to review all the Environmental Health department fees.

## **2. Recommendations**

That the revised fees are approved.

## **3. Information**

### **3.1. Background**

The Council sets fees (some of which are fixed by law) for the statutory requirements that it provides and for general services to the public. In the past the fees that have been set for the general services have been shown as VAT inclusive (VAT is not paid on statutory charges). However it is not clear that this was taken account of when setting the fees. Copies of both the existing and proposed fees lists are attached in Appendix 1.

Most of the changes to the fees are to ensure the VAT element is properly added to the cost of providing these services rather than included within a global fee. For example it is proposed to charge £50+VAT (£60) for an average rodent treatment that is currently charged at £50 including vat. Of which the Council currently receives £41.66.

This service includes contact centre costs, staff wages and on costs, vehicle provision, maintenance and materials for three separate visits to the premises being treated. The amount of time taken on each treatment will vary but will be in the order of 2.5 hours including travel time and approximately £3 for bait costs.

At the VAT exclusive payment the Council continues to effectively subsidise the provision of certain pest control services to residents.

This report is an interim measure as full review of the pest and dog control services is due to be carried out and that will consider what services should be provided as well as the cost. Members will be consulted for that review.

### **3.2. Details of Proposed Changes to Fees**

Apart from the fees where the VAT element of 20% has been added there are some additional changes that are proposed.

### **3.3 Cockroaches**

As a minimum of 5 visits are required to treat an infestation it is proposed that the fee should reflect this with an extra fee added for the initial survey that is required. The Council charge will be £150+VAT. Any further visits will be charged at the single visit rate of £25 + VAT.

### **3.4. Dog Control**

Stray dogs that are found by the public may be collected by the “Dog Warden” and then either returned to the owner, if they can be identified, or taken to the Councils kennels. Stray dogs reported at night are collected by an out of hours contractor. A charge is made to the dog’s owner not the person finding the dog. The dog warden service is shared between officers and the contractor and may require an officer to travel to pick up the collection van, then travel to collect the dog and book it into the kennels or take it to the owner and travel back to base. Travel alone will take between 30 minutes and hour. The current charge of £20 +VAT does not reflect the cost of this service and it is proposed it is increased to £50 +VAT and £100+VAT for each subsequent return in 6 months-some owners “use” the service to mind their dogs. The contract for out of hours work is subject to commercial confidentiality but is several thousand pounds per year. In addition to the Council fees owners also have to pay a £25 statutory fee.

### **3.5. Food Export Certificate.**

These are issued to food businesses that want to export food outside of the EC. This service includes not just the issue of certificates conforming to the third country requirements but extra inspections of premises in addition to the domestic legislative requirements. Currently these are £ 75 +VAT and it is proposed to increase them to £100 + VAT – most businesses will recover the VAT.

### **3.6. Hourly Charges for Officer’s Time**

From time to time Officers provide other professional services as part of the Councils functions e.g. factual statements to solicitors for damages claims etc. It is proposed that the charge for these should be £46 +VAT (55.20) as this is the cost already calculated and approved for housing enforcement (although VAT is not chargeable for the latter functions).

## **4. Additional Information**

These proposals are not based on actual costs of services and are all set below the cost to the revenue account. Some of the services are required by statute, although costs are determined by the Council, others are discretionary services. The level of support to these services needs to be considered in a full review and the purpose of this report is only to adjust the fees for the remainder of this financial year pending a full review.

Benchmarking against other local authorities is difficult. At least two Leicestershire authorities do not provide a pest control service and in the others charges range from £20 to £90 for a rodent treatment (subject to a variety of different conditions and exclusions). Each authority has considered its own level of support to the services they provide.

Apart from the exceptions reported in para 3. This report has sought to maintain the current policy for charging but clarifying the VAT element before the policy is reviewed

fully.

**Background Documents:-**

Fees and Charges 2016/17

Proposed Fees and Charges 2016/17

**Email:** david.lingard@oadby-wigston.gov.uk

**Tel:** (0116) 257 2692

<b>Implications</b>	
<b>Financial (CR)</b>	It is important that the Council maximises its income in order to make sure that it recovers the costs of the services provide only.
<b>Legal (AC)</b>	Some fees and charges are determined according to legislative requirements.
<b>Risk (DL)</b>	If fees and charges are not regularly reviewed the revenue fund will over subsidise services particular to individuals and businesses
<b>Equalities (DL)</b>	These charges apply to everyone equally and make no changes to those eligible for the services so there are no equalities issues.
	Equality Assessment:- <input type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input checked="" type="checkbox"/> Not Applicable

Description of Charge	Unit	2016/17
<b>PEST CONTROL</b>		£
<b>All prices include VAT where appropriate</b>		
<b>Domestic Rodents</b> Per treatment (3 visits)		60
<b>Squirrels</b> within premises (3 visits)		60
Additional single visits		30
<b>Wasps</b>		
Per Treatment	Visit	60
Additional nests during same visit		30
<b>Bedbug/fleas</b>		
Initial visit	visit	60
Subsequent visits		30
<b>Cockroaches</b>		
Minimum treatment of 5 visits		180
All subsequent visits		30
<b>Treatments at commercial premises</b> initial visit	Initial Visit	110
Commercial premises revisits per hour or part thereof.	per hour	60
<b>Call out charge</b> ( identification of pests)		60
<b>ENVIRONMENT &amp; SAFETY INFORMATION ACT 1988</b>		
Copies of entries in register	Each	12
<b>FOOD SAFETY ACT</b>		
Copies of Register of Food Business	Each	545
<b>ENVIRONMENTAL PROTECTION ACT</b>		
Copies of Register of Authorisations	Each	58
<b>DOG CONTROL</b>		
Stray dogs statutory fee		25
Collect and Return to Owner (If Known)	Each	60
Collect and Take to Kennels	Each	60
Collect and Return if Dog Strays More Than Once (in a 6 month period)	Each	120
Kennelling Fee	Per Day	14
Emergency Vets Fee		<b>Actual+10%</b> 18
Spray collar (barking dog prevention)		
<b>FOOD EXPORT CERTIFICATE</b>	Each	120
<b>PRIVATE SECTOR HOUSING</b>		
Accommodation Certificates	Each	115
Change of details on AC		25

Mandatory Five year Licensing of Houses in Multiple occupation	750
Additional Fee for an unlicensed premises	200
Renewal of Mandatory Five Year Licences for HMO	620

Deductions for

Second house to be licensed	-25
Membership of approved accreditation schemes	-100
Membership of approved landlord scheme	-50

Notices served under Housing Act 2004	Per hour	46
Expenses incurred in determining enforcement Action	Actual cost ph	46

**ABANDONED VEHICLE**

Abandoned vehicle in good condition	155
Abandoned vehicle in bad condition	265
For disposal of vehicle	80
Daily charge for every day we store vehicle with a maximum of 15 days storage & only if vehicle is worth more than £1000 in value	25

<b>CONTAMINATED LAND ENQUIRIES</b>	Per Letter	46 per hour
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**DRAIN CAMERA SURVEY**

First hour (including viewing)	60
Additional Half Hour	30

**CCTV**

Request for viewing	15.00
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<b>SOLICITOR/BUSINESS REQUESTS including factual reports.</b>	Per request ph	46 +VAT
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