

East Herts Council Non-Key Decision Report

Date: 31 March 2023

Report by: Councillor Peter Boylan, Executive Member for Neighbourhoods

Report title: Minor Amendments to the 2023/24 Fees and Charges for Environmental Health

Ward(s) affected: All

Summary – On the 1st March 2023 the Council approved the fees and charges for 2023/24. Since this, it has been noted there are some minor errors in the adopted fees which need to be amended to ensure the council is correctly applying its fees and charges policy.

RECOMMENDATIONS FOR DECISION: That:

- a) The proposed amendments to the fees and charges (highlighted in blue) which fall under the remit of the Executive Member for Neighbourhoods in Appendix A for 2023/24 be approved.

1.0 Proposal(s)

- 1.1 It is proposed that the Executive Member for Neighbourhoods agrees the minor changes as detailed in this report using delegated authority under section 4, paragraph 4.26.3 (d) of the council's constitution which authorises them to make "... minor in-year changes to fees and charges".
- 1.2 The updated fees come into effect seven calendar days after the Executive Member for Neighbourhoods has made their decision, subject to call in my members as detailed in the council's constitution.

2.0 Background

- 2.1 On an annual basis the Council reviews and approves fees and charges for the functions undertaken by the council. This process usually occurs in the last quarter of the financial year, ready for the 1st April each year.

- 2.2 The fees and charges for 2023/24 were agreed by Council on the 1st March 2023 and can be found on the council's website.
- 2.3 Following publication of the minutes for the Council meeting on the 1st March 2023, officers become aware that a small number of minor errors had appeared. The errors in some cases These errors, and the proposed changes are listed below in Appendix A.

3.0 Reason(s)

- 3.1 Extensive work was undertaken to ensure that the fees and charges adopted by the Council are in line with the council's fees and charges policy. While these amendments are only minor, addressing them now will prevent future inaccuracies and ensure the council is recovering the costs it incurs.

4.0 Options

- 4.1 Do not endorse the revised fees and charges 2023-24
NOT RECOMMENDED as the council has identified we are potentially over-charging for these services which could be open to legal challenge.
- 4.2 Propose further amendments to the fees and charges 2023-24
NOT RECOMMENDED as consideration will need to be given to whether the changes remain 'minor' or require a different route for approval.
- 4.3 Endorse the revised amendments to the fees and charges 2023-24
RECOMMENDED as the council has identified we are potentially over-charging for these services which could be open to legal challenge.

5.0 Risks

- 5.1 If the identified changes are not made, then there is a legal risk for the council as it may be charging more than it is allowed for a variety of permissions.
- 5.2 If the council does not have robust and fit for purpose fees and charges in place then it is unable to ensure cost recovery opening the authority up to reputational risk if it is perceived that some applications are being subsidised whilst others are being overcharged.

6.0 Implications/Consultations

Community Safety

None

Data Protection

None

Equalities

None

Environmental Sustainability

None

Financial

Yes – we will ensure we are recovering the costs incurred by the council for the highlighted fees and charges, thereby not overcharging or subsidising business costs with limited tax-payers money.

Health and Safety

None

Human Resources

None

Human Rights

None

Legal

None

Specific Wards

All wards

7.0 Background papers, appendices and other relevant material

7.1 Background Information:

- a) Minutes from the meeting of the Council on 1st March 2023
<http://democracy.eastherts.gov.uk/mgAi.aspx?ID=28613#mgDocuments&j=3>

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