

**1.1 Policy Author:** Health Security and Regulatory Services Department

**1.2 Objectives:** This policy aims to ensure that the Health Security and Regulatory Services Department's licensing and permit framework is a user-pay, cost-recovery system which is more equitable for the community and service-level based where applicable.

**1.3 Regulatory Authorities:**

- *Local Government Act 2009*
- *Food Act 2006*
- *Food Safety Standards 2000*
- *Public Health (Infection Control for Personal Appearance Services) Act 2003*
- *Environmental Protection Act 1994*
- *Environmental Protection Regulation 2008*
- Ipswich City Council Local Law No. 3: Commercial Licensing
- Ipswich City Council Subordinate Local Law 3: Commercial Licensing
- Land Protection (Pest & Stock Route Management) Regulation 2002
- Ipswich City Council Local Law No. 4: Permits
- Ipswich City Council Subordinate Local Law No. 4: Permits
- Ipswich City Council Local Law No. 8: Nuisances and Community Health and Safety

**1.4 Scope:** The core matters addressed by this policy are the methodology and categories for calculation of Council's permit, licence and registration fees, charges and other miscellaneous fees provided by the Health Security and Regulatory Services Department (not including animal management, which is addressed in a separate policy). This policy does not apply to services provided by other departments of Council, such as Planning and Development, or Engineering Services.

~~This policy commences on 1 July 2018.~~

**1.5 Policy Statement:**

**a. A user-pays, full cost recovery fees and charges calculation methodology based on risk**

In accordance with a range of state legislation and local laws, Health Security and Regulatory Services administers various licensing, permitting and registration systems which are designed to ensure residents and businesses comply with the law, and that public health, safety and amenity is protected.

Providing subsidised fees and charges for activities which require licensing, permitting or registration results in ratepayer subsidy of services provided to individual residents and businesses in the community.

This leads to an inequitable distribution of costs associated with administration of the system. A user-pay, full cost recovery methodology for calculating fees and charges are therefore adopted in order to overcome this inequity.

Where relevant legislation does not include a schedule of fees for a particular service provided by Council, the following methodology is used for calculation of fees and charges for the licensing, permitting and registration services provided by the Health, Security and Regulatory Services Department (not including animal management):

- i) The relevant officer level (administrative, technical or professional) and time required for Council to provide a particular service has been determined in accordance with Council's agreed service levels. Minor amendments to agreed service levels can be made by the Chief Operating Officer (Health, Security and Regulatory Services) as necessary on an individual case by case basis to ensure that appropriate service delivery is maintained.
- ii) An annual review of the hourly rate to be charged for the coming financial year for each class of officer (administrative, technical and professional in ascending order of cost to Council) will be undertaken, based on actual cost to Council, including wages and all relevant overheads and additional expenses.
- iii) The total fee or charge for a given service is calculated by multiplying the number of hours required x the applicable hourly rate and adding the cost of any supplies required e.g. swimming pool chemicals, sampling equipment etc.

For services which have a relatively equal time requirement from one instance to the next (*eg a routine inspection for a licence*), a fixed amount is charged. The amount charged is based on the average time required. Also the activity risk is taken into consideration e.g. low, medium, high e.g. Entertainment venues: Low – Gaming parlour, Medium – Community Hall, High – Outdoor entertainment venue.

For services which may have highly variable time requirements an invoice will be sent to the customer, which is calculated based on the actual time taken. *An example of this is a follow-up inspection of a premise due to non-compliance, which may take as little as one hour, or may take considerably longer, depending on the complexity of the matter.*

#### **b. Fee and charge categories**

As specified in Council's Schedule of Fees and Charges, the following fee and charge categories apply to Council's licensing, permitting and registration services:

- i) An Initial Application Fee that recovers the full administrative cost for receipting the applications and data entry onto Council's information system will apply. The initial application fee may

- include one inspection.
- ii) A licence/permit/registration fee for a specified period. This fee includes administration associated with the licence/permit/registration for the period specified, and includes cost of supplies, site inspections as relevant which incorporates the risk of the activity and number of activities/areas requiring inspection e.g. two pools on the one licence.
  - iii) Registration fees for Environmentally Relevant Activities regulated under the *Environmental Protection Act* and devolved to local government are charged in accordance with the relevant schedule in the *Environmental Protection Regulation*, unless otherwise set by Council resolution under section 514(5)(a) of the *Environmental Protection Act*.
  - iv) An Inspection Fee is payable in addition to any licence/permit/registration fee in certain circumstances, including:
    - where Council needs to inspect a premises to ensure compliance with relevant legislation/licence/permit/registration and the inspection fee has not already been paid as part of the licence/permit/registration fee;
    - where inspections are undertaken as a result of public complaint and the complaint is subsequently justified;
    - where a previous inspection has identified non-compliance and a follow-up inspection is required to ensure compliance has been achieved.
    - Where there is a transfer of existing business to a new licensee and an inspection is conducted to ensure no design changes have been made
  - ~~v) A Replacement Licence or Permit Fee is applicable when a business or premises requires a replacement of their licence or permit which has been damaged, destroyed, lost or stolen.~~
  - ~~vi)v)~~ Where relevant legislation requires or allows for a Transfer of Licence or Permit, a fee for this service is payable. For transfers requiring inspections or detailed assessment, the policy detailed in (vi) below applies.
  - ~~vii)vi)~~ Where a licence/permit/registration detail needs to be amended, the following policy applies:
    - There is no fee payable for amendment of licence/permit/registration/Environmental Management Program/Food Safety Program details such as phone number, postal address, trading name, change of contact person, correction of clerical error, or change of name due to marriage/divorce/deed poll.
    - Any amendment which requires assessment by a Health Security and Regulatory Services officer is a chargeable service. Amendments are charged at an hourly rate (minimum charge one quarter of one hour), up to a maximum of the relevant fee for a new licence/permit/registration/Environmental Management Program/Food Safety Program assessment or application.  
*Examples include change of ownership where one party*

remains the same (eg a business partner leaves the business and wants to remove her/his name from the permit/licence/registration, or a minor change in scale of operation).

- If the amendment requires a full reassessment of the licence/permit/registration/Environmental Management Program/Food Safety Program, the process for a new application or assessment is to be followed and relevant fees are payable.

~~viii~~vii) Should a business request an inspection of a premises and the supply of a written report of that inspection, Council will charge an inspection report fee for this service. Such a service may, for example, be requested by a purchaser of a business prior to transfer of licence or sale of premises, or for inspections provided to non-higher risk businesses under the *Public Health (Infection Control for Personal Appearance Services) Act 2003*.

~~ix~~viii) Where provided for in the relevant legislation, Council may enter land and/or premises to carry out works where the owner/operator of land and/or premises fails to do so following a Council request. When this occurs, Council may issue an invoice to recover its costs, including the charging of an administration fee as appropriate.

~~x~~ix) In addition to those permit/licence/registration categories listed under the legislation identified under 1.3 of this policy (Regulatory Authority), Council issues licences under the *Food Act 2006* in relation to the following classes of business:

- i) Accommodation Meals requires a Food Safety Program
- ii) Accommodation Meals exempt from Food Safety Program
- iii) Bakery/ Patisserie
- iv) Beverage Manufacturer/ Bottler
- v) Café/ Restaurant
- vi) Care Facility Meals
- vii) Cannery
- viii) Caterer – On/ Off Site
- ix) Child Care Centre Meals
- x) Delicatessen
- xi) Food Manufacturer
- xii) Food Shop
- xiii) Fruit & Vegetable Processing
- xiv) Hospital Meals
- xv) Mobile Food Premises excluding Preparation
- xvi) Mobile Food Premises involving Preparation
- xvii) Packer
- xviii) Supermarkets
- xix) Takeaway Food Premises
- xx) Temporary Food Stalls
- xxi) Water Carrier

xii) Council charges different rates for inspections of [new](#) food businesses based on floor area per food processing area at the premises (e.g. supermarket – separate food processing areas i.e. bakery, deli, seafood etc., hotel – two separate kitchens are two separate food processing areas, childcare – two kitchens and a

kitchenette is three food processing areas.), with larger processing areas being charged more than smaller processing areas due to the difference in time required to undertake an inspection. The following categories apply:

- a) 0m<sup>2</sup>-250m<sup>2</sup>
- b) >250m<sup>2</sup>-1000m<sup>2</sup>
- c) >1000m<sup>2</sup>

NB. The total floor area assessment for any food preparation and storage area includes kitchens, sculleries, store rooms, preparation areas, cold stores, pantries and any other areas used in the handling and storing of food. Areas used solely for dining or car parking are not included in the assessment<sup>1</sup>.

xiii) As per Councils Eat Safe Program a discount will be provided to Food Businesses performing at a star rating of 3 or higher. Discount will be based on star rating assigned when the renewals are issued.

~~xiii)~~xiv) Council's Health Security and Regulatory Services -Department will provide a discount to Bona fide Charitable or Community Organisations consistent with all other Council departments. Businesses will not be eligible for a combined discount with the highest discount applied to the applicable fee. may choose to waive the applicable regulatory fee (e.g. application and licence renewal fees) where an activity is operated directly by a charitable, religious or not-for-profit organisation (as assessed by the Australian Taxation Office), irrespective of whether it is operating more than 12 days per year or not. However the cost of inspections will be recouped at a lesser rate with a maximum fee of a one hour rate.

~~xiv)~~xv) Where provided in the relevant legislation, Council may be required to **assess** draft programs or operational plans. An example is an Environmental Management Program under the *Environmental Protection Act 1994*. When these assessments are carried out, Council will charge a fee. Where relevant, this fee includes one onsite inspection and assessment of adequacy of the program or plan, followed by a report which may outline any remedial measures required. This fee is based on time required to provide the service.

~~xv)~~xvi) Where provided in the relevant legislation, Council may be required to **audit (or monitor implementation of)** programs or operational plans. An example is an Environmental Management Program under the *Environmental Protection Act 1994*. When these audits or implementation monitoring activities are carried out, a fee will be charged. Where relevant, this fee includes one onsite inspection and assessment of compliance with the businesses program or plan, followed by a report which may outline any remedial measures required. This fee is based on time required to provide the service.

~~xvi) A late payment fee that covers administrative costs, including~~

<sup>1</sup> The 3 floor area sizes utilised for the assessment of a food business licence do not apply to Mobile Food Premises (including Water Carriers) and Temporary Food Stall licence classes.

~~officer time to follow up unpaid accounts, will be charged where payment is not received before the due date.~~

- xvii) Council will charge a fee for an Environmental Health Search (most often requested as part of sale of business). This fee includes an administrative search of Council databases for outstanding items related to property including but not limited to notices, fees owing and licences or permits. A written report on the outcome of the search is included in the fee.
- xviii) An Immunisation Records Search for vaccination history on or prior to 31/12/96 fee is charged when a request is made by a member of the community for a vaccination history of a patient who has been vaccinated by Ipswich City Council at weekly and/or school based immunisation clinics. The establishment of the Australian Childhood Immunisation Register (ACIR) on 1/1/97 ensured that vaccinations after this date are stored on a national database. Vaccinations received prior to this date are stored in Council databases and in hard copy format off site. For this reason searches for vaccination history on or prior to 31/12/96 incur a higher fee. A lower fee is charged for an Immunisation Records Search for vaccination history post 1/1/97
- xix) The Chief Operating Officer - Health Security and Regulatory Services Department may choose to waive the applicable regulatory fee (e.g. application and licence renewal fees) where there are extenuating circumstances. Satisfactory proof is required to support the request for waiver. Satisfactory proof includes a statutory declaration or other form of documentary evidence.

#### **c. A Service-Levels approach**

To ensure that Council provides appropriate levels of service, Council has adopted agreed service levels.

Should a business demonstrate an ongoing level of strong compliance or non-compliance, Council's Operations Manager may adjust the service level for individual businesses to ensure compliance with relevant legislation is achieved and maintained. If a business is consistently above compliance, this may involve reducing the service level. This will result in different time requirements for Council to administer the licence/permit/registration and the fee payable will reflect the changed costs to Council.

The frequency of inspections undertaken by Council officers is in accordance with the agreed service levels.

#### **d. Refunds**

Where a customer requests a refund relating to a service provided by Health Security and Regulatory Services, the following policy applies: If Council has not yet incurred the costs associated with providing a particular service, it will provide a refund minus an administration fee. Satisfactory proof is required to support the request for refund. Satisfactory proof includes a statutory declaration or other form of documentary evidence.

**Date of Council Resolution:** ~~23 April 2018~~

**Committee Reference and Date:** ~~City Management, Finance and Community  
Engagement Committee No. 2018(04) of 17 April 2018~~

**No. of resolution:** ~~16~~

**Date to be reviewed:** 23 April 2020