

Title	Environmental Health Services Pro-rata and Refund Policy
Council Resolution	Item 13 (13 June 20178) as per Council Minutes
Responsible Directorate	City Services and Infrastructure
Due for Review	Four (4) years from Council Resolution Date
Strategic Plan Reference	<u>Leading our Community</u> 4.1 Govern in the best interests of our community.
ECM	Council Policy

PURPOSE

This policy provides direction on Council's pro-rata and refund provisions for the early cancellation and mid-term licence applications for all Environmental Health Services licences, registrations and permits.

SCOPE

This policy applies to:

- (a) Refund requests for licences, permits, registrations and approvals of Glenorchy City Council's adopted fees and charges specifically relating to Council's Environmental Health Services section
- (b) Applications made for annual Environmental Health Services licences and registrations made after the start of the currency period (i.e. food business applications made after July 1 each year)

It does not apply to licences, permits, approvals and registrations issued by sections other than Environmental Health.

This policy should be read in conjunction with the 'Schedule of Fees and Charges' adopted by Council annually and any explanatory notes that accompany that schedule.

STATUTORY REQUIREMENTS

Section 106 of the *Local Government Act 1993* outlines the requirements in relation to a refund of a separate rate or charge:

(1) A council is to refund any revenue raised by the payment of a separate rate or separate charge to affected ratepayers if-

(a) the council resolves not to carry into effect the purpose for which the separate rate or separate charge was imposed; or

(b) there is an excess of funds over the amount required for that purpose.

(2) Any refund is to be paid to the affected ratepayers proportionally according to the amounts paid by each of them.

(3) Instead of refunding an amount to a ratepayer, a council may credit that amount against any other rate or charge payable by the ratepayer.

Acts	<i>Local Government Act 1993</i>
Regulations	N/A
Australian/International Standards	N/A

DEFINITIONS

Currency period	The defined term of the licence, permit, approval or registration (e.g. 1 July to 30 June)
Pro-rata	A portion of a standard currency period e.g. a yearly permit (12 months)

POLICY STATEMENT

Refunds generally

1. All refund requests must be made by completing the application form in 'Attachment A' and submitted to Council. Verbal requests will not be accepted.
2. Refunds will only be provided to the applicant. The applicant must attach a copy of their driver's license or other valid identification to the application form.
3. If a refund application is made with 6 months of the start of the currency period, the applicant will be eligible for a refund of 50% of the application fee. For example:

If a food business owner paid \$350 for a food business application and applied for a refund 3 months into their licence period, they would be eligible for a \$175.00 refund i.e. \$350 – \$175 (50%) = \$175.
4. Refund applications made after 6 months of the start of the currency period will not be eligible for any refund.

Pro-rata licence fees

1. Pro-rata provisions are only available for licences or registrations under the *Food Act 2003* or the *Public Health Act 1993*
2. If an application is made at any time within the first 6 months of the currency period, the full fee will be payable, and
3. If an application is made at any time within the last 6 months of the currency period, 50% of the full fee will be payable.

BACKGROUND

Council's Environmental Health section is responsible for approving various licences, registrations, permits and approvals. These approvals usually require annual renewal and attract a Council fee. As businesses close or proprietors leave, requests are often made for refunds.

Generally the majority of costs incurred for issuing licences, registrations, permits or approvals are consumed up front by initial inspections, administration and processing costs, therefore this must be considered when calculating refunds or pro-rata amounts for applications made after the initial application period.

This policy provides direction on Council's pro-rata and refund provisions for the early cancellation of all Environmental Health Services licences, registrations and permits.