

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

24 November 2009

**Joint Report of the Director of Health and Housing, Director of Finance and
Cabinet Member for Environmental Services**

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF ENVIRONMENTAL HEALTH SERVICES FEES AND CHARGES

Summary

This report proposes fees and charges for the provision of services in respect of food certificates, stray dog redemption fees, household bulky refuse collection, rats and mice and contaminated land monitoring.

1.1 Condemned Food Certificates

1.1.1 This is a service available to food businesses in the borough which properly controls the safe surrender and disposal of food deemed by environmental health staff as unfit for human consumption. The service continues to reflect legislative requirements for stricter controls and is based on total cost recovery. The proposed charges, as set out below, continue to reflect this approach and to reflect the Council's Budget Strategy.

Service	Current Charge	Recommended Charge	Income Full Year
For each Condemned Food Certificate issued	£110 for first hour plus £110 for each additional hour plus VAT	£115 for first hour plus £115 for each additional hour plus VAT	£115

1.2 Exported Food Certificates

1.2.1 This is a service provided by the Council for a food exporter who exports food outside the European Union. In this instance, authorising officers of the Borough Council certify that the food products being exported have been manufactured and held under hygienic conditions in accordance with the requirements of Regulation (EC) 852/2004 and The Food Hygiene (England) Regulations 2006. The premises are subject to regular inspection by Food and Safety Officers.

1.2.2 The present charge for these arrangements is as indicated below. As with condemned food certificates this service reflects legislative requirements and is

based on total cost recovery. The proposed charge as set out below reflects this approach and the Council's Budget Strategy.

Service	Current Charge	Recommended Charge	Income Full Year
For each Exported Food Certificate issued	£110 plus VAT per certificate	£115 plus VAT per certificate	£2,300

1.3 Pest Control Fee

- 1.3.1 The Council has a statutory duty to inspect the borough for the incidence of rats and mice and to take action where an infestation is found. This function is supported by statutory powers to serve notice on owners of land to take action to destroy rats and mice and/or prevent conditions likely to provide harbourage for pests.
- 1.3.2 The charge for rodent control by our contractor was set at £50 +VAT in April 2009. The charge covers treatments undertaken at a property for a full year from the date of the initial treatment.
- 1.3.3 We have reviewed our administrative costs and number of properties requesting repeat treatments and feel that from April 2010 a charge of £60 should apply for a single treatment. Thus, each treatment for a separate pest infestation, which may require several visits by our pest control contractor, will be charged at £60. This is a change from the previous two years where all separate and distinct treatments within a year were included within the single charge. This change in policy brings us in line with our neighbouring authorities. The proposed charge and prospective income, as set out below, reflects this approach.

Service	Current Charge	Recommended Charge	Income Full Year
Treatment for Rats and Mice	£50 plus VAT (covers a full year)	£60 plus VAT (covers a single treatment)	£18,850

1.4 Stray Dog Redemption Fees

- 1.4.1 The Environmental Protection Act 1990 prescribes that a person claiming to be the owner of a dog seized as a stray by the Council shall not be entitled to the return of the dog unless all the expenses incurred by reason of its detention, and such further amount as is for the time being prescribed, are met. The Environmental Protection (Stray Dogs) Regulations 1992 sets down a prescribed redemption fee of £25 and provides for local authorities to recover their other reasonable expenses, in addition to any other expenses incurred, such as kennelling costs. These other reasonable expenses, associated with the costs of

providing our Dog Warden contract and admin costs, are presently set at £35. The total fee charged by the Council is £60.

- 1.4.2 I recommend that the administration fee be increased this year to £40 with no formal waiver or discount, but will continue to exercise discretion to allow payment by instalments. This charge is still within the range of those of neighbouring councils.

Service	Current Charge	Recommended Charge	Income Full Year
Stray Dog Redemption Fee	£60 plus detention (kennelling) expenses	£65 plus detention (kennelling) expenses	£6,000

- 1.4.3 At this Board in July 2009 Members recommended the introduction of a redemption fee where the Dog Warden returns a stray dog to the owner without the need for kennelling. This charge was subsequently approved and set at the prescribed fee of £25.
- 1.4.4 In 2008/09, 34 such animals were returned without charge. In the first 6 months of 2009/10, 27 animals were returned, without a fee being charged.
- 1.4.5 The total income from stray dog redemption fees, with the increased charge and introduction of a redemption fee for strays returned directed to owner, is estimated at £6,000 in 2010/11. These charges are reflected in Revised Estimates. The estimate is based on current numbers and may vary depending on the actual number of stray dogs.

1.5 Contaminated Land

- 1.5.1 The Environmental Protection Act 1990 Part 2A requires local authorities to implement a system for the identification and remediation of land where contamination is causing a risk to human health or the wider environment because of historic or current uses.
- 1.5.2 Recent guidance from the Information Commissioner has raised concern about overcharging by councils and advised that Local Authorities can only make a reasonable charge. I have assumed that a reasonable charge includes the hourly rate of the officer responsible for providing information, on-costs and an administration charge.
- 1.5.3 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £70 per hour in responding to these requests for information. This charging rate is likely to attract interest from the Commissioner if continued and it is proposed to introduce a charge of £35 per hour in responding to these requests for information. The change in income is reflected in revised estimates.

Service	Current Charge	New Recommended	Income Full Year
Responding to requests for information relating to contaminated land	£70.00 per hour (1 hour minimum charge) plus VAT	£35.00 per hour (1 hour minimum charge) plus VAT	Approx. £1,300

1.6 Household Bulky Refuse Collection Service

- 1.6.1 This service provides for the collection of up to 12 items of household waste which will not otherwise fit within the wheeled bin. The current charge is £30.
- 1.6.2 The contractor charges the Council for each collection which currently includes up to 12 items. The Council may then pass on this charge to the householder plus a reasonable administration charge. The Council's policy is to waive recharge of the costs where the person requesting the service is in receipt of a means-tested benefit. Under the current contract the all-inclusive charge to householders is £30, including the Council's administration costs.
- 1.6.3 In June 2009 the Kent Waste Partnership undertook a scoping exercise looking at how to reduce and reuse bulky waste disposed of throughout the county. This includes encouraging greater re-use of items and developing opportunities for refurbishment and re-sale of items in the third sector.
- 1.6.4 The report, carried out by the Furniture Re-use Network (FRN), recommends that the Council either reduce the maximum number of items per collection or increase charges as this will encourage residents to look at more sustainable disposal options, while maintaining a service for those items that need to be disposed.
- 1.6.5 We also recommend that we reduce the maximum number of items taken per collection to six. For your information in the first six months of 2009 the following collections took place.

	Charge paid	Means Tested Benefits
Number of collections	589 (43%)	780 (57%)
Average number of items per collection	6.8	5.3

- 1.6.6 Within Kent, reduced rate or free bulky collections are only offered by Canterbury (reduced charge), Tunbridge Wells (one free item per month) and this council. In order to reduce the amount of free collections provided, my team has encouraged residents to limit their requests for a free bulky collection to a maximum of one every three months. I recommend that this becomes a formal arrangement.

Where additional collections are required between free collections, the proposed full charge of £35 will apply.

- 1.6.7 We have reviewed the administration costs and feel that from April 2009, a charge of £35 should apply for each service request. The additional income is reflected in Revenue Estimates. This charge is within the range charged by neighbouring authorities.

Service	Current Charge	Recommended Charge	Income Full Year
Household Bulky Refuse Collection	£30	£35	£46,500

1.7 Legal Implications

- 1.7.1 The Council has lawful authority to set these fees which form part of the Council's budget and policy framework.

1.8 Financial and Value for Money Considerations

- 1.8.1 The increase in fees proposed is intended to ensure that the income derived covers the costs to the Council in providing a service.

1.9 Risk Assessment

- 1.9.1 A decision is required now on the proposed fee structure for these activities to ensure that the Council has timely and up-to-date arrangements in place to administer service requests when received.

1.10 Recommendations

- 1.10.1 Cabinet is **RECOMMENDED** to **APPROVE** the scale of charges for condemned food certificates, exported food certificates, stray dog redemption fees, contaminated land monitoring, household bulky refuse collection and rats and mice with effect from 1 April 2010 as detailed in the above report.

Background papers:

Nil

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