

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

23 November 2010

**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	£115 for first hour plus £115 for each additional hour plus VAT	£120 for first hour plus £120 for each additional hour plus VAT	£120

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, number issued and income levels 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	£115 plus VAT per certificate	£120 plus VAT per certificate	£1,500

1.3 Contaminated Land

- 1.3.1 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.
- 1.3.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £35 per hour in responding to these requests for information
- 1.3.3 Guidance from the Information Commissioner advises that local authorities can make a reasonable charge. We have assumed that a reasonable charge includes the hourly rate of the officer responsible for providing information, on-costs and an administration charge.
- 1.3.4 The officer in charge of providing this information will be a shared post with Gravesham Borough Council with a higher than current hourly rate. We propose to increase the charge to £40 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	£35.00 per hour (1 hour minimum charge) plus VAT	£40.00 per hour (1 hour minimum charge) plus VAT	Approx. £1,300

1.4 Pest Control

- 1.4.1 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.

1.4.2 The charge to residents for rodent control by our contractor was set at £60 +VAT in April 2010. The charge covers a full treatment which may require several visits over a period of a few months.

1.4.3 We have reviewed our administrative costs and number of properties requesting repeat treatments and feel that from April 2011 a charge of £65 should apply for a treatment. The proposed charge and prospective income are set out below.

Service	Current Charge	Recommended Charge	Income Full Year
Treatment for Rats and Mice	£60 plus VAT (covers a full year)	£65 plus VAT (covers a single treatment)	£18,850

1.4.4 This service remains free for households on means tested benefits. We have reviewed the current service and charges from our neighbouring authorities which are set out below.

	Maidstone Borough Council	Sevenoaks District Council	Tun. Wells Borough Council
RATS	£21.95 per visit with a minimum of two visits. No free service provided	£76.00 per treatment. Half price to those on means tested benefits.	No longer offer a Pest control service.
MICE	£21.95 per visit with a minimum of two visits. No free service provided	£96.50 per treatments. Half price to those on means tested benefits.	No longer offer a Pest control service.

1.5 Stray Dog Redemption Fees

1.5.1 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.

1.5.2 Where a dog is taken to kennels we charge the owner for the other reasonable expenses, associated with the costs of providing our Dog Warden contract and admin costs. This is presently set at £35. The total fee charged by the Council is

£60. We recommend that the administration fee be increased this year to £38 with no formal waiver or discount, but we will continue to exercise discretion to allow payment by instalments. This charge is still within the range of those of neighbouring councils.

- 1.5.3 At present, where the Dog Warden returns a stray dog to the owner without the need for kennelling, a charge is made at the prescribed fee of £25. This rate was introduced, after agreement by this Board, in July 2009. We do not propose increasing this fee as the low cost encourages owners to identify their dog preferably via a microchip.

Service	Current Charge	Recommended Charge	Income Full Year
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	
Stray Dog Redemption Fee - Kennelling required	£60 plus detention (kennelling) expenses. Includes statutory fee.	£63 plus detention (kennelling) expenses. Includes statutory fee.	£6,300

1.6 Household Bulky Refuse Collection Service

- 1.6.1 This service provides for the collection of up to six items of household waste which will not otherwise fit within the wheeled bin. The current charge is £35. The contractor charges the Council for each collection. The Council may then pass on this charge to the householder plus a reasonable administration charge.

- 1.6.2 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. In order to encourage residents to look at more sustainable disposal options the free service is only provided every three months.

- 1.6.3 In the first six months of 2010 the following collections took place.

	Charge paid	Means Tested Benefits	Total
Number of collections	518	747	1,265
% of total	41%	59%	

- 1.6.4 We have reviewed the administration costs and feel that from April 2010, a charge of £38 should apply for each service request. The additional income is reflected in Revenue Estimates.

Service	Current Charge	Recommended Charge	Income Full Year
Household Bulky Refuse Collection	£35	£38	£46,500

- 1.6.5 This service does not include fridge and freezer collections which are free of charge to all residents due to the potential damage from CFCs . We have reviewed the current service and charges from our neighbouring authorities which are set out below.

Service	Maidstone Borough Council	Sevenoaks District Council	Tun. Wells Borough Council
Household Bulky Refuse Collection	Scale of charges from £20:00 for one to six items and £43:00 for 13 items. Includes fridges and freezers. No free service.	Scale of charges from £29:00 for three to four items and £35:00 for 5 to 13 items. Includes fridges and freezers. No free service.	£25.00 per item One free, single item, collection per month to those on means tested benefits.

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 Equality Impact Assessment

- 1.10.1 See 'Screening for equality impacts' table at end of report.

1.11 Recommendations

1.11.1 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 2011 as detailed in the above report.

Background papers:

contact: Michael Campbell-
Lenaghan

Nil

John Batty
Director Health and Housing

Councillor Owen Baldock
Cabinet Member for Environmental Services

Sharon Shelton
Director of Finance

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The charges detailed in this report are payable by all members of the community. We retain the ability to provide some free services to those on means tested benefits.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	As above.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.