

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD**

**27 November 2012**

**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.

1.1.2 Recent years have seen a significant decline in the number of certificates requested. The lower income rate is reflected in the revised and estimated revenue budgets.

<b>Service</b>	<b>Current Charge</b>	<b>Recommended Charge 13/14</b>	<b>Income Full Year</b>
For each Condemned Food Certificate issued	£125 for first hour plus £125 for each additional hour plus VAT	£130 for first hour plus £130 for each additional hour plus VAT	£130

1.1.3 The proposed total charge of £130 + VAT is within the range of those Kent authorities that provided information. Tunbridge Wells Borough Council currently charges £158 + VAT, Shepway Borough Council charges £86 + VAT and Sevenoaks District Council has not been required to issue any for a number of years.

## 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. Recent years have seen a significant decline in the number of certificates required.

Service	Current Charge	Recommended Charge 13/14	Income Full Year
For each Exported Food Certificate issued	£125 plus VAT per certificate	£130 plus VAT per certificate	£260

- 1.2.3 The proposed total charge of £130 + VAT is comparable with other local authorities in Kent. Tunbridge Wells Borough Council currently charges £62 + VAT, Shepway Borough Council charges £121 + VAT and Sevenoaks District Council charges £75 + VAT (based on an estimated officer time).

## 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 £45 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 fee has been derived based upon comparison with other Kent local authorities. Maidstone BC; Thanet DC, Swale BC and Gravesham BC currently charge between £36 and £75 per hour. There is no maximum fee under the legislation.

- 1.3.5 The 2012 /13 revised figure shows £750 not £1,000 due to a reduction in the number of requests for this information being received. This is due to a lull in the number of property transactions. It is anticipated that the figures will remain steady (based on the current year) until there is an increase in such transactions.
- 1.3.6 The officer in charge of providing this information is in a shared post arrangement with Gravesham Borough Council. We propose to increase the charge to £50 per hour in responding to these requests for information.

<b>Service</b>	<b>Current Charge</b>	<b>Recommended Charge</b>	<b>Income Full Year</b>
Responding to requests for information relating to contaminated land	£45.00 per hour (1 hour minimum charge) plus VAT	£50.00 per hour (1 hour minimum charge) plus VAT	£750

#### **1.4 Private Water Supplies**

- 1.4.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 1.4.2 In a report to this Board on 28 February, 2011 it was agreed to introduce a charge to recover the cost of officer's time. In addition, owners of private water supplies and private distribution networks will be charged for the cost of sample analysis.
- 1.4.3 We have reviewed the cost of providing this service and propose to increase the charge to £45 per hour, plus the cost of sample analysis.
- 1.4.4 The fee has been derived based upon comparison with other Kent local authorities. Tunbridge Wells BC, Sevenoaks DC, Medway and Gravesham BC currently charge between £40 and £50 per hour. These charges are subject to a maximum limit which is set out under the Private Water Supplies (PWS) Regulations 2009.
- 1.4.5 As each private water supply is very different, the officer time for each visit/ risk assessment is difficult to quantify. The projected income for the year is based upon the officer's projected workload for the year.

<b>Service</b>	<b>Current Charge</b>	<b>Recommended Charge</b>	<b>Income Full Year</b>
Carrying out sampling and risk assessment of private water supplies	£40.00 per hour (1 hour minimum charge) plus VAT	£45.00 per hour (1 hour minimum charge) plus VAT	£1,500

## 1.5 Pest Control

- 1.5.1 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.
- 1.5.2 The charge to residents for rodent control provided by our contractor, Rentokil, was set at £65 +VAT in April 2011. The fee was increased in April 2012 to £70 plus VAT. The charge covers a full treatment which may require several visits over a period of a number of weeks.
- 1.5.3 We have reviewed our administrative and contractual costs and feel that from April 2013 a charge of £73 should apply for a treatment. The proposed charge and prospective income is set out below. The number of householders paying for this service has declined in recent years, resulting in reduced income.

Service	Current Charge	Recommended Charge	Income Full Year
Treatment for Rats and Mice	£70 plus VAT covers a single treatment (total £84)	£73 plus VAT covers a single treatment (total £87.60)	£8,600

- 1.5.4 This provision of a pest control service is subject to a report to this Board and thus these fees are liable to change based on that report and any tendering exercise that follows.

## 1.6 Stray Dog Redemption Fees

- 1.6.1 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 set 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.
- 1.6.2 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 £46. The total fee charged by the Council is £71. We recommend that the administration fee be increased this year to £50 with no formal waiver or discount, but we will continue to exercise discretion to allow payment by instalments. The proposed total charge of £75 is still within the range of those of neighbouring councils as below.

<b>Maidstone B.C.</b>	<b>Sevenoaks D.C.</b>	<b>Tun. Wells B.C.</b>
£ 60 including statutory fee. Not including Kennelling fees.	£ 80 including statutory fee. Not including Kennelling fees.	£45 including statutory fee. Not including Kennelling fees.

- 1.6.3 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 fee encourages owners to identify their dog by microchipping their pet.

<b>Service</b>	<b>Current Charge</b>	<b>Recommended Charge</b>	<b>Income Full Year</b>
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£800
Stray Dog Redemption Fee - Kennelling required	£71 plus detention (kennelling) expenses. Includes statutory fee.	£75 plus detention (kennelling) expenses. Includes statutory fee.	£5,500

## **1.7 Household Bulky Refuse Collection Service**

- 1.7.1 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 £40. The contractor charges the Council for each collection. The Council may then pass on our costs to the householder including our handling costs.
- 1.7.2 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 limited to one every three months.
- 1.7.3 The policy to waiver the fee for those in receipt of means tested benefits is currently subject to review by the Overview and Scrutiny Committee.
- 1.7.4 The following table shows that the declining number of requests for this service and the number of requests that are provided free of charge to the customer.

	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
No of charged for collections	1,078	1,043	940
No of collections provided free	1,481	1,365	1,216
Total number of collections	2,559	2,408	2,156
% provided free	58%	57 %	56%
Income received	£32,340	£36,505	£35,720

- 1.7.5 We have reviewed the administration costs and feel that from April 2013, a charge of £45 should apply for each service request which allows for the collection of up to six items.

<b>Service</b>	<b>Current Charge</b>	<b>Recommended Charge</b>	<b>Income Full Year</b>
Household Bulky Refuse Collection	£40	£45	£42,210

- 1.7.6 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 by neighbouring councils which are set out below.

<b>Service</b>	<b>Maidstone B.C.</b>	<b>Sevenoaks D.C.</b>	<b>Tun. Wells B.C.</b>
Household Bulky Refuse Collection	Scale of charges from £23:00 for one to six items and £45:00 for 13 items. Includes fridges and freezers.  No free service.	Scale of charges from £35:00 for three to four items and £50:00 for 5 to 13 items. Fridges and freezers at £15 per item. No free service.	£25.00 per item One free, single item, collection per month to those on means tested benefits.

## **1.8 Legal Implications**

- 1.8.1 The Council has lawful authority to set fees which allow recovery of its reasonable costs.

## **1.9 Financial and Value for Money Considerations**

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

## **1.10 Risk Assessment**

1.10.1 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.

## 1.11 Equality Impact Assessment

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

## 1.12 Recommendations

1.12.1 Cabinet is **RECOMMENDED** to **APPROVE** the scale of charges for condemned food certificates, exported food certificates, contaminated land monitoring, sampling private water supplies, stray dog redemption fees, household bulky refuse collection and rats and mice with effect from 1 April 2013 as detailed in the above report.

Background papers:

contact: Michael Campbell-  
Lenaghan

Nil

John Batty  
Director Health and Housing

Councillor Howard Rogers  
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 currently 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.*