

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING and ENVIRONMENT SERVICES ADVISORY BOARD

09 November 2015

**Joint Report of the Director of Street Scene, Leisure and Technical Services,
Director of Planning, Housing and Environmental Health and Director of Finance
and Transformation.**

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

**1 REVIEW OF HOUSING, ENVIRONMENTAL HEALTH AND WASTE & STREET
SCENE SERVICES FEES AND CHARGES**

Summary

This report sets out the proposed fees and charges for the provision of services in respect of Housing Licensing, food certificates, contaminated land monitoring, Private Water Supplies, pest control, stray dog redemption fees, household bulky refuse and “Missed” Refuse collections from April 2016.

1.1 Introduction

1.1.1 In bringing forward the charging proposals for 2016/17 consideration has been given to a range of factors, including the Council’s overall financial position, market position, trading patterns, the current rate of inflation, competing facilities and customer feedback.

1.1.2 The proposed charges for 2016/17 have also taken into account the set of guiding principles for the setting of fees and charges approved by Members of the Finance, Innovation and Property Advisory Board and reproduced below for the benefit of the Board:

- 1) Fees and charges should reflect the Council's key priorities and other corporate aims and priorities recognising there may be trade-offs as these are not mutually exclusive.
- 2) Fees and charges should have due regard to the Council's Medium Term Financial Strategy.
- 3) If there is to be a subsidy from the council tax payer to the service user this should be a conscious choice.
- 4) The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its key priorities and other corporate aims and priorities.

- 5) Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body).
- 6) Fees and charges should not be used to provide a subsidy from the council tax payer to commercial operators.
- 7) There should be consistency between charges for similar services.
- 8) Concessions for services should follow a logical pattern so as not to preclude, where appropriate, access to Council services on the grounds of ability to pay.

1.2 Condemned Food Certificates

1.2.1 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.

1.2.2 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.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
For each Condemned Food Certificate issued	£130 for first hour plus £130 for each additional hour plus VAT	£135 for first hour plus £135 for each additional hour plus VAT	£135

For comparable purposes, Dartford charge £160.00 + VAT minimum charge for maximum of 2 hours. Sevenoaks District Council has not been required to issue any for a number of years. Gravesham charge £100 + £25 per hour and any part of, for officer time. Our current charges are reasonable and appropriate and no changes are proposed this year.

1.3 Exported Food Certificates

1.3.1 This is a service provided by the Council for food exporters who export 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 Safety & Hygiene (England) Regulations 2013. The premises are subject to regular inspection by Food and Safety Officers.

- 1.3.2 This year has seen an increase, to 20, in the number of Exported Food Certificates requested and it is anticipated this higher level of demand will be maintained. The current charge per certificate is £130 and while we would normally expect to increase that charge year on year, following concerns expressed about the cost of the Certificates by a small company in Tonbridge a review has been undertaken.
- 1.3.3 It is interesting to note the variation in the percentage of each sales invoice that the cost of our Certificates represents. In the case of one Company this represents between 0.2% and 4.7% of the value of each sale; whereas for the Tonbridge Company it has represented between 8.9% and 74% of the sale value. At the current level of charge this Company believe that it is unsustainable for them to continue exporting whilst covering the costs of these Certificates.
- 1.3.4 Within Kent authorities that have provided details of their charges Dover charge £50.00, Maidstone charge £121.80 + VAT. Sevenoaks District Council and Gravesham Borough Council have not been required to issue any for a number of years.
- 1.3.5 It is evident that throughout the Country there is a wide variation on the fees set for providing this service. Gloucester City Council make a charge of £26.79 per certificate; Liverpool £71.00 and East Riding £70.00.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
For each Exported Food Certificate issued	£130 plus VAT per certificate	£45 plus VAT per certificate.	£900

- 1.3.6 Having explored a range of options on charging we are proposing a charge of £45 per certificate which is based on cost recovery. We acknowledge that this represents a significant reduction on previous charges, but reflects our priority for supporting local business development, including their ability to competitively access export markets.

1.4 Contaminated Land

- 1.4.1 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.
- 1.4.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £50 per hour in responding to these requests for information

- 1.4.3 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.
- 1.4.4 The fee has been derived based upon comparison with other Kent local authorities. Sevenoaks charge £50, 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.
- 1.4.5 Income for the first two quarters of this year is £1,150 with annual income estimated at £2,000. It is anticipated that the figures will remain steady (based on the current year) until there is an increase in such transactions.
- 1.4.6 We propose to apply a small increase to the current charge to reflect costs in responding to these requests for information.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
Responding to requests for information relating to contaminated land	£50.00 per hour (1 hour minimum charge)	£52.00 per hour (1 hour minimum charge)	£2,000

1.5 Private Water Supplies

- 1.5.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 1.5.2 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.
- 1.5.3 We have reviewed the cost of providing this service and propose to apply a small increase to £47 per hour, plus the cost of sample analysis.
- 1.5.4 The fee has been derived based upon comparison with other Kent local authorities. Tunbridge Wells BC, Sevenoaks DC (£35), Medway, Dartford and Gravesham BC currently charge between £35 and £60 per hour. These charges are subject to a maximum limit which is set out under the Private Water Supplies (PWS) Regulations 2009.
- 1.5.5 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, approximately 35 hours.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
Carrying out sampling and risk assessment of private water supplies	£45.00 per hour (1 hour minimum charge) plus VAT	£47.00 per hour (1 hour minimum charge) plus VAT	£1,650

1.6 House in Multiple Occupation (HMO) and Caravan Site Licensing

- 1.6.1 The Housing Act 2004 introduced a licensing regime for HMOs of three storeys or more; occupied by five or more persons living in two or more single households. There are currently 12 properties licensed by the Council.
- 1.6.2 The aim of licensing is to improve the controls on HMOs and to raise the standard of some of the highest risk properties that are often occupied by some of the most vulnerable people, whilst maintaining an adequate supply of rented accommodation.
- 1.6.3 The licence is for a maximum of five years and cannot be transferred. The licence can end as a result of the passage of time, the death of the licence holder, the sale of the property or the revocation of the licence by the local authority. The licence is held on a public register maintained by the local authority.
- 1.6.4 Following a review of administrative costs and using the same HMO licence fee cost calculator developed by the Kent and Medway local authorities that has previously been used, the proposed revised charges are detailed in the table below:

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
New HMO licence application fee	£390	£480	£480 for one new licence application
Renewal of a HMO licence application	£270	£360	£2,160 for six licence renewals due in this period.

- 1.6.5 The charge for a new HMO licence application fee is comparable to our neighbouring Kent authorities of Maidstone at £435, Tunbridge Wells at £400 and Sevenoaks at £593. Over the five year period the fee of £480 equates to a cost of £96 per annum and £8 per month.

1.6.6 The charge for the renewal of a HMO licence application is slightly lower than our neighbouring authorities of Maidstone at £385 and £400 for Tunbridge Wells. This lower cost is attributed to it being less administratively burdensome to check licence details and determine priority for inspection. This data is already available and it is the case of checking the layout and amenities of the property have not changed since the last application.

1.7 Caravan Site Licensing

1.7.1 The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 to allow local authorities from the 1 April 2014 to charge a fee for the licensing of residential mobile (park) home sites (“relevant protected sites”) and recover their costs in undertaking this function.

1.7.2 A caravan site must have planning consent for use as a caravan site before it can be licensed and once licensed it remains in perpetuity until a change of use or planning consent has expired.

1.7.3 A report was taken to Members in November 2014 where it was agreed that the application fee for the processing of a new caravan site licence was £335 and for the transfer of a caravan site licence was £110 for residential mobile (park) home sites. Since the introduction 1 new site license has been issued and three licenses transferred.

1.7.4 Following a review of administrative costs associated with charging for caravan site licences based on our experience over the last twelve months the proposed revised charges are shown in the table below:

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
New caravan site licence application fee	£335	£350	£350 for one new licence application
Transfer of a caravan site licence	£110	£125	£375 based on the transfer of three caravan site licences in the period Nov 2014 to date.

1.8 Pest Control

- 1.8.1 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.
- 1.8.2 The pest control service was reviewed and retendered in 2012 as a joint contract with Tunbridge Wells Borough Council. The current service provides a free treatment of rats, mice, cockroaches and bedbugs to those on Council Tax support only.
- 1.8.3 In all other cases, customers may be referred to Monitor Environmental Services to carry out a charged treatment. Alternatively, customers may arrange treatment direct with their own pest control company.
- 1.8.4 Numbers of service requests from those on Council Tax support are very small, with an estimated overall cost to the Council of £3,000 per annum. Having only recently reviewed the service provision, in the interests of public health and with very small numbers of service requests, it is not considered appropriate to change this arrangement.

1.9 Stray Dog Redemption Fees

- 1.9.1 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.
- 1.9.2 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 £54. The total fee charged by the Council is therefore £79. We recommend that the administration fee be increased this year to £55 with no formal waiver or discount, but we will continue to exercise discretion to allow payment by instalments. The proposed total charge of £80 is still within the range of those of neighbouring councils as below (2015/16 prices for illustration):

Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
£ 60 (including statutory fee, but not including kennelling fees).	£ 83 (including statutory fee, but not including kennelling fees).	£75 within office hours. £110 out of office hours (including statutory fee, but not including kennelling fees).

- 1.9.3 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.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£1,025
Stray Dog Redemption Fee - Kennelling required	£79 (including statutory fee, but not including kennelling fees).	£80 (including statutory fee, but not including kennelling fees).	£9,120 (£114 additional income)

1.10 Household Bulky Refuse Collection Service

- 1.10.1 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 £48.20. The contractor charges the Council for each collection. The Council may then pass on our costs to the householder including our handling costs.
- 1.10.2 The Council's policy is to waive recharge of the costs where the person requesting the service is in receipt of Council Tax support. In order to encourage residents to look at more sustainable disposal options the free service is limited to one every three months.
- 1.10.3 We have reviewed the administration costs and feel that from April 2016, a charge of £50.00 should apply for each service request which allows for the collection of up to six items.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
Household Bulky Refuse Collection	£48.20	£50.00	£47,650 (£1715 additional income)

- 1.10.4 The proposed charge of £50.00 for six items is within the range of those of neighbouring councils who tend to charge per item (2015/16 charges for illustration):

Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
1-4 Items: £22.50 5-8 Items: £32.50	5-10 Items: £50	£30 per item.

- 1.10.5 Although Councils are not able to make a profit from the collection of a “prescribed” household waste (such as our bulky collection service), the legislation does allow us to recover the associated collection costs (together with reasonable administration costs). Having reviewed these charges over recent years, it is felt that our proposed charge for 2016/17 is in keeping with this principle, with minimal scope to increase further.
- 1.10.6 This service does not include fridge and freezer collections which are currently free of charge to all residents. A review of other authorities suggests that as we are now out of step on this particular issue, it is now considered time to review our arrangements and introduce a charge for this service. As there are a number of operational and contractual implications regarding the collection arrangements, it is the intention to review these with Veolia and report back to the next meeting of this Advisory Board in February 2016 with a detailed proposal for implementation from 1st April 2016.

1.11 “Missed” Refuse collection

- 1.11.1 On occasion the Waste Services team receive requests from customers to empty wheeled bins where the customer has not placed their bin out and “missed” the collection. In general, where it is the resident’s error the contractor is not obliged to return. On these occasions the team are often asked by the customer if they can pay for a “one off” return collection.
- 1.11.2 A collection charge of £15 to cover these circumstances was introduced in April 2015 and covers the contractor cost and includes a small administration fee.
- 1.11.3 This service charge was reviewed after six months and there have been no concerns raised by customers. Although very low numbers, this does allow our Waste Services staff to consider an alternative solution when discussing a “missed bin” or “bin not put out by the resident”.
- 1.11.4 It is proposed to increase this charge to £16.00 in April 2016 to cover inflation increase in contractor charges and a small administration fee.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
“Missed” Refuse Collection Charge	£15.00	£16.00	£576 (£36 additional income)

1.12 Legal Implications

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

1.13 Financial and Value for Money Considerations

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

1.14 Risk Assessment

1.14.1 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

1.15 Equality Impact Assessment

1.15.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.16 Recommendations

1.16.1 Cabinet is **RECOMMENDED to APPROVE** the scale of charges for mandatory HMO licensing, caravan site licensing, condemned food certificates, exported food certificates, contaminated land monitoring, sampling private water supplies, stray dog redemption fees, household bulky refuse collection and “Missed” refuse collection charges with effect from 1 April 2016 as detailed in the above report.

1.16.2 Cabinet is **RECOMMENDED to APPROVE** the introduction of a new charge for fridge and freezer collections, with a report to the next meeting of this Advisory Board on the proposed charges.

Background papers:

Nil

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