

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE & ENVIRONMENT SERVICES ADVISORY BOARD

07 November 2016

**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 FEES AND CHARGES

Summary

This report sets out the proposed fees and charges for the provision of services in respect of food certificates, contaminated land monitoring, Private Water Supplies, pest control, stray dog redemption fees, household bulky refuse & Fridge/freezer collections, “Missed” Refuse collections and the Council’s car parks from April 2017.

1.1 Introduction

1.1.1 In bringing forward the charging proposals for 2017/18 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 2017/18 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 2017/18
For each Condemned Food Certificate issued	£135 for first hour plus £135 for each additional hour plus VAT	£140 for first hour plus £140 for each additional hour plus VAT	£140

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.

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 The level of demand for Exported Food Certificates that was identified in last year's report has been maintained, this year 19 certificates were issued, compared with 20 last year.
- 1.3.3 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.
- 1.3.4 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 2017/18
For each Exported Food Certificate issued	£45 plus VAT per certificate	£50 plus VAT per certificate.	£1000

- 1.3.5 Having explored a range of options on charging we are proposing a modest increase in the charge for each certificate issued of £5 which is based on cost recovery.

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 £52 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 We propose to apply a small increase to the current charge to reflect costs in responding to these requests for information, for which there has been a reduction in the number of requests being made.

Service	Current Charge	Recommended Charge	Income Full Year 2017/18
Responding to requests for information relating to contaminated land	£52.00 per hour (1 hour minimum charge)	£55.00 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 2017/18
Carrying out sampling and risk assessment of private water supplies	£47.00 per hour (1 hour minimum charge) plus VAT	£50.00 per hour (1 hour minimum charge) plus VAT	£1,750

1.6 Pest Control

- 1.6.1 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.

- 1.6.2 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.
- 1.6.3 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.
- 1.6.4 Numbers of service requests from those on Council Tax support are very small, with an estimated overall cost to the Council of £2,000 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.

1.7 Stray Dog Redemption Fees

- 1.7.1 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.
- 1.7.2 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 £55. The total fee charged by the Council is therefore £80. We recommend that the contract & administration fee be increased this year to £60 with no formal waiver or discount, but we will continue to exercise discretion to allow payment by instalments. The proposed total charge of £85 is still within the range of those of neighbouring councils as below (2016/17 prices for illustration):

Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
£45 within office hours £65 out of office hours £75 after midnight (including statutory fee, but not including kennelling fees)	£85 (including statutory fee, but not including kennelling fees)	£85 within office hours £120 out of office hours (including statutory fee, but not including kennelling fees)
No return direct to owner - all dogs taken to kennels	£25 return direct	No return direct to owner – all dogs taken to kennels

- 1.7.3 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 2017/18 (assuming number of claimed/returned dogs remains static)
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£1,025
Stray Dog Redemption Fee - Kennelling required	£80 (including statutory fee, but not including kennelling fees).	£85 (including statutory fee, but not including kennelling fees).	£9,690 (£570 additional income)

- 1.7.4 It is also worth noting that the Council has just received a RSPCA Gold Award for the fifth year running in recognition of the pro-active work carried out by the Dog Warden service relating to stray dogs. Full details of the award are included in the Waste & Street Scene Services update report later on this agenda.

1.8 Household Bulky Refuse & Fridge/Freezer Collection Service

- 1.8.1 A full review of charges for this service was reported to this board in February 2016 and the revised charges came into place in April this year. Although we only have part year data since the introduction of the new charges, we are currently on

target to achieve the £40,000 savings for this service that were highlighted in the February report.

- 1.8.2 While 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 only carried out a full review of these charges earlier this year, it is felt that the current charges are in keeping with this principle, are within the range of neighbouring councils who tend to charge per item, with minimal scope to increase further at this time.
- 1.8.3 It is therefore proposed that there is no increase to the current charges for 2017/18 and that this be reviewed further next year when we have a full year’s data on service use and confirmed costings.

Service	Full Current Charge	Concession Charge	Income Full Year 2017/18
Household Bulky Refuse Collection (up to six items)	£50.00	£10.00	£83,000
Separate item Fridge/Freezer Collection	£25.00	£10.00	

1.9 “Missed” Refuse collection

- 1.9.1 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.
- 1.9.2 A collection charge of £15.00 to cover these circumstances was introduced in April 2015 and covers the contractor cost and includes a small administration fee. The current collection charge for 2016/17 is £16.00.
- 1.9.3 This service charge has now been in place for eighteen months and to date there have been no concerns raised by customers. Although very low numbers of requests have been made, this does allow our Waste Services staff to offer an alternative solution when discussing a “missed bin” or “bin not put out by the resident”.
- 1.9.4 It is proposed to increase this charge to £17.00 in April 2017 to cover our increased costs and a small administration fee.

Service	Current Charge	Recommended Charge	Income Full Year 2017/18
"Missed" Refuse Collection Charge	£16.00	£17.00	£612

1.10 Car Parking

- 1.10.1 A comprehensive review of parking charges was undertaken at the start of 2016, which resulted in a number of changes and new charges coming into effect in May 2016. We have reviewed the level of our current charges against the prevailing picture in nearby areas and generally against the current economic climate and have come to the conclusion that no further charges are currently appropriate.
- 1.10.2 With regard to the new parking charges in West Malling it has been agreed that there will be a review after the first full year. The review will be in liaison with the local Parish Council and Chamber of Commerce and will be reported to a future meeting of this Board.
- 1.10.3 It is the intention to replace the Council's entire stock of car parking machines in spring 2017, with a report to the next meeting of this Board. This will coincide with introduction of the new £1 coin.
- 1.10.4 It is proposed that no changes are made to parking charges this year and that these should be reviewed again in 12 months' time.

1.11 Legal Implications

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

1.12 Financial and Value for Money Considerations

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

1.13 Risk Assessment

- 1.13.1 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

1.14 Equality Impact Assessment

- 1.14.1 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.

1.15 Recommendations

1.15.1 Cabinet is **RECOMMENDED** to **APPROVE** the scale of charges for mandatory condemned food certificates, exported food certificates, contaminated land monitoring, sampling private water supplies, stray dog redemption fees, household bulky refuse & Fridge/Freezer collection, “Missed” refuse collection and car parking charges with effect from 1 April 2017 as detailed in the above report.

Background papers:

Nil

contact: Dennis Gardner
Andy Edwards
Jane Heeley

Robert Styles
Director of Street Scene, Leisure and
Technical Services

Steve Humphreys
Director of Planning, Housing and
Environmental Health

Sharon Shelton
Director of Finance & Transformation