

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

06 November 2017

**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 household bulky refuse & fridge/freezer collections, “missed” refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private water supplies from April 2018.

1.1 Introduction

- 1.1.1 In bringing forward the charging proposals for 2018/19 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 and customer feedback.
- 1.1.2 The proposed charges for 2018/19 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 Household Bulky Refuse & Fridge/Freezer Collection Service

- 1.2.1 Following a full review, a new pricing structure for these services was introduced in April 2016. A two tier fee was introduced with £50 for up to six items of bulky refuse and £25 for up to two fridge/freezer only collections. The new fee structure also included a concession charge for those receiving Council Tax Support. This new arrangement has been running for 18 months with minimal complaints.
- 1.2.2 The review included £40,000 savings as part of the Savings & Transformation Strategy from a combination of increased income and reduced service costs. This saving has been achieved and is ongoing.
- 1.2.3 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.
- 1.2.4 This service is included within the retendering of the Waste and Street Scene contract in partnership with Dartford and Tunbridge Wells Borough Council. All three authorities have agreed to move towards the same pricing structure as Tonbridge & Malling Borough Council.
- 1.2.5 The current fee structure of our neighbouring authorities (2017/18) is outlined below.

Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
5 - 8 items, £34 Fridge Freezer, £20	1 item - £17 2 items - £28 3 to 4 items - £38 5 to 10 items £50 White goods - £17 each	£37.20 per item
No Concessions	No Concessions	1 free collection per month.

- 1.2.6 It is proposed that the full fee price is increased in line with inflation, with no change to the £10 fee for those receiving Council Tax Reduction.

Service	Current Full Charge	Proposed Full Charge 2018/19	Concession Charge	Est. Income 2018/19
Household Bulky Refuse Collection (up to six items)	£50.00	£52.00	£10.00	£84,500
Separate item Fridge/Freezer Collection	£25.00	£26.00	£10.00	

1.3 “Missed” refuse collection charge

- 1.3.1 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.
- 1.3.2 A collection charge to cover these circumstances was introduced in April 2015. It covers the contract cost of returning and includes a small administration fee. 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”.
- 1.3.3 It is proposed to increase this charge to £18.00 in April 2018 to reflect our increased contract costs and to include a small administration fee.

Service	Current Charge	Proposed Charge 2018/19	Income Full Year 2018/19
“Missed” Refuse Collection Charge	£17.00	£18.00	£600

1.4 Stray Dog Redemption fee

- 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 set down a prescribed redemption fee of £25 and provides for local authorities to recover its other reasonable expenses, in addition to any other expenses incurred, such as kennelling costs.

- 1.4.2 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 £60. The total fee charged by the Council is therefore £85. We recommend that the contract & administration fee be increased this year to £63 with no formal waiver or discount, but we will continue to exercise discretion to allow payment by instalments. Daily kennelling costs are paid direct to the kennels by the owner when collecting their dog.

Service	Current Charge	Proposed Charge 2018/19	Income Full Year 2018/19 (assuming number of claimed /returned)
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£100
Stray Dog Redemption Fee - Kenneling required	£85 (including statutory fee, but not including daily kennelling costs).	£88 (including statutory fee, but not including daily kennelling costs).	£8,700

- 1.4.3 The proposed total charge of £88 is still within the range of those of neighbouring councils as below (2017/18 prices for illustration):

Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
£52 within office hours £80 out of office hours (including statutory fee, but not including kennelling costs)	£87 (including statutory fee, but not including kennelling costs)	£90 within office hours £125 out of office hours (including statutory fee, but not including kennelling costs)
No return direct to owner - all dogs taken to kennels	£25 return direct	No return direct to owner – all dogs taken to kennels

- 1.4.4 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 and we do not recommended changing this set fee.

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 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.
- 1.5.3 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.
- 1.5.4 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. In the interests of public health and with very small numbers of service requests, it is not considered appropriate to change this arrangement. The current contract is due to end in November 2018 and a review of the contract will take place in the Spring to consider the available option of extending for a further 12 months.

1.6 Condemned Food Certificates

- 1.6.1 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.
- 1.6.2 Recent years have seen a significant decline in the number of certificates requested. The lower income rate is reflected in estimated full year income.

Service	Current Charge	Proposed Charge 2018/19	Income Full Year 2017/18
For each Condemned Food Certificate issued	£140 for first hour plus £140 for each additional hour plus VAT	£145 for first hour plus £145 for each additional hour plus VAT	£145

1.7 Exported Food Certificates

- 1.7.1 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.

- 1.7.2 The level of demand for Exported Food Certificates has remained low and steady over the last few years with an average of 30 per year.
- 1.7.3 There is some variance across the County in fees charged for this service, we are most closely in line with Dartford and Sevenoaks who charge £65, Dover £50 and Ashford £55 while Tunbridge Wells and Maidstone charge £82.
- 1.7.4 We propose to apply a small increase to the current charge to reflect costs in responding to these certificate requests.

Service	Current Charge	Recommended Charge	Income Full Year 2017/18
For each Exported Food Certificate issued	£50 plus VAT per certificate	£55 plus VAT per certificate.	£1000

1.8 Contaminated Land

- 1.8.1 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.
- 1.8.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £55 per hour in responding to these requests for information.
- 1.8.3 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.
- 1.8.4 The fee has been derived based upon comparison with other Kent local authorities. Dartford £105, Sevenoaks charge £50 while Maidstone and Tunbridge wells currently charge £25 per hour. There is no maximum fee under the legislation.
- 1.8.5 We propose to apply a small increase to the current charge to reflect costs in responding to these requests for information.

Service	Current Charge	Proposed Charge 2018/19	Income Full Year 2018/19
Responding to requests for information relating to contaminated land	£55.00 per hour (1 hour minimum charge)	£60.00 per hour (1 hour minimum charge)	£2,000

1.9 Private Water Supplies

- 1.9.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 1.9.2 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.
- 1.9.3 We have reviewed the cost of providing this service and propose to apply a small increase to £55 per hour, plus the cost of sample analysis.
- 1.9.4 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.
- 1.9.5 As each private water supply is very different, the Officer time for each visit/ risk assessment is difficult to quantify. We have seen a decline in this service over recent years which is reflected in the estimated full year income.

Service	Current Charge	Proposed Charge 2018/19	Income Full Year 2018/19
Carrying out sampling and risk assessment of private water supplies	£50.00 per hour (1 hour minimum charge) plus VAT	£55.00 per hour (1 hour minimum charge) plus VAT	£750

1.10 Legal Implications

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

1.11 Financial and Value for Money Considerations

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

1.12 Risk Assessment

- 1.12.1 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

1.13 Equality Impact Assessment

- 1.13.1 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.

1.14 Recommendations

- 1.14.1 Cabinet is **RECOMMENDED to APPROVE** the scale of charges for household bulky refuse & fridge/freezer collections, “Missed” refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private water supplies from April 2018 as detailed in the report.

The Directors confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

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Background papers:

Nil

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