

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

30 October 2019

**Report of the Director of Street Scene, Leisure & Technical Services,
Director of Planning, Housing & 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 1st April 2020.

1.1 Introduction

- 1.1.1 In bringing forward the charging proposals for 2020/21 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 2020/21 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 this 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 concessionary charge for those receiving Council Tax Support. This new arrangement has been successful with minimal complaints. The review generated £40,000 of savings as part of the Savings & Transformation Strategy, from a combination of increased income and reduced service costs.
- 1.2.2 While Councils are not able to make a profit from the collection of a “prescribed” household waste (such as a bulky collection service), the legislation does allow Council’s to recover the associated collection costs together with reasonable administration costs.
- 1.2.3 The current fee structure of our neighbouring authorities (2019/20) is outlined below, with each authority having different arrangements in place:-

Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
5 - 8 items, £35 Fridge Freezer, £20	1 item - £18 2 items - £30 3 to 4 items - £40 5 to 10 items £52 White goods - £18 each Large American style fridge freezers - £42 each	£46.20 for two “medium” items, or one “large” item.
No Concessions	No Concessions	1 free collection per month for residents receiving Benefits.

1.2.4 It is proposed to increase the existing full and concessionary prices generally in line with inflation.

Service	Current Full Charge	Proposed Full Charge 2020/21	Current Concession Charge	Proposed Concession Charge 2020/21	Est. Income 2020/21
Household Bulky Refuse Collection (up to six items)	£54.00	£55.00	£15.00	£15.50	£89,500
Household Fridge/ Freezer Collection (up to two items)	£32.00	£33.00	£15.00	£15.50	

1.3 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 has missed the collection. 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.

1.3.3 It is proposed to increase this charge to £20.00 in April 2020.

Service	Current Charge	Proposed Charge 2020/21	Income Full Year 2019/20
Refuse Collection Charge	£19.00	£20.00	£650

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 the Council charges the owner for the other reasonable expenses, associated with the costs of providing the Dog Warden contract and admin costs. This is presently set at £65. The total fee charged by the Council is therefore £90. It is proposed that the contract & administration fee be increased to £70 with no formal waiver or discount, but the Council 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 2020/21	Income Full Year 2020/21 (assuming consistent 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	£90 (including statutory fee, but not including daily kennelling costs).	£95 (including statutory fee, but not including daily kennelling costs).	£7,000

- 1.4.3 The proposed total charge of £95 is within the range of neighbouring Councils.
- 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. No change is proposed to this charge.

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 is delivered 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 an alternative 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 the current arrangement.

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.
- 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. However this could increase dependent on EU exit decision and any impact from this.

Service	Current Charge	Proposed Charge 2020/21	Income Full Year 2020/21
For each Condemned Food Certificate issued	£150 for first hour plus £150 for each additional hour plus VAT	£155 for first hour plus £15 for each additional hour plus VAT	£155

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, Authorised Officers from 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: Dover charge £65 and Ashford £60 while Tunbridge Wells and Maidstone charge £120.
- 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	Proposed Charge 2020/21	Income Full Year 2020/21
For each Exported Food Certificate issued	£60 plus VAT per certificate	£65 plus VAT per certificate.	£1150

1.8 Food Hygiene Requests for Re-visits

- 1.8.1 Food business operators that have made improvement to hygiene standards following their inspection can request a re-visit with a view to giving them a new and higher food hygiene rating. There is currently a charge of £160 for this service. Neighbouring authorities are charging as follows: Mid Kent Environmental Health Partnership £160, Sevenoaks/Dartford Environmental Health Partnership £200, Gravesham £164 and Dover £126. The proposal is to increase this fee to £165 for 2020/21.

1.9 Contaminated Land

- 1.9.1 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.
- 1.9.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £65 per hour in responding to these requests for information.
- 1.9.3 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.

- 1.9.4 The fee has been derived based upon comparison with other Kent local authorities. For example Gravesham charge £69 per hour while Maidstone and Tunbridge Wells currently charge £25 per hour. Some Authorities such as Folkestone & Hythe charge flat rates of £150. There is no maximum fee under the legislation.
- 1.9.5 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 2020/21	Income Full Year 2020/21
Responding to requests for information relating to contaminated land	£65.00 per hour (1 hour minimum charge)	£68.00 per hour (1 hour minimum charge)	£2,000

1.10 Private Water Supplies

- 1.10.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 1.10.2 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.
- 1.10.3 We have reviewed the cost of providing this service and propose to apply a small increase to £63 per hour, plus the cost of sample analysis.
- 1.10.4 The fee has been derived based upon comparison with other Kent local authorities. Folkestone and Hythe charge £55. Dover charge a flat fee of £100 for sampling and £500 for a risk assessment, with sample analysis costs on top. These charges are no longer subject to a maximum limit by virtue of the Private Water Supplies (England) (Amendment) Regulations 2018. However there is an expectation that charges should only cover costs incurred.
- 1.10.5 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 2020/21	Income Full Year 2020/21
Carrying out sampling and risk assessment of private water supplies	£60.00 per hour (1 hour minimum charge) plus VAT	£63.00 per hour (1 hour minimum charge) plus VAT	£750

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 It is **RECOMMENDED to CABINET** that:-

- i) 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 as detailed in the report be approved;
- ii) the above charges be implemented from 1st April 2020.

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

Background papers:

Nil

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