

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

23 November 2021

Report of the Director of Street Scene, Leisure & Technical Services and Director of Planning, Housing & Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF FEES AND CHARGES

This report sets out the proposed fees and charges for the provision of services in respect of garden waste subscriptions, 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 1 April 2022.

1.1 Introduction

1.1.1 In bringing forward the charging proposals for 2022/23 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 2022/23 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.

1.1.3 It is essential in light of the Council's overall financial position that opportunities are taken to maximise income, as it is becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings Strategy. Attention has been given to the fees and charges applied by neighbouring Council's, and averages across the County, and these comparisons are included in relevant sections of the report for Member consideration.

1.2 Garden Waste Subscriptions

1.2.1 The current charge for an annual garden waste subscription is £42 with a second or third bin discounted to £27. 27,400 residents have now signed up for the service representing a take up of 50%. This level of take up represents the highest level in the County.

1.2.2 Unfortunately, the service has had to be suspended from 26 July 2021 due to a national shortage of HGV drivers and has yet to be resumed. Subscribers are not being charged during any period of suspension, rather the renewal date is adjusted accordingly.

1.2.3 Charges for garden waste subscription across local authorities in Kent are as follows:

Ashford BC - £40.00, Canterbury CC - £45, Dartford BC - £44.00, Dover DC - n/a as provide a sack service, Folkestone and Hythe DC - £48.40, Gravesham BC - £48.50, Maidstone BC - £45, Sevenoaks DC - £47, Swale BC - £40, Thanet DC - £53, Tonbridge and Malling BC - £42, Tunbridge Wells BC - £52.

It can be seen that charges range from £40 to £53 with an average County charge of £49.50.

1.2.4 Income to the Council from the garden waste subscription scheme is significant [second only to income from parking] and uptake across the borough since its introduction has been extremely good. Within the Council's Medium Term Financial Strategy an increase of £2 has been included annually which would take the annual charge to £44, with a second or third bin discounted to £29.

1.3 Household Bulky Refuse & Fridge/Freezer Collection Service

- 1.3.1 In April 2016, a two-tier fee was introduced with a price for up to six items of bulky refuse and a lower price for up to two fridge/freezer only collections. The new fee structure also included a concessionary charge for those receiving Council Tax Support.
- 1.3.2 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.
- 1.3.3 The current fee structure of our neighbouring authorities is outlined below, with each authority having different arrangements in place. Only Tunbridge Wells BC offer any form of concession:-

Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
1-4 Items £26 5 - 8 items, £36 Fridge Freezer, £21	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	£45.60 for 4 household items with a maximum of 1 fridge or freezer.
No Concessions	No Concessions	1 free collection per quarter for residents receiving Benefits.

- 1.3.4 It is proposed to increase this authorities existing full and concessionary prices as set out below. Demand for this service has increased over the last year and is expected to continue to be high in 2022/23 which is reflected in the estimated income.

Service	Current Full Charge	Proposed Full Charge 2022/23	Current Concession Charge	Proposed Concession Charge 2022/23	Est. Income 2022/23
Household Bulky Refuse Collection (up to six items)	£56.00	£58.00	£16.00	£17.00	£135,000

Household Fridge/ Freezer Collection (up to two items)	£34.00	£35.50	£16.00	£17.00
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1.4 Refuse collection charge

- 1.4.1 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 occasionally asked by the customer if they can pay for a “one off” return collection.
- 1.4.2 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 the number of requests is low, it does allow our Waste Services staff to offer an alternative solution.
- 1.4.3 It is proposed to maintain this charge at £20.00 for 2022/23.

Service	Current Charge	Proposed Charge 2022/23	Income Full Year 2022/23
Refuse Collection Charge	£20.00	£20.00	£200

1.5 Stray Dog Redemption fee

- 1.5.1 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.
- 1.5.2 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 £73. The total fee charged by the Council is therefore £98. It is proposed that the contract & administration fee

be increased to £75 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.

- 1.5.3 Stray dogs have been declining in recent years and this is reflected in the estimated income for 2022/23.

Service	Current Charge	Proposed Charge 2022/23	Income Full Year 2022/23 (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 - Kennelling required	£98 (including statutory fee, but not including daily kennelling costs).	£100 (including statutory fee, but not including daily kennelling costs).	£4,050

- 1.5.4 The proposed total charge of £100 is comparable to charges applied by neighbouring Councils. 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.

1.6 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 is delivered as a joint contract with Tunbridge Wells Borough Council. The service provides a free treatment of rats, mice, cockroaches and bedbugs to those on Council Tax support only.
- 1.6.3 The contract was recently retendered and awarded to Monitor Environmental services starting in November 2020.
- 1.6.4 In all other pest related 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.

1.6.5 Numbers of service requests from those on Council Tax support are very small, with an estimated overall cost to the Council of £3,500 per annum. This is offset by a referral fee of £2,500 paid by Monitor. In the interests of public health and with very small numbers of service requests, it is not considered appropriate to change the current arrangement.

1.7 Condemned Food Certificates

1.7.1 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.

1.7.2 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 2022/23	Income Full Year 2022/23
For each Condemned Food Certificate Issued	£165 for first hour plus £165 for each additional hour plus VAT	£170 for first hour plus £170 for each additional hour plus VAT	£170

1.8 Exported Food Certificates

1.8.1 This is a service provided by the Council for food exporters who export food not of animal origin. 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.

1.8.2 The level of demand for Exported Food Certificates has remained low and steady over the last few years with an average of 19 per year.

1.8.3 There is some variance across the County in fees charged for this service: Dover charge £65 and Dartford £80 while Tunbridge Wells and Maidstone charge £120.

1.8.4 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 2022/23	Income Full Year 2022/23
For each Exported Food Certificate issued	£68 plus VAT per certificate	£70 plus VAT per certificate.	£1,400

1.9 Food Hygiene Requests for Re-visits

1.9.1 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 £170 for this service. Neighbouring authorities are charging as follows: Mid Kent Environmental Health Partnership £164, Sevenoaks & Dartford £200 Gravesham £172 and Dover £170. The proposal is to increase this fee to £175 for 2022/23. This would give an estimate of £350 for 2022/23.

1.10 Contaminated Land

- 1.10.1 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.
- 1.10.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £70 per hour in responding to these requests for information.
- 1.10.3 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.
- 1.10.4 The fee has been derived based upon comparison with other Kent local authorities. For example while Ashford charge £25 per hour, Gravesham charge £95. Some Authorities such as Folkestone & Hythe, and Medway charge flat rates of £153 and £150 respectively. There is no maximum fee under the legislation.
- 1.10.5 We propose to apply a small increase to the current charge to reflect costs in responding to these requests for information. Recent years have seen a decline in requests for information which is reflected in the estimate for next year.

Service	Current Charge	Proposed Charge 2022/23	Income Full Year 2022/23
Responding to requests for information relating to contaminated land	£70.00 per hour (1 hour minimum charge)	£72.00 per hour (1 hour minimum charge)	£1,000

1.11 Private Water Supplies

1.11.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.

1.11.2 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.

1.11.3 We have reviewed the cost of providing this service and propose to apply a small increase to £65 per hour, plus the cost of sample analysis.

1.11.4 The fee has been derived based upon comparison with other Kent local authorities. Medway charge £51 per hour. 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.

1.11.5 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 2022/23	Income Full Year 2022/23
Carrying out sampling and risk assessment of private water supplies	£65.00 per hour (1 hour minimum charge) plus VAT	£67.00 per hour (1 hour minimum charge) plus VAT	£750

1.12 Legal Implications

1.12.1 Section 93 of the 2003 Local Government Act allows authorities to charge for services that they have a power [but not a duty] to provide.

1.13 Financial and Value for Money Considerations

1.13.1 The fees and charges proposed have been considered in accordance with a set of guiding principles and the opportunity to maximise income has been taken where possible.

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

1. The proposed scale of charges for garden waste subscriptions, 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; and
2. The proposed scale of charges be implemented from 1st April 2022.

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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