

TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

06 November 2023

Report of the Directors of Street Scene, Leisure & Technical Services, Planning, Housing & Environmental Health and Finance and Transformation

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, Tonbridge Allotments, Tonbridge Cemetery, events, billboards and banners, pest control, food certificates, contaminated land monitoring and private water supplies from 1 April 2024.

1.1 Introduction

1.1.1 In bringing forward the charging proposals for 2024/25 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 2024/25 have also taken into account a set of guiding principles for the setting of fees and charges reproduced below for the benefit of this Committee:

- 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;
- Fees and charges should have due regard to the Council's Medium Term Financial Strategy;
- If there is to be a subsidy from the Council tax payer to the service user this should be a conscious choice;
- 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;

- Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body);
- Fees and charges should not be used to provide a subsidy from the Council tax payer to commercial operators;
- There should be consistency between charges for similar services;
- 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 and Transformation 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 £49.50 with a second or third bin discounted to £32.50. 28,400 residents have now signed up for the service representing a take up of 55%. This level of take up is one of the highest in Kent and is very encouraging.

1.2.2 Current charges for garden waste subscription across local authorities in Kent are as follows:

Ashford BC - £45.00
 Canterbury CC - £47.25
 Dartford BC - £46.25
 Dover DC - n/a as provide a sack service
 Folkestone and Hythe DC - £53.00
 Gravesham BC - £54.00
 Maidstone BC - £45.00
 Sevenoaks DC - £50.00
 Swale BC - £55.00
 Thanet DC - £65.00
 Tonbridge & Malling BC - £49.50
 Tunbridge Wells BC - £56.00

It can be seen that charges range from £45 to £65 with an average County charge of £51.45.

- 1.2.3 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. This has been assisted by a number of marketing campaigns which will be continued in the future.
- 1.2.4 Within the Council's Medium Term Financial Strategy an increase of £2 has been included annually which would take the annual charge to £51.50 with a second or third bin discounted to £34.50. It should be noted however that the recent price indexation for the contract was 16%, increasing the cost to the Council of collecting the bins. It is, therefore, suggested that a price increase to £53 and £36 for a second or third bin would be appropriate. This places the charge marginally above the current county average, but it should be noted that the other authorities are likely to be increasing their charges for the next financial year. Based on current levels of uptake it is estimated that the proposed charges will generate additional income of £120,000 above the revised estimate of £1,270,000 for 2023/24.

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 At the Cabinet meeting on the 7 September 2022 Bulky Collections charges were reviewed with the following recommendations being approved: 'the concessionary fee for those in receipt of Council Tax Reduction be reduced to £12 and the level of concessionary collections be reduced to two per year and implemented within 2022/23; and the subsidy fee levied should be increased in line with the projected contract indexation, as per inflation, levels from 1 April 2023.
- 1.3.3 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.
- 1.3.4 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: -

Gravesham B.C.	Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
1-4 items - £30 5-8 items - £60	1-4 Items - £29 5 - 8 items - £39 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	1-4 items - £53 (max.1 fridge or freezer) 5-8 items - £106
No concessions	No Concessions	No Concessions	1 free collection per quarter for residents receiving certain benefits.

1.3.5 It is proposed to increase this authorities existing full and concessionary prices as set out below. Demand for this service has been steady over the last few years which is expected to continue in 2024/25 which is reflected in the estimated income.

1.3.6 Based on current levels of uptake it is estimated that the proposed charges will generate additional income of £10,300 above the 2023/24 revised estimate of £147,000

Service	Current Full Charge	Proposed Full Charge 2024/25	Current Concession Charge	Proposed Concession Charge 2024/25	Est. Annual Income 2024/25
Household Bulky Refuse Collection (up to six items)	£65.00	£69.50	£13.50	£14.50	£136,000
Household Fridge/ Freezer Collection (up to two items)	£40.00	£42.50	£13.50	£14.50	£21,300

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 increase this charge to £25.00 for 2024/25 as outline below.

Service	Current Charge	Proposed Charge 2024/25	Est. Annual Income 2024/25
Refuse Collection Charge	£22.00	£25.00	£250

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 £82.50. The total fee charged by the Council is therefore £107.50.

1.5.3 It is proposed that the contract & administration fee be increased to £87.50 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.

1.5.4 The number of stray dogs being claimed by their owners has been declining in recent years and this is reflected in the estimated income for 2024/25.

Service	Current Charge	Proposed Charge 2024/25	Est. Annual Income 2024/25
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£100
Stray Dog Redemption Fee - Kennelling required	£107.50 (including statutory fee, but not including daily kennelling costs).	£112.50 (including statutory fee, but not including daily kennelling costs).	£4,950

1.5.5 The proposed total charge of £112.50 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 as it is a statutory fee set in legislation.

1.5.6 Members may wish to note that next spring the dog warden contract will be retendered and a more detailed review of the above charges may be required.

1.6 Tonbridge Allotment Charges

1.6.1 Allotments in Tonbridge are managed on the Council's behalf by the Tonbridge Allotments and Gardens Association. The Council was previously advised that the Association had considered a future charging structure that was approved at their own annual general meeting in October 2021. The proposed future charging structure raises annual rents per rod by one pound through to 2024/25.

1.6.2 The proposed charging structure was considered and approved by Members of the former Communities and Housing Advisory Board on the 16 February 2021. A typical full allotment plot is measured at 10 rods, with half plots (5 rods) also available. The table below shows the agreed charging structure through to 2024/25.

Approved Annual Charges (10 rod plot)	
2021/22	£60
2022/23	£70
2023/24	£80
2024/25	£90

- 1.6.3 Whilst no direct income is received by the Council, it is expected that there will be no increase in management fee paid by the Council to the Association, rather that the Association will offset their increased costs (including utilities) through the proposed increases highlighted above.

1.7 Tonbridge Cemetery Charges

- 1.7.1 On the 9 November 2021 Members of the former Communities and Housing Advisory Board undertook a strategic and comprehensive review of charges at the Cemetery. The review specifically took into consideration the significant subsidy applied in relation to site management and maintenance costs. The Board, and subsequently Cabinet, approved charges for 2021/22 to reflect and address the above.
- 1.7.2 In addition to the above, a 10% increase in charges was applied in April 2023 to reflect inflationary and contract increases at that time. It is proposed that an increase of 5.25% is applied to charges from the 1 April 2024 again to take into account inflation and relevant contract indexation. Proposed charges are shown at **Annex 1**.
- 1.7.3 Members will note that there are no fees for burials of under 18's. This policy decision was recommended to and approved by Cabinet through a Supplementary Report considered on the 14 February 2019. Cabinet resolved that: "the existing charges for child burials at Tonbridge Cemetery be amended, with future burials for all under 18-year-olds being free of charge with immediate effect". Members may wish to note that on average only one to two burials for under 18s have been undertaken in recent years, and the Council is able to seek reimbursement of an element of the costs for these burials.
- 1.7.4 Based on current levels of uptake it is estimated that the proposed charges will generate additional income of £6,400 above revised estimate for 2023/24 of £122,150. It should be noted that the estimate for 2024/25 remains lower than the initial MTFs by £12,900. This is due to a reduction in the uptake of services particularly burials.

1.8 Events on Public Open Spaces/Hire of Billboards and Banners

- 1.8.1 In line with the Policy for events undertaken on Council owned land charges were implemented on the 1 April 2022. An inflationary increase of 5.25% is proposed. The proposed increases are shown at **Annex 2**. Some figures have been rounded up.
- 1.8.2 The proposed charges for the hire of billboards and banners are shown at **Annex 2**. The charges include the cost of installation and removal of the materials.

1.9 Condemned Food Certificates

- 1.9.1 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.
- 1.9.2 Recent years have seen no requests for these certificates. The lower income rate is reflected in estimated full year income.

Service	Current Charge	Proposed Charge 2024/25	Income Full Year 2024/25
For each Condemned Food Certificate Issued	£205 for first hour plus £205 for each additional hour plus VAT	£220 for first hour plus £220 for each additional hour plus VAT	£220

1.10 Exported Food Certificates

- 1.10.1 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.
- 1.10.2 The level of demand for Exported Food Certificates has slowly declined over the last few years to about 19 per year.
- 1.10.3 There is some variance across the County in fees charged for this service in 2022/23:
- Dartford BC – Price on Application
Maidstone BC - £135
Sevenoaks DC - £82.00
Swale BC - £135
Tunbridge Wells BC - £135.00
- 1.10.4 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 2024/25	Income Full Year 2024/25
For each Exported Food Certificate issued	£85 plus VAT per certificate	£89.25 plus VAT per certificate.	£1,700

1.11 Food Hygiene Requests for Re-visits

1.11.1 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 £215 for this service, which is based on cost recovery. Neighbouring authorities are currently charging as follows:

- Ashford £105
- Mid Kent Environmental Health Partnership £183,
- Sevenoaks £205
- Dartford £200
- Gravesham £196 and
- Dover £170.

1.11.2 The proposal is not to increase the fee for 2024/25.

1.12 Food Safety Training

1.12.1 The Food and Safety team have not been required to run inhouse food training courses since 2019/20 as the commercial market now meets the needs for providing the training. We have no plans in place to run future in-house courses. This will lead to a loss of income of £3,000 per annum.

1.13 Contaminated Land

1.13.1 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.

1.13.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £90 per hour in responding to these requests for information.

- 1.13.3 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.
- 1.13.4 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.
- 1.13.5 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 2024/25	Income Full Year 2024/25
Responding to requests for information relating to contaminated land	£90.00 per hour (1 hour minimum charge)	£100.00 per hour (1 hour minimum charge)	£1,650

1.14 Private Water Supplies

- 1.14.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 1.14.2 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.
- 1.14.3 We have reviewed the cost of providing this service and propose to apply a small increase to £90 per hour, plus the cost of sample analysis.
- 1.14.4 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.
- 1.14.5 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 2024/25	Income Full Year 2024/25
Carrying out sampling and risk assessment of private water supplies	£85.00 per hour (1 hour minimum charge) plus VAT	£90.00 per hour (1 hour minimum charge) plus VAT	£950

1.15 Financial and Value for Money Considerations

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

1.16 Legal Implications

1.16.1 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.

1.17 Financial and Value for Money Considerations

1.17.1 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.

1.18 Risk Assessment

1.18.1 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.

1.19 Equality Impact Assessment

1.19.1 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.

1.20 Recommendations

1.20.1 It is suggested that the Committee **RECOMMENDED** the following to Cabinet:-

- 1) The proposed scale of charges for garden waste subscriptions, household bulky refuse & fridge/freezer collections, "missed" refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, events, billboards and banners 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 2024.

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

Robert Styles
Director of Street Scene, Leisure & Technical Services

Eleanor Hoyle
Director of Planning, Housing & Environmental Health

Sharon Shelton
Director of Finance & Transformation