

Portfolio Holder for Environment and Public Spaces

17.01.2023

REPORT OF THE Assistant Director Building and Public Realm

A.1 Operations and Delivery/ (Waste and dogs) - Proposed Fees and Charges for 2023/24

(Report prepared by Jonathan Hamlet)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Portfolio Holder's concurrence to the proposed schedule of fees and charges 2023/24 for Operations and Delivery/ Refuse collection and Dog Warden service fees

EXECUTIVE SUMMARY

- This report sets out the proposed fees and charges for 2023/24 for Operations and Delivery; relating to refuse collection and charges associated with the Dog Warden service. They continue to be considered against a number of key principles that form part of the long term financial forecast approach which are summarised later on in this report.
- Any amendments to income budgets that are required to reflect changes to fees and charges will be included in the detailed budget proposals for 2023/24 that will be considered by Cabinet / Full Council next year.
- In respect of Full Council next year, the individual decisions agreeing fees and charges will be collated and presented as part of the overall budget setting process for 2023/24.

RECOMMENDATION(S)

That the Schedule of Fees and Charges 2023/24 for Operations and Delivery / refuse collection and dog warden service set out in Appendix A be agreed.

REASON(S) FOR THE RECOMMENDATION(S)

To enable the implementation of a revised fees and charges schedule for 2023/24.

ALTERNATIVE OPTIONS CONSIDERED

Please see the considerations / reasons behind the proposed fees and charges later on in this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The forecasting and budget setting process, including fees and charges, will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the 10 year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income, including income raised from fees and charges, whilst limiting reductions in services provided to residents, businesses and visitors.

OUTCOME OF CONSULTATION AND ENGAGEMENT			
None			
LEGAL REQUIREMENTS (including legislation & constitutional powers)			
Is the recommendation a Key Decision (see the criteria stated here)	No	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	N/A
<p>The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.</p> <p>The power to charge are set out in the Local Authorities (Goods and Services) Act 1970 and the Local Government Act 2003 – Section 93 respectively. The latter also requires that charges for discretionary services should be on a cost recovery basis.</p> <p>Under Para 4.4.1 (8) Part 3.4 of the Council's Constitution, all Assistant Directors, in consultation with the relevant Portfolio Holder, Management Team Member and the Assistant Director (Finance & IT), are authorised to decide the level of the annual discretionary fees and charges for their service (including any in-year changes that may be required) for inclusion within the Council's corporate schedule of fees and charges. Following the above consultation, an Officer decision must be published.</p> <p>The stray dog service and the collection of household refuse are both statutory services, placed upon the authority under the legal duty of Environment Protection Act 1990.</p> <p>The sale of refuse sacks and food caddy bags remains a discretionary additional service with customers able to exercise their freedom to purchase similar products from alternative retail outlets.</p>			
<input type="checkbox"/>	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
SACKS AND BAGS:			
<p>Councils have a duty to collect household waste free of charge, however can charge for the supply of sacks and bags, which the resident/customer will choose to purchase.</p> <p>It is important that these fees and charges are on a recovery only basis if relying on Section 93</p>			

of the Local Government Act 2003, trading for a profit is prohibited unless the Council does so through a separate company.

The Section 93 power works on the basis that, if it wishes, a local authority can charge for a discretionary service but individuals cannot be required to pay for a service they do not wish to receive or use. Anyone who requires the service agrees to take it up on those terms. To ensure fees can be recovered evidence of such an agreement is required. The documentation publishing the fees and charges for the sacks and caddy bags should be clear and robust.

STRAY DOG SERVICE:

Section 149(5) of the Environmental Protection Act 1990, a person claiming to be the owner of a dog seized under this section shall not be entitled to have the dog returned to him unless he pays all the expenses incurred by reason of its detention and such further amount as is for the time being prescribed.

Under the Environmental Protection (Stray Dogs) Regulations 1992/288, Regulation 2, (for the purposes of [section 149\(5\)](#) of the 1990 Act) the prescribed amount to be paid by owner of seized dog is £25 (twenty-five pounds) as the further amount (additional to all expenses) to be paid by a person claiming to be the owner of a seized dog before he is entitled to have the dog returned to him.

Therefore, the Council cannot rely on the charging powers in Section 93 of the 2003 Act to recover costs for the stray dog service, as the powers to charge recovery of expenses and an additional prescribed amount of £25, is set down in the Environmental Protection Act 1990 and associated regulations, as set out above.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance and other resources

Fees and Charges have been reviewed against the key principles that underpin the long term forecast, which includes the generation of income whilst balancing strategic and external market conditions.

Given the significant Financial challenges faced by the Council in 2022/23 and 2023/24, a key underlying principle is to consider inflationary increases wherever possible to support corresponding increases in the Council's own costs in delivering the associated service(s). The current rate of inflation (RPI) is 14%, with predictions of further increases going into 2023. With such a high rate of inflation it may not necessarily be practical / possible to 'translate' such an increase into the actual fee increase proposed. Therefore, set against this inflationary context, any proposed increases in fees and charges must be balanced against other considerations / market conditions, whilst also recognising the restrictions placed on local authorities in terms of setting fees and charges on a cost recovery basis. Further details relating to any proposed increases to fees and charges is set out below.

Any changes to income budgets resulting from any changes in the level of fees and charges agreed, will form part of the detailed budget setting process for 2023/24.

Refuse sack and food caddy bag charges are increased in line with contract costs.
Dog kennelling fees are increased in line with comparable commercial market contract costs.
And return dog to owners home fee is increased in line with associated transport and Officer costs.

Sale of Refuse sacks and Food Caddy bags

Item	2022/23	2023/24
Cost of service	£2458.81	£3000 forecast
Total fee Income	£4,500	£5000 forecast
Difference	£2041.19	£2000

Dog Warden fees and charges

Item	2022/23	2023/24
Cost of boarding kennels	£976.95	£975 forecast
Total fee Income	£409.05	£500 forecast
Difference	£567.90	£475

For the sale of refuse sacks, food caddy bags any associated overheads or Officer time has not been included in the costs. This can include deliveries to collection points, finance and admin duties, stock monitoring and stock ordering.

The fees and charges associated with dog warden service reflect increases in transport costs and Officer time.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services.	Please see relevant comments elsewhere in this report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

Fees and Charges for 2023/24 form part of the wider budget setting process, which culminates in the detailed estimates being presented to Full Council in February 2023. Fees and Charges must therefore be approved in advance of this date.

ASSOCIATED RISKS AND MITIGATION

Increase in fees and charges for refuse and food waste sacks remain commercially competitive and customers continue to have the option to purchase these sacks and bags from other

commercial outlets. Food waste bags have not increased charges since the service commenced selling the bags.

Daily kennelling fees remain the responsibility of the stray dog owner to pay the fees. The increase in fees for the return of dog to owners home, remains an optional extra for the dog owner, as they can opt to collect their dog themselves at their own expense.

EQUALITY IMPLICATIONS

Fees and charges associated with the sale of refuse sacks and food waste bags remain commercially competitive and customers continue to have the option to purchase bags from other commercial outlets

SOCIAL VALUE CONSIDERATIONS

The sale of refuse bags and food caddy bags helps support local libraries and Parish Councils with increased footfall into these establishments plus the generation of a revenue through the sale of food caddy bags for these establishments.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

Food caddy bags help promote and increase the participation rates for recycling food waste, which in turn reduces the amount of food waste sent to landfill and subsequent production and release of methane gases into the environment.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Not relevant.
Health Inequalities	
Area or Ward affected	

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Income from fees and charges form an important element of the budget and the financial sustainability of the Council as set out in the long term forecast.

Similarly to previous years, Departments have been asked to review their fees and charges on an individual basis as changes may need to be made to meet specific aims or strategic objectives or in some cases in response to external factors such as market forces.

The review of fees and charges has been set against the following key principles:

- general inflationary increases where possible or lower where appropriate / justified
- amounts rounded for ease of application, which may result in a slightly above inflation increase.
- on a cost recovery basis as necessary
- reflect statutory requirements.
- increases where market conditions allow
- to meet specific priorities or service delivery aims / objectives

As highlighted earlier in this report, the Council faces a number of significant financial

challenges in 2023/24 and beyond. It is therefore important that fees and charges are considered against this context and to maximise income opportunities where possible, albeit whilst balancing the various issues highlighted above.

Income budgets included in the detailed estimates will reflect any required changes from the proposed fees and charges set out in this report.

Operations and Delivery / refuse collection and dog warden service - PROPOSED FEES AND CHARGES 2023/24

Set against the current fees and charges for 2022/23, **Appendix A** includes the schedule of fees and charges proposed for 2023/24, which have been developed by applying the key principles highlighted above.

Refuse sack and food caddy bag charges are increased in line with contract costs.

Dog kennelling fees are increased in line with comparable commercial market contract costs. In addition, return dog to owner's home fee is increased in line with associated transport and Officer costs.

PREVIOUS RELEVANT DECISIONS

Concurrence letter: Refuse collection and dog warden fees and charges notice letter template V2

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Attached – Detailed fees and charges 2023/24 for Operations and Delivery / refuse collection and dog warden service

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