

Portfolio Holder for Environment

23rd May 2024

REPORT OF THE ASSISTANT DIRECTOR FOR HOUSING & ENVIRONMENT

A.1 Waste & Recycling service - Proposed Fees and Charges for 2024/25

(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 for the Waste & Recycling service in 2024/25.

EXECUTIVE SUMMARY

This report sets out the proposed fees and charges for 2024/25 for the Waste & Recycling service. Fees and charges for the service continue to be considered against a number of key principles that form part of the long-term financial forecast approach which are summarised later in this report.

Any amendments to income budgets to reflect changes to fees and charges in 2024/25 are planned to be included within the Q3 Financial Performance Report that will be presented to Cabinet on 19 April 2024.

RECOMMENDATION(S)

That the 2024/25 Fees and Charges Schedule for the Waste & Recycling 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 2024/25.

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

Consultation undertaken with Cllr Mike Bush, Portfolio Holder for Environment, prior to the preparation of this report. Cllr Bush has approved the level of fees proposed.

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)	

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.

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.

Fees for abandoned vehicle removal and some elements of the Dog Warden service are set by statute. Kennelling charges and admin/transport charges are calculated based on officer time.

Relevant statutes are:

Section 149(5) of the Environment Protection Act 1990 provides 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. The Environmental Protection (Stray Dogs) Regulations 1992, paragraph 2 for the purposes of [section 149\(5\)](#) of the Act, £25 is prescribed 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.

The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 (as amended):

Paragraph 4 - The prescribed sums in respect of removal, for the purposes of [sections 101A\(3\), 101A\(4\)](#) and [102\(2\)\(a\)](#) of the Road Traffic Regulation Act 1984 and [sections 4\(5\), 4\(6\)](#) and [5\(1\)\(a\)](#) of the 1978 Act. The table within the original Regulations was substituted by Removal, Storage and Disposal of Motor Vehicles (Amendment) Regulations 2023/331

Paragraph 6 (1) — The prescribed sum for determining the charges recoverable for the disposal of vehicles for the purpose of section 4(6) of the 1978 Act in respect of vehicles set out in row 1 of Table 3 shall be the sum specified in relation to those vehicles in row 2 of that Table.

For the purposes of section 4 of the Dogs (Fouling of Land) Act 1996, the amount of the fixed penalty specified in section 88(6) of the Environmental Protection Act 1990 was increased from £10 to £25 by article 3 of the Dog Fouling (Fixed Penalties) Order 1996

Section 68 of The Anti Social Behaviour Crime and Policing Act 2014 makes provision for the setting of fees of not more than £100 in respect of offences under a public spaces protection order.

S34 of the Environmental Protection Act 1990 makes provision for the issuing of a fixed penalty for an offence under the waste carrier duty of care provisions:

The fixed penalty payable to an enforcement authority under this section is—

(a) the amount specified by the authority in respect of the offence; or

(b) if no amount is specified by the authority, £200.

(8) The amount specified by an authority in respect of the offence under subsection (7)(a) must not be less than £150 or more than £600.

S88 of the Environmental Protection Act 1990 makes provision of the issuing of a fixed penalty in respect of littering:

The amount of a fixed penalty payable in pursuance of a notice under this section—

(a) is the amount specified by a principal litter authority in relation to its area (whether the penalty is payable to that or another authority), or

(b) if no amount is so specified, is—

(i) in England, £100, or

(ii) in Wales, £75.

S33 of the Environmental Protection Act 1990 makes provision of the issuing of a fixed penalty in respect of fly tipping:

A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) The fixed penalty payable in pursuance of a notice under this section—

(a) is an amount not less than £150 and not more than £1000, as specified by the English waste collection authority whose authorised officer gave the notice, or

(b) if no amount is specified by that authority, is £200.

Under Para 4.4.1 (8) Part 3.45 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.

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

The monitoring officer does not have any comments to add over and above the advice previously provided to the service during the preparation of this report.

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 on-going financial challenges faced by the Council from 2024/25, 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 remains relatively high, and 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 as set out within the legal section above. Further details relating to any proposed increases to fees and charges is set out below.

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

Although there are no further comments over and above those set out elsewhere in the report, it is important to highlight that the demand / volumes used to calculate the estimated total income figures included within this report and/or budgets are based on those held by the Service.

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 2024/25 form part of the wider budget setting process.

ASSOCIATED RISKS AND MITIGATION

There is a risk that an increase in garden waste fees and charges could act as a barrier preventing residents from using the service, reducing demand where service specific objectives would aim to maximise recycling rates in Tendring.

However, in 2023/24 garden waste sign-up and subscription fees were increased by £10.00 (to £35.00) and £5.00 (to £55.00) respectively. This was the first increase in the fee since the service was introduced in 2014.

The garden waste service has since attracted over 2,000 new customers indicating that the cost increase has generally been accepted with no significant detrimental impact to the customer base.

EQUALITY IMPLICATIONS

The Garden waste service is a subscription service and households continue to have the option to home compost or dispose of their garden waste at the Recycling Centres for Household Waste

SOCIAL VALUE CONSIDERATIONS

The subscription garden waste service employs drivers and loaders from the local community

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

The service does not have a direct influence on the Councils aim to be net zero by 2030 although contractors vehicle fleet is a significant contributor to Scope 3 emissions.

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 continues to face a number of significant financial challenges in 2024/25 and beyond. It is therefore important that fees and charges are considered against this context and to maximise income opportunities where possible whilst balancing the various issues highlighted above.

WASTE AND RECYCLING PROPOSED FEES AND CHARGES 2024/25

Set against the current fees and charges for 2023/24, **Appendix A** includes the schedule of fees and charges proposed for 2024/25, which have been developed by applying the key principles highlighted above.

Garden Waste Collection Service

Fees for this service are set using Section 93 of the Local Government Act 2003, and as such should be set on a cost recovery basis. There is no change this year and the fee remains the same as last year to support charging on a cost recovery basis only.

Contract costs incurred by the Council are subject to an annual inflationary uplift linked to RPI. It is estimated that the fee increases introduced in 2023/24 continue to provide sufficient income levels to fund the cost of contract inflation in 2024/25.

Other variable costs (i.e. those correlated with the level of service output) such as the cost of purchasing wheeled bins have not materially increased, thus supporting the recommendation to continue with the current fees into 2024/25.

Fixed costs for the service (i.e. those not correlated with the level of service output) have increased following the introduction of a dedicated Garden Waste Officer. The costs associated with this additional staff resource will be funded by service income, reinvesting fees and charges income raised to further improve service provision.

Current fees and charges appropriately balance the need to recover the cost of service provision, and also contribute towards the achievement of service objectives to maximise recycling rates in Tendring.

Financial modelling undertaken suggests that an increase in fees would generate surpluses in 2024/25, thus it is recommended that current fees and charges continue unchanged into 2024/25.

It should be noted that direct expenditure estimates for 2024/25 do not include the annual uplift on the collection contract and an in-year review may need to be considered once that figure is known.

Fixed Penalty Charges

The level of penalty is locally determined but subject to a statutory maximum. There is no proposal to increase these fees for 2024/25.

Refuse Collection

Fees for replacement recycling containers were set for the first time in 2023/24 and it is not proposed to alter those fees for 2024/25.

Dog Warden

Mixture of statutorily set and locally set fees.

Statutory fees associated with stray dogs will be charged in accordance with the prescribed sums.

Kennelling fees for stray dogs have been reviewed for 2024/25 and are increased from £20 per day to £25 per day to reflect the officer time and travel/fuel costs associated with transporting the animals to the contracted kennels which are now based in Brentwood, Essex. The increase in fee will not result in a surplus being generated as demonstrated in the table below.

	2024/25	2023/24
Direct expenditure	14,960	75,450
Direct income	(5,260)	(5,260)
Indirect income / expenditure	86,320	63,620
Net total	96,020	133,810

It is not proposed to increase the fees and charges for other aspects of the service for 2024/25.

Any budget adjustments arising from the above will be included in the Q3 Finance Performance report that is planned to be presented to Cabinet in April 2024.

PREVIOUS RELEVANT DECISIONS

Proposal to introduce charges associated with the sale of recycling containers, lids, small and large food caddies published on 9th March 2023.

Proposal to increase the charges associated with the subscription garden waste service published on 9th March 2023.

Proposal to increase the charges associated with the sale of refuse sacks, food caddy bags and dog warden fees published on 9th March 2023.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

APPENDICES

Attached – Detailed fees and charges 2024/25 for Waste & Recycling service

REPORT CONTACT OFFICER(S)

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