

LEISURE, ENVIRONMENT AND COMMUNITY COMMITTEE
25 NOVEMBER 2020

PART I – NOT DELEGATED

10. ENVIRONMENTAL PROTECTION FEES AND CHARGES
(DCES)

Appendix A to this report is NOT FOR PUBLICATION because it deals with information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3 of Schedule 12A)

1. Summary

- 1.1 To recommend to Members the Environmental Protection fees and charges for 2021/22.

2. Details

As part of the Council's strategic, service and financial planning process for 2021/22, the Policy & Resources Committee approved (Minute No PR 47/20 refers) the assumption for services to factor into their forecasts a 3% increase in all fees and charges that are not set by statute. However, Heads of Service would need to take account of demand, affordability and vulnerability.

The Committee is asked to agree or note the following changes to fees and charges:

2.1 Trade Refuse & Recycling

- 2.1.1 The current fees and charges for trade refuse and recycling collections are shown in Appendix A, which is on the agenda under Part II and are included for comparison purposes with the proposed increases, which are of a commercially confidential nature.

- 2.1.2 Officers are recommending increasing the six-monthly trade waste and recycling collection prices by 3%, shown in Appendix A.

- 2.1.3 This results in an annual increase to the budgets for trade waste of (£17,500). Medium Term Financial Plan (MTFP), for trade recycling (£2,720) and schools/flats (£2,250).

2.2 Contamination from Flats

- 2.2.1 Officers propose the inflationary 3% increase, shown in Appendix B (section 1). Any extra income is included in the schools/flats shown in 2.1.4.

2.3 Clinical Waste

- 2.3.1 The inflationary 3% increase is proposed. Charges are laid out in Appendix A in Part II.

- 2.3.2 Officers have recently been asked, by dentists, if the Council can provide a monthly collection service, as they don't have as much waste. Officers have therefore included a new fee for this and an operational process would be put in place to ensure that dentists are not storing up lots of waste and only paying monthly. Although this may possibly slightly reduce the income received from dentists it means we are more likely

to keep their custom, rather than them going to other providers that can arrange monthly.

2.3.3 This results in an annual increase to the budgets of (£3,370) over the MTFP.

2.4 ***Special Collections***

2.4.1 Requests for bulky waste removals remain high but at a manageable level one or two days per week. Officers propose the 3% increase, other than for pianos which will remain as is. Appendix B (section 2) lays out the charges.

2.4.2 This results in an annual increase to the budgets of (£1,040) over the MTFP.

2.5 ***Garden waste collection***

2.5.1 As of 2 November 2020 there are 22,856 customers signed up to the garden waste service (21,760 Direct Debit and 1,096 Non Direct Debit). 1,003 customers have a second bin and 97 customers have a total of three bins.

2.5.2 As of 2 November 2020 income stands at £989,982, which is £7,382 over the budget set. Sign-ups are on-going.

2.5.3 Officers are proposing that from April 2021 the charge is set at £45 or £37 for those on income based Council administered benefits, which And that the half yearly charge, for anyone signing up between 1 October and 30 March, is charged £22.50, or £18.50 if on income based Council administered benefits. The price for second and third bins is to remain at £80 per bin. Prices will be set the same, regardless of how payment is taken, as the Council moves towards cost recovery and towards everyone paying by Direct Debit.

2.5.4 This results in an annual increase to the budgets of (£119,500) over the MTFP.

2.6 ***Animal Control***

2.6.1 ***General***

2.6.1.1 General animal control charges are shown in Appendix B (section 4). It is proposed that these charges remain as is, with no changes. Although the number of stray dogs collected are in decline; mainly due to finders posting on social media rather than reporting to the Council, when dogs are collected and detained, owners find the fees difficult to pay. With no option for payment plans and no concessions for those on benefits, this leads to the dogs remaining with the Council where we have to bear additional kennel costs and the cost of disposal (either by transfer to shelter or destruction). It is considered that more dogs will be left for the Council to deal with if the fees are raised. The current fees are in line with the fees of other neighbouring authorities.

2.6.2 ***Licensing***

2.6.2.1 A report was presented to the Leisure, Environment and Community Committee in August 2020. One recommendation required a review be undertaken between August and October and any amendments or changes identified be reported to this November Committee meeting.

2.6.2.2 The licensing of animal welfare establishments is a statutory function. When setting the fees there is a statutory requirement to consider the income received for a licensing scheme compared to the overall cost of delivering the scheme. Legislation

states the fee level must be set to not generate income in excess of the cost associated with delivery.

2.6.2.3 DEFRA Guidance “The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 - Procedural guidance notes for local authorities”, the LGA Guidance “Open for Business - A practical guide for fee setting” and the Supreme Court’s rulings in the Hemmings v Westminster City Council case were taken into account when setting the current fees.

2.6.2.4 There has been no change to officer hourly rates, officer time spent on processing applications and renewals, inspections and interim inspections. In fact, less time has been spent on the licensed operators during the Covid-19 pandemic with inspections suspended, restrictions on people entering other people’s property, services (mainly boarding) not being required. Therefore, in line with the legislation and statutory guidance, fees and charges should not be raised. The charges are included, for information in Appendix B section (section 5)

2.7 *Removal of dead animals*

2.7.1 This charge was introduced in April 2017 for the removal of non-domestic animals from private land. Demand is minimal and unpredictable. The 3% increase is being recommended in Appendix B (section 6).

2.8 *Schools recycling*

2.8.1 In 2020/21 Members did not wish to consider charging schools for recycling and therefore officers are not proposing a charge. However this is included should Members wish officers to look into this in the future?

2.9 *Pest Control*

2.9.1 This contract is managed by Watford Borough Council who carry out all pest control for Three Rivers residents. The charge to Three Rivers in 2019/20 was £75,000. Watford Borough Council retain all income from TRDC pest control jobs. This will remain the same in 2021/22.

2.9.2 The fees are set out in Appendix A in Part II for Members to consider, based on the 3% increase.

2.10 *Graffiti removal from commercial premises*

2.10.1 Since the introduction of this charge three years ago there have been no requests for this service. The 3% increase has been applied in Appendix B (section 7).

2.11 *Football Pitch Hire*

2.11.1 Charges for pitch hire did not increase in 2020/21 to encourage more teams to use the pitches.

2.11.2 Covid-19 affected pitch hire at the end of last season, however football resumed in August/September 2020. All teams for the 2020/21 season have been charged for ‘grounds set’ up, to try and best manage the Covid-19 cleaning requirements. However officers propose that going forward a better way to manage this is to supply teams with their own set of equipment (net pins, nets and four corner flags). This will negate the need for grounds staff to clean equipment between use and ensure the clubs are taking full responsibility for their teams. An equipment package will be charged at £130 upfront at the start of the season, however clubs are welcome to purchase

elsewhere. If clubs do purchase through the Council they can decide how many equipment packages they require to meet the needs of their team/s.

- 2.11.3 A new charge has been included for club set up for occasional games, as grounds set up will no longer be an option.
- 2.11.4 Officers propose the 3% increase on the other charges, which is laid out Appendix B (section 8).
- 2.11.5 Due to Covid-19 it should be noted that the pavilions are currently out of use, all bar the disabled toilets, to which clubs have been provided with a key.
- 2.11.6 Although a 3% increase is being proposed this is on the 'club set up' option, as the higher income 'grounds set up' option is being proposed to be removed. Therefore, at this stage, it is difficult to predict income, which may in fact stay stable based on the proposals. Any material impact will be reported via the budget monitoring process.

2.12 Cemeteries

- 2.12.1 Appendix B (section 9) lays out the proposed charges, based on a 3% increase, except the fee for the plaque in the memorial garden, which was set last year. As the memorial garden isn't open yet it is proposed to keep this set at £250 for 2021/22.
- 2.12.2 It is proposed to remove the fee for maintenance of grave fee, as this option hasn't been taken up in many years.
- 2.12.3 It is proposed to include a new fee for a full plot for internment of ashes, as the Council has received a number of requests for this lately. The proposed fee is the same as that for a full plot for burials.
- 2.12.5 Noting the above this results in an annual increase to the budgets of (£5,710) over the MTFP.

2.13 Nappy sacks

- 2.13.1 The process for selling nappy sacks, at 30 pence each, required an update due to Covid-19 and also because officers were collecting cash. It was agreed via the budget monitoring process to alter the way in which nappy sacks are purchased going forward, with updated pricing. An online ordering process is being implemented, whereby rolls of nappy sacks will be sold for £10 with a postage charge of £3. Current outlets are being written to, to ask if they will agree to be invoiced upfront for any stock, which they can then sell at either £10 per roll or 40 pence per sack depending on the requirement of the resident. If an outlet is not prepared to be invoiced they will cease to be an outlet. Abbots Langley Parish Council is already invoiced, so they will remain as an outlet. Although pricing has now been set for 2021/22 this information is included in this report for information and to ensure pricing can be reviewed annual going forward. (see Appendix B section 10)
- 2.14.1 At this time it is unknown what impact this will have on the budget, as demand for nappy sacks isn't measured and fluctuates. Any material change to budget will be reported as part of the budget monitoring process.

2.14 Memorial benches, Memorial Trees and Memorial Plaques

- 2.14.1 A new policy; Memorial benches, Memorial Trees and Memorial Plaques was approved in July 2020. This is included as Appendix C. This policy outlines the details for the installation of memorial benches, memorial trees and memorial plaques only. This

includes the specification for trees, benches or plaques, pricing and locations. This policy does not cover any other benches or trees that may be planted or installed outside of the “memorial” scope.

2.14.2 The fees for 2021/22 included in the policy document have been set for 2020/21. The fees will be reviewed annually.

2.15 **Bins for new developments**

2.15.1 Officers are proposing to introduce a charge to be levied on developers for provision of bins at new developments. At this time this is just to cover the cost of the bins. An Informative will be applied on planning permissions.

2.15.2 The prices to charge developers are laid out in Appendix B (section 11). Any change to budget will be monitored through the budget setting process as it is difficult to predict at this stage due to not knowing the full number of developments and the bin provision they will require.

3. **Options/Reasons for Recommendation**

3.1 When setting fees, a balance needs to be struck between maximising income and ensuring that no existing potential customer chooses to seek alternative arrangements. Officers believe that the suggested arrangements above will do this as far as it is possible to predict at this stage.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report apply to the Council's agreed policy and budgets for 2021/22 and agreed contracts.

4.2 The recommendations in this report relate to the achievement of the following performance indicators.

EP08 – Cost of Household Waste per household

EP12 – Percentage of eligible properties signed up to the Garden Waste service

5. **Financial Implications**

5.1 Budget variances for the additional income from fees and charges are detailed below;

Service	£
Trade Waste	(£17,500)
Trade recycling	(£2,720)
Schools/flat	(£2,250)
Clinical waste	(£3,370)
Special collections (bulky waste)	(£1,040)
Garden waste	(£119,500)
Cemeteries	(£5,710)

5.2 Total

Service	£
Total	(£152,090)

5.4 If approved this will be factored into the Medium Term Financial Plan as part of the Council's budget setting report for approval by the Policy and Resources Committee in January 2021.

6. **Legal Implications**

6.1 The Environmental Protection Act 1990, states that the Council has a duty to collect waste from domestic premises and must also collect waste from commercial premises if asked to do so. This ensures that all businesses are serviced, as many private contractors will not visit extremely rural areas. It also stipulates that the Council must at least break even on this service, so that it is not subsidised by domestic Council Tax payers, which would give unfair competition. More recently, the European Revised Waste Framework Directive stated that all local authorities must offer the provision to recycle to their business customers.

6.2 The Controlled Waste Regulations 2012 state that the Council may charge for "Any article of waste which does not fit or cannot be fitted into; a) a receptacle for household waste provided in accordance with section 46 of the Act" even though that is household waste.

7. **Equal Opportunities Implications**

7.1 **Relevance Test**

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	N/A

8. **Equal Opportunities, Staffing, Environmental, Community Safety and Health & Safety Implications**

8.1 None specific.

9. **Customer Service Centre implications**

9.1 Minor scripting changes will be required, which can be met within existing resources.

10. **Website Implications**

10.1 Minor updates to the Council website and Firmstep would be required, which can be met within existing resources.

11. **Risk Management and Health & Safety Implications**

11.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

11.2 The subject of this report is covered by the Environmental Protection service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature	of	Consequence	Suggested	Response	Risk Rating
				<i>(tolerate,</i>	<i>combination</i>

Risk		Control Measures	treat terminate, transfer)	of likelihood and impact)
Level of charges affects uptake of services	Less uptake of service and less income	Benchmarking	Tolerate	4

11.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
		Impact -----> Unacceptable		

Impact Score
4 (Catastrophic)
3 (Critical)
2 (Significant)
1 (Marginal)

Likelihood Score
4 (Very Likely (≥80%))
3 (Likely (21-79%))
2 (Unlikely (6-20%))
1 (Remote (≤5%))

11.3.1 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

12. **Recommendation**

12.1 That this Committee recommends the fees and charges detailed within the report are approved by the Policy and Resources Committee.

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1	Poor	
2	Sufficient	✓
3	High	

Background papers;

Animal Activity Licensing Fee Review - Leisure, Environment and Community Committee
19 August 2020.

Memorial Bench, Memorial Tree and Memorial Plaques Policy (Appendix C).

Appendices:

Appendix A – Trade waste and clinical waste charges - Part II (Confidential – Paragraph
3 of Schedule 12A)

Appendix B - Environmental Protection Fees and Charges

Appendix C – Memorial Bench, Memorial Trees and Memorial Plaques Policy