

INDIVIDUAL CABINET MEMBER DECISION-MAKING

RECORD OF DECISION

PART A

DETAILS OF REPORT (Officers to complete this section prior to issuing to cabinet member)	
Title of report	Fees and Charges report (Supplementary) for Environment and Leisure Department for 2015-16
Decision-maker	Cabinet Member for Environment and the Public Realm
Earliest date when decision can be taken	24 September 2015 Note: In accordance with the requirements of overview and scrutiny procedure rule 25.4, the cabinet member for environment and the public realm is required to reconsider the decision within seven working days (by Friday 2 October 2015).
Key decision – Yes/No?	Yes
Date published on forward plan	General Exception Notice (issued 18 August 2015)
Date sent to cabinet member	23 September 2015
Recommendation	That the cabinet member for environment and the public realm reconsiders his decision (set out below) in light of the scrutiny call-in and recommendations of the overview and scrutiny committee set out at the end of the record of the record of decision: Decision (26 August 2015): That the additional proposed non-statutory fees and charges for 2015/16 detailed in the report, with an implementation date of 1 October 2015 be agreed.

ORIGINATING AUTHOR'S DETAILS (Officers to complete this section prior to issuing to cabinet member)	
Lead officer (Name and job title)	Deborah Collins, Strategic Director Environment and Leisure
Report author (Name and job title)	Ian Smith, Head of Environmental Services, E&L
Contact Number	020 7525 2080

PART B

(Cabinet member to complete this section)

DECISION(S)

1. I intend to implement my original decision for this financial year to meet the savings set out in the Council's budget and to enable the monthly berth holders to see an immediate reduction in fees, but in addition I am asking officers to plan 4 meetings with the berth holders association between now and 30 January 2016 to review the proposals for the following years including the review of a cost plus model.
2. That the impact of the decision on bulk waste collection charges on fly tipping levels in the borough be closely monitored and urgently reviewed should fly tipping significantly increase.
3. That officers bring a report back to the Cabinet Member within 3 months in regards to giving exemption or offering a number of collections free of charge to the poorest and most vulnerable residents.
4. That alternative charge arrangements be considered for landlords who regularly remove bulky waste at the end of student tenancies.
5. That my responses in relation to the overview and scrutiny recommendations as set out in the 'reasons for decision' section below be noted.

REASONS FOR DECISION

South Dock Marina

Scrutiny Committee recommendation 1 - That the cabinet member seeks legal advice to ensure that no breach in competition law has taken place as a result that this decision has been made.

Response

The Monitoring Officer has taken legal advice in relation to this matter and is satisfied that;

- In arriving at the proposed fees and charges for SDM the benchmarking data used was publically available information.
- The use of benchmarking data is one of a number of factors which has been used to calculate proposed fees and charges levels. See paragraph 11 of the report.
- The Local Government Act 2003 and S1 of the Localism Act 2011 empowers the council to charge for discretionary services such as those provided at SDM.
- In setting these fees and charges the council must act fairly, reasonably and transparently and seek to recover the cost of providing these services.

On advice from the Strategic Director of Environment and Leisure, the Monitoring Officer is satisfied that the fees and charges at SDM are fair and reasonable and have been calculated in accordance with our statutory powers and the council's Medium Term Resource Strategy.

The council must seek to recover the cost of delivering the services provided and any investment costs. The report notes that significant investment has been made in the SDM over the last 18 months of £685,000 with a further £1.1m of works allocated over the next 18 months. See paragraph 17 of the report.

Finally, even with the proposed fee increases, SDM is still 10% cheaper for residential berths and leisure licences.

Scrutiny Committee recommendation 2 - That the cabinet member gives consideration to a short delay in the implementation of the decision, to allow time for further consultation on the bench marking exercise, to involve the berth holders with a possibility of reviewing the level of charges including looking at another model which covers costs and creates a surplus.

Response

I have considered delaying the implementation of the decision. The amounts to be raised by this decision in this financial year meet Council Assembly's decision to raise extra income from South Dock Marina and a review of environmental fees and charges this year.

The suggested increases for new berth holders are offset by a discount on these fees of 15% for this year. In addition the premiums charged for shorter term payments have been reduced for quarterly paying berth holders who will face 2% increase and monthly paying berth holders will see a 10% reduction in fees. This is to assist the most vulnerable within the community. This means that for existing residential berth holders the proposed fees per metre (ex VAT) for the remainder of 2015/16 will be:

Annual Fee - £341.86

Bi Annual - £189.99

Quarterly - £99.51

Monthly - £34.70

Scrutiny Committee recommendation 3 - That the cabinet member publishes the impact assessment and provide the berth holders with all information that has been requested about the process of reaching this decision as appropriate.

Response

There is no legal requirement to carry out an impact assessment but the council does consider its duty with regard to equality which it has done. In addition to this the management has carried out a financial impact assessment based on information available to it.

However although not required by legislation, the marina management has reviewed its records and what it knows of berth holders to best assess the impact that price increases will have on existing berth holders. The information used in this process is confidential under the data protection act as it covers individuals' financial details. A summary of the major points are shown below.

a. This table shows how the 130 boats with residential licenses are actually used:

Summary by berth use	Berths	Adults	Children
Primary home	78	115	11
Weekday Accom/work only	10	11	0
Rental home	16	15	2
Leisure	26		
	130		

- b. This table shows the perceived employment status of the owners of the 78 boats used as primary homes and those boats rented to tenants:

Assessment primary home.	Owners	Rental
Income status unknown	<5	<5
Single income	40	5
Double income	33	3
Currently unoccupied		7
Total	78	16

- c. Out of the 78 boats being used for residential purposes there are 35 companies registered to receive post or operating from 24 vessels.
- d. A break down of how people pay is shown below:

Payment methods	Qty
Annual	84
Bi Annual	15
Quarterly	14
Monthly	17
Total	130

Scrutiny Committee recommendation 4 - That the Cabinet member ensures that the appropriate officers from the housing department are involved in the re-engagement.

Response

Officers in the Housing Finance team, in the Finance and Governance department, have experience of benchmarking the average residential rent for council properties in London. Officers conducting the marina benchmarking exercise for future years will involve these officers.

Bulky Waste Collection

Scrutiny Committee recommendation 5 - That the Cabinet member closely monitors the impact of the decision on bulk waste collection charges on fly tipping levels in the borough and urgently reviews this decision should significant increase occur.

Response

I agree this recommendation.

There is a process already in place for recording the number of fly-tips in the borough. This process will be used to determine whether there is any change in the number of fly-tips once bulky waste charges are implemented.

Scrutiny Committee recommendation 6 - That the Cabinet member give consideration and evidence within 3 months in regards to giving exemption or offering a number of collections free of charge to the poorest and most vulnerable residents.

Response

I have asked officers to investigate the details, practical experience and take up rate for bulky waste charge exemptions in those boroughs where this is in place and to advise on the impact of offering exemptions within our financial budget considerations for the next financial year.

Scrutiny Committee recommendation 7 - That the Cabinet member consider alternative charging arrangements for landlords who regularly remove bulky waste at the end of student tenancies

Response

I agree this recommendation.

**ALTERNATIVE OPTIONS
CONSIDERED**

REPRESENTATIONS RECEIVED

ADDITIONAL ADVICE RECEIVED

Additional advice from officers has been received and is contained in my reasons for decision (above).

ANY INTERESTS DECLARED

Note: If the decision-maker has a disclosable pecuniary interest in the matter the report must be referred to the full cabinet for decision.

Where a cabinet member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the cabinet member must notify the monitoring officer of the interest within 28 days and must not take any steps or further steps in the matter.

If a member is unsure as to whether an interest is a disclosable pecuniary interest they should contact the governance team for advice.

DECLARATION

~~I approve/reject the recommendations set out in the report.*~~

or

I approved an alternative course of action set out in Part B.*

or

~~I have referred this matter to the Full Cabinet for decision.*~~

(* - Please delete as appropriate)

Signed.....



Dated.....

2/10/15

Cabinet Member

Please return completed hard copy of the form to Ian Millichap, Constitutional Team, 160 Tooley Street, P O BOX 64529, London, SE1P 5LX – tel: 020 7525 7225 fax: 020 7525 7284.

RECOMMENDATIONS OF OVERVIEW AND SCRUTINY COMMITTEE – 17 SEPTEMBER 2015

South Dock Marina

1. That the cabinet member seeks legal advice to ensure that no breach in competition law has taken place as a result that this decision has been made.
2. That the cabinet member gives consideration to a short delay in the implementation of the decision, to allow time for further consultation on the bench marking exercise, to involve the berth holders with a possibility of reviewing the level of charges including looking at another model which covers costs and creates a surplus.
3. That the cabinet member publishes the impact assessment and provide the berth holders with all information that has been requested about the process of reaching this decision as appropriate.
4. That the cabinet member ensures that the appropriate officers from the housing department are involved in the reengagement.

Bulky Waste Collection

5. That the cabinet member closely monitors the impact of the decision on bulk waste collection charges on fly tipping levels in the borough and urgently reviews this decision should significant increase occur.
6. That the cabinet member give consideration and evidence within 3 months in regards to giving exemption or offering a number of collections free of charge to the poorest and most vulnerable residents.
7. That the cabinet member consider alternative charging arrangements for landlords who regularly remove bulky waste at the end of student tenancies.

