

Report to	-	Overview and Scrutiny Committee
Date	-	20 March 2017
Report of the	-	Executive Director of Business Operations
Subject	-	Community Warden and Pest Control Service

Recommendation: It be **RESOLVED:** That Members views are sought on all the Options as set out in the report and that consideration is given to recommending to Cabinet that Option 3 be pursued for a two year trial period until March 2019, in recognition of the added potential benefits of a Community Warden role.

Service Manager: Richard Parker-Harding

Introduction

1. The Pest Control Service for Rother District Council (RDC) and Wealden District Council (WDC) was reviewed in 2016 (Minute OSC15/36 refers), with a report due back to this Committee in 2017. This report updates Members on the service and makes recommendations for the future. Any change to the service would be discussed with WDC before any implementation.

Pest Control Service

2. The control of pests, particularly rats, has always been a core element of environmental health work. Not having rats in public areas is fundamental to the value of the public realm. Local authorities have a legal duty to keep their district free from rats and mice under the Prevention of Damage by Pest Act 1949 but this does not necessarily mean providing a Pest Control Service themselves. A number of national and local contractors provide a pest control service.
3. For further information on pest control and emerging issues please see <http://www.cieh.org/policy/npap.html>.
4. The current service provided by RDC employs two pest control officers working across RDC and WDC providing a service throughout the year. As well as the day-to-day pest control, officers carry out pest control in Council owned properties and on Council owned land. They provide telephone advice to residents and carry out other duties for the Council, such as providing advice if pest infestations are found in food premises, putting up dog fouling signs and acting as couriers of samples during food poisoning investigations.
5. Each Council's contact centre receives the orders for their district and takes payment. Customers can also order and pay for the service on-line.
6. Appendix A shows the number of orders received for Rother and Wealden in 2015 and 2016. It should be noted that the service was not operating at full capacity for most of 2016 and therefore income was significantly reduced due to the long term sickness of one Officer. This post has recently become vacant, awaiting the outcome of this review. During this period, credit should

be paid to the Pest Control Officer who continued to provide a good service across the two districts in difficult circumstances.

7. Appendix A also shows a reduction in the number of rat treatments, this is due to a practice of only treating rats outside if absolutely necessary and instead advising the resident to try and control rats by removing their food sources e.g. bird food or compost heaps. This is in accordance with the legal requirement to minimise the amount of biocide use, particularly outside of buildings, due to the long-term impact on wildlife. This has changed the nature of the work of the pest control officer to that of giving advice to the public. This is reflected in the increase in the number of advice calls made.
8. Appendix B identifies the charges currently being levied.

Options for the future provision of the Pest Control Service

9. As with all Council services there is a need to reduce expenditure or increase income and a number of options exist in the delivery of this service for the authorities. In particular, chargeable services should, where possible, aim to break even so their cost do not fall on the Council Tax payer. Appendix C provides financial information. Options 1, 2 and 3 set out the main options available.

Option 1 – Cease providing the Service for Rother only: The legislation requires local authorities to keep their district free from rats and mice but this does not mean the authorities have to provide a service. There are a number of private businesses that offer the service. The local authority could therefore direct people to these services. However, the local authority would thereafter have to undertake a greater enforcement role if landowners did not take seriously the need to control rat populations. Environmental Health staff would be required to investigate infestations of rats on land and in properties. Statutory Notices can be served under the Prevention of Damage by Pests Act 1949 to require owners or occupiers to treat pest infestations and take steps to remove harbourage for pests. The Council can prosecute for non-compliance with a notice or carry out works in default. If the Council carries out works then the costs, including officer time can be recharged. However, this is not straightforward as rats do not respect property boundaries and there will be disputes about the location of the infestation and hence who is responsible to pay. In addition, as the costs incurred cannot be entered as a statutory land charge, costs may not be recovered at all, as action would have to be taken to recover as a civil debt. For these reasons councils have traditionally provided a free or subsidised rat control service for their residents.

If we do not provide a rat control service then particularly in Bexhill, Battle and Rye and other towns, it is very likely that the rat population will increase and become visible. Rats are particularly difficult to control in medieval, Victorian and Edwardian Towns, with numerous alleyways in common ownership, particularly if traversed by railway lines or rivers, which provide a reservoir for the rat population.

If the service ceased it would difficult to restore as staff expertise and facilities would have been lost.

A decision to cease providing the service in Wealden would have to be made by Wealden District Council.

Option 2 – Contract out: To seek to procure the service from a private contractor and to outsource the service if the tendered price was less than the current cost. Last year, Mid Sussex District Council entered into a contract with a company that provides a neutral cost service to the Council, see Appendix D. This would still mean officers having to monitor the service and check compliance with the contract. More stringent environmental and safety regulations has made it increasingly difficult and time consuming for supervising officers to record and check the compliance of the pest control treatments carried out. As the number of officers the Council employs decreases then it is necessary for decisions to be made about whether this is a core service. The TUPE regulations would apply and one Officer would therefore transfer to the appointed contractor. Before this process could commence staff would be consulted and the matter considered by the Licensing and General Purposes Committee. The charges proposed to be charged by a private company are set out in Appendix E. This would be subject to a private company agreeing to impose these charges. Once contracted out it would difficult to bring the service back in-house, as staff expertise and facilities would have been lost.

Option 3 –To reduce the number of Pest Control Officer posts to 1.5 fte with the 0.5 fte directed to that of a Community Warden: By reducing the pest control full time equivalent from 2.0 to 1.5, this would enable the remaining 0.5 fte of this Officer's time to be devoted to the duties of a Community Warden. The Officer would be expected to be flexible and his/her hours of work each week devoted to pest control or community warden would depend on seasonal demands etc.

Appendix F compares the options in financial and operational terms.

Community Warden

10. The Council has wide responsibilities under the Anti-social Behaviour, Crime and Policing Act 2014 to deal with a wide range of anti-social behaviour through the use of Community Protection Notices served on individuals or Public Spaces Protection Orders which impose controls on all individuals in an area. As well as dog control measures (which have already been adopted), controls can be made on street drinking, sleeping overnight in shelters and vehicles etc. Persons who fail to comply can be issued with a Fixed Penalty Notice (FPN). The income from FPNs is retained by the Council. Members have previously commented on the lack of enforcement and therefore this opportunity to address this may be timely.
11. One pest control post is currently vacant and this presents the opportunity to change the job description of the post to one with a dual role of pest control and community warden for Rother only.
12. The change in the role of the Police Community Support Officers means that they are sometimes unavailable to respond to low level anti-social behaviour. A part-time Council employed Community Warden would therefore be useful to respond to those relatively minor matters, which do impact on the public realm and the quality of life of residents. The Officer would be authorised to issue FPNs and this would result in some income. The penalty imposed by a FPN varies according to the offence from £75 to £300.

Consultation

13. An informal briefing has been held with the current Pest Control Officer involved to appraise him of the deliberations and thinking behind the three options cited above and to advise him of an indicative timetable should Cabinet agree options one or two. Then following approval in principle from Cabinet, a formal consultation exercise will take place as required and the results will be reported to the Licensing and General Purposes Committee.
14. Discussion with WDC would also be necessary if the service was to change from its current provision.

Conclusion

15. The cost of providing the Pest Control Service was considerably reduced when Rother staffing levels were reduced from two officers to one in 2013. Further savings have been achieved since then. Despite increases in charges, income has not increased due to a reduction in orders received caused by the post being vacant for most of the year due to long-term illness and the drive for more education with less use of bait as per the environmental directive. An advantage of the shared service was that from 2015, there have been two officers working across Rother and Wealden, who can provide cover for each other during absences. There are three main options available, cease providing the service, contract out or reconfigure the service. The current vacant post provides the opportunity to reduce pest control costs and employ a part-time Community Warden to enforce low level anti-social behaviour. If Option 3 is the preferred way forward then it is recommended that this arrangement is trialled for two years until March 2019.

Dr Anthony Leonard
Executive Director of Business Operations

Risk Assessment Statement

Local authorities have a legal duty to keep their district free from rats and mice under the Prevention of Damage by Pest Act 1949 but this does not necessarily mean providing a pest control service themselves. Under the management agreement with WDC this requires RDC to ensure pests are kept under control in Wealden as well as Rother. This can be through direct provision, through contractors or through enforcement. The options in the report identifies that if the service was run in-house then an adequate service could not be provided by one officer working in both districts. As increased charges have not increased income for the service to be cost-neutral contracting out the service or reducing the number of officers appears to be the only options. A risk of continuing to operate the service in-house is the cost of complying with environmental and safety regulations. The Council's obligations under this legislation remains, if the service is contracted out to a slightly lesser degree. Once ceased or out-sourced it would be very difficult to restore the service or bring it back in-house. It is likely that if the Council does not provide a rat control service then the population of rats particularly in towns will increase, impacting on the public realm.

If the Council does not respond to low level anti-social behaviour this damages the public realm and quality of life of its residents. It also impacts on the reputation of the authority.

Orders received January to December 2015

	Wealden	Rother
Bedbugs	5	0
Bird Proofing	1	10
Wasps	283	158
Cockroaches	1	1
Rats	834	310
Fleas	22	17
Mice	31	14
Foxes	0	5
Moles	0	1
Other	13	18
Advice calls	489	182
Advice visits	26	2
TOTAL	1705	718
Percentage	70%	30%

Orders received January to December 2016

	Wealden	Rother
Bedbugs	15	2
Bird Proofing	0	1
Wasps	282	92
Rats	472	154
Fleas	22	18
Mice	35	20
Other	2	12
Advice calls (free)	520	169
Advice visits	13	4
TOTAL	1361	472
Percentage	74%	26%

Charges for Pest Control Treatments 2016/17
VAT included

Rats	
Standard	£48*
If occupier is in receipt of an income related benefit	£12
Wasps	£48
Fleas	£96
Mice	£96
Advice visit	£48*
Advice telephone call	Free

*Charge in 2015/16 was £24

Financial Information

The following table shows the actual net cost of the Pest Control Service to Rother District Council for 2013/14, 2014/15 and 2015/16 and the first three quarters of 2016/17. In January 2016 fees and charges were increased to seek to balance the budget. The recharge to Wealden was increased from 60% to 70% from April 2016.

	Line	2013/14	2014/15	2015/16	2016/17 April to December
		£	£	£	£
Employees	1	29,616	38,129	56,177	40,910
Running Costs	2	58,778	46,998	5,107	2,332
RDC Other Costs including management/ overheads costs	3	11,429	13,460	11,330	9,503
WDC Overheads	5	42,452	8,213	6,340	12,926
Total Partnership Cost	6	142,275	106,800	78,954	65,671
RDC Income	7	26,446	20,275	18,747	9,463
WDC income	8	-	820	25,793	24,338
Costs Recharged to WDC	9	46,061	43,824	37,514	27,207
Net Cost of Service to RDC	10	27,316	34,488	16,353	16,074
Net Cost of Service to WDC	11	88,513	51,217	18,061	15,795

The cash cost of providing the pest control service since 2013/14 is shown below (excluding recharges):

Cash position (excluding recharges)	2013/14	2014/15	2015/16	2016/17 April to December
Rother	15,887	21,028	5,023	6,571
Wealden	46,061	43,004	11,721	2,869

In accordance with the management agreement with WDC, the cost of providing the Pest Control Service is divided between the two Councils, with WDC budgeted to contribute 70% of the cost (from April 2016). This excludes Rother's overhead costs and any corporate management costs shown in line 3 of the first table which are met by this Council. Both authorities collect and retain their own income.

Appendix D

Mid Sussex District Council Pest Control Treatment Charges 2015/16

VAT included
(service provided by a Private Contractor)

Rats Standard	£45
If occupier is in receipt of an income related benefit	£25
Wasps	£50
Fleas	£80
Mice	£45
Advice visit	£30 (per 30 minutes)
Advice telephone call	Not provided

Appendix E

Proposed Charges for Pest Control Treatments (Private Company)

VAT included

Rats Standard	£48
If occupier is in receipt of an income related benefit	£24
Wasps	£50
Fleas	£96
Mice	£96
Advice visit	£48
Advice telephone call	Not provided

Option 1

Strengths	Weaknesses	Opportunities	Risks
No cost for providing the service.	Increased enforcement costs. Unable to provide advice calls.	Redeployment of staff to new roles.	Difficult to restore the service.
No responsibility for compliance with environmental and safety regulations.	Increase rat population in towns.		Damage to the public realm.

Current cost excluding recharges	Savings achieved from option one	Additional costs associated with increased enforcement (estimate)	Net cost	Notes
6,000	6,000	100 x £1000 = £10,000	4,000	Assumes one third of customers will not employ a private contractor

Option 2

Strengths	Weaknesses	Opportunities	Risks
Reduced cost of providing the service.	Cost of contract compliance and responding to customer complaints. Unable to provide advice calls.	Redeployment of staff to new roles.	Difficult to restore service.
Reduced cost of direct supervision of staff.	Still responsible for compliance with environmental and safety regulations.		Private companies may cease to offer reasonable to charges to residents once Councils are unable to provide the service themselves.

Current cost Excluding recharges	Savings achieved from option two	Additional costs	Net cost	Notes
6,000	6,000	Nil	Nil	Does not include cost of contract compliance and responding to customer complaints.

Option 3

Strengths	Weaknesses	Opportunities	Risks
Reduced cost of providing the pest control service. Able to provide advice calls.	Still responsible for compliance with environmental and safety regulations.	Redeployment of staff to new roles.	Unrealistic expectations from the public about the Council's ability to control anti-social behaviour without police support.
Community Warden post can enforce anti-social behaviour legislation adopted by the Council.		Increase numbers of Community Wardens.	

Current cost excluding recharges	Savings achieved from option three	Additional costs	Net cost	Notes
6,000	6,000	Nil	Nil	The cost of providing the pest control service would reduce but the overall cost to the Council would remain the same as a Community Warden would be employed.