

CABINET

15 February 2022

FEES AND CHARGES 2022/23

Report of the Portfolio Holder for Finance, Governance and Performance, Change and Transformation

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| Strategic Aim: | All | |
| Key Decision: Yes | Forward Plan Reference: FP/100920 | |
| Exempt Information | No | |
| Cabinet Member(s) Responsible: | Cllr Karen Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation | |
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| Ward Councillors | Not Applicable | |

DECISION RECOMMENDATIONS

That Cabinet recommends to Council:

1. To approve the level of fees and charges for 2022/23 as set out in Appendices 1-4 except for taxi and private hire vehicle licenses.
2. To approve new fees for:
 - Learning Disability Day Centre Places (para 3.5),
 - Highways Vehicle Access Permits (para 4.5), and s278 agreement minimum fee (para 4.3),
 - Parking of solo motorcycles, Blue Badge over 3 hours, permits for residents in zone A and U3A permits for visitors of residents in zones C, E & V, and permits for carers (paras 4.17 and 4.20),
 - Coach Parking at Kilburn Road (para 4.18),
 - New parking services delivery, collection and photocopying of permits/season tickets, (para 4.21)
 - Installation of Advisory Blue Badge bays on street (para 4.22),

- S106 monitoring fees (para 4.23) and exceptional review of Community Infrastructure Levy (para 4.24),
- Museum and Castle full day hire and exclusive hire of the Castle for ceremonies (paras 4.10 and 4.11)
- Registrars diary amendments and bookings (para 4.13).

3. To note that taxi and private hire vehicle licenses fees will be subject to change based on the outcome of forthcoming consultation through a public notice procedure and be brought back for approval following that consultation.

1 PURPOSE OF THE REPORT

1.1 This report sets out the proposals for fees and charges for services provided by the Council for the financial year 2022/23.

2 BACKGROUND

2.1 Fees and charges represent a significant source of finance for the Council. The Council receives approximately £4 million from fees and charges each year. It is important that fees and charges are set at an appropriate level to maximise income to the Council.

2.2 The Council provides a wide range of services for which fees and charges can be made. Some of these fees and charges are set at a statutory level such as planning application fees and environmental protection fees (nationally Set Fees). Other fees are discretionary, and the Council has the power to recover costs in such cases. Examples include bulky waste collection and room hire charges.

2.3 The majority of the Nationally Set Fees in Appendix 2 have not yet been confirmed by Government. The Council will charge fees for these services as dictated by legislation.

2.4 Fees and charges are reviewed annually as part of the budget and council tax setting process. Fees and charges need to be approved to be effective from April 2022. In reviewing the level of fees for 2022/23, various approaches have been adopted:

- Across all Fees and Charges inflation has been used at 5% for 2 main reasons:
 - a) For services where costs are primarily staff time based, the Council bases increase in charges on staff cost inflation. With a pay award pending for 2021/22 (1.75%) and potential pay award for 2022/23 plus the 1.25% Social Care Levy,
 - b) 12-month CPI rate to October 2021 is 4.2% and RPI 6%, the Council is using a midpoint figure of 5% unless there is business case to do something different.
- It has been recognised in some cases that charges needed refining as some services charging a single fee does not recognise that certain cases carry greater costs than others. For this reason, some fees have now been split.

- There are a small number of fees where no increase is proposed. Typically, this is either because there has been a recent increase or where increases may negatively impact income yield; and
- In some areas, fees have been increased in line with those charged by neighbouring Councils or to cover costs associated with related service delivery.

2.5 Sections 3 to 5 of this report highlight the key issues for each Directorate and the rationale for the proposals.

3 PEOPLE DIRECTORATE PROPOSALS

3.1 A detailed schedule of all fees and charges is provided at Appendix 1. The rationale for the proposals for each service area are set out below. There are currently no fees and charges within Children's Social Care.

Adult Social Care Charges

3.2 The way in which the Day Opportunities Service for adults with learning disabilities (including autism) is operated has changed. The overarching aim for those accessing this service is to promote independence, support health and well-being and prevent social isolation, loneliness, and deterioration. This will be achieved by delivering a personalised and flexible approach to providing meaningful day opportunities for each individual person and offered over 7 days a week as required through provision of a building base, and community-based activities. To achieve this the service will be provided in 3-hour blocks throughout 7 days a week, during the day and in evenings. Previously the service was only provided Monday - Friday and between 9am – 3pm.

3.3 As a result of this, and taking into account the users of the service, the existing charges have been reviewed. With effect from 2022/23 the charges will reflect service provision in 3-hour blocks and comprise 3 levels of service depending upon the requirements of each individual service user.

3.4 The other charges for service users in adult social care are for Deferred Payment Agreements (DPAs). DPAs are a form of loan for homeowners who move into residential care, enabling them to defer some of the costs of care which are then recovered from their estate or the sale of their property. The DPA fees relate to arrangement fees plus third-party charges and the charging of interest at the government rate on deferred payments. It is proposed that the DPA arrangement fee for 2022/23 be increased by pay inflation of 5% from £524 to £550, plus third-party charges.

3.5 Interest charged on Deferred Payments is set at the interest rate set by Government and is to be adjusted when interest rate changes are notified. This is now reviewed every 6 months on 1 January and July. The current interest rate is 0.75% as at the 1 July 2021.

Learning and Skills – School Improvement Service

3.6 Services available to schools and charges for school improvement depend upon two factors:

- the category of the school identified through risk assessment shared with the school
- the status of each individual school i.e., is the school maintained or Academy/ Free School. Independent schools have a further, higher charging scale.

3.7 The charging structures for schools have been reviewed and increased in line with pay inflation.

3.8 The Council has changed the way some High Needs services have been delivered as part of the Dedicated Schools Grant (DSG) Recovery Plan. This has resulted in 2 areas of fees becoming obsolete and have been removed. The Inclusion Officer fees are now covered by High Needs Funding and Educational Inclusion Partnership, and Learning and Skills no longer offer services for Specialist School Improvements.

4 PLACES DIRECTORATE PROPOSALS

4.1 Fees which are set nationally are set out in **Appendix 2**. Locally set fees are set out in **Appendix 3**.

4.2 Many of services in the Places Directorate are provided by Peterborough City Council (PCC) on behalf of Rutland. Where fees are charged to cover costs then the Council has received assurances from PCC that this is the case.

Highways

4.3 A minimum fee is to be imposed on Section 278 agreements of £3,500. A section 278 agreement (or s278) allows developers to enter into a legal agreement with the council (in our capacity as the Highway Authority) to make permanent alterations or improvements to a public highway, as part of a planning approval. There has previously been no minimum charge for an agreement fee, which can lead to small but complex and problematic S278's having exceptionally small fees, insufficient to cover the level of work required for technical vetting and inspections.

4.4 In addition, a change to the agreement fee band is proposed to charge 11% up to £500,000, (currently 11% up to £100k) then maintaining the 5% above this figure plus legal fees.

4.5 A new £500 fee is proposed for Section 184 vehicle crossing application and permit covering more than 2 properties and commercial properties. This permit is for a vehicle crossover, sometimes referred to as a dropped kerb. It is the way you access your property with a car or a commercial vehicle. The kerbs are dropped from their normal height and the footway or verge is strengthened. Each site must be assessed against current highway standards and existing conditions in the local area. Although the location of a vehicle crossover may seem safe factors will be considered such as road aesthetics, local amenities, parking and intended purpose. All vehicle crossing applications were previously covered by the one fee now classed as domestic for up to 2 properties.

Taxis

4.6 There is currently a standard fee in place for taxi operators licenses based on a 5-year licence but irrespective of the number of vehicles operated. This has been

increased by 5%, but the fee and fee structure will be subject to change based on the outcome of a forthcoming consultation exercise in the new year and be brought back for approval following that consultation.

- 4.7 The Taxi license fee was due to be consulted in in 2021/22, however due to the pandemic the Council was not able to undertake the consultation and therefore unable to implement a new fee structure for this area.

Waste Management

- 4.8 Appendix 3 includes the Green Waste charges for online applications increased by £5 to £45 for 2022/23 with a charge of £48 for all other applications e.g., phone applications as agreed by Council on 18 May (Report No: 64/2021).
- 4.9 Waste collection and disposal fees have been increased by 5% in line with inflation. A £3 surcharge will be added to Bulky Waste collections where they are not booked online.

Museum

- 4.10 A new charge of £330 is proposed for a full day hire of the Museum or Great Hall at the Castle which covers normal opening hours of 10am to 4pm. Outside of these hours out of hours rates would apply.
- 4.11 A new charge of £1,200 is proposed for full day exclusive hire of the Castle for ceremonies.
- 4.12 For bookings cancelled with less than one month's notice it is proposed that the full booking fee is charged rather than the non-refundable deposit of £75.
- 4.13 In addition to the above there are 3 new fees proposed for diary amendments to an approved premise or decommissioned room ceremony. These are amendment within 6 weeks of ceremony £100, Proof of Life Declaration £20 to cover staff time and costs, and postage package and handling costs £2.

Development Control and Land Charges

- 4.14 Development control fees are set nationally.
- 4.15 Land charges and planning preliminary advice fees have increased by 5% in line with inflation.

Parking

- 4.16 Parking fees have been increased by 10% as the parking tariffs were last changed in April 2019 including a free 30-minute tariff to support town centre shopping. Parking income had dropped significantly in 2020/21 due to Covid-19 restrictions but is gradually returning to pre-pandemic levels. The Q2 forecast income was £532k compared to £156k 2021/22 (£566k in 2018/19 and £576k in 2019/20). Any changes to tariffs will incur expenditure on changes to signage, reprogramming machines and pay by phone fees.
- 4.17 There is currently no charge for Blue Badge holders and motorcycles. It is proposed that motorcycles will be charged as per the car parking tariff and blue badge holders

free parking is for the first 3 hours then charged at per the car parking tariff.

- 4.18 A new fee is proposed for parking at Kilburn Road Coach Park, £5.10 per bay per day (currently no charge).
- 4.19 Parking season tickets removed from mobiles as generally not used. There is still the ability to purchase season tickets through the Season Ticket Application Process on the Councils website.
- 4.20 New charges of £20 are proposed in respect of Residents in zones not previously charged and £20 for Carers permits to cover costs of administration.
- 4.21 A new service is to be offered to residents to deliver and collect permits and season tickets by hand (£2.50) and photocopying/scanning required per (A4) side £0.50 in relation to the season tickets/permits.
- 4.22 An Advisory Blue Badge Bay charge of £255 is proposed to cover the costs of administering and installation.

S106 Monitoring Fees

- 4.23 S106 monitoring fees are proposed ranging from £150 for a single dwelling to £3,000 for 50 plus dwellings based on average hours to taken to complete the monitoring process.
- 4.24 An Exceptional Circumstances Review fee of £150 is also proposed for Community Infrastructure Levy. Charging authorities may offer relief from the levy in exceptional circumstances where a person responsible for a specific scheme cannot afford to pay the levy. This fee will cover any requested review.

5 RESOURCES DIRECTORATE PROPOSALS

- 5.1 A detailed schedule of all fees and charges is provided at Appendix 4. Inflation at 5% has been applied, other than the Blue Badge Scheme and DBS checks where there are no proposed changes to the 2022/23 fees and charges.

Reprographics Services

- 5.2 The Council is permitted to make a charge for ad-hoc copying of information subject to the Local Government (Access to Information) Act 1985 and for information requested under the Freedom of Information Act 2000. This legislation allows the Council to recover reasonable costs in respect of providing the documentation. This includes direct material costs plus overheads.
- 5.3 The price per copy has been increased from £0.10 to £0.15 per copy as the fee was last changed in 2018/19.

Legal services

- 5.4 Charges for the provision of certain legal services under a fee structure are common practice across all areas of Local Government. Developers are required to pay the legal costs associated with s106 agreements, s38 agreements and s278 agreements. This fee income is administered by Peterborough Legal under the Council's shared service agreement. Legal fees for planning and highways

agreements have been increased by inflation to £190 per hour, and there is no change to the minimum fee equating to 4 hours work which with inflation is now £760. Time recording accurately records the time spent on each individual matter to ensure the developer is charged appropriately.

- 5.5 The Council's hourly rate applied in relation to any matters that require legal advice and can be recharged to customers has increased by inflation to £90.

Elections & Referendums – Charges to Parishes

- 5.6 The representation of the People Act 1983, Section 36 (4) requires the Council to cover all expenditure incurred by the Returning Officer in the holding of an election (or the Counting Office in the holding of a referendum). The fees for conducting Parliamentary, and European Parliamentary and Police and Crime Commissioner elections are regulated by the Returning Officers' Fees and Charges Orders made by the Government.
- 5.7 The Act allows the Council to recharge the costs of elections and referendums to parish councils. The Council works collaboratively with other authorities across Leicestershire to agree consistent fees.
- 5.8 The Council recharge Parishes for Parish Elections based on the actual amount incurred and this process will continue.

Disclosure and Barring Service (DBS) Checks

- 5.9 The HR Service acts as the 'administrator' for processing DBS Applications for:
- Employees and volunteers engaged by the Council
 - Organisations who have some 'affiliation' to the Council or its services and provide voluntary services
 - Fostering/Adoption service
- 5.10 An administration fee for undertaking these checks is charged, as permitted under section 93 of the Local Government Act 2003. This is not a statutory service – RCC and other organisations are able to secure the service from another Registered Body. We process approximately 60 applications per year for voluntary organisations.
- 5.11 We have developed an on-line application process. Taking into account the time involved in processing the application, the fee was set at £10 and there is no reason to change this at this time.

Blue Badges

- 5.12 Charges levied for Blue Badges (disabled parking permits) will remain at £10 per badge in line with the national Blue Badge Scheme, which allows for Local Authorities to charge successful applicants a maximum of £10.

6 CONSULTATION

- 6.1 [To be completed following Scrutiny Committee meetings in January]
- 6.2 Except for drivers' licences, the Council is required to consult upon the fees it intends

to levy for taxi licences through a public notice procedure and as such these fees will be subject to change based on the outcome of a forthcoming consultation exercise.

7 ALTERNATIVE OPTIONS

- 7.1 The alternative options are to retain the current level of fees and charges or propose alternatives. To do so could have a negative impact on the Council's financial position and in some instances mean the actual costs of services provided are not recovered. Costs increase year on year and as such need to be reflected in this Policy.

8 FINANCIAL IMPLICATIONS

- 8.1 Income budgets are in many instances driven by demand and can be volatile. It is not always the case that an increase in charges will lead to increases in income received. There are two reasons for this: a) demand for the service may reduce, and b) additional income received helps address the underachievement of income targets rather than generate new income above existing budgets. For this reason, even where fees and charges are increased, income budgets are not always amended, and this is the case this year.

9 LEGAL AND GOVERNANCE CONSIDERATIONS

- 9.1 The annual review of fees and charges is an integral part of the budget and Council Tax Setting process. The approved fees and charges will form part of the overall budget presented to full Council for approval in February.
- 9.2 The majority of the Council's statutory services, Building Control being a key exception, are funded directly from the Council's other main sources of revenue, i.e. government grants and local taxation. Income received by Rutland from fees and charges is generated by both statutory and discretionary services. Where fees and charges apply to statutory services these are often set nationally, for example, some planning and licensing fees.
- 9.3 Under the Localism Act 2011 there is a general power of competence which explicitly gives Councils the power to do anything that an individual can do which is not prohibited by other legislation. This activity can include charging (i.e. to recover the costs of providing a discretionary service which the person has agreed to) or can be undertaken for a commercial purpose (i.e. to generate efficiencies, surpluses and profits) through a special purpose trading company.
- 9.4 The 2003 Act empowers councils to charge for any discretionary services (i.e. services councils have the power to provide but do not have a duty to provide by law) on a cost recovery basis. Statutory guidance published in 2003 outlines how costs and charges should be established, and that guidance remains in force (see: 'General Power for Best Value Authorities to Charge for Discretionary Services', ODPM, 2003). The Council must have regard to the guidance when charging for discretionary services under the 2003 Act. The 2003 Act also enables Councils to trade in activities related to their functions on a commercial basis with a view to profit through a company. Rutland does not undertake such activity.

10 DATA PROTECTION IMPLICATIONS

- 10.1 A Data Protection Impact Assessment (DPIA) has not been completed because there are no service, policy or organisational changes being proposed.

11 EQUALITY IMPACT ASSESSMENT

- 11.1 Two Equality Impact Screening Assessments have been undertaken as follows:

- 11.1.1 An Equality Impact Assessment Screening (EIAS) Report has also been completed for the general increases as set out in para 2.4. Implementing the fees and charges proposed does not have any impact on how the authority complies with its duties it is deemed that there is no potential discriminatory impact, and no further assessment is required.

- 11.1.2 Due to the change in the way the service is charged for a second EIAS Report has been completed for the changes set out in para 3.4 - 3.5 relating to the Day Opportunities Service for adults with learning disabilities. No potential discriminatory impact has been identified and no further assessment is therefore required.

12 COMMUNITY SAFETY IMPLICATIONS

- 12.1 There are no community safety implications arising from this report.

13 HEALTH AND WELLBEING IMPLICATIONS

- 13.1 There are no health and wellbeing implications arising from this report.

14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 14.1 The annual review of fees and charges is an integral part of the budget and council tax setting process and is also to ensure the Council is compliant with legislative guidance. It is therefore recommended that Cabinet approve the proposals set out in the document.

15 BACKGROUND PAPERS

- 15.1 There are no additional background papers to the report

16 APPENDICES

- 16.1 Appendix 1 – People Directorate proposed fees and charges 2022/23
- 16.2 Appendix 2 – Places Directorate nationally set fees and charges 2022/23
- 16.3 Appendix 3 – Places Directorate locally set fees and charges 2022/23
- 16.4 Appendix 4 – Resources Directorate proposed fees and charges 2022/23

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.