

Councils' fees and charges for services are governed by law in one of four separate ways

- 1 Those services where there is an express provision in the governing statute requiring the Council to charge a set fee
- 2 Those services where there is an express provision in the governing statute either permitting or requiring the Council to charge a fee but where that fee is subject to a formula, such as where the fees equate to the cost of provision or where the proceeds can only be put to a certain given purpose
- 3 Those services where there is an express provision in the governing statutes permitting the Council to charge a fee if it wishes and at whatever levels it wishes, so effectively the only limit is what the market can bear.
- 4 Other services where a charge is permitted under a catch-all provision under s93 of the Local Government Act 2003, where the Council may charge for a service at whatever level it wishes, including for different classes of user, on the condition that:
 - it is a discretionary service, so only where there is no duty to provide the service;
 - there is no other provision allowing for or preventing a charge for the service;
 - the service user has agreed to the charge;
 - the Council has secured that, taking one financial year with another, the income from the charges do not exceed the costs of provision in relation to each kind of service; and
 - the Council has had regard to the guidance issued by the Secretary of State.

