

**Cabinet Member delegated decision**

**Decision Due:** 13 April 2015

**Report title** Fees and Charges 2015-16

**Wards:** All

**Report Authorised by:** Strategic Director Enabling: Guy Ware

**Portfolio:** Deputy Leader (Finance and Investment) – Councillor Paul McGlone

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**Report summary**

The Council's agreed funding strategy includes increasing income from fees and charges, having due regard to our social and environmental responsibilities. The Revenue & Capital Budget 2015/16 – Provisional Budget Strategy 2016/17 – 2017/18 report to Council included the proposed fees and charges as appendix 10 which is repeated in this report and forms the basis of the recommendations.

**Finance summary**

The entire report is financial in nature as it proposes changes to the fees and charges for services offered by the Council and in line with the Fees and Charges Policy.

**Recommendations**

- (1) To approve the Fees and Charges policy proposals as set out in the detailed schedule (appendix A)

## **1. Context**

- 1.1 The purpose of the Council's Fees and Charges Policy is to provide a framework for how the council approaches the question of charging for its services. The application of the policy is designed to bring clarity to the process of setting charges and therefore assist the council to achieve its community plan outcomes which are
- More jobs and sustainable growth
  - Communities feel safer and more resilient
  - Cleaner streets and greener neighbourhoods
- 1.2 The council is committed to setting reasonable fees and charges which reflect its strategic objectives and outcomes.
- 1.3 The authority levies fees and charges for a number of activities and services that it provides. These services/activities are provided where statute places a duty on the authority to do so or where they are discretionary services that contribute towards the agreed community plan outcomes.

## **2. Proposal and Reasons**

- 2.1 An inflationary increase for 2015/16 is being proposed where permitted by statute and in the spirit of the principles set out in the Fees and Charges Policy.
- 2.2 These proposals will ensure charges are increased proportionally to the increased costs associated with providing the service or activity.
- 2.3 The inflation figure used in this report is 2.23%. This is based on RPIX (Retail Price Index average for September, October and November 2014) and reflects the increase in costs associated with running the services. The inflationary increase has been rounded to the nearest 50p for ease of collection.
- 2.4 The only exception is where new charges are being introduced as a result of budget proposals which have been agreed by Council as part of the Financial Planning Report, or where contractual arrangements with 3<sup>rd</sup> parties prescriptively set out an alternative inflationary indexation model.
- 2.5 Further detail for each group of charges has been provided in the table included in section 3.

## **3. Finance**

- 3.1 Based on the proposed charges the forecast income for 2015/16 is expected to achieve £49.485m contribution, an increase of £1.794m over the 2014/15 projected income.
- 3.2 The 2015-16 income budgets incorporate all adjustments or additional income targets as identified as part of the budget for the Council.
- 3.3 Summary of Proposals for Fees and Charges increases for the financial year 2015/16 are set out in the table below:

<b>Service</b>	<b>Budget 2014/15 £'000s</b>	<b>Expected Income 2014/15 £'000s</b>	<b>Budget 2015/16 £'000s</b>	<b>Expected Income 2015/16 £'000s</b>
Adult Social Care and Supporting People	9,449	9,862	9,449	9,862
Pest Control	225	225	225	236
Grimebusters - Cleaning and Graffiti removal	225	243	256	256
Animal Welfare Licences & Services	4	4	4	6
Waste Services	1,667	1,843	2,267	2,421
Commercial Waste and Recycling Services	1,900	1,966	1,900	2,000
Traffic Management Orders And Notices	150	150	150	180
Streetworks – Licenses, Permits and Penalties	1,680	1,300	1,680	1,680
Parking Charges, Permits and Penalty Charge Notices	24,402	24,096	24,402	24,402
Licencing Services - Fees and Charges	633	713	763	774
Cemeteries and Crematoria	1,650	1,650	1,950	1,950
Statutory funerals and associated services	2	2	2	5
Libraries and Archives	311	195	311	311
Leisure Services	970	810	970	810
Registrars	671	571	671	671
Planning Services	1752	1627	1748	1627
Building Control And Regulatory Charges	693	700	700	700
Housing Improvement Notices and HMO licences	60	175	60	85
Land Charges	1,497	1,500	1,497	1,500
Hire of Halls and Rooms	50	50	50	0
Electoral roll data	3	9	3	9
<b>TOTAL</b>	<b>47,994</b>	<b>47,691</b>	<b>49,058</b>	<b>49,485</b>

#### **4. Legal and Democracy**

- 4.1 This proposed key decision was entered in the Forward Plan on 2<sup>nd</sup> January 2015, and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.
- 4.2 This report proposes increases to existing fees and charges imposed by the Council or the introduction of new charges. The Appendix sets out the justification in each case and (where the fee is being increased) the relevant power. Where an increase is proposed to an existing charge, it will be for officers to ensure that the increase is justifiable and otherwise consistent with the charging power relied upon.
- 4.3 The Council has a general power under section 93 of the Local Government Act

2003 (“LGA 2003”) to charge a person for ‘discretionary services’, essentially where the Council is authorised but not required to provide a service and the person has agreed to its provision. Such charges may be set at different levels where appropriate, i.e. so that some users are charged for different levels of service. This power is only available however where there is no other specific statutory power that covers the proposed charge.

- 4.4 Section 1 of the Localism Act 2011 extends the Council with what is known as a general power of competence, in short, a power to do anything that individuals generally may do, subject to restrictions and limitations imposed by other statutes. The general power of competence provides a power to charge for services provided the requirements of section 3 of the Localism Act are observed, namely: 1) that the service provided is discretionary; 2) that the user agrees to the service being provided; and 3) that there is no other power to charge for the service in question, including that contained at section 93 of the LGA 2003. The exercise of this power is subject to a duty to secure that, taking one financial year with another, the income from charges does not the costs of the service provided
- 4.5 Paragraph 5 refers to the consultation undertaken for the purposes of this report. The following principles of consultation were set out in a recent High Court case. First, a consultation had to be at a time when proposals were still at a formative stage. Second, the proposer had to give sufficient reasons for any proposal to permit of intelligent consideration and response. Third, adequate time had to be given for consideration and response, and finally, the product of consultation had to be conscientiously taken into account in finalising any statutory proposals. The process of consultation had to be effective and looked at as a whole it had to be fair.
- 4.6 Section 149 of the Equality Act 2010 sets out the public sector equality duty, i.e. that all public bodies are under an obligation to have ‘due regard’ to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy, and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.
- 4.7 Section 149 (1) (b) of the Act states that: a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Before imposing any new or revised fees and charges, the Council should first have due regard to its equalities duties as detailed above.

## **5 Consultation and co-production**

The proposed fees and charges were included as appendix 10 in the Revenue & Capital Budget 2015/16 – Provisional Budget Strategy 2016/17 – 2017/18 report to full Council on 27<sup>th</sup> February 2015. Consultation has been undertaken where appropriate and outcome reflected in the proposals.

## **6 Risk management**

Risk assessment has been undertaken as part of the review of the fees and charges and the proposals into this report take account of any identified risk and any appropriate mitigation.

## **7 Equalities impact assessment**

Equality impact assessment for the Revenue & Capital Budget report included questions on the proposed fees and charges. There are no equalities impacts on protected groups that have not already been assessed. These areas are already reviewed regularly as part of the equalities monitoring programme.

## **8 Community safety**

Community Safety implications have, where appropriate, been identified for each group of charges and will be managed as part of the service delivery.

## **9 Timetable for implementation**

The proposed fees and charges are to take effect from the 1<sup>st</sup> April 2015

<b>Audit trail</b>				
<b>Consultation</b>				
<b>Name/Position</b>	<b>Lambeth cluster/division or partner</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in para:</b>
Cllr Paul McGlone Deputy Leader	Cabinet Member: Finance and Investment	18.03.15	34.03.25	Throughout
Guy Ware Strategic Director	Enabling	24.03.15	24.03.25	Throughout
Christina Thompson Director Integrated Support	Enabling/Integrated Support	16.03.15	16.03.15	Throughout
Jean-Marc Moocarme Senior Lawyer	Enabling: Integrated Support	10.03.15	18.03.15	Throughout
Wayne Chandai, Democratic Services	Enabling: Corporate Affairs	17.03.15	23.03.15	Throughout
<b>Internal Officer Board</b>	<b>Date of meeting</b>			
<b>External</b>				

<b>Report history</b>	
<b>Original discussion with Cabinet Member</b>	Please complete
<b>Report deadline</b>	n/a
<b>Date final report sent</b>	n/a
<b>Report no.</b>	n/a
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	No
<b>Key decision report</b>	Yes
<b>Date first appeared on forward plan</b>	02.01.2015
<b>Key decision reasons</b>	Expenditure, income or savings in excess of £500,000
<b>Background information</b>	Fees and Charges Policy Financial Planning Report Revenue & Capital Budget 2015-16
<b>Appendices</b>	Detailed schedule of proposed fees and charges

**APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION**

**I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Post** Hamant Bharadia

Head of Finance, Financial Planning & Management

**I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Post** Cllr Paul McGlone

Deputy Leader (Finance and Investment)

**Any declarations of interest (or exemptions granted):**

**Issue**

**Interest declared**