

CABINET

15 November 2016

Title: Fees and Charges 2017	
Report of the Cabinet Member for Finance, Growth and Investment	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Accountable Strategic Director: Jonathan Bunt, Strategic Director of Finance and Investment	
Summary <p>The Council provides a wide range of services to residents, visitors, local businesses and others. Some services are provided free of charge at the point of need for others it is fairer and more appropriate that the service user should pay for the services received. The ability to charge for some services has always been a key funding source to Councils and will continue to be so.</p> <p>This report concerns itself with recommending the appropriate level of fees and charges across all directorates, to take effect from 1 January 2017 unless otherwise stated.</p> <p>In preparing the proposed fees and charges, Services have worked within the framework of the agreed Charging Policy. Each service has been reviewed and the charges are set at a fair and reasonable level which wherever possible is in line with competitive market rates for the service.</p> <p>The full list of proposed charges is detailed in Appendix A to this report. The report itself deals with proposed changes to the charges only.</p> <p>In considering the range of charges the Council has decided to simplify the charging structure in a number of areas – mainly on pay and display parking and pest control.</p> <p>Appendix B to this report details the charges that have been deleted as a result or otherwise no longer apply.</p>	
Recommendation(s) <p>The Cabinet is recommended to:</p> <p>(i) Agree the proposed fees and charges as set out in Appendix A to the report, to be effective from 1 January 2017 unless otherwise stated;</p>	

- (ii) Note the fees and charges no longer applicable from 1 January 2017, as set out in Appendix B to the report; and
- (iv) Delegate authority to the Strategic Director of Service Development and Integration, in consultation with the Strategic Director of Finance and Investment and the Cabinet Members for Finance, Growth and Investment and Educational Attainment and School Improvement, regarding the setting of fees and charges which are applied from September for schools and academic year based activities.

Reason(s)

The setting of appropriate fees and charges will enable the Council to generate essential income for the funding of Council services.

The approval of reviewed fees and charges to ensure that the Council is competitive with other service providers and neighbouring councils.

1. Introduction and Background

- 1.1 Local Authorities provide a wide range of services to their residents and others and the ability to charge for some of these services has always been a key funding source.
- 1.2 These fee charging or income generating services are generally those services which are not provided on a universal basis but are specific to an individual or an organisation. For this reason, it is fair and appropriate to make a charge to the service user. These fee charging services include both statutory and discretionary services. Where fees and charges apply to mandatory services, these are often set nationally, for example planning fees.
- 1.3 The remaining income services where the Council levies fees and charges are of a discretionary nature. These cover a whole range of services such as Care services, Libraries, Licensing, Pest Control, Commercial Waste, Drainage, Markets, Leisure and Recreation facilities, Parking and the Registrar service. This report concerns itself with recommending the appropriate level of fees and charges from 1 January 2017 for these types of services.
- 1.4 In addition to those traditional income services, the Council also has the power under the Local Government Act 2003 to charge for other discretionary services that it may already provide or may wish to provide in the future.
- 1.5 There is no definitive list as to which discretionary services are covered by the powers provided in the Act although the Government has provided limited examples of what could be included, such as maintenance of older/disabled peoples' gardens, arboriculture work in private gardens, operating consumer protection approved lists, pre-application planning and development advice, highway services to private industrial estates, home energy advice, home security services and use of excess capacity in local authority services.

- 1.6 To date, in keeping with most other local authorities, the Council has not expanded use of these powers but will continue to review the potential to do so when there is a sound business case for doing so.

2. Medium Term Financial Strategy 2017/18

- 2.1 The Council's Medium Term Financial Strategy for 2017/18 assumes no change to fees and charges income except for specific cases where significant additional income is expected and treated as a saving included in the MTFs, which is elsewhere on this agenda. In all other instances, any additional gain or loss in income resulting from changes in fees and charges is expected to be fairly small and will be retained by the income generating service.

3. Charging Policy

- 3.1 The Council has an agreed Charging Policy which requires that all charges are reviewed annually as part of the budget setting process.

- 3.2 The Charging Policy has three fundamental principles:

- Services should raise income wherever there is a power or duty to do so;
- Wherever possible the income raised should cover the full costs of providing the service including all overheads;
- Any departures from this policy must be justified in a transparent manner with reference to the Council's priorities and policies.

4. Proposed Fees and Charges 2017

- 4.1 Attached to this report at Appendix A are the proposed fees and charges for 2017 which will be effective from 1 January 2017 unless otherwise stated.

- 4.2 The Appendices detail the following information:

- Description of service provided;
- Current 2016/17 charge;
- Proposed charges from 1 January 2017;
- Proposed increase in pounds and in percentage terms;
- The rationale for a given increase, as well as any other comments.

- 4.3 In most cases fees and charges have been increased by the Retail Price Index (RPI) as at August 2016 of 1.8% rounded up to the nearest 50p or £1.

5. Fees and Charges – Service by Service Review

- 5.1 A summary of the services that Appendix A relates to is presented within the following sections. The reference numbers quoted below relate to the line reference numbers on Appendix A.

5.2 Adult Care and Support (Ref 1 - 5)

- 5.2.1 The Care Act 2014 gives local authorities the power to charge service users and carers for care and support within a set framework. All Councils with Social Care

responsibilities are required to have a charging policy that complies with this framework. London Borough of Barking and Dagenham's charging policy is Care Act compliant and is regularly reviewed – most recently at February 2016.

- 5.2.2 Under this policy charges levied to service users are means tested to ensure no individual is required to pay more than they can reasonably afford. The charges quoted in the appendix are the maximum payable.
- 5.2.3 The charges for in-house Residential Homes (80 Gascoigne Road & Kallar Lodge) have been uplifted in line with inflation.
- 5.2.4 Heathlands day centre has mainly increased its charges by inflation, but has introduced a rate reflecting the appropriate difference between standard and high needs service users supported by continuing healthcare funding. The charges for the in-house day care centre follow a charging strategy to remain competitive with local providers.

5.3 **Healthy Lifestyles (Ref 6 - 72)**

Leisure Centres (Ref 6 – 64)

- 5.3.1 The service is working to achieve 100% direct cost recovery for the leisure centres as well as a contribution towards overheads and the cost of capital. The aim is to make the service as cost effective as possible but to try to ensure that prices remain affordable.
- 5.3.2 Accordingly, discounts to standard prices are to be provided to those residents for whom price can be a barrier to participation:
- Children and young people aged 16 and under
 - Full time students
 - People over the state pension age
 - People on low incomes in receipt of means tested benefits
 - People receiving 'carer's allowance'
 - People on disability related benefits; and
 - Serving Armed Services Personnel
- 5.3.3 Pricing changes will be informed by market conditions and, in particular, by benchmarking against London and near neighbour councils.
- 5.3.4 A number of prices have been increased by RPI but in order to remain competitive, it is proposed that some prices are reduced and some prices are held at 2016 prices. These proposals include:
- All membership prices at the two Leisure centres to be held at 2016 prices
 - Soft play facilities at the Jolly Jungle to be held at 2016 prices. **(Ref 45–54)**
 - Soft play facilities prices at the Idol to be reduced by an average of 10% to encourage more use of the facility and maintaining the 2016 membership charge and charge for under 1's. **(Ref 55 - 64)**
 - A reduction of the current charge for a replacement card from £8 to £4 to increase demand.

- 5.3.5 A few new charges have also been included such as personal training and concession charges for swimming lessons.

Jim Peters Stadium (Ref 65 – 72)

- 5.3.6 The aim is to achieve 100% direct cost recovery for this service as well as a contribution towards overheads and the cost of capital. Prices have been increased by RPI.

5.4 Children's Care and Support and Education Youth and Childcare (Ref 73 – 110)

Childcare Services (Ref 73 – 77)

- 5.4.1 The Council now only runs the Abbey Early Years Day Nursery and fees are set at three levels: full time weekly rate, a daily rate for a morning session and a daily rate for an afternoon session. Fees are being increased to ensure sustainability of running the site and to ensure that fees cover the required staffing ratio.
- 5.4.2 School meal prices are being increased to ensure there is cost recovery. Prices have been held for the last five years; however there is a need to increase the charges to manage the increase in staffing costs and inflation.

Children Centres Room Hire (Ref 78 - 86)

- 5.4.3 The current fee structure for room hire was inherited from Marks Gate Community Association and is below what is being charged for comparable spaces at the Youth Centres. It is proposed to align the fees to those being charged at the Youth Centres until a full review of charging arrangements is undertaken. Currently, there is discretion to provide a discount of up to 50 % for community groups, charities or long term bookings. The proposal is to continue with this arrangement.

Youth Centres Room Hire (Ref 87 - 110)

- 5.4.4 Youth Centres have spaces that can be hired by other organisations. This has previously been done on an ad-hoc basis but it is more appropriate to formalise these charges. The fees have been set in line with what has been charged recently.

5.5 Culture, Heritage and Libraries

Eastbury Manor House (Ref 111-189)

- 5.5.1 A revised pricing structure was introduced in 2016/17 which is based on the principle of moving over time to realise direct cost recovery for the House from income raised. The focus is on raising commercial hire prices reflecting room size and premium hire periods. As some prices increased considerably with the revised structure last year, it is proposed to increase by inflation and rounded.
- 5.5.2 There are a range of new venue hire packages including a standard and deluxe conference package for commercial organisations as well as non-resident and LBBB resident packages for social functions, including dinner and dinner/dance receptions for weddings and parties. Discounts have been reduced from 50% to

25% for LBBD clients to ensure our costs are being covered in delivering these bookings. Discounts have also been standardised for one-off promotions as well as for charity/community and Council clients. Other charges, such as for civil ceremonies, have been increased only by inflation and rounded up accordingly.

- 5.5.3 It is not proposed to increase admission charges in 2017/18 to the House by National Trust members and the wider public. These are changed on a bi-annual basis in consultation with the National Trust, who own the House, and only raise a relatively low level of income. A review will take place in 2017.

Valence House (Ref 190-217)

- 5.5.4 Room hire charges have been revised based on area of each space by square metre in 2016/17. As many of the charges increased in 2016/17 it is proposed to increase by inflation and round. There has been some scope to increase bookings but this has been limited due to the extension of the Museums and Schools Programme for another year to the end of March 2017.

Heritage Education (Ref 218 - 231)

- 5.5.5 The heritage education offer is charged for on the basis that direct cost recovery is achieved.
- 5.5.6 To achieve this, charges were increased significantly in 2014/15 by £1.50 to £6.00 for Borough schools and by £1.50 to £7.00 for non-borough school visits to Valence House Museum and Eastbury Manor House. With additional funding from Arts Council England for the Museums and Schools Programme to end in March 2017, these charges will be kept the same for borough schools, to minimise drop off in take up of schools in 2017/18. Non borough schools charge will increase by £1.50 to £8.50 per child to reflect increase cost of delivery of additional sessions to be delivered at Eastbury Manor House where capacity is available and to increase income. Other Heritage Education charges are proposed to rise by inflation and rounded.

Libraries (Ref 232- 271)

- 5.5.7 Overall the charges levied by the library service are high compared to the benchmarking group, so there is considered to be limited scope to raise these significantly. There is no proposed increase to the overdue book fine which is currently at 36p per day which is the joint highest in the benchmarking group with Havering.
- 5.5.8 A 25p increase is proposed for the maximum charge for overdue books, CD's and audio books. This will bring the maximum charge per item to £10.75 per item. This is the highest in the benchmarking group. However, the service has introduced pre-overdue notification by text and e-mail to remind customer of loan dates to prevent their loans going overdue
- 5.5.9 Printing and photocopying charges are at the high end of the benchmarking group with A4 copies at 20p and A3 at 40p, where the average is 18p and 28p respectively. It is proposed to hold these charges at the current rate.

- 5.5.10 In 2012/13 the Council introduced a charge for internet access from its library PCs, the first and only local authority in London to do so. The charge was revised for 2014/15 to introduce first half an hour of usage free of charge for all library users to help improve usage of computers in libraries. This has proved successful. It is proposed to maintain the current subscription rates at their current charges, but to increase the charge for additional time outside of this for members by 20p to £1.20 per hour to encourage regular users of the PC's to take out a subscription which is more cost effective in the long term. Payment plans for subscriptions are already in place across libraries.
- 5.5.11 Increase to the charge for loaning materials from the British Library is proposed. The total application charge will increase from £10.00 to £12.00 per item. This would bring the Barking and Dagenham charge closer to the average for the benchmarking group for this service.

Barking Learning Centre (Ref 272-321)

- 5.5.12 A small increase has been applied across all BLC room hire charges. There are other venues in Barking Town Centre that provide hire of rooms at a lower hourly charge to the BLC. However, the present system of different rates for public sector, Council, voluntary/community and commercial hire are to be maintained

5.6 Housing (Ref 322 -324)

- 5.6.1 Council Rents and Service Charges to Tenants will form the subject of another report later in the year. However, there are a number of housing related fees and charges that are included here.
- 5.6.2. There will be no increase in charge for Travellers' pitches at Eastbrookend.

Heathway Supported Accommodation Scheme-

- 5.6.3 This is a Supported Housing scheme for eight Adults with some support needs. The building belongs to London & Quadrant Housing Association and we are the managing agent of the building on their behalf and collect the rent which has been increased by 3%.

Charges in connection with Right to Buy and Right to Invest (Ref 325- 347)

- 5.6.4 The Council charges an administration fee for various processes carried out in connection with the Right to Buy such as providing copies of papers, issuing licences etc. These will be increased by inflation.

In June 2016 Cabinet members agreed a new Tenant Shared Ownership Policy, called 'Right to Invest'. It is aimed at Council tenants who aspire to become homeowners but have been unable to secure a mortgage to buy their property outright. The scheme is intended to counter some of the effects of the Government's 'pay to stay' and other proposals under the Housing and Planning Act 2016 by enabling Council tenants who may have had to leave their homes because of the new legislation to now hold a stake in their property and continue to contribute to their local community.

The fees and charges currently applied to Right to Buy will also apply to Right to Invest, with the exception of the Notice to Sub-Let fee (since this is not permitted under the scheme.)

5.7 Regeneration

Street Naming & Numbering (Ref 348-352)

- 5.7.1 It is proposed that these charges are increased above the level of inflation, by 4.48% for properties and 2.8% for new roads, as income received from this area is largely dependent upon the amount of ongoing housing development within the Borough. Therefore, it is expected that the planned increase will not have an impact on the demand for the service.

Pre-Application Planning Meetings (Ref 352- 359)

- 5.7.2 These charges were significantly increased in September 2015 after agreement by Cabinet in June 2015. A recent benchmarking exercise comparing these charges with those of some other neighbouring London boroughs has shown there is some scope to increase these charges further and by an amount that is considerably above inflation. Recent experience has also highlighted the need to add some additional charges for small scale business, household applications and pre-application follow up meetings. The charging structure has therefore been modified by the splitting of Category D into two: the new Category D will be for 4 to 9 residential units or non-residential applications with a floor space of 500 m² to 999 m² and a new Category E will apply for 1 – 3 residential units or non-residential applications with a floor space of 200 m² to 499 m².

Fast Track Service for Householder Developments (New Charge 365)

- 5.7.3 The proposed scheme relates to the issue of Certificates of Lawfulness for Existing and Proposed Uses for householder developments. The purpose of the fee is to guarantee a determination of the application within 10 working days of receipt of the request. This fee is separate from the nationally prescribed fee which would also have to be paid. There are no guarantees on the level of likely demand for this service and, therefore, it is proposed to introduce it on a pilot basis.

Planning Performance Agreements (New Charges 353-364)

- 5.7.4 On 2nd June 2015 Cabinet agreed that Planning Performance Agreements with developers should be encouraged and that charges could be negotiated on the basis that all costs incurred by the Authority are fully recovered.
- 5.7.5 National Planning Practice Guidance encourages the use of Planning Performance Agreements for complex major planning applications. They allow the Council to agree with the developer a project plan for the planning application from inception through to a decision being made and then the discharge of conditions, identifying the necessary resources to support this. The benefits to the Council and the developer in entering into a PPA are:
- better overall management of pre-application and post application stages increasing confidence and reducing risk;
 - identification of key issues at an early stage;

- more realistic and predictable timetables;
- greater accountability and transparency;
- improved partnership working; and
- continuity and consistency from Council officers.

5.7.6 Having now entered into several of these agreements, a more structured approach to the fees chargeable to each classification of proposed development can be taken. The income generated will offset the additional cost of providing the service which in many cases can be considerable.

Local Land Charges / National Land Information Service (Ref 370 - 384)

5.7.7 Local Land Charges are subject to public scrutiny and the Council is required to publish details of the costs and income relating to this activity on its public website. The Council must set its charges for this area with the intention of breaking even over a rolling three-year period.

5.7.8 The outcome of a long running Court case, involving many councils nationally, has resulted in the authority no longer being able to justify its current charging model. The proposed reduction in charges are in line with current national guidelines for Local Land Charges and, in view of previous years performance, should not jeopardise the section's ability to achieve the current income budget.

5.7.9 Fees and charges have been updated to ensure that the Council is operating on a full cost recovery basis for these services. Most of the charges have had increases applied that enable them to remain competitive with local boroughs.

5.8 Regulatory Services (Ref 385 – 583)

Licences (Ref 385 – 583)

5.8.1 There is currently no scope to increase these charges as charges are either at the maximum levels allowed by legislation or in accordance with European Service Directives. Charges against the Poisons Act are no longer applicable, as the legislation has now been repealed, therefore nullifying the ability to charge.

5.9 Parks and Events (584-629)

5.9.1 The charges include non-commercial events, commercial events, circuses and fun fairs. The Council's current events policy, and the associated charging structure, will be reviewed as part of the ongoing Parks Strategy tendering exercise. As part of this process the charges will be benchmarked against other London boroughs.

5.9.2 It is anticipated that the new Parks Strategy and associated documents will be produced and signed off by the Council by the end of March 2017, and the new event policy and charges introduced in 2018/19.

5.9.3 Therefore, other than applying an inflationary increase and uplifting the current charges by 1.8% (with appropriate rounding up/down as appropriate) no fundamental changes are proposed to the event current charging structure for 2017/18.

5.9.4 However, in terms of the Council's Summer of Festivals event programme the majority of charges are negotiated, and reflect the individual characteristics and resource implications associated with each event. The aim is to achieve 100% direct cost recovery for this service, as well as a contribution towards overheads. Therefore, it is proposed to include a new charge line to accommodate this more 'flexible' approach.

5.10 **Parking (Ref 630 – 741)**

5.10.1 The Review of the Parking Strategy has led to the adoption of a new charging structure. The aims, priorities, principles and action, set out in this strategy have been formed following a public consultation exercise and were agreed at the October Cabinet meeting. The following are therefore proposed:

- Parking will continue to be provided free of charge for disabled badge holders
- We will introduce a Domestic / Carers Permit
- Parking fees and charges will be reviewed annually
- Free half an hour parking in all on-street shopping locations
- Free one hour parking in all council park car parks
- Adopt an area based approach to parking controls
- Move to cashless payment for car parking including contactless payment cards
- Apply a lower charge for the first two vehicles per household, compared to the third or more" lower permit charge for the first two vehicles per household and an increase in charges for the third and any subsequent vehicles
- Establish parking permit prices which encourages low emission vehicles

5.10.2 Prices for Residents Parking Permits have been revised based on levels of carbon emissions with higher rates for more polluting cars and multiple vehicle households.

5.10.3 The structure of prices for Pay and Display parking has also been simplified. The new set of charges is shown in appendix A (refs 630 – 741). The previous charges are shown in Appendix B as discontinued.

5.11 **Barking Market (Ref 756 – 785)**

5.11.1 It has been proposed to increase these charges by 2% for cash payments to recognise additional cash processing costs and to incentivise cashless payments. Payments made by card are to be held at 2015/16 rates. It should be noted that these and all street trading charges are subject to a 28-day statutory consultation with license holders.

5.12 **Private Sector Housing (Ref 883 - 903)**

5.12.1 Mandatory House of Multiple Occupation (HMO) and Additional licence fees have increased to reflect the costs of enforcement and the additional administration these properties require. This increase brings rates in line with comparable boroughs and reflects legal clarification on charging for enforcement. All other fees have been increased by RPI.

5.13 Highways (Ref 904 - 922)

5.13.1 Licences and permits have increased to bring rates in line with comparable boroughs.

5.13.2 Street work permit charges (London Permit Scheme - LoPS) are set by central government and hence no increase has been applied.

5.13.3 Fees for Traffic Management Orders (TMO) and for white lines at footway crossings have been included in the schedule. These charges have been set on a full cost recovery basis for the Council.

5.14 Direct Services: Pest Control and Waste (Ref 936 – 975)

5.14.1 The Service has simplified the charging structure for Pest Control. Previously there were different charges for different pests, which was confusing to householders and could give rise to errors if pests were misidentified. It is proposed to move to three sets of charges: one for general pests, one for squirrels and one for bedbugs and fleas. Differential charges will still be charged for low income, standard and commercial / landlord customers to take into account ability to pay.

5.15 Cemeteries (Ref 976 – 1034)

5.15.1 Grave fees have increased by 20% and internment fees by 30% to bring charges close to an average across other comparable boroughs. The new charges remain on average 20% below the average of the 11 local authorities benchmarked.

5.15.2 A new charge will be introduced for the new Muslim Cemetery service. This will be an express service at a cost of £2,100 for a mounded grave. This is slightly higher than the cost of a lawn grave due to the extra maintenance required in keeping a soil mounded shape in good condition and weed free. A secondary reason is that because on every grave purchased, only one body will be interred per grave so there will be no potential income from second internments.

5.15.3 An additional fee will of £477 will be charged for weekend internments to cover the additional staff costs.

5.15.4 Fees are also being proposed for the pet cemetery which is a new offering from the Borough. The charges have been benchmarked with closest neighbours and are competitive, straight forward and easy to apply.

5.16 Fleet (Ref 1035 – 1041)

5.16.1 New charges have been included in the schedule for driver training and MOT testing in the workshop which was brought in-house in September 2015.

5.17 Registrars (Ref 1067 – 1102)

5.17.1 Charges for non-statutory service have been held at their current rates to allow the service to remain competitive.

5.17.2 The new task introduced last year for Dusk Marriages (Late Fridays) has not had any take up, therefore it is proposed to reduce this charge to be more competitive.

5.17.3 Two charges have been removed, individual citizenship payment (per child) as children are free for this service, and nationality checking service per child so that there is one rate for adults and children.

5.18 Information Governance (Ref 1104)

5.18.1 This charge set by the Government relates to the Data Protection Act 1988 Section 7(1) which gives individuals the right to access their personal data and this is called a subject access data. The Council already charges the maximum fee allowed under the Act, therefore this price cannot be increased.

5.19 Court Costs (Ref 1105 – 1112)

5.19.1 These charges are already at the maximum compared to other London boroughs. Any increase would be highly likely to be refused by the Courts. Therefore, it is not proposed to change these charges.

5.19.2 If court costs were to be increased by the Courts during the year, the possessions costs (Ref 971) would need to be increased in line with this.

6. Financial Implications

Implications completed by: Kathy Freeman, Finance Director

6.1 The financial implications are considered throughout this report. Additional income will be generated from increases but this is variable as it is also dependent on demand for the services.

7. Legal Implications

Implications completed by Suzan Yildiz, Legal Services Manager

7.1 The report seeks Cabinet approval to the fees and charges set out in Appendix A and the basis for the charging (pursuant to statutory duties or discretionary powers) and rationale are set out in Appendix A. In some instances, certain charges levied in previous financial years are either (i) no longer applicable or (ii) are simplified, therefore, the legal implications are not considered. To the extent that Appendix A proposes increases to charges or the imposition of new charges, the legal powers and considerations detailed below are relevant. Officers have ensured the charges proposed in Appendix A are in line with its Charging Policy, benchmarked against other similar authorities and in many cases the increases represent 1.8% linked to the rise in Retail Prices Index (RPIX) as an indicator of the rising cost of provision of services.

7.2 The Council is required under the Local Government Finance Act 1992 to produce a 'balanced budget'. Income generated from fees and charges contributes to the Council's finances. Local authorities are under an explicit duty to ensure that their financial management is adequate and effective, and that they have a sound system of internal control and management of financial risk. The annual review of fees and charges contributes to this requirement.

- 7.3 Local authorities have wide ranging powers to charge for specific statutory services as stipulated in relevant statutory provisions.
- 7.4 By virtue of Section 93 of the Local Government Act 2003, the Council has powers to trade and to charge for discretionary services. The latter are services which the Council is not statute bound to provide, but has a 'discretionary power' to provide on a costs recovery basis. The discretionary power to charge for services is applicable where:
- no statutory duty exists to provide the service/s
 - there are no specific powers to charge for the particular service/s
 - there are no prohibitions on charging for the particular service/s
- 7.5 Further, under the Localism Act 2011 the Council has a general power of competence conferring a power to charge for services on a cost recovery basis and subject to similar conditions and limitations under the Local Government Act 2003. Thus the Council may only charge for a service under the general power of competence if:
- it is a discretionary service;
 - the service user agrees to the service being provided; and
 - there are no other powers to charge for the service, including under section 93 of the Local Government Act 2003.
- 7.6 Where authorities have a duty to provide a statutory service to specified standards free of charge, a charge cannot be made for delivery of the service to the specified standard. Delivery, to a standard above and beyond that which is specified may constitute a discretionary service for which a charge can be made on the basis outlined above.
- 7.7 Some of the charges proposed in Appendix A arise from specific statutory powers (i.e. where the general powers in section 93 of the Local Government Act 2003 or section 1 of the Localism Act 2011 are not applicable).
- 7.8 The Council has a power under section 32 of the London Local Authorities Act 1990 to recover its reasonable administrative or other costs in connection with its street trading functions under Part 3 of the Act, such as the grant, renewal or variation of licences, collection or removal of refuse connected with licence holders, street cleansing and reasonable costs of administration and enforcement associated with street trading. In this instance, there is no significant change to the nature or type of charges proposed. These have merely been brought in line with RPIX to ensure reasonable recovery and continued service provision.
- 7.9 The Care Act introduced a single legal framework for charging for care and support including discretion as to whether or not to charge. The Council may charge adults in circumstances where it arranges care and support to meet a service user's needs, except where the Council is statutorily required to arrange care and support free of charge. Officers deem the Council's charging policy to be Care Act compliant. The policy is regularly reviewed and the charges are means tested to ensure that service users pay no more than they can reasonably afford.

8. Other Implications

8.1 **Risk Management** - In proposing these revised fees and charges officers have considered: -

- The potential of increases to adversely affect demand for or access to the services specified by end users.
- The achievement of community priorities for particular service areas and the Council's overall budget in delivering such services

8.2 **Customer Impact** – The officers reporting have amended fees and charges in a manner designed to mitigate, wherever possible, the impact on customers and service users during whilst enabling the Council to achieve a balanced budget, ensure full cost recovery and the continued provision of services, both statutory and discretionary which it has historically provided or considers it should provide to enable the Council to meet its corporate and community priorities. In some instances, fees and charges have been reduced in order to deliver better value for money for residents, to encourage increased take up of services or to ensure certain vulnerable groups are not impeded from accessing services. Charges may be set differentially according to classes of users.

The charges proposed in Appendix A are deemed justified in accordance with the specific charging powers or discretionary powers detailed in this report. The responsible officers have taken reasonable steps to ensure the charges are reasonable and proportionate based on a cost recovery basis. The effectiveness of the proposed charges will be the subject of monitoring through the Council's various performance indicators, its service scorecards and the budget monitoring processes.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- **Appendix A** – Full list of fees and charges for 2017
- **Appendix B** - Fees and charges no longer applicable from 1 January 2017