

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER**

**Subject** **Street Scene Fees and Charges for 2014/2015**

**Officer taking decision** Street Scene Director

**Date of decision** 04/04/2014

|         |   |
|---------|---|
| Summary | To approve fees and charges for 2014/15, some of which are increasing by up to the rate of inflation. |
|---------|---|

**Officer Contributors** Lynn Bishop – Street Scene Director  
Cory Sunderland – Performance & Monitoring Support Officer

**Status (public or exempt)** Public

**Wards affected** All

**Function of (Council/Executive)** Executive

**Enclosures** Appendix A – Fees and Charges 2014/2015

**Contact for further information:** Cory Sunderland, Performance & Monitoring Support Officer (020) 8359 3014

## **1. RELEVANT PREVIOUS DECISIONS**

- 1.1 Cabinet Resources Committee, 25 February 2013 (Decision item 7) – agreed ‘That the Director for Place be authorised, in consultation with the relevant Cabinet members, to make changes to the Charging Schedule as detailed in Appendices A, B and C of the report subject to consultation findings and Appendix D (Equality Impact Assessments) (EIA) as required to progress through approval and adoption by the Committee to take effect from 1 April 2013, or as soon as practicable’.

## **2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 2.1 Fees, charges and allowances need to be reviewed to ensure value for money and cost recovery, thereby complying with the 2013-2016 Corporate Plan priority ‘To maintain a well designed, attractive and accessible place, with sustainable infrastructure across the borough’.

## **3. RISK MANAGEMENT ISSUES**

- 3.1 The fees and charges proposed within this report are for various discretionary services and for parking and environmental charges. For parking and environmental charges, they are set based on the relevant statutory framework and in relation to discretionary services are based on recovering the costs incurred by the Council in providing those. Efforts have been made to limit the charge increases and consideration has been given to the charges adversely affecting demand for the service as well as the need to recoup the cost of providing the service. There will nonetheless remain an element of reputational risk and risk of challenge.

## **4. EQUALITIES AND DIVERSITY ISSUES**

- 4.1 Notifications in respect of annual changes to fees and charges are the subject of public notice; this enables all residents to be made aware of the increase in charges and their applicable date of change. The proposed fees and charges were published online, between the 14 February and 20 March 2014, on the consultation portal for residents’ feedback and comments prior to implementation. Feedback was received from two residents; the issues raised were regarding the level of parking charges. It is not proposed to increase these charges by inflation. Each respondent will receive a written reply to their comment. The Council is intending to consult on its wider parking policy to ensure that parking restrictions and charging meets the relevant traffic management aims. These respondents’ comments will be fed into this wider policy work.
- 4.2 An equalities impact assessment screening has been actioned and no adverse impacts, to any group, was been identified. The consultation responses refer to potential adverse impact on particular groups. The Council does not have any evidence to support that particular groups are adversely impacted by the current level of charging. As this decision is not proposing an increase to these parking charges, this decision does not appear to impact adversely on any protected group. Any future consultation on parking policy will be used to identify whether future changes both to policy and charging will impact on particular groups and if necessary, any mitigating steps that can be taken.

## **5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 5.1 The impact of increased fees and charges will be taken into account in the 2014/15 revenue monitoring and the 2015/16 forward plan process.
- 5.2 All fees and charges go towards recouping costs for delivering the service.
- 5.3 All prices listed do not include VAT, which will only be charged where indicated.

## **6. LEGAL ISSUES**

- 6.1 Local authorities have a variety of powers to charge for specific statutory services set out in statute.
- 6.2 The Local Government Act 2003 also provides a power to charge for discretionary services on a costs recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so.
- 6.3 Where authorities have a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard, however delivery beyond that point may constitute a discretionary service for which a charge could be made.
- 6.4 The Road Traffic Regulation Act 1984 sets out the regulatory regime for charging for on-street and off-street parking. The Environmental Protection Act 1990 permits local authorities to charge for certain waste collection services over and above standard collection of household waste.

## **7. CONSTITUTIONAL POWERS**

- 7.1 Paragraph 4.3.9 of the Council's Financial Regulations (Part 24 of the Council's Constitution), 'Chief Officers may approve changes to fees and charges annually where the change is broadly in line with inflation', and it is also noted that the date for annual increases does not need to be 1 April. Increases above the rate of inflation (and new charges) need to be approved by the Cabinet Resources Committee.
- 7.2 Council Constitution, Part 17 - Responsibility for Functions, states at paragraph 7.5:  
'Before any delegated powers report is signed by a Chief Officer he or she must consider whether the issues involved are likely to raise significant levels of public concern or comment or give rise to policy considerations. Where this is the case, the matter must be referred to the appropriate Cabinet Member as to whether or not it is appropriate to use the delegation. All delegated powers reports must indicate that this process has been undertaken.'
- 7.3 Council Constitution, Part 17 - Responsibility for Functions, paragraph 7.6 (Recording of delegated powers to Officers), states that formal reporting of officer decisions will take place if actions or decisions involve the fixing of fees and charges to be levied by the Council.

## **8. BACKGROUND INFORMATION**

- 8.1 Fees and charges are reviewed annually as appropriate. Street Scene's current and proposed fees and charges are shown in the attached appendix to this report.
- 8.2 The proposed fees and charges are to take effect from the 7 April 2014, or as soon as practicably possible thereafter.

## **9. LIST OF BACKGROUND PAPERS**

- 9.1 Consultation responses from two residents.

## **10. DECISION TAKER'S STATEMENT**

- 10.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

## **11. OFFICER'S DECISION**

**I authorise the following action**

- 11.1 **To approve fees and charges for 2014/15, some of which are increasing by up to the rate of inflation.**

**Signed**                      **Street Scene Director**  
\_\_\_\_\_

**Date**                        **07/04/2014**  
\_\_\_\_\_