

	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 24/03/2015</p>
Title	Street Scene Fees and Charges for 2015/2016
Report of	Street Scene Director
Wards	All
Status	Public
Enclosures	Appendix A – Fees & Charges 2015/2016
Officer Contact Details	Cory Sunderland, Acting Operations Support Manager (020) 8359 3014

Summary

This report seeks Chief Officer approval of fees and charges for 2015/16 that are changing broadly in line with the rate of inflation or less.

Decisions

1. To approve the Street Scene fees and charges for 2015/16 as detailed in Appendix A.

1. WHY THIS REPORT IS NEEDED

- 1.1 Fees and Charges are reviewed on an annual basis to ensure that costs of chargeable services are covered and the council is achieving value for money. This report sets out the current fees and charges for some Street Scene services and highlights the changes sought.

2. REASONS FOR DECISIONS

- 2.1 It is considered good practice to review fees and charges annually and it also ensures that the costs of providing services are recouped.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 The alternative is to not review the fees and charges and adjust them but this is not good practice and could result in a failure to recover or to over recover costs of provision of the service.
- 3.2 Given the current financial climate and pressures on the council budget the only viable way to continue to provide these services is to levy a fee and ensure it covers cost of provision.

4. POST DECISION IMPLEMENTATION

- 4.1 If approved, the fees and charges will be posted on the Council's website and will be implemented from 1 April 2015 or as soon as practicable thereafter.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 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'.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The impact of increased fees and charges will be taken into account in the 2015/16 revenue monitoring and the 2016/17 forward plan process.

5.2.2 All fees and charges go towards recouping costs for delivering the service.

5.2.3 All prices listed do not include VAT, which will only be charged where indicated.

5.2.4 The fees and charges increases for 2015/16 have been capped at a maximum inflationary rate of 2%. There will also not be any new types fees and charges introduced at the start of 2015/16.

5.3 Legal and Constitutional References

- 5.3.1 Local authorities have a variety of powers to charge for specific statutory services set out in statute. The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services, the latter 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. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.

- 5.3.2 Additionally the Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services but again subject to conditions/limitations similar to those noted above.
- 5.3.3 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.
- 5.3.4 There is a variety of legislation permitting charging for different services, some which set prescribed fees and charges (or the range of charges for a given service), and others which allow discretion based on costs of providing the service.
- 5.3.5 Paragraph 4.3.9 of the Council's Financial Regulations (Part 21 of the Council's Constitution) states, 'Chief Officers may approve changes to fees and charges annually where the change is broadly in line with inflation. The date for annual increases need not be 1 April.'
- 5.3.6 Paragraph 1.5 of Annex B to Responsibility for Functions Scheme of Delegated Authority to Officers (Part 15 of the Council's Constitution) states, '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. The views of the Chairman of the relevant Committee should be sought as to whether or not it is appropriate to use the delegation. All delegated power reports must indicate that this process has been undertaken'. This has been considered by the Street Scene Director.
- 5.3.7 Paragraph 1.6 of Annex B to Responsibility for Functions of Delegated Authority to Officers (Part 15 of the Council's Constitution) states, 'Formal reporting of officer decisions will take place if actions or decisions involve...(amongst other things)... the fixing of fees and charges to be levied by the Council.'

5.4 Risk Management

- 5.4.1 The fees and charges proposed within this report are for various discretionary services and environmental charges. Environmental charges 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.

5.5 Equalities and Diversity

5.5.1 The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty which requires public authorities and organisations acting on their behalf to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

5.5.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

5.5.3 An equalities impact assessment screening has been actioned and no adverse impacts, to any group, have been identified.

5.5.4 Changes to fees and charges are published on the council website, including the applicable date of change, as soon as possible after a decision on them has been taken.

5.6 Consultation and Engagement

5.6.1 None

6. BACKGROUND PAPERS

6.1 None

7. DECISION TAKER'S STATEMENT

7.1 *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.*

8. OFFICER'S DECISION

I authorise the following action

- 8.1 To approve the Street Scene fees and charges for 2015/16, as detailed in Appendix A**

Signed Street Scene Director

Date 24/03/2015