

Report for: Cabinet 07 December 2021

Title: Review of Fees and Charges 2022-23

Report authorised by: Jon Warlow – Director of Finance and Chief Finance Officer

Lead Officer: Frances Palopoli – Head of Corporate Financial Strategy and Monitoring

Ward(s) affected: ALL

**Report for Key/
Non Key Decision:** Key.

1. Describe the issue under consideration

- 1.1. The Council's income policy requires as a minimum an annual review of the level of the fees and charges levied upon service users with a view to ensuring that income is maximised commensurate with the full recovery of costs.
- 1.2. This report sets out the Fees & Charges (F&Cs) that are proposed to be applied to services from the start of 2022/23. This report considers the relevant factors affecting the review of fees and charges, identifies those services where an increase is being proposed and seeks:
 - Approval to increase the fee or charge rate to those services where an increase is proposed in line with inflation.
 - Member's agreement where an alternative approach is being proposed.

2. Cabinet Member introduction

- 2.1. It is important that, as part of our on-going financial planning, we comply with the Council's policy to review our fees and charges, as a minimum annually, taking account of issues such as the general economic climate, the Council's overall financial position and delivery of the objectives of the Borough Plan.
- 2.2. Taking all relevant factors into account I believe that the increases in fees and charges proposed in this report are appropriate. I therefore commend this report to the Cabinet.

3. Recommendations

- 3.1. The Cabinet is asked:
 - a) To **agree** the proposed non-statutory fees and charges to be levied by the Council with effect from 1 April 2022, unless otherwise stated, and as detailed in Section 8 and Appendices I – XIII taking into account the findings of equalities assessments as set out in section 10 of the report.
 - b) To **note** the statutory fees and charges to be levied by the Council with effect from 1 April 2022.

- c) Officers be authorised to proceed to statutory notification or consultation on implementation of proposed changes to parking charges
- d) To **note** that the Council's draft 2022/23 Budget and Medium Term Financial Strategy (MTFS) 2022/23-2026/27 assumes that the changes to Fees & Charges set out in this report are agreed.

4. Reasons for Decision

- 4.1. It is a requirement to review fees and charges as a minimum annually. The financial position of the Council supports the view that levels of fees and charges should be maximised where possible, taking into account all relevant factors including the effect on service users and any consequent demand for services.

5. Alternative options considered

- 5.1. This report summarises the conclusions after consideration of a range of alternative approaches dependent on particular services and relevant factors. As such a range of alternative options ranging from no increase to differentiated rates of increases or decreases have been considered and reflected in this report.

6. Background information

- 6.1. The Council's External Income Policy in relation to varying external income rates reflects that:
 - Service managers should review the level of fees and charges, as a minimum annually, usually as part of the budget setting process;
 - Charges should generally increase by the Retail Price Index (RPI) as a minimum where permissible and also seek to maximise allowable income;
 - A full list of proposed charges should be presented to Cabinet by the end of March each year.
- 6.2. The setting of fees and charges, along with raising essential financial resources, can contribute to meeting the Council's objectives. Through the pricing mechanism and wider market forces, outcomes can be achieved, and services can be promoted through variable charging policies and proactive use of fees to promote or dissuade certain behaviours. In the main, fees and charges should be set at a level where the full cost of provision is recovered through the price structure. However, in many circumstances those charges are reduced through subsidy to meet broader Council priorities.
- 6.3. This report meets the requirements of the Council's external income policy for the 2022-23 financial year and as such contains details of the current and proposed levels of fees and charges to take effect as set out during 2022-23.

7. Review of Fees & Charges

- 7.1. Some fees and charges are set by statute and cannot be changed, such as the amount charged for a Marriage or Civil Partnership ceremony or for a Birth Certificate. Many fees and charges, for example residential care or Building Control, can only recover relevant costs. The level of other fees and charges are at the discretion of the Council or are restricted to cost recovery.

- 7.2. The Council also has a set of strategic and policy objectives, and fees and charges should be set in accordance with such objectives.
- 7.3. The general principles underpinning the Council's external income policy are that all fees and charges are reviewed as a minimum annually and that income is maximised within current service and policy objectives. The competitiveness of the market in which the service operates and the effect of price on demand and overall income yield should be considered.
- 7.4. The draft 2022/23 Budget and MTFS 2022/23-2026/27 assumes that fees and charges increase by a minimum of RPI (3.5%) in 2022/23 unless there is good reason not to, which should be explained.
- 7.5. In some cases, where a 3.5% increase would give a very small cost increase and/or result in a charging rate that would be difficult to administer e.g., a resultant 36p charge might require disproportionate effort of maintaining change floats etc. Services have been asked to take account of factors such as the last time a rise was approved (i.e., an assessment of the compounded inflationary rate) and make appropriate proposals; the proposed rate can be seen in the appendices.
- 7.6. A number of fees and charges cannot be set by the Cabinet. Regulation 2(6) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provides that charges for certain approvals, consents, permits and licenses (e.g., licensing/planning/consent under the Highways Act 1980) may not be made by the Executive (Cabinet). These fees are set by the Council's Regulatory Committee and a separate report will be considered by that committee before the end of the financial year.
- 7.7. As part of the annual review, consideration is given to the Council's equality duty under the Equalities Act (2010) and as such proposed fee changes set out within this report have been subject to equalities screening. Where the screening process has identified a potential disproportionate impact for protected groups a full EqlA has been completed.

8. Service Specific information

- 8.1. The Appendices I – XIII detail the services' fees and charges, showing the 2020-21 rate, 2021/22 rate and the proposed 2022-23 rate with the uplift, if any, applied. Each service proposal is also summarised below. Policy or equalities impact of any proposal are covered in Section 10.

Adult Services (See Appendix I)

- 8.2. Under Section 14 of the Care Act 2014, the Council has the power to charge for meeting care and support needs for adults and carers. The charges are means tested and take into account both income and assets possessed by the individual. This may or may not include an individual's residential home depending on whether the individual is receiving residential or community care. Charges are limited to cost recovery only. The principle of full cost recovery for all care and support services is set out in the Council's Fairer Contributions Policy and should be applied to all services.

8.3. Emergency Responses for weekly monitoring only and weekly monitoring and visiting. There has been no increase for three years. This year's increase is slightly higher than the inflation rate but well below the London boroughs average.

8.4. All other charges have increased in line with inflation.

Traffic Management (Operations) (See Appendix II)

8.5. These are charges relating to in the main borough wide parking permits, parking suspensions, highways licences and Traffic management orders. The parking permit charges are made in accordance with the provisions of the Road Traffic Regulation Act 1984. The Secretary of State recommends that authorities set charges at levels which are consistent with the aims of the authority's transport strategy, including its road safety and traffic management strategies. The highway licences charges are set in accordance with the provisions in the Highways Act.

8.6. The service is proposing to increase charges in line with inflation of 3.5% but, due to rounding, some increases will be higher. Blue Badge Administration charges are not within the discretion of the Council and will therefore remain unchanged as will the refund administration fee which was only implemented recently.

8.7. The only increase proposed for short stay (paybyphone / pay & display) and car park charges is that a 25% surcharge should apply to diesel fuelled vehicles. The Council consulted on this previously as part of package of measures seeking to give effect to the aims and objectives set out in the Transport Strategy and the AQAP, both of which are central to London Mayor's objectives in improving air quality in Haringey. The proposed package of measures was agreed by Cabinet on 15 September 2020 however, while all other measures were implemented, a decision was taken to delay the implementation of the diesel surcharge on short stay and car park charges, due to Covid 19 pandemic and its impact on town centres. The Council feel it important to consider this again at this point in time for parity in charging policy and to support efforts in improving air quality in the borough. It is therefore proposed that this surcharge be applied from 1 April 2022.

Libraries (See Appendix IIIa)

8.8. The Library Charges (England and Wales) Regulations 1991 stipulate the items and services that may be charged for. Charges are at the discretion of the authority, and the authority may make different provision for different cases including different provision in relation to different persons, circumstances or localities. There can be no charge for the loan of written material (section 8 of the Public Libraries and Museums Act 1964).

8.9. Library Service fees and charges fall into two categories:

1: An incentive to return items promptly, to take care of them and return them in good condition for the next Library member to borrow. This ensures that value for money is achieved for monies spent on library resources as they are available for loan for the majority of their lifetime. The charges that fall into this category are fines and charges for lost or damaged items. Although these charges have an income target, due to their nature they cannot be marketed to increase income.

2: Income generation charges which includes loan fees for audio visual materials, printing and room hire.

8.10. In previous years all library fees and charges have been increased in line with inflation, however due to the low denominations involved this is difficult to apply evenly and practically across the suite of charges.

8.11. This year, there is no proposed increase in any of the Library services.

Cultural Services (See Appendix IIIb)

8.12. Existing Charges to Bruce Castle Museum & Archive Services will not increase in 2022/23 due to the on-going impact of COVID-19.

8.13. All other services and access to the museum remain free. The service will continue to collect feedback from service users and monitor any barriers to use.

Garage Rents (See Appendix IV)

8.14. The level of garage rent is based on demand, location and size and the income contributes to the Housing Revenue Account (HRA) rather than the General Fund (GF).

8.15. To ensure the garage rents do not impact disproportionately on vulnerable customers a specific concessionary rate is in place for elderly and disabled Haringey residents to ensure they can access the service.

8.16. A specific pricing structure is in place for Tenants and Leaseholders of Haringey Council which is below market rate in recognition of the financial constraints on this group and to ensure they can take advantage of the facilities on their estates.

8.17. The service has reviewed its pricing strategy for 2022/23 and is proposing the following:

a) The Concessionary discount for Haringey residents who are either over state pension age or have a disability (Group 1) will be increase by 0.9%.

b) Garage rent restructuring has been reintroduced this year for Tenants and Leaseholders of Haringey Council renting their first garage (Group 2). This is a continuation of the rent restructuring process that has been ongoing for the last few years which aims to eventually achieve a flat rate for Tenants and Leaseholders. This year a merger of existing Categories A & B is proposed, to create a new Category A; next year a merger of existing Categories C & D is planned.

This year, the new Category A & B rents will increase above inflation (8% & 6.9%) with the new Categories C & D increasing slightly below inflation to allow the lower category rents to catch up and the difference in rental rates narrow as rent restructuring continues.

c) The flat rate for private renters, businesses and those Tenants and Leaseholders of Haringey Council renting their second or subsequent garage (Group 3) will increase in line with inflation rounded to the nearest 0.5p to keep a round number (overall 3.6% increase).

Corporate Landlord (Asset Management) (See Appendix V)

8.18. Most rents for commercial properties are set through commercial negotiations with the tenant as part of the initial lease and subsequent rent reviews. The rents are set using nationally agreed RICS formulae taking into account variables such as location,

size and condition of the property. The rent payable at the time of entering into a lease is very much dependent on market forces driving best consideration and once agreed is usually fixed for periods of up to 5 years before review. Commercial rent amounts are therefore not included for approval in this report.

- 8.19. Since staff are still working from home in the main, staff car parking charges are not currently being charged. A decision will be made on the charges once staff come back in sufficient number and also the availability of total parking spaces once certain buildings are disposed of. As such, no changes to the current charges are being proposed at the current time.
- 8.20. There are currently no room hire charges in the Civic Centre and River Park House as they are currently closed for refurbishment. As such no changes are proposed at the current time.
- 8.21. Neighbourhood Resource Centre charges are proposed to increase by in line with inflation. However, as the amounts are small these have been rounded up to the nearest pounds.

Court Costs (See Appendix VI)

- 8.22. Legislation under the Council Tax (Administration and Enforcement) Regulations 1992 and the Non-Domestic Rating (Collection and Enforcement) Regulations 1989 defines that the cost of summons and a liability order is reasonably incurred. The cost of summons and liability orders is reviewed annually to ensure it remains fair and reasonable. Following a challenge in the High Court, the costs of Council Tax summons in Haringey were reviewed by Grant Thornton and the recommendations from that review were built into the charges levied at that time.
 - 8.23. The current charges are broadly in line with other London Boroughs, and it remains prudent to keep them at the same level for 2022/23.
 - 8.24. The Authority's court costs are audited and are deemed to reflect the true cost in pursuing non-payers and defaulters.
- #### **8.25. Waste (See Appendix VII)**
- 8.26. Commercial waste fees and charges are set in consultation with Veolia who manage the joint partnership for commercial waste. The commercial market is very competitive and therefore tariffs must be based on market constraints, inflation and changes in disposal costs. To enable us to grow our market share, this year we propose to better align with market conditions and pricing structures.
 - 8.27. Whilst a charge for commercial bulk bin hire has featured in previous F&Cs, the price within F&Cs for the various commercial collection services has always been inclusive of bin hire. During 2022/23, all customers will be migrated over to a new pricing structure, whereby the hire cost of bins larger than 360L will be charged separately to the collection and disposal cost of their contents. This aligns us with market practice, allowing us to compete. The effect of the change will mean smaller customers i.e., those with one bin collected weekly, will mostly only see an inflationary uplift in their 2022/23 total price. Customers requiring multiple lifts per week will see a reduction in their overall cost. For example, a refuse 1100L bin collected once/week:

2021/22 price is £18.52/week; the proposed 2022/23 price is £15.65 for collection/disposal + £3.40 bin hire. This represents a 3% uplift in overall cost.

- 8.28. There are some new commercial services e.g. new container sizes for some commercial waste streams, that have been added to F&Cs this year after being introduced to satisfy customer demand or to expand the service provision further. The commercial special collection service will be developed further, using market intelligence, during 2022/23.
- 8.29. Also, to align with market competition, a 'bulk buy' discount matrix will be applied to certain services for larger customers. This is commercially sensitive and outlined in exempt appendices
- 8.30. The size of the administrative task to migrate customers from old to new pricing structures prevents us from proposing one single change-over day i.e., 1 April. Therefore, both existing and proposed pricing structures have been accommodated in the 2022/23 F&Cs to enable us to gradually migrate existing customers during the year. All new customers will be put straight on to the new pricing structure. Bin hire is subject to VAT.
- 8.31. All bins and sacks are subject to weight limits and each service has been priced accordingly. Where bins or sacks are overladen with waste, the service suffers additional disposal charges. This year we have introduced excess waste charges that seek to recover these costs
- 8.32. There are no proposed changes to garden waste subscriptions for 2022/23. Current pricing is within the range of that of other comparable London authorities and a recent survey found that 23.2% of 1,087 non-renewing customers did not renew last year due to price.
- 8.33. There are no proposed changes to bulky waste prices for 2022/23. Tackling fly tipping remains a priority for the Council.

Parks Services (See Appendix VIII a)

- 8.34. Allotment rents were increased by 75% in 2018. It was subsequently agreed with the Allotment Forum that the rent would not be subject to a further increase for three years. These rents have been now reviewed with increases proposed broadly in line with the rate of inflation. This is still subject to the agreement of the Allotment Forum under our management SLA. Should the proposals not be accepted, it can be addressed in the December 2022 Fees and Charges report as the proposed annual charges aren't levied until January 2023.
- 8.35. As agreed in the 19/20 Fees & Charges report, the charges to Forest School operators would move, on an incremental basis, from a flat rate fee to a percentage charge per pupil over a three-year period. 2022/23 will be the third and final incremental increase and will raise the charge from 7.5% to 10% of the per pupil rate charged by the businesses to parents.
- 8.36. The fees and charges for 2022/23 at the New River Sport and Fitness centre are mainly sourced from the 9th of March 2021 Cabinet Report: 'New River Sport and

Fitness Options Appraisal' that dealt with the insourcing of this facility and at the same time a schedule of prices was set. It became apparent as the project to insource the site developed that additional prices were needed for products not listed within the March Cabinet Report. Examples of this are prices for junior activities, junior concession activities and school hire. Most prices have not had the inflationary rate applied, as the Council service at New River is still bedding in, exceptions to this are grass pitch hire prices that are aligned to prices for grass pitches in park locations, which have increased by the inflationary amount.

- 8.37. The fees charged for use of sports pitches and organised exercise/personal training in parks have mostly been increased in line with inflation. Fees have been rounded up where small amounts are involved, and this may sometimes result in above inflation increases.

Parks Events (See Appendix VIII b)

- 8.38. The Council operates in a competitive market, particularly for major events that take place in Finsbury Park. With prices having been increased by inflation since 2016/17 market testing now demonstrates that our prices are at the right sort of level compared to nearby boroughs and to attract sufficient business to maximise the income potential. Consequently, most charges will increase in line with inflation, allowing the service to remain competitive.

- 8.39. A charge for small funfairs has been reintroduced to attract some of the smaller operators back into the borough. Charges for private hire are being replaced with a simplified approach and a separate lower charge for children's birthday parties introduced.

Registrars (See Appendix IX)

- 8.40. Most fees in the Registrar's offices such as Births, Marriages, Deaths, Citizenships and Religious building certification including religious venues for civil partnerships are set by the General Register Office and were last revised in October 2017. These cannot be changed by the Council.

- 8.41. The Council can however set fees for discretionary services. The costs of these discretionary services will increase broadly in line with inflation with the exception of Room Hire damage deposit (7.9%). However, this is a fully refundable deposit if the room is left damage free.

- 8.42. There are two new services in 2022/23: The Woodside and Westbury rooms are available for hire on an exclusive basis for half day (Monday – Friday) at a cost of £800. These rooms are also available on half day on Saturday at a cost of £1,000. These new fees have been set at a market rate.

Regulatory Services (See Appendix Xa)

- 8.43. These charges relate to Pest Control, Environmental Health Mortuary, Environmental permits and Local Authority Pollution Prevention Control (LAPPC) mobile plant charges. Fees are permissible by Acts of parliament. Environmental Permit fees are set by statute.

- 8.44. Where fee increases have been proposed these are broadly in line with inflation. In a number of cases no increase is proposed in order to remain competitive with the market. There are a few exceptions where the increase is higher than the rate of inflation. Bed bugs, for both domestic and concession will have a service change where the number of visits will increase from two up to three, and as a result the fee will be increased by 29% and 28% respectively to reflect the increased complexity. The cancellation admin fee will increase by 5.6%.
- 8.45. The Food Hygiene rating revisit is to increase by 23.6% to better reflect the actual costs of providing the service to the business. The request for a reinspection is voluntary not a statutory service. It is of benefit to the business when wanting to expediate a review to change a score following an inspection rating rather than waiting until another programmed inspection.
- 8.46. Health Protection Regulations 2020 Collection of contact details per person 18(6)a and Health Protection Regulations 2020 Alert level-Medium, High and Very High services are being removed as no longer applicable.

HMO (See Appendix Xb)

- 8.47. Mandatory HMO Licensing is a non-discretionary scheme introduced by Government which came into effect in 2006. The fee for a Mandatory Licence was set at £208.00 per habitable unit with discounts attached for certain aspects of the licensing process. It applies to all HMO occupied by 5 or more persons across the whole borough.
- 8.48. A borough wide additional HMO Licensing scheme to compliment the borough wide Mandatory Licensing scheme was implemented in 2019/20. The fee was set at £1100 per unit based on an average 5 bed let. There has been no price increase since then and no price increase is proposed for 2022/23. Although not a statutory charge, any proposed increases would, in line with best practice, require consultation with the stakeholders which would be tenants and landlords in the borough.
- 8.49. A £50 discount off the licencing fee is offered as a concession to landlords who have received training and are accredited to a landlord association.
- 8.50. All licensing fee money is ring fenced to be used for the purposes of operating a scheme.

Building Control and Local Land Charges (See Appendix XIa)

- 8.51. Charges are required to be set so that the Building Regulations service breaks even over a 3-year period.
- 8.52. Most building control charges are statutory, and the Council has no control over setting these; these are expected to increase above inflation for 2022/23. Additional charges within the Council's remit, are set to increase above inflation, bringing them in line with existing market rates.
- 8.53. Following investigation of the position by the Land Registry (HMLR), and a consultation exercise which ended on 9 March 2014, the Government has decided that responsibility for the administration of Land Charges should be transferred from the local authorities in England and Wales to the Land Registry from Q2 2021.

- 8.54. Local Authorities will still be responsible for maintaining the Local Land Charges (LLC) Register but will need to provide the information to HMLR. The council will receive a small migration fee for the first 3 years, however all LLC1 Income will be lost.
- 8.55. Local Land Charges are set so that the service breaks even over a three-year period and also so that we, as a Local Authority, do not set our fees so low as to impact the other private search companies, in accordance with the guidance on fees setting under the Local Land Charges Act 1975. It is proposed to maintain the existing charges relating to Local Land Charges. These have recently been adjusted and are consistent with statutory requirements around fee setting for Local Land Charges
- 8.56. Street Naming & Numbering Charges will increase broadly in line with RPI whilst retaining fees as integers

Development Management (Planning / Development Control Services) (see Appendix XIb)

- 8.57. Charges have been proposed to increase by 3.5% in line with inflation, with the exception of Quality Review Panels which are not increasing as they are set externally. The proposed 3.5% increase on all non-statutory fees is, in the main levied on developers and those carrying out development which is profit driven. Only the charges for Householder advice affect residents per se.
- 8.58. New Flat Conversion 2-3 units or HMO is a new service with a proposed charge of £650. This will allow officers to provide advice on these developments and avoid unsuitable developments and is priced at a proportionate fee level.
- 8.59. New Express HH Application (+stat fee) is also a new service at a proposed fee of £500 which will provide an accelerated validation process. The fee represents the additional resources required to provide this service.

**Childcare (see Appendix XII)
Children's Centres and Nurseries**

- 8.60. Centres are in a challenging childcare market. Other nurseries are offering childcare at lower rates enabling parents to have more choice which makes it difficult for our centres to attract fee payers. With fewer fee payers this will lead to an increase to the current overspend.
- 8.61. Childcare charges at Children's Centres are either not increasing or increasing at below the inflation rate to remain competitive. Lunch fees, where offered, are increasing above inflation in recognition of the increased costs of staff and consumables.
- 8.62. Room hire services for half day and full day are being introduced in addition to the hourly charges.

Children's Contact Centre

- 8.63. Of the existing services two are increasing by inflation with those producing a report being increase above inflation to ensure full costs are recovered. Two new room hire charges are proposed from April 2022, offering half day/4 hours and full day/8 hours.
- 8.64. The Maya Angelou traded service proposes a number of new services charges from April 2022. The majority of these are set at competitive market rates with virtual contact services set at full cost recovery.

Legal External Fees (see Appendix XIII)

- 8.65. The legal charges are set to secure that, taking one financial year with another, the income from the charges achieves full cost recovery for provision of the legal service. In relation to commercial property charges the client department (Property Services) has the ability to waive some or all the fees if they wish to cover some or all these fees from their legal budget. The same principle applies to the Planning Services department in respect of section 106 agreements.
- 8.66. Legal External fees are proposed to increase by the rate of inflation (3.5%) with the exception of fees associated with S106 Agreements where Senior Lawyer fees will increase by 5% and Principal Lawyer by 4%.
- 8.67. Charges to Homes for Haringey and Haringey Clinical Commissioning Group (CCG), noted as 'Other legal charging arrangements', are set out in separate Service Level Agreements between Homes for Haringey and Haringey's Legal Services and CCG and Haringey's Legal Services. The rates are set to be beneficial to both Homes for Haringey and the CCG whilst recovering the cost of provision of the Legal support. They are currently set at a level to be competitive and maximise the use of the services provided.

9. Contribution to strategic outcomes

- 9.1. Maximising the Council's resources, in particular in the current financial climate, is a key part of the Council's Medium Term Financial Strategy. In addition, the review of fees and charges has taken into account the Council's strategy and policies regarding that particular service.

10. Statutory Officers comments

11.

Finance Comments

- 11.1. The proposed changes to Fees & Charges outlined in this report and appendices have been taken into account in the Council's proposed 2022/23 budget.

Strategic Procurement Comments

- 11.2. Strategic Procurement notes the contents of this report.

Legal Comments

- 11.3. The Head of Legal & Governance has been consulted in the preparation of this report and makes the following comments.
- 11.4. Confirmation is given of the Cabinet's remit as set out at paragraph 7.6 above.

- 11.5. Certain fees for services provided by the Council are prescribed in statute. Accordingly, confirmation is given that in such instances the Council has no discretion as to the level of the charge. However, there are a further range of services where specific legislative provisions allow the Council to decide whether to charge and how much. One such service area is leisure and recreational facilities, where section 19(2) of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to charge for these facilities beyond cost recovery limitations.
- 11.6. In addition, section 93 of the Local Government Act 2003 (the Act) - and guidance issued in 2003 pursuant to section 96(3) of the Act - empowers the Council to charge for discretionary services. A discretionary service is defined in the guidance as being one where the Council has the power to provide it, but is not obliged to do so. However, this power cannot be used where the Council is under a duty to provide the service, or where charging is prohibited or where a specific legislative charging regime applies.
- 11.7. The Council must have regard to the guidance when charging for discretionary services under the Act. Accordingly, for each discretionary service which a charge is made, there is duty to secure that, taking one year with another, the income from charges for that service does not exceed the costs of provision. Any over or under recovery that results in a surplus or deficit of income in relation to costs in one period should be addressed by the Council when setting its charges for future periods so that over time income equates to costs.
- 11.8. In addition, Section 93 of the Act permits the Council to charge only some persons for providing a discretionary service and to charge different persons different amounts for providing a service.
- 11.9. The Council also has power under section 1 of the Localism Act 2011 to do anything that individuals generally may do, subject to specified restrictions and limitations imposed by other statutes. The general power of competence extends to charging for a discretionary service where there is no other power to charge for the service, including the power in section 93 of the Act. Similarly, under this provision, the Council may not recover more than the cost of providing that service.
- 11.10. In reviewing fees and charges, the Council need to have due regard to the overarching Public Sector Equality Duty as set out in the Equality Act 2010. In so saying, it is noted that equality screening tools have been used as appropriate.
- 11.11. In light of the above, coupled with the stated equalities based intention to keep initiatives under review and to make modifications as issues arise, there is no legal implication reasons why Cabinet cannot adopt the Recommendations contained in this report.

Equalities Comments

- 11.12. The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;

- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

11.13. The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

11.14. The Council's savings programmes are all subject to a separate assessment to ensure they do not impact negatively on any protected groups.

11.15. The proposed fee changes set out within this report have all been subject to equalities screening. Where the screening process has identified a potential disproportionate impact for protected groups, or see a fee increase above inflation (3.5%) for the resident a full EqIA has been completed. This has resulted in one full EqIA being completed for Registrars.

11.16. For an increase of fees above inflation experienced by commercial organisations such as developers and business an EqIA has not been completed.

11.17. The result of the Registrars full EqIA process has not identified any potential for discrimination or adverse impact. Registration services are delivered in compliance with government rules, regulation and law. Statutory fees are available to ensure accessibility and amending some of the fees, as proposed, will not effect the statutory provision for the services offered by the registration team. The fee proposals will enable a fair and sustainable service to be delivered with a range of appointment days, times and variation of services to meet specific needs. Legislation has provision for fees to be waived on the grounds of compassion and hardship to further ensure accessibility and fairness to all. been highlighted below.

11.18. Officers will continue to monitor for any equalities implications and modify the proposed initiatives to mitigate any issues which arise.

12. Policy Implication

12.1. The Council's income policy requires that an annual review takes place and this report meets that policy obligation.

13. Use of Appendices

13.1 Fees & Charges Schedules

Appendix I	Adults' Services
Appendix II	Traffic Management
Appendix III a	Libraries Charges
Appendix III b	Cultural Services Charges
Appendix IV	Garage Rents
Appendix V	Asset Management
Appendix VI	Court Summons

Appendix VII	Neighbourhood Action – Waste Collection
Appendix VIII a	Parks Services
Appendix VIII b	Parks Events
Appendix IX	Registrars
Appendix X a	Regulatory Services (excl. Licenses etc. set by Reg. Committee)
Appendix X b	HMO Licensing
Appendix XI a	Building Control and Local Land Charges
Appendix XI b	Development Management
Appendix XII	Childcare
Appendix XIII	Legal External Fees

13.2 **Equalities Impact Assessments**

Appendix XIV	Registrars
Appendix XV	Not used

14. **Local Government (Access to Information) Act 1985**

Appendix XVI	Commercial Waste (exempt)
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