

Report for: Cabinet Member Signing 14 March 2023

Title: Review and Approval of Appendix II Highways and Parking Fees and Charges 2023-24

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. This Council's income policy requires an annual review of the level of the fees and charges to be met by service users, with the emphasis being on full recovery of costs, though it recognises that in some circumstances this is not possible.
- 1.2. The main report setting out the Fees and Charges (F&Cs) proposed from the start of the financial year 2023/24 was approved by Cabinet on 7 February 2023 apart from those included in Appendix II Traffic Management due to errors having been identified.
- 1.3. This report now recommends approval of the 2023/24 Fees & Charges proposed in the amended Appendix II Highways and Parking.

2. Cabinet Member introduction

N/A

3. Recommendations

- 3.1. The Cabinet is asked:
 - a) To **agree** the proposed highways and parking fees and charges, subject to a Statutory Notification process where required as detailed in Section 7 and Appendix II, to be levied by the Council with effect from 1 April 2023, unless otherwise stated.
 - b) To authorise officers to proceed to Statutory Notification to increase parking charges.
 - c) To note the findings of equalities assessments as set out in the main 2023/24 Fees & Charges report agreed by Cabinet on 7 February 2023.

4. Reasons for Decision

- 4.1. Under the Council's Income Policy, it is a requirement to review fees and charges as a minimum annually. Given the ongoing challenges facing the Council, this is even more appropriate.

5. Alternative options considered

- 5.1. This report summarises the conclusions in relation to proposed Highways and Parking Fees & Charges for 2023/24, set out in Appendix II 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 main report setting out the Fees and Charges (F&Cs) proposed from the start of the financial year 2023/24 was approved by Cabinet on 7 February 2023. That report contained all the background information relevant to the annual setting of Fees & Charges.

7. Service Specific information

- 7.1. The Appendix details the services' fees and charges, showing the 2021/22 rate, 2022/23 rate and the proposed 2023/24 rate with the uplift, if any, applied. The key points are summarised below. Policy or equalities impact of any proposal are covered in Section 9.

Highways and Parking (See Appendix II)

- 7.2. These charges relate in the main to parking permits, parking suspensions, car park season tickets, on-street and off-street parking, 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 1980.
- 7.3. The service is proposing to increase most charges in line with inflation of 10% 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. However, a waiver is proposed to the £10 replacement fee for stolen Blue Badges
- 7.4. There are only two cases where the increase proposed is above the recommended inflation rate (10%). The first is a 28% increase in the Parking Suspension per bay per day charge; the second is a 25% increase to the daily surcharge for diesel fuelled vehicles which was agreed last year. The new proposed charges are a response to the current market climate to keep up with pricing trends and to ensure the service cost recovery.
- 7.5. A number of areas are proposed to increase by less than inflation. The first is hourly visitor permits where the Parking Fees and Charges report agreed by Cabinet on 13 July 2021 agreed that these would be increased year-on-year at 6% for the term of

the 2021-2026 MTFs. The second is Diesel surcharges and Traffic Management Orders (TMOs) which, following a benchmarking exercise, are proposed to remain at the existing level.

- 7.6. A separate report on Carers and Essential permits is being prepared for decision. A further change for Skips and building materials licence will apply where the duration of the licence has reduced from 28 days to 14 days.
- 7.7. A formal statutory notification process must be undertaken prior to increasing parking charges. Therefore, any increases will have to be implemented from July 2023 resulting in part year effect.

8. Contribution to strategic outcomes

- 8.1. Parking makes a considerable contribution to the delivery of many of the Council's priorities. charges. It can encourage a move to healthier travel choices while making provisions for those who need to drive. Parking, therefore, plays a critical role in managing relationships between parking, transport, environment, economy, health and planning. The charges proposed on this report ensures that cost of delivering this service is covered.

9. Statutory Officers comments

Finance

- 9.1. The proposed changes to Fees & Charges outlined in this report and appendices have been taken into account in the Council's proposed 2023/24 budget.

Strategic Procurement

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

Legal

- 9.3. The Head of Legal & Governance has been consulted in the preparation of this report and makes the following comments.
- 9.4. Confirmation is given of the Cabinet's remit as set out above.
- 9.5. 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.
- 9.6. In addition, section 93 of the Local Government Act 2003 (the Act) - and guidance issued in 2006 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.

- 9.7. 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.
- 9.8. 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.
- 9.9. 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.
- 9.10. In reviewing fees and charges, the Council need to have due regard to the overarching Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. In so saying, it is noted that equality screening tools have been used as appropriate.
- 9.11. 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 reason why Cabinet cannot adopt the Recommendations contained in this report.

Equalities

- 9.12. 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.
- 9.13. 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.
- 9.14. This decision is regarding the changes to the Council's non-statutory fees and charges from April 2023. The Council's savings programmes are all subject to a separate assessment to ensure they do not impact negatively on any protected groups.
- 9.15. The proposed fee changes in this report have all been subject to equalities screening. Where the screening process identified a potential disproportionate impact for

protected groups or saw a fee increase significantly above inflation (10%) for the resident, an EQIA was to have been carried out. This resulted in no EQIAs being carried out.

- 9.16. During the EQIA screening processes, no increases were seen as disproportionately impacting protected groups. The only examples of increases above 10% that would affect residents were marginal and resulted from rounding up to avoid a charging rate that would be difficult to administer. As such, these are still considered to be in line with inflation and were not subjected to EQIA.
- 9.17. For an increase of fees above inflation experienced by commercial organisations such as developers and businesses, an EQIA has not been completed.
- 9.18. Officers will continue to monitor for any equalities implications and modify the proposed initiatives to mitigate any issues which arise.

10. Policy Implication

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

11. Use of Appendices

Fees & Charges Schedules

Appendix II Highways and Parking

12. Local Government (Access to Information) Act 1985

Review of Fees & Charges 2023/24 – Cabinet 7 February 2023