

Report for:	<b>Shadow Executive</b>
Meeting Date:	<b>7th January 2020</b>

<b>Title of Report:</b>	<b>Fees &amp; Charges</b>
Shadow Portfolio Holder	Martin Tett – Leader
Responsible Officer	Richard Ambrose
Report Author Officer Contact:	Elspeth O’Neill, 01296 382130, <a href="mailto:elloneill@buckscc.gov.uk">elloneill@buckscc.gov.uk</a>
<b>Recommendations:</b>	<ul style="list-style-type: none"> <li>• <b>To approve the recommendations for harmonisation of fees and charges.</b></li> <li>• <b>To approve the Schedule of Fees &amp; Charges for Buckinghamshire Council from 1 April 2020.</b></li> </ul>
Corporate Implications:	The financial and legal implications are set out throughout the report.
Options: (If any)	For each of the fees & charges considered the options around whether to harmonise have been explored and reasons for the approach is set out.
Reason:	The approach to harmonisation is based on legal requirements and advice and on Service or business justification and needs.

## 1. Purpose of Report

### 1.1 The purpose of the report is

- To approve the recommendations for harmonisation of fees and charges.
- To approve the overall schedule of Fees & Charges for Buckinghamshire Council from 1 April 2020.

## 2. Principles for harmonisation of Fees & Charges

### 2.1 The following principles have been adopted in establishing where harmonisation of fees and charges is required:

- legal guidance has been sought to establish whether there is a statutory need to harmonise fees and charges for vesting day.
- proposals are based on legal and financial advice, balanced alongside where there is a sound business or political justification
- The proposed fee or charge has been selected to protect the current levels of income and evidence to show this is the case. An estimate of the impact on how much income will be generated has been made.

- Where a fee or charge is based on cost recovery, evidence has been provided to show how this has been calculated.
- A financial assessment has been made of the impact of changes by Council
- Consideration has been given to how the proposed changes will be implemented, the complexity of implementation and whether it is appropriate to include within the day 1 workload of the Unitary programme
- Consideration has been made of the requirements for consultation and equality impact assessments

### **3. Harmonisation of Fees & Charges**

3.1 Shadow Executive are asked to approve harmonisation of all fees & charges in the following areas:

#### Planning Services

- Development Control, Building Regulation and Specialist Environmental services;
- Land charges
- Street naming and numbering

#### Waste

- Green waste charges (where charging is already in place)
- Bulky waste charges

#### Housing & Regulatory Services

- HMO license fees and housing enforcement charges
- Scrap metal fees
- Fixed penalty notices or penalty charge notices (where not already statutory)

#### Environmental Health

- Food safety charges and training for Level 2 Food Safety awards.
- Dog Fouling and Pest Control
- Private Water Supplies
- Strategic Environment & pollution reduction

#### Revenues & Benefits

- Court costs in relation to Liability Orders for the non-payment of Council Tax or Business rates

3.3 Changes to the existing charging arrangements are not proposed pre-vesting day for the majority of Fees & Charges. In these areas the appropriate charging strategy will be considered over a longer timescale alongside a review of Service provision, overall strategy and income generation potential.

- Highways and Transportation (including Car parking and TfB Network strategy).
- Other Waste charges such as trade waste, non-household Waste charges, replacement bins and chargeable household collections.
- Other Licensing such as Street Trading, Taxi vehicle / private hire vehicle, operators, drivers, Animal licensing, Casino and Gaming application fees and other licenses.
- Leisure Services, Sports facilities and Community Centres.
- Theatres and Museums
- Country Parks & Events
- Adult Learning, Libraries and Archives
- Trading Standards
- Coroners and Registration Services
- Cremation Services, Cemeteries, Burial and Memorial Gardens
- Property services (such as Commercial lettings)

- Traded Services (including HR, ICT services to schools)
  - Adult Social Care
  - Education and Children's services (including Home to School Transport)
- 3.4 A full list of all fees & charges is shown at **Schedule of Fees & Charges** for approval by Shadow Executive from 1 April 2020.

#### 4. Financial Implications

- 4.1 The majority of fees & charges that are recommended for harmonisation are set on the basis of cost recovery and have only a limited impact on the budget. The exceptions to this are shown below and these impacts have been included within the draft Budget and Medium Term Financial Plan:
- Planning (including Environmental specialists) and Building Control where the estimated impact on income is an additional £350,000 per annum, subject to the risk of market downturn; and
  - Waste where the harmonisation of bulky and green waste results in an estimated £140,000 increase in income in 2020/21.
- 4.2 The majority of residents are unlikely to be impacted as a result of the proposed fee changes as the fees, such as pre-planning application advice, are discretionary (there is no obligation to use the service), changes are only being made in a limited number of circumstances or impact on businesses and developers rather than residents. The key impacts for residents are:
- In development control, building control, land charges and HMO licencing the fees have been predominately based on the most recent reviews undertaken by Wycombe District Council. This means, in most instances, no change to the charges for Wycombe residents, some large increases and some decreases for Chiltern & South Bucks residents and a larger number of increases for Aylesbury residents ranging from over 50% to close to 200% and individual increases of £50-£250 per fee.
  - In relation to Waste harmonisation the opposite is true, with Aylesbury residents either unaffected by the proposed change to Green Waste or seeing a £30 (18%) reduction in charges for Bulky Waste collection (for three items); Wycombe and Chiltern & South Bucks residents see a 15% increase in Bulky waste charges; and Green Waste a 12.5% (£5) increase for Chiltern & South Bucks. The option of introducing of Green Waste charges in Wycombe will be considered further in 2020/21.

#### 5. Legal Implications

- 5.1 Legal advice has been sought in relation to each of the harmonisation proposals and where harmonisation is not being progressed. The main areas of legal advice relate to:
- Where there is a statutory requirement within the specific legislation that governs the charging arrangements not to have different charges and therefore different fees across Councils need to be harmonised.
  - Where alignment of policies result in the need for a single charge and therefore different fees across Councils need to be harmonised.
  - Where a charge has to be calculated on a cost recovery basis, and legal advice is that cost recovery must be considered on a Council-wide basis and therefore a single charge applied;
  - Whether cost recovered can be applied on a zone basis (for example in relation to taxi licensing) this has been applied and results in different charges for the legacy Council areas until a single licensing zone is introduced.
  - Where harmonisation is not required for vesting day but any prolonged period of differential change could give rise to legal challenge, this has been taken into account.
- 

## 6. Other Key Risks

6.1 The key risks around not harmonising fees & charges are:

- That charges would not be enforceable (resulting in a loss of income) and that the Council could see a legal challenge, should differential charges be challenged
- There are political risks should charges be perceived to be onerous or unfair
- That income is lost and workloads distorted, should customers follow lowest price
- There could be some confusion for customers and staff around what price or charge should be levied for services and errors could occur

## 7. Dependencies

7.1 The review of fees & charges has been undertaken jointly by Programme Board workstreams, Finance, Legal and the PMO. The implementation of new charges will require clear communication and timely publication, the update of websites and web-based application forms, potentially some IT or system changes and updates to payment mechanisms.

## 8. Consultation

8.1 None of the proposed changes for vesting day have resulted in a requirement to undertake a formal consultation. Information on fee and charges increases will be published on sovereign authority websites during March 2020.

## 9. Communications Plan

9.1 A Communications plan is being prepared to inform customers of changes to fee proposals.

## 10. Equalities Implications

10.1 A screening Equalities Impact Assessment has been undertaken for all the proposed fee changes. Currently none of the screening questionnaires has identified the need for a full EQIA assessment.

## 11. Next Steps

11.1 The proposed charges are recommended for approval by Shadow Executive.

<b>Background Papers</b>	<i>None</i>
--------------------------	-------------

