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<b>Subject:</b>	<b>FEES AND CHARGES 2013/14</b>
<b>Meeting and Date:</b>	<b>Cabinet – 7 January 2013</b>
<b>Report of:</b>	<b>Mike Davis, Director of Finance, Housing and Community</b>
<b>Portfolio Holder:</b>	<b>Councillor M D Conolly, Portfolio Holder for Corporate Resources and Performance</b>
<b>Decision Type:</b>	<b>Key</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** This report has been prepared in order to obtain formal approval for the levels of fees and charges (F&Cs) for the financial year 2013/14. These revised F&Cs have been included in the preparatory work on the draft budget for 2013/14 and require approval.

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- Recommendation:**
1. Cabinet approve the Fees and Charges (F&Cs) for 2013/14 as set out in Annex 2.
  2. Members agree that any F&Cs will be adjusted by Service Director and Portfolio Holder to comply with any subsequently received government guidelines (when they are received) without being the subject of a further report unless they are materially different from current charges, or have a material impact on the level of income.
  3. Members approve the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.
  4. Members acknowledge the fees and charges approved by Licensing and Regulatory Committees set out in Annexes 3 & 4.
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## 1. **Summary**

The Council's constitution specifies that F&Cs shall be reviewed annually. In order to meet this requirement all Service Directors have been asked to review the F&Cs within their areas of responsibility (see checklist of issues to consider – Annex 1) and to produce recommended levels for 2013/14. The fees and charges are tabulated in the further Annexes for consideration and/or approval by Members.

## 2. **Introduction and Background**

2.1 The Council's Constitution specifies that F&Cs shall be reviewed annually.

2.2 The level of Member approval required is dependent upon the types of F&Cs raised. In order to obtain appropriate approval the following reports have been prepared:

- Licensing Committee  
Report to the meeting on 20 November 2012 of all F&Cs to be set by the Licensing Committee.
- Regulatory Committee  
Report to the meeting on 20 November 2012 of all F&Cs to be considered by the Regulatory Committee prior to approval by Cabinet.
- Planning Committee  
Report (for information) to the meeting on 13 November 2012 of all F&Cs relevant to the Planning Committee.
- Cabinet  
Report to the meeting on 7 January 2013 of all F&Cs, but seeking specific approval of those F&Cs set by Cabinet.

2.3 Members are reminded that in 2004/05 a Member and Officer review group developed a framework of broad guidelines to be considered in formulating proposals for F&Cs. A copy of the checklist produced at that time and since updated to maintain currency, has been circulated to all Service Directors and to all officers considering F&Cs so that a rigorous and consistent approach is taken. A copy is attached at Annex 1.

2.4 As in previous years, in order to assist Members, the data on F&Cs has been tabulated into a standard format that has been used for Annexes 2-4.

2.5 The main points to note are set out below.

Detail and Narrative (Columns 2 & 3)

These give a brief summary of the type of service being provided.

Statutory (Column 4)

This indicates whether a charge is "Statutory" or not. If a charge is "Statutory" then it is set by Government and although formal Member approval is still sought, there is little or no scope to make changes.

2012/13 Charge Inc VAT (Column 5)

The charge has been provided inclusive of VAT for two reasons. First, it shows what the customer will actually pay and is therefore more meaningful.

Second, charges for some services, especially those like as car parking<sup>1</sup>, which are not simply a direct recovery of costs, are set at a level, inclusive of VAT, based on the appropriate market level. The VAT is therefore a deduction from the amount of charge retained by DDC and is not a key factor in determining the appropriate charge. Members are asked to approve this approach.

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<sup>1</sup> Car parking fees themselves are not included in this report and are the subject specific reports from the Director of Environment and Corporate Assets.

### 2012/13 Total Expected Income ex VAT (Column 6)

This gives a broad indication as to how much income DDC will receive and has been included to provide Members with a sense of the relative importance of individual charges or group of similar charges. In some cases, the level of use is very low, or infrequent, or the service has only recently been introduced and so no level of income has been included.

### 2013/14 Proposed Charge Inc VAT (Column 7)

This is the recommended charge for 2013/14 and has been used in production of the 2013/14 budget.

### Reason for the Change in Charges (Column 11)

This provides Members with a brief explanation for the change. This will often be due to inflation or "catch up" inflation if the increase has been previously deferred until it can be made to a sensible rounded figure.

In some instances guidance may be awaited from Government as to the basis upon which F&Cs should be set. In these cases it has not always been possible to set a fee level, Members' approval is sought to enable officers to adopt such fees at or close to government directed levels without a further report.

### Service Manager and Portfolio Holder (Columns 12, 13)

These show the responsibilities for specific F&Cs. Services are allocated to Directors as at the time the report was produced. Any changes arising from recent restructures will be reflected in next year report.

### Photocopying

The Information Tribunal<sup>2</sup> has directed that in assessing its charges for photocopying "the Council should adopt as a guide price the sum of 10p per A4 sheet, as identified in the "Good practice guidance on access to and charging for planning information" published by the Office of the Deputy Prime Minister and as recommended by the DCA".

Having regard to this decision and to the guidance the view has been taken that irrespective of whether or not the statutory limitations apply to the charges to be made in respect of photocopying the Council should adopt a corporate view and set its charges at 10p per A4 sheet (with proportionate increases for larger sheets) unless there are good reasons for adopting a higher fee.

### Housing Rents and Service Charges

Housing rents are approved by the Director of Finance, Housing and Community under delegated authority. They are largely prescribed by government and the Council has no real scope to determine rent levels.

Service charges (for both tenants and long term lease holders) are determined through statutorily prescribed consultation processes and the recovery of all

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<sup>2</sup> Information Tribunal in March of 2006 in the case of David Markinson v the Information Commissioner.

allowable costs. As a result the Council has no real scope to determine service charges.

### Significant Charges

To assist Members the more significant charges (generating over £5,000 per annum) are highlighted in bold text.

### Equalities Implications

Equalities implications are included as part of the checklist for managers to consider as part of the process for setting F&Cs.

## **3. Identification of Options**

- 3.1 The recommended figures for consideration by Members are included in the Annexes. Members may approve these proposed figures.
- 3.2 Members may propose and approve alternative figures with reasons recorded for their decisions.
- 3.3 Those fees already approved by Planning, Licensing and Regulatory Committees are for information only.

## **4. Evaluation of Options**

- 4.1 The recommended fees and charges take into account:
  - The statutory basis for levying the charges.
  - All relevant legal requirements and government guidance.
  - The cost of providing the service.
  - The need to maximise income at a time of grant cuts and council tax freezes so as to ensure that in so far as possible, and taken year on year, the fees and charges are sufficient to meet the costs of providing the services.
  - Comparable charges at neighbouring authorities.
  - What the market can bear.
  - The matters referred to in the checklist of issues to consider (at Appendix 1).
- 4.2 Members should take into account those matters referred to in paragraph 4.1 above when reviewing the fees and charges included in the subsequent Annexes.

## **5. Resource Implications**

See Annexes.

## **6. Corporate Implications**

- 6.1 Comment from the Director of Finance, Housing and Community (linked to the MTFP): The Director of Finance, Housing and Community has been consulted and has no further comments to make. (SG)
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: The Equality officer has been consulted during the development of this report and has no further comments to make other than to remind members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

## 7. **Appendices**

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|-----------------|--|
| Annex 1         | – F&C checklist                              |
| Annex 2.1 – 2.5 | – F&C for which Cabinet approval is sought   |
| Annex 3         | – F&C to be approved by Licensing Committee  |
| Annex 4         | – F&C to be approved by Regulatory Committee |
| Annex 5.1 - 5.2 | – Planning application fees                  |
| Annex 5.3       | – Planning charges (pre-application)         |