

	<p>Executive 13th February 2006</p> <p>Report from the Director of Finance and Corporate Resources</p>
For Action	Wards Affected: All
<p>Report Title: Review of fees and charges for 2006/07</p>	

Forward Plan Ref:

1.0 Summary

- 1.1 This report sets out the proposed fees and charges for council services in 2006/07. The proposed charges in this report are reflected in the figures in the separate report on this agenda on the 2006/07 Budget and Council Tax report.

2.0 Recommendations

- 2.1 The Executive is recommended to agree the proposed fees and charges set out in Appendix A, to apply from 1 April 2006 (except for revised social services charges which apply from 10 April 2006 and sports hall hire which applied from 1 January 2006).
- 2.2 The Executive delegate to the Director of Environment and Culture the power:
- to approve detailed scheme on charging for pre-planning advice (paragraph 3.9);
 - to adopt a revised charges scheme implementing proposed changes to building control fees (paragraph 3.9).

3.0 Process for determining charges

- 3.1 This report brings together proposed fees and charges for all council services from 1st April 2006 in order to enable a corporate overview of the charging process and thereby ensure consistency with objectives in the corporate strategy.
- 3.2 The process for setting fees and charges is as follows:
- As part of the budget process, a corporate assumption is made about the general increase in fees and charges – for 2006/07, this has been set at 2%;
 - Services review charges or establish new charges on the basis of a framework for analysing charges, which is attached as Appendix B to this report within the policy framework set out at Appendix C;

- Proposed changes to charges are put forward for consideration by the Executive (this report);
- Where increases in charges above 2% are feasible and are consistent with policy objectives, the additional income generated is used to contribute to the services area's 2% savings target;
- Income from fees and charges is separately identified in individual service area budget matrices. This takes account of proposed changes to prices, the impact on volume and the provision made for bad debts.

3.3 Appendix A sets out the services the council charges for, the date at which the charge was last reviewed, the current charge, and the charge proposed from 1 April 2006.

3.4 Details of the basis for determining the charges are set out below:

Central services

3.5 The charges have been set on the following basis:

- Charges for council tax and NNDR summons and liability costs have been increased to bring these in line with charges by other boroughs. They have been agreed with the Brent Magistrates Court;
- Paul Daisley Hall hire fees were last increased in November 2004 (report to the Executive on 15th November 2004). The previous increase has not affected usage and the Hall remains a popular venue. It is considered usage will not be adversely affected by the further increases proposed. There is a concessionary scheme for registered charities and community voluntary organisations. The new fees will be apply from 1st April to all new bookings received after this report is approved;
- Other charges for central services are principally internal. They have been set on the basis of cost recovery or fair charging basis.

Children and Families

3.6 Charges for the music service reflect the cost of providing the service. Charges for day nursery places have been increased in line with inflation.

Housing and Community Care

3.7 The following changes have been made:

- Adults and social care: increases in charges in community care packages and meals on wheels to bring them into line with other London boroughs were agreed at the Executive on 13th December 2005. Other charges have increased broadly in line with inflation;
- Housing and customer services: changes to the arrangements for storage of furniture for people in temporary accommodation, including introduction of charges, were agreed at the Executive on 16th January 2006.

Environment & Culture

3.8 Changes are proposed to fees and charges made in respect of land charges, planning, building control, environmental health, health, safety and licensing, trading standards, streetcare, sports, parks and cemeteries. The majority of the increases in charges are in line with inflation. No changes are proposed at present in the level of fees and charges made in other services including BACES, libraries, heritage, registrars, parking and transportation.

3.9 Changes to charges are as follows:

- Local land charges – increase from £190 to £200 reflects cost of carrying out searches. The increased charge is in line with other boroughs and reduces the impact of loss of income as a result of reduced use of the service;
- Planning fees – the majority of planning fees are set by government and not covered by this report. Appendix A includes a proposal to introduce a charge for pre-planning advice, using provisions in the Local Government Act 2003. The proposed charge, which will apply to major developments¹, is £1,500 per application, with follow up advice charged at £100 per hour. In addition development briefs and frameworks prompted by developers to aid the sale of a site would be subject to a minimum charge of £5,000. Charges will be reviewed prior to the start of the 2007/08 financial year. Members are asked to delegate the approval of a detailed scheme on charging for pre-planning advice to the Director of Environment and Culture. Information about the legal framework for setting charges in reliance on the power under the Local Government Act 2003 is contained in the Legal Implications;
- Building control – it is proposed to amend the current Building Regulation scheme by removing the charge for completion certificates on Building Notice and (Historic) Full Plans applications and absorbing costs with a revised Building Regulation charges scheme. Members are asked to delegate authority to adopt a revised charges scheme implementing proposed changes to building control fees the Director of Environment and Culture;
- Environmental health - Revisions are proposed to a range of fees charged by environmental health. Fees have been reviewed taking into account inflation, costs recovery and benchmarking against the fees charged elsewhere for similar functions. The main source of income for environmental health is charges for pest control treatments which are set to recover the full cost of the service, whilst ensuring that charges for pests of public health significance remain affordable for the majority of customers. No changes are proposed at present for pest control charges while the service seeks to bring costs and income into line following the loss of pest control work for Brent Housing Partnership. However, charges will be kept under review and proposals for change may be made later in the year;
- Health, safety & licensing - the charges set out in Appendix A reflect increases broadly in line with inflation. Fees for entertainments licensing, previously set by the Council, have now been subsumed into the new Liquor Licensing regime for which fees are set by the Secretary of State.
- Trading standards – fees have been increased broadly in line with inflation;
- Streetcare – a new charge is proposed for deposit of building materials on the highway, in line with many other authorities. Other fees have increased broadly in line with inflation;

¹ Major developments are defined as: 10 or more dwellings; over 1,000 sq m of commercial floor-space; a site of 0.5ha and over; mixed use developments; reserved matter applications on outline major schemes.

- Sports - At the 12 April 2005 Executive, Members agreed a framework of maximum prices for a range of sports activities the Council regards as core to the achievement of its corporate and service objectives. The 'core prices' at Vale Farm and Charteris sports centres were approved and were implemented from January 2006. These fees and charges were agreed in April 2005 to enable companies tendering for the leisure management of Vale Farm and Charteris sports centres to be able to price their tender based on actual charges from contract commencement rather than anticipated charges, thus making the pricing of the tenders more precise. Non core prices will be set by the leisure operator and will be implemented from May 2006.

It is proposed that the maximum charges for Bridge Park Community Leisure Centre are increased in line with inflation in order for the facility to remain competitive. The new prices will apply from 1 April 2006 except for sports hall charges which were implemented from 1 January 2006.

In addition, there is a proposal to introduce off peak charging for use of sports facilities at weekends in order to increase usage.

- Parks - It is proposed that charges for sports facilities in parks and those for fairs and circuses are increased broadly in line with inflation. No changes are proposed in the charges for allotments which are currently felt to be appropriately priced.
- Cemeteries and mortuary – the proposed fees in Appendix A result from implementation of the recommendations in the report on the cemeteries and mortuary service to the Executive on 16th January. The review by the Cemetery Research Group at York University concluded that the Cemetery Service should take a more proactive stance in relation to generating income. It recommended that the service could substantially increase its fees and still remain competitive with neighbouring boroughs. The proposed fee increases are above the level of inflation at all cemeteries and at Carpenders Park, where fees are currently lower, fee increases to bring them in line with other cemeteries in the borough are being phased over two years.

The report on the cemeteries and the mortuary service was to be reviewed by Forward Plan Select Committee (FPSC) on 30th January. However, due to unforeseen circumstances the FPSC was not able to do this fully at that meeting. The FPSC has requested that the Executive agree to postpone implementation of their decision of the 16th January until the FPSC has had a further chance to consider the report at its meeting on 28th February. If this request is agreed by the Executive at tonight's meeting, this will also be the position for the proposed changes to the cemetery and mortuary charges.

3.10 Other Environment and Culture charges have not been changed for the following reasons:

- registrar of births, deaths and marriages - no changes are proposed to discretionary charges in order to ensure the service remains competitive;
- BACES – charges for the 2006/07 academic year will be covered in a separate report in July;

- Libraries - a further increase at present is felt to be counterproductive and would raise issues of access and inclusion;
- Heritage – charges increased significantly last year and further increases would threaten usage;
- Parking – increases in off-street parking charges were agreed at the Highways Committee on 25th January 2006. There have been a number of other reviews of parking charges and mechanisms earlier in the present financial year and no further review is needed at present. Policy is kept under review and although minor changes remain possible it is not considered likely that any major change will be needed in 2006-07;
- Transportation - the main charges made in transportation are for footway crossings where quotes are prepared individually based on the actual cost of completing the work and associated administrative costs. No changes are needed to ensure cost recovery.

4.0 Financial Implications

- 4.1 The increases in charges set out in this report have been taken into account in the proposed budgets for each service area set out in the 2006/07 Budget and Council Tax report. Across all services, increases in income from fees and charges are generally in line with inflation in 2006/07. Those fees and charges that have increased above inflation are as a result of benchmarking services to keep prices in line with other boroughs.

5.0 Legal Implications

- 5.1 Paragraph 3.1 (o) of Part 4 of the Constitution removes from the delegated authority of any officer a decision which relates to the setting, levying or increase of any fees or charges to any member of the public in respect of a Council service (other than room lettings and copying charges). It is therefore necessary for members to agree most of these changes. Members are also able to agree those which could be determined at officer level because they are not charged to members of the public.
- 5.2 Charges can only be imposed where there is a legal power to do so but such powers are contained in various Acts and regulations. The Local Government Act 2003 introduced a new general power for local authorities to charge for discretionary services provided criteria in legislation are met and guidance is taken into account. The necessary regulations and the associated guidance in relation to powers to charge have been in place since November 2003.

Adult Social Care

- 5.3 Pursuant to Section 22 (1) of the National Assistance Act 1948, the local authority has a duty to charge for residential accommodation (to include nursing care) provided under Part III of that Act.
- 5.4 The Charges for Residential Accommodation Guide (known as CRAG) is guidance that has been issued by the Secretary of State under section 7(1) of the Local Authority Social Services Act 1970. CRAG offers local authorities guidance on the procedure for charging adults placed by local authorities in residential accommodation. This guidance must therefore be followed in all but the most exceptional of circumstances.
- 5.5 The local authority is required to charge service users at “standard rate”, to be fixed by the authority or, if the resident does not have the resources to pay at the standard rate, a lower means tested rate. The authority is responsible for

the full cost of the placement and the service user then makes a contribution to the authority.

- 5.6 In some circumstances, relative may choose to contribute to fees to enable a resident to stay in a home of his or her choice when the local authority is not prepared to meet the fees of that home in full. See: the National Assistance Act 1948 (Choice of Accommodation) Directions 1992.
- 5.7 The power of local authorities to charge for non-residential community care services is contained in section 17 of the Health and Social Services and Social Security Adjudication's Act 1983 (HASSASSA). This provision gives the authority discretion to impose a charge on the person in receipt of the service. This includes meals on wheels. The authority may impose such charge as it considers reasonable in all the circumstances.
- 5.8 Section 17 of HASSASSA does not specifically require the local authority to have regard to the cost of the service or the means of the recipient in determining the level of charge. However, such considerations will be among those that it would be prudent for the authority to take into account in determining what level of charge is reasonable.
- 5.9 Guidance for local authorities when charging for home care and other non – residential community care services, known as “Fairer Charging Policies for Home Care and Other Non-Residential Social Services”, has been issued by the Secretary of State under section 7 of the Local authorities Social Services Act 1970.
- 5.10 It is to be noted that there is no power for local authorities to charge for services to recipients of aftercare under section 117 Mental Health Act 1983 even when such aftercare includes residential accommodation or for Intermediate Care or Assessment and Care Management.

Pre-planning advice

- 5.11 The proposed charges for the provision of pre-planning advice will rely on the use of Section 93 of the Local Government Act 2003. This section gives a general power to local authorities to charge for the provision of discretionary (as opposed to mandatory) services, although a charge cannot be made if other legislation prohibits the authority from charging for the services or confers a specific power to charge for the service. Pre-planning advice is a discretionary service offered by the council under s111 of the Local Government Act 1972 incidentally to its planning functions. Section 93 expressly allows authorities to disregard the prohibition in section 111(3) on using section 111 to raise money when considering whether section 93 can be relied on. This means section 93 can be relied on to make a charge for this service.
- 5.12 Under section 93 the power to charge must be exercised so as to secure that *“taking one financial year with another”* the income from charges does not exceed the costs of provision of the service. The guidance suggests that the authority set out their methodology for achieving this and this will need to be considered by the Director of Environment and Culture.
- 5.13 The Planning and Compulsory Purchase Act 2004 contain a power at section 53 for regulations to be made enabling charges to be levied for anything done incidentally to local planning authority functions. No regulations have yet been made but if and when they are made the scheme for charging for pre-planning advice to be approved by the Director of Environment and Culture

will need to be reviewed if the regulations make specific provision for pre-planning advice charges.

6.0 Diversity Implications

6.1 The proposals in this report have been subject to screening and officers believe there are no diversity implications, which require partial or full assessment.

6.2 Whilst increased charges could theoretically deter some disadvantaged groups, officers do not think that the proposed increases will be sufficient to prevent such groups from taking up the services. Concessions to the fee structure are made in some instances for those in the community who are in the most need.

7.0 Staffing Implications

7.1 None specific

8.0 Background Papers

- Best value review of fees and charges
- Corporate Strategy 2002-2006
- Draft Service Development Plans 2006/07 to 2009/10 – report to the Executive on 12th December 2005
- Review of the Cemetery Service – report to the Executive on 16th January 2006
- Temporary Accommodation Up-date - report to the Executive on 16th January 2006
- 2006/07 Budget and Council Tax – report on this agenda

9.0 Contact Officers

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