



**Executive  
15 February 2010**

**Report from the Director of  
Finance and Corporate Resources**

Wards Affected:  
All

**Review of fees and charges for 2010/11**

Forward Plan Ref: F&CR-09/10-19

**1.0 Summary**

1.1 This report sets out the proposed fees and charges for council services in 2010/11. Reflecting the low inflation during 2009 and the current economic climate the overall approach has been to increase charges by less than in previous years. There are some exceptions, reflecting specific fees and charges and changes to the policy for charging for removals and storage, which are detailed in the report. All additional income from fees and charges is being used to re-invest in services or keep the council tax increase down.

**2.0 Recommendation**

The Executive is recommended to:

- 2.1 Agree the proposed fees and charges set out in Appendix A to apply from 1 April 2010 (unless otherwise stated);
- 2.2 Agree changes to the Removals and Storage Charging Policy as set out in Appendix B.

**3.0 Detail**

3.1 The council's approach to fees and charges in recent years, informed by a best value review carried out in 2004 and ongoing reviews of individual services, has been to:

- a. Be clear about the purpose of individual fees and charges and the way they fit into corporate and service strategies by differentiating between those that the council wishes to subsidise in order to help deliver its strategies and those that are set on the basis of cost recovery or market rates.
- b. Use the powers in the 2003 Local Government Act to introduce new charges where it is considered appropriate.
- c. Recognise that, where there is a choice between increased fees and charges to users of services, and either reductions in services or increases in council tax, the results of resident surveys have shown a preference for increases in charges over the other two options.

- 3.2 Appendix A to this report sets out proposed fees and charges for council services in 2010/11. As part of the council's budget strategy there was no general inflationary uplift assumed for income. This reflected the low level of inflation during 2009 and the ongoing impact of the recession.
- 3.3 Increases have been made where current charges are based on market rates and they are out of line with the market. For example proposed charges for use of the Paul Daisley Hall have increased by almost 5% in accordance with a decision previously made (as hall hire is normally booked in advance) reflecting market rates.
- 3.4 Within the registrars service there has been a review of the pricing structure for the nationality checking service to bring it in to line with that used in neighbouring boroughs. The charges for approved premises weddings have increased by variable amounts reflecting comparable charges elsewhere.
- 3.5 Parking charges are excluded from the schedule in Appendix A as these would be subject to a separate report to Executive should the council wish to increase these. There is no proposal to increase parking charges.
- 3.6 Proposals for changes to the charging policy for removals and storage are set out in Appendix B.
- 3.7 Income maximisation is one of the projects in the council's Improvement & Efficiency Action Plan. Any changes to the council's overall approach to charging for services or changes to individual charges arising from this project will be brought back to the Executive.

#### **4.0 Financial Implications**

- 4.1 The implications of the proposed charges have been taken into account in the Council Tax and Budget report elsewhere on this agenda.

#### **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 otherwise determined at officer level.
- 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. Where these powers are relied upon the amount that may be charged is restricted to an amount which taking one year with another enables to council to recover its costs but does not mean a profit will be made.
- 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, relatives 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 Adjudications 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.
- 5.11 With regard to references in this report to recovery of court costs, Members should note that this is not technically a fee or a charge but relates to actual cost recovery.
- 5.12 Legal Services will review all of the proposed new charges to ensure that they are lawful and within the council’s powers.
- 5.13 Legal implications regarding the Council’s statutory obligations regarding the storage of property belonging to homeless persons is set out in Appendix B of this report.

## **6.0 Diversity Implications**

- 6.1 The general duty under s49A Disability Discrimination Act 1995 is broadly to promote equality of opportunity between disabled persons and other persons.

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**

- 2010/11 Budget and Council Tax – report on this agenda
- Positively Charged – Maximising the Benefits of Local Public Service Charges – Audit Commission January 2008

## **9.0 Contact Officers**

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