



Date: 28 November 2018
Our ref: Extraordinary/Cabinet/Agenda
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EXTRAORDINARY CABINET

6 DECEMBER 2018

An extraordinary meeting of the Cabinet will be held at 4.30 pm on Thursday, 6 December 2018 in the Council Chamber - Council Offices.

Membership:

Councillor Bayford (Chairman); Councillors: Savage, Ashbee, Game and I Gregory

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest form attached at the back of this agenda. If a Member declares an interest, they should complete that form and hand it to the officer clerking the meeting and then take the prescribed course of action.

3. **2019-20 FEES AND CHARGES** (Pages 3 - 8)

Declaration of Interest form - back of agenda



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2019-20 FEES AND CHARGES

Extraordinary Cabinet	6 December 2018
Report Author	Tim Willis, Deputy Chief Executive and S151 Officer
Portfolio Holder	Cllr Ian Gregory, Cabinet Member for Financial Services & Estates
Status	For Recommendation
Classification:	Unrestricted
Key Decision	Budget and Policy Framework
Ward:	All

Executive Summary:

The proposed fees and charges for 2019-20 were considered by Finance, Budget and Performance Scrutiny Panel on 20 November 2018 and recommendations were made to:

- a) consider removing the fee for cremation services of children under the age of seven years
- b) review the costs for cremation services for all age groups, having considered similar charges in other districts
- c) review the licensing fee charges in order to determine whether it was appropriate that there was no increases in licensing fees across the board
- d) consider whether it is appropriate to set up an all party cabinet advisory group to look at future fees and charges

In addition, following identification of an error in the schedule, Cabinet is asked to approve a small correction to the fees and charges schedule in respect of Item 31 Off Street Parking Dreamland.

Recommendation(s):

1. That Cabinet approves:
 - i) the removal of the fee for cremation services of children under the age of seven years.
 - ii) the confirmation of the proposed fees for other cremation services as agreed at Cabinet on 15 November.
 - iii) the confirmation of the proposed fees for licensing as agreed at Cabinet on 15 November.
 - iv) the creation of an all party cabinet advisory group to look at fees and charges applicable from April 2020.
2. That Cabinet approves to revise Item 31 of the fees and charges schedule (Off Street Parking Dreamland) in accordance with section 1.2 of the report.

CORPORATE IMPLICATIONS									
Financial and Value for Money	The financial implications have been reflected within the body of the report.								
Legal	<p>Section 151 of the 1972 Local Government Act requires a suitably qualified named officer to keep control of the council's finances. For this council, it is the Deputy Chief Executive (S151 Officer), and this report is helping to carry out that function.</p> <p>Local authorities have a variety of powers to charge for specific statutory services as set out in section 42 of the Local Government Act 2003.</p> <p>The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.</p> <p>The Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services but again subject to conditions/limitations similar to those noted above.</p> <p>Any decision made by the council must give due regard to the Public Sector Equality Duty section 149 of the Equality Act 2010.</p>								
Corporate	Corporate priorities can only be delivered with robust finances and this report gives Members the opportunity to review the council's proposed fees and charges for 2019-20, as part of the budget process.								
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (PSED) (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="text-align: center;"> </td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td style="text-align: center;">✓</td> </tr> </table> <p>The Equality Act 2010 (the "Act") came into force on 1 October 2010 and brings together over 116 separate pieces of legislation in order to create a framework to protect the rights of individuals and advance equality of opportunity for all.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓	Foster good relations between people who share a protected characteristic and people who do not share it.	✓
Please indicate which aim is relevant to the report.									
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,									
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓								
Foster good relations between people who share a protected characteristic and people who do not share it.	✓								

	<p>The Equality and Human Rights Commission recognises that with major reductions in public spending, local government has to make difficult and often unpopular decisions regarding funding and service provision. Thanet District Council has statutory public sector equality duties concerned with eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on the basis of protected characteristics such as gender, race, disability or age. These duties do not prevent the council reducing services or charging where necessary - provided that decisions are taken in accordance with the Act.</p> <p>An Equality Impact Assessment (“EIA”) is not a legal requirement in England, but it is an established and credible tool for demonstrating due regard to the public sector equality duty, which is required by law. Thanet District Council, taking its obligations as seriously as it does, had the Policy Owner for each proposed fee and charge, complete an EIA.</p> <p>An analysis of the impacts fees and charges might have to the statutory equality duties encouraged Thanet District Council to take a proportionate approach to fees and charges. EIAs tailored the necessary mitigations and exceptions, for example.</p> <p>The council is satisfied that, in all the circumstances, the Schedule of 2019-20 fees and charges, those subject to an EIA, are lawful for the purposes of the public sector equality duties in the Equality Act 2010.</p> <p>The council recognises that EIAs are not an end in themselves. They are, of course, a way of showing that due regard has been paid to the general duties; but the council will continue, all-the-time, engaging with the equality considerations, accepting comments and opinions from stakeholders and maintain a positive relationship with the Equality and Human Rights Commission.</p>
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	✓
Promoting inward investment and job creation	✓
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	✓
Supporting the Workforce	
Promoting open communications	

1. Introduction and Background

- 1.1 The fees and charges have been considered by Cabinet on 15 November 2018 and then by Finance, Budget and Performance Scrutiny Panel on 20 November. This Cabinet report is available at the following link:

<https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=151&MId=4666&Ver=4>

- 1.2 Cabinet agreed to recommend the proposed fees and charges for 2019-20 to Full Council for approval. The opportunity has been taken to correct some formatting issues that had been identified in the original schedule of fees and charges, for the version

going to Full Council. However, it has been found that Item 31. Off street parking - Dreamland fees should have removed £0.04 (SR) shown for each minute between 1 hour and 5 hours and replaced with a charge of £0.10 (SR) for each 10 minute slot between 1 hour and 5 hours, rounded up to 10p. This is then consistent with the other parking fees. Cabinet is asked to agree this correction.

1.3 Finance, Budget and Performance Scrutiny Panel has made four recommendations:

- i) to consider removing the fee for cremation services of children under the age of seven years.
- ii) to review the costs for cremation services for all age groups, having considered similar charges in other districts.
- iii) to review the licensing fee charges in order to determine whether it was appropriate that there was no increases in licensing fees across the board.
- iv) to consider whether it is appropriate to set up an all party cabinet advisory group to look at future fees and charges.

2. Consideration and Implications

2.1 Taking each recommendation in turn:

- i) fees for cremation services of children under seven - there would be no material impact on overall income from fees and charges, so it is recommended that Cabinet agrees to this.
- ii) because other districts' charges have already been factored in to the charges proposed and agreed by Cabinet no changes are recommended.
- iii) no change to licensing fees is recommended because the council cannot charge more than the cost of the service, and service costs have not risen.
- iv) Cabinet agrees with the idea of an all party Cabinet advisory group to examine proposed fees and charges for 2020-21.

3. Options

3.1 Cabinet consider the recommendations made by Finance, Budget and Performance Scrutiny Panel and either approve or reject the proposals.

3.2 Cabinet to approve the removal of £0.04 (SR) for each minute between 1 hour and 5 hours from Item 31 of the schedule Off Street Parking - Dreamland and replace with £0.10 (SR) for each 10 minute slot between 1 hour and 5 hours rounded up to 10p.

4. Next Steps

4.1 Once Cabinet has considered the recommendations then the fees and charges proposals will be considered by Full Council on 6 December 2018.

Contact Officer:	Joanne Kemp, Finance Manager
Reporting to:	Matthew Sanham, Financial Services Manager

Annex List

None	N/A
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Agenda Item 3

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Gary Whittaker, Interim Head of Financial and Procurement Services
Legal	
Communications	

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING.....

DATE..... AGENDA ITEM

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

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.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.