

2018-19 FEES AND CHARGES

Extraordinary Cabinet	30th November 2017
Report Author	Tim Willis, Director of Corporate Resources
Portfolio Holder	Cllr John Townend, Portfolio Holder (Financial Services & Estates)
Status	For Recommendation
Classification:	Unrestricted
Key Decision	Budget and Policy Framework
Ward:	All

Executive Summary:

The proposed fees and charges for 2018-19 were considered by Overview and Scrutiny Panel on 21st November 2017 and recommendations were made to

- a) remove the cremation fee for non-viable babies and
- b) remove the proposed increase on bulky waste collection charges.

Recommendation(s):

1. That Cabinet consider the recommendation put forward by Overview and Scrutiny Panel to remove the cremation fee for non-viable babies.
2. That Cabinet consider the recommendation put forward by Overview and Scrutiny Panel to remove the proposed increase on the bulky waste collection charges.

CORPORATE IMPLICATIONS

Financial and Value for Money	The financial implications have been reflected within the body of the report. However were members to decide to reject any of the proposals, then additional savings of the same value would be required to deliver a balanced budget.
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 Director of Corporate Resources (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>

	Any decision made by the council must give due regard to the Public Sector Equality Duty section 149 of the Equality Act 2010.								
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 2018-19, 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" data-bbox="432 860 1402 1227"> <tr> <td colspan="2" data-bbox="432 860 1402 927">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td data-bbox="432 927 1310 1025">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td data-bbox="1310 927 1402 1025"></td> </tr> <tr> <td data-bbox="432 1025 1310 1124">Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td data-bbox="1310 1025 1402 1124">✓</td> </tr> <tr> <td data-bbox="432 1124 1310 1227">Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td data-bbox="1310 1124 1402 1227">✓</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> <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</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,									
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Foster good relations between people who share a protected characteristic and people who do not share it.	✓								

	<p>and exceptions, for example.</p> <p>The council is satisfied that, in all the circumstances, the Schedule of 2018-19 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	

1.0 Introduction and Background

- 1.1 The fees and charges have been considered by Cabinet on 16th November 2017 and then by Overview and Scrutiny Panel on 21st November. This report is available at the following link:
<https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=151&MId=4656>
- 1.2 Please note that the schedule has since been updated to reflect the name change of “Leopold Street” car park to “Royal Harbour” car park.
- 1.3 Overview and Scrutiny Panel made two recommendations; to remove the cremation fee for non-viable babies and remove the proposed increase to the bulky waste collection charges.

2.0 Implications

- 2.1 It is estimated that the financial implication of removing the cremation fee for non-viable babies would be under £100.
- 2.2 It is estimated that the financial impact of removing the proposed increases for all bulky waste collections would be circa £1,200.
- 2.3 Other compensating savings or additional income would need to be found in order to neutralise the budgetary impact.

3.0 Options

- 3.1 Cabinet consider the recommendations made by Overview and Scrutiny Panel and either approve or reject the changes.
- 3.2 That Cabinet recommend the agreed fees and charges to Council for Decision.

4.0 Next Steps

- 4.1 Once Cabinet has considered the recommendations then the fees and charges proposals will be considered by Council on 7 December 2017.

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Annex List

None	N/A
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Background Papers

Title	Details of where to access copy
Fees and Charges Policy	Budget Strategy

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Sophia Nartey, Interim Head of Legal Services