

FEES AND CHARGES 2021-22

Overview & Scrutiny Panel 23 November 2021

Report Author	Chris Blundell, Acting S151 Officer
Portfolio Holder	Cllr David Saunders, Cabinet member for Finance
Status	For Recommendation
Classification:	Unrestricted
Key Decision	No
Previously Considered by	Cabinet 18 November 2021
Ward:	All

Executive Summary:

This is a covering report to present the Fees and Charges which was considered by Cabinet on 18 November 2021

Recommendation:

Overview and Scrutiny Panel is invited to comment on the attached report.

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

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.

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.

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.

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 2022-23 as part of the budget setting process.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (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.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

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.

The council is satisfied that, in all the circumstances, the Schedule of 2020-21 fees and charges, those subject to an EIA, are lawful for the purposes of the public sector equality duties in the Equality Act 2010.

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.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities

1.0 Introduction and Background

- 1.1 This is a covering report to present the Fees and Charges Report which was considered by Cabinet on 18 November 2021. Overview and Scrutiny Panel is invited to comment on the attached report. If need be, an Extraordinary Cabinet meeting can be arranged to consider any views from the Panel.

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Annex List

Annex 1: Cabinet report on fees and charges
Annex 2 Fees and Charges 2022-23