

PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

23rd DECEMBER 2021

REPORT OF THE ASSISTANT DIRECTOR FOR GOVERNANCE & DEPUTY CHIEF EXECUTIVE

A.1 Governance Directorate / Legal and Democratic Services - Proposed Fees and Charges for 2022/23

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Portfolio Holder's concurrence to the proposed schedule of fees and charges 2022/23 for Governance Directorate / Legal and Democratic Services

EXECUTIVE SUMMARY

- This report sets out the proposed fees and charges for 2022/23 Governance Directorate / Legal and Democratic Services. They continue to be considered against a number of key principles that form part of the long term financial forecast approach which are summarised later on in this report.
- Any amendments to income budgets that are required to reflect changes to fees and charges will be included in the detailed budget proposals for 2022/23 that will be considered by Cabinet / Full Council next year.
- In respect of Full Council next year, the individual decisions agreeing fees and charges will be collated and presented as part of the overall budget setting process for 2022/23.

RECOMMENDATION(S)

That the amendments to the Schedule of Fees and Charges 2022/23 for Governance Directorate / Legal and Democratic Services as set out in Appendix A be agreed.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The forecasting and budget setting process, including fees and charges, will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the 10 year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income, including income raised from fees and charges, whilst limiting reductions in services provided to residents, businesses and visitors.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Fees and Charges have been reviewed against the key principles that underpin the long term forecast, which includes the generation of income whilst balancing strategic and external market conditions.

However a key underlying principle is to consider inflationary increases wherever possible to support the Council's overall financial position to balance inflationary pressures against expenditure budgets but recognising the restrictions placed on local authorities in terms of setting fees and charges on a cost recovery basis.

Any changes to income budgets resulting from any changes in the level of fees and charges agreed, will form part of the detailed budget setting process for 2022/23.

The changes suggested are as set out in Appendix A, with the reasons provided.

Risk

The risks are minimal as the amendments are in line with existing fees, which are charges and paid without any concerns. The Proof of Life is a new fee but the resident can choose to go elsewhere should they wish to seek an alternative fee, this service is normally undertaken locally in commercial solicitors firms, who will charge a much higher rate.

LEGAL

The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.

Trading and the power to charge are set out in the Local Authorities (Goods and Services) Act 1970 and the Local Government Act 2003 – Section 93 respectively. The latter also requires that charges for discretionary services should be on a cost recovery basis.

Under Para 4.4.1 (8) Part 3.4 of the Council's Constitution, all Assistant Directors, in consultation with the relevant Portfolio Holder, Management Team Member and the Assistant Director (Finance & IT), are authorised to decide the level of the annual discretionary fees and charges for their service (including any in-year changes that may be required) for inclusion within the Council's corporate schedule of fees and charges. Following the above consultation, an Officer decision must be published.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

The Proof of Life is a new fee, which will primarily be charged to older residents, but they can choose to go elsewhere should they wish to seek an alternative fee, this service is normally undertaken locally in commercial solicitors firms, who will charge a much higher rate.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Income from fees and charges form an important element of the budget and the financial sustainability of the Council as set out in the long term forecast.

Similarly to previous years, Departments have been asked to review their fees and charges on

an individual basis as changes may need to be made to meet specific aims or strategic objectives or in some cases in response to external factors such as market forces.

The review of fees and charges has been set against the following key principles:

- general inflationary increases where possible or lower where appropriate / justified
- amounts rounded for ease of application, which may result in a slightly above inflation increase.
- on a cost recovery basis as necessary
- reflect statutory requirements.
- increases where market conditions allow
- to meet specific priorities or service delivery aims / objectives

Income budgets included in the detailed estimates will reflect any required changes from the proposed fees and charges set out in this report.

GOVERNANCE DIRECTORATE – LEGAL & DEMOCRATIC SERVICES - PROPOSED FEES AND CHARGES 2022/23

Set against the current fees and charges for 2021/22, **Appendix A** includes the changes to the schedule of fees and charges proposed for 2022/23, which have been developed by applying the key principles highlighted above and set out in Appendix A.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A	Amended fees and charges 2022/23 for Governance Directorate – Legal and Democratic Services,
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