

Portfolio Holder for Leisure and Public Realm

11th March 2024

REPORT OF THE ASSISTANT FOR BUILDING AND PUBLIC REALM

A.1 Operations and Delivery/Open Space and Transport Service Unit - Proposed Fees and Charges for 2024/25

(Report prepared by James Hill)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Portfolio Holder's concurrence to the proposed schedule of fees and charges 2024/25 for Operations and Delivery / Building and Public Realm / Open Space and Transport Service Unit.

EXECUTIVE SUMMARY

- This report sets out the proposed fees and charges for 2024/25 for Operations and Delivery / Building and Public Realm / Open Space and Transport Service Unit. 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.
- In respect of the fees and tariffs for the Sports Pitch Bookings it is proposed that there will be no change in 2024/2025.
- In respect of the fees and tariffs for events on public open space, the implementation of the new Open Space Events Policy sets out fees for operational days, set up / non-operational days and community events.
- In respect of the fees and tariffs for the Bereavement Services it is proposed that there will be no change, but they now reflect the recovery of costs relating to 0-18 year olds from the Government's Children's Funeral Fund rather than a charge to the bereaved family.

RECOMMENDATION(S)

That the Schedule of Fees and Charges 2024/25 for Operations and Delivery / Building and Public Realm / Open Space and Transport Service Unit set out in Appendix A and elsewhere in this report be agreed.

REASON(S) FOR THE RECOMMENDATION(S)

To enable the implementation of a revised fees and charges schedule for 2024/25.

ALTERNATIVE OPTIONS CONSIDERED

Please see the considerations / reasons behind the proposed fees and charges later on in this report.

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.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Portfolio Holder's for Assets and The Portfolio Holder for Leisure and Public Realm have been consulted and are happy with the proposed nil increase in the fees and charges.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	No	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	

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.

The general powers 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 3.45 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.

In respect of Cemeteries, Article 15 (1) of the Local Authorities' Cemeteries Order 1977 empowers a burial authority to charge such fees as they think proper.

15.(1) Subject to the provisions of this article a burial authority may charge such fees as they think proper—

(a) for or in connection with burials in a cemetery.

(b) for any grant of a right to place and maintain a tombstone or other memorial in a cemetery otherwise than in a chapel provided as mentioned in article 6(1)(b); or

(c) for any grant of a right to put an additional inscription on such a tombstone or other memorial.

In determining the fees to be charged the burial authority shall take into account the effect of any resolution under section 147(3) of, or under paragraph 6 of Schedule 26 to, the Act.

(2) Fees collected by a burial authority in respect of services rendered by any minister of religion or sexton acting at the request of the authority shall be paid by the authority to the minister of religion or sexton.

(3) A burial authority shall keep a table showing the matters in respect of which fees or other charges are payable to them, and the amount of each such fee or charge, and the table shall be available for inspection by the public at all reasonable times.

In respect of the Crematoria, the Cremation Act 1902 section 9 states “The burial authority may demand payment of any such charges or fees for the burning of human remains in any crematorium provided by them as may be authorised by any table approved by the Local Government Board, and such charges or fees, and any other expenses properly incurred in or in connection with the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased”.

Pursuant to Section 76 of the Public Health Acts Amendment Act 1907 (as amended), local authorities may set aside parts of public parks for ice skating, and for cricket, football and other games, allowing exclusive use to particular clubs. They may provide apparatus for games and recreation, making a charge if thought fit, and may equip and maintain reading rooms, pavilions and other buildings. Sub-section 76(4) however, states no power given by section 76 shall be exercised in such a manner as to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made, without the consent of the donor, grantor, lessor, or other person or persons entitled in law to the benefit of such covenant or condition.

The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

No further comments to add to the contents of the report, which covers powers for those areas specifically mentioned within the body.

FINANCE AND OTHER RESOURCE IMPLICATIONS

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.

Given the significant on-going financial challenges faced by the Council from 2024/25, a key underlying principle is to consider inflationary increases wherever possible to support corresponding increases in the Council's own costs in delivering the associated service(s). The current rate of inflation remains relatively high and it may not necessarily be practical / possible to 'translate' such an increase into the actual fee increase proposed. Therefore, set against this inflationary context, any proposed increases in fees and charges must be balanced against other considerations / market conditions, whilst also recognising the restrictions placed on local authorities in terms of setting fees and charges as set out within the legal section above. Further details relating to any proposed increases to fees and charges is set out below.

The proposed fees do not have a direct impact on the income budgets included within the 2024/25 budget.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

Although there are no further comments over and above those set out elsewhere in the report, it is important to highlight that the demand / volumes used to calculate the estimated total income figures included within this report and/or budgets are based on those held by the Service.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services.	Please see relevant comments elsewhere in this report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

Fees and Charges for 2024/25 form part of the wider budget setting process.

ASSOCIATED RISKS AND MITIGATION

No risk has been identified in relation to not increasing the fees associated with the Open Space and Transport Service Unit at their present level. In the wider economy, inflation is at relatively high levels and there is potential that this will be reflected in future fees.

EQUALITY IMPLICATIONS

No implication identified

SOCIAL VALUE CONSIDERATIONS

Holding and limitation of fees is likely to be of benefit to members of the community with health issues, those who are bereaved and those involved in grass root sports.

IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030

Efficient running of cremation equipment will contribute to the councils aim to be net zero by 2030.

OTHER RELEVANT CONSIDERATIONS OR 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.

The implementation of the new Open Space Events Policy sets out fees for operational days, set up / non-operational days and community events.

Crime and Disorder	No implication identified. Holding and limitation of fees is likely to be of benefit to members of the community with health issues. All wards affected.
Health Inequalities	
Area or Ward affected	

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

As highlighted earlier in this report, the Council continues to face a number of significant financial challenges in 2024/25 and beyond. It is therefore important that fees and charges are considered against this context and to maximise income opportunities where possible, albeit whilst balancing the various issues highlighted above.

As highlighted earlier, the proposed fees and charges will not have a significant impact on the income budgets included within the 2024/25 estimates.

In respect of cemetery fees, the attached includes fees relating to children, infants and babies. As highlighted, this is not a charge that will be made to the bereaved families but instead enables the Council to ‘claim’ the cost from the Government’s Children’s Funeral Fund (CFF).

A similar change will also be made based on the continuation of existing crematorium fees where it is possible to make the same 'claim' against the CFF.

It is also proposed to offer a discount of 24.7% against the existing crematorium fees where no service is required, which enables the Council to respond to other crematoria who are offering this option to protect as far as reasonably possible the existing demand / usage of the Crematorium rather than families potentially using alternative providers.

Operations and Delivery / Building and Public Realm / Open Space and Transport Service Unit - PROPOSED FEES AND CHARGES 2024/25

Set against the current fees and charges for 2023/24, **Appendix A** includes the schedule of fees and charges proposed for 2024/25, which have been developed by applying the key principles highlighted above.

It is proposed that there will be no increase to the fees for the Bereavement Services and Open Space for the coming financial year. Fee levels were also unchanged in the preceding year.

PREVIOUS RELEVANT DECISIONS

None

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Attached – Detailed fees and charges 2024/25 for Operations and Delivery / Building and Public Realm / Open Space and Transport Service Unit

REPORT CONTACT OFFICER(S)

Name	James Hill
Job Title	Open Space and Transport Manager
Email/Telephone	jhill@tendringdc.gov.uk / 01255 686643