

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 13 March 2014	<b>Decision Taker:</b> Cabinet Member for Finance, Resources and Community Safety
<b>Report title:</b>		Update on Community Safety & Enforcement fees and Charges 2014/15	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment & Leisure	

## RECOMMENDATION

1. That the Cabinet Member notes information on statutory fees and charges only, for the Community Safety and Enforcement division for 2014/15, with an implementation date of 1 April 2014.

## BACKGROUND INFORMATION

2. The cabinet member for finance, resources and community safety previously agreed an IDM report for the proposed fees and charges (2014/15) for the Community Safety and Enforcement division in January 2014. In general the decision taken was to retain fees and charges at 2013/14 levels.
3. Unfortunately, it was subsequently discovered, that some of the fees contained within the appendix 2 (Statutory fees) to the report had erroneously picked up fees from the 2012/13 fees column (which was hidden in the spreadsheet). If uncorrected this error would not result in a significant loss of income, as most relate to categories of licenses or processes where there is little or no regular business, it was deemed ethical to correct these inconsistencies.
4. An amendment has therefore been made to Appendix 2 of the division's 2014/15 Fees and charges report. These fees and charges remain consistent with the council's medium term resources strategy. Appendix 1 which sets out non-statutory fees and charges is unaffected but included here for completeness.

## KEY ISSUES FOR CONSIDERATION

5. Fees and charges are those charges where there is a schedule of rates for services provided. There are various types, namely mandatory and discretionary i.e. where the Authority must charge or where there is a choice of charging or not. Whether mandatory or discretionary, the charges will be either:
  - Fixed – where the level of charges is set by statute and the Authority has no discretion.
  - Capped - where a maximum level is set, generally by statute and so charges cannot be set above this level, or
  - Flexible – where there is full discretion on the level of charges to be set

6. Where the Authority has a choice about charging, any decision not to charge must be agreed by the relevant Cabinet Member. This will be reviewed annually and will be considered within the context of the overall budget position.

### Community Impact Statement

7. One of the key considerations in arriving at the proposed fees and charge levels for the division is price sensitivity i.e. the impact that increases will have on its customers' ability to pay and the take-up of services. This is supported by comparing prices with neighbouring authorities, where possible. However, this flexibility is limited to only where Southwark has discretion over the level of fees set. The adoption of the proposed fees and charges does not discriminate against any group in the community, either directly or indirectly.

### Resource Implications

8. Table 1 below shows the details of the fees which were affected by the error

Description	Misstated fee	Corrected 2014/15 fee
	£	£
Betting shops (new)	2,564.00	2,641.00
Initial application for sex establishment licence	7,984.00	8,224.00
Sex establishments (additional compliance cost)	567.00	584.00
Sex establishments (variation)	7,402.00	7,624.00
Sex establishments (renewal)	7,402.00	7,624.00
Mock Auctions	650.00	670.00
Animal Boarding Establishments	396.00	408.00
Dangerous Wild Animals	325.00	335.00
Performing Animals Registration	51.45	53.00
Performing Animals registration	21.30	22.00
Pet shops	405.00	417.00
Riding establishments	617.00	636.00
Poisons Grant	103.00	105.00
Poisons Alteration to List	32.47	33.00
Poisons Re-Registration	58.22	60.00
Marriage Grant	480.00	494.00
Marriage renewal	480.00	494.00
Marriage Change of name	11.50	12.00

9. The impact of the errors, if uncorrected, would not be significant (estimated at £209 per annum). This is due to the fact that most of the errors related to categories of licenses or processes where there is little or no regular business.

### Consultation

10. Consultation is not required on the above fees and charges. However, formal notification of price increase is. Once approved, notification of fee increases will be published through the appropriate channels.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

11. The cabinet member for finance, resources and community safety is requested to approve the 2014/15 non-statutory fees and charges. The recommendations will take effect on 1 April 2014 if approved.
12. The approval of the fees and charges sought in this report is a matter reserved to the Cabinet Member for individual decision making in accordance with Part 3D paragraph 3 of the Council's constitution.
13. The proposed increases are intended to be consistent with corporate policy, in particular the Medium Term Resources Strategy and will apply to the existing non-statutory fees and charges.
14. Section 93(1) of The Local Government Act 2003 enables the Council to charge for providing discretionary services. In addition, section 1 of the Localism Act 2011 allows a local authority to do anything that individuals generally may do, including for a commercial purpose or otherwise for a charge, or without charge. The power conferred by those Acts is subject to the requirement that the Council is not prevented from charging for the services by virtue of any other legislation. The Director of Legal Services is not aware of any specific legislative provision which would prevent the Council from relying on these powers to charge.
15. The power to charge for a service under the Acts is also subject to the duty to make sure that, taking one financial year with another, the income from charges made from a service does not exceed the cost of the provision of the service.
16. The Council is, therefore allowed to set the level of the charge for each discretionary service that it thinks fit and considers reasonable, subject to those charges not exceeding the costs of the provision.
17. The report confirms that there are no prescribed legal requirements for consultation on the proposed fees and charges although any proposed increases will need to be publicised and notified. Officers should ensure that all forms of notification explain how and to whom any complaints or queries should be made.

### **Strategic Director of Finance and Corporate Services (E&L/13/053)**

18. This report recommends that the cabinet member for finance, resources and community safety notes information on statutory fees and charges only, for the Community Safety and Enforcement division for 2014/15, with an implementation date of 1 April 2014.
19. The strategic director of finance and corporate services notes the level of fees and charges proposed for 2014/15 and the resource implications within the report. These charges were included in the budget presented to council assembly on 26 February 2014 and will be monitored throughout the year. In the event that expenditure or income levels change, the service will need to contain costs within budget or identify alternative sources of funding.
20. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

## APPENDICES

No.	Title
Appendix 1	Proposed Fees & Charges 2014/15 – Non Statutory Fees
Appendix 2	Fees & Charges 2014/15 – Statutory Fees

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director, Environment & Leisure	
<b>Report Author</b>	Jonathon Toy, Head of Community Safety	
<b>Version</b>	Final	
<b>Dated</b>	March 2014	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	13 March 2014	