

<b>Committee:</b> Cabinet	<b>Date:</b> 13 March 2013	<b>Classification:</b> Unrestricted	<b>Report No:</b> CAB 90/123
<b>Report of:</b> Acting Chief Finance Officer  <b>Originating officer(s):</b> Alan Finch-Service Head, Financial Services, Risk and Accountability		<b>Title:</b> Fees and Charges 2013-14  <b>Wards Affected:</b> ALL	

<b>Lead Member</b>	Cllr Alibor Choudhury (Cabinet Member for Resources)
<b>Community Plan Theme</b>	One Tower Hamlets
<b>Strategic Priority</b>	Ensuring Value for Money across the Council

## 1. **SUMMARY**

- 1.1 This report details the proposed changes to fees and charges across all directorates, to take effect from 1<sup>st</sup> April 2013 (or as soon as is practical thereafter).
- 1.2 Fees and charges fall into two broad categories:
- Statutory – those set by the government
  - Discretionary – those set at the discretion of local authorities.

Whilst the recommendations in this report relate to discretionary charges the statutory charges have been included in the appendices (**see Appendix 6**) to provide the overall picture for the Council.

- 1.3 The current level of inflation (CPI= 2.7%, RPI= 3.0%) is a key factor in determining any recommended changes. However, as the report points out there are several other factors that directorates have considered including service demand, the projected cost of providing the different services and the impact of the general economic situation on the Council's residents.

## 2. **RECOMMENDATIONS**

- 2.1 The Mayor in Cabinet is recommended to:-

### Adults, Health and Wellbeing

- 2.2 Approve the revised fees and charges as set out in **Appendix 1** with effect from 1<sup>st</sup> April 2013 (or as soon as is practical thereafter)

### Chief Executives

- 2.3 Approve the revised fees and charges as set out in **Appendix 2** with effect from 1<sup>st</sup> April 2013 (or as soon as is practical thereafter)

### Communities, Localities and Culture

- 2.4 Approve the revised fees and charges as set out in **Appendix 3** with effect from 1<sup>st</sup> April 2013 (or as soon as is practical thereafter)

### Children's, Schools and Families

- 2.5 Approve the revised fees and charges as set out in **Appendix 4** with effect from 1<sup>st</sup> April 2013 (or as soon as is practical thereafter)

### Development & Renewal

- 2.6 Approve the revised fees and charges as set out in **Appendix 5** with effect from 1<sup>st</sup> April 2013 (or as soon as is practical thereafter)

## **3. REASONS FOR THE DECISIONS**

- 3.1 Fees and charges are reviewed annually as part of the financial and business planning process. This ensures that they are set at the appropriate level for the prevailing economic circumstances and represents good practice in terms of the Council's aim to provide value for money.

## **4. ALTERNATIVE OPTIONS**

- 4.1 Whilst the changes to fees and charges recommended in the report follow a review of existing charges by each directorate, other alternatives can be adopted by Members. The financial impact of any alternatives will need to be reflected in the Council's Medium Term Financial Plan (MTFP).

## **5. BACKGROUND**

- 5.1 The application of fees and charges has an important role to play in helping the Council to achieve its strategic objectives, for example, by:

- Providing a source of funding for re-investment in services;
- Influencing resident behaviour i.e. controlling service demand whilst, through appropriate discounts/concessions, ensuring that only those who can afford to pay are required to pay;
- Working as a driver to reduce unit costs.

- 5.2 The Council is committed to optimising its income in a fair and proportionate way.

- 5.3 In 2008 the Audit Commission published 'Positively Charged – Maximising the Benefits of Local Public Service Charges'. The report found that charges could potentially play a more significant contribution to Council finances.
- 5.4 The authority currently generates some £30.5m through fees and charges, in the main through parking £15.2m, school meals £3.2m, street trading £2.3m, commercial waste £3.3m and planning and building control fees £3.5m. The income generated through fees and charges is reinvested in the associated services. No service seeks to make a surplus from fees and charges income.
- 5.5 The fees and charges fall into two broad categories: (1) statutory charges which are set by statute (this includes most planning fees) and (2) discretionary charges which can be determined by the Council (this includes commercial waste and leisure services). A few charges do not fall clearly into either of these two categories in that they are not under the direct control of the Council: this includes Penalty Charge Notices which are set by local authorities through London Council, with the approval of the London Mayor and Secretary of State.
- 5.6 Whilst the on-street parking charges are driven by traffic management considerations, a key factor in determining the level of charge for the other main sources of income is the cost of service provision. However, Council policy has largely dictated that the ability of people to pay is a prime consideration. The table below sets out the key principles guiding the Council's approach to charging for services.

<b>Fairness</b>	<b>Rationale &amp; Prioritisation</b>	<b>Stability &amp; Predictability</b>
Subsidy should be a conscious choice i.e. a presumption to full cost recovery	Fees and charges should reflect key priorities	The impact of pricing changes should be managed over time where the impact is high
Concessions for services should be logical	There should be a logic for charges for different levels of the same service	Charges should be affordable to both users and the taxpayer
Charges should not provide subsidy to businesses from the taxpayer	Charges should be transparent, clear and simple	Charges should generate income to help delivery capacity, efficiency, and support continuous improvement
A tough stance to be taken on payment avoidance	Charges should take account of the wider market for similar or alternative services	Charges should be communicated to users as soon as practical

- 5.7 All directorates have undertaken a review of their fees and charges as part of the financial and business planning process having regard to these principles. Any additional income generated from increases will be used to offset the savings requirement in the MTFP.

- 5.8 This year the provision for inflation in the MTFP does not include an assumption that fees and charges will increase. This means that in some circumstances increasing fees and charges will provide additional income over and above that assumed in the MTFP. The main exception to this is where services are managed through trading accounts and fees and charges are levied in order to recover the costs of services.
- 5.9 The general rule is that except in very particular circumstances fees and charges may not be set at such a level as to generate a surplus. Again there are exceptions to this.
- 5.10 Set out below is a more detailed narrative on the outcome of the review process within each directorate. The report sets out where special circumstances apply.

## **6. ADULTS, HEALTH AND WELLBEING**

### **Meals Service for Social Service Clients (Appendix 1, section 1.1)**

- 6.1 The meals service provides the meals on wheels service, meals to lunch clubs and day services. The service provides meals to elderly and vulnerable adults and currently charges £2.40 per meal for both hot and frozen meals which generates approximately £385k per annum.
- 6.2 There are no proposals to increase prices during 2013/14.
- 6.3 However, the Meals Service for Social Service Clients remains a heavily subsidised service with the actual cost of meals being on average approximately £7. The majority of other London Boroughs charge for this service in excess of £3 per meal for the service with some being as high as £6; there is therefore the potential to increase the charge further and thus reduce the level of subsidy in the future.

### **Day care Services (Appendix 1, section 1.2)**

- 6.4 Day services are currently not charged for when clients meet the Council's eligibility criteria of substantial and critical need and the client lives in the Borough.
- 6.5 Charges are however levied on clients attending LBTH day care centres where the placement is made by another local authority.
- 6.6 Current charges range from £44.20 to £64.29 per day, depending on which centre clients attend, and this generates approximately £10k per annum.
- 6.7 The current charges are already believed to be competitive and thus no further increases are proposed for 2013/14.

### **Extra Care for Sheltered Housing and Supported Living Clients (Appendix 1, section 1.3)**

- 6.8 Client contributions towards extra care at sheltered housing is means tested and currently capped at £173.83 per week at Coopers Court, Duncan Court, Donnybrook Court and Sonali Gardens and at £188.16 per week at Sue Starkey and Shipton House.
- 6.9 The cost of extra care for supported living clients, although uncapped, is also means tested using our fairer charging policy.
- 6.10 There are no proposals to change these arrangements as they are in line with the commissioned contracts in place and thus fees and charges will be frozen during 2013/14. Thus current income levels of £410k per annum are not expected to change during 2013/14.

## **7. CHIEF EXECUTIVES**

### **Electoral Services (Appendix 2, section 2.1)**

- 7.1 The Electoral Services generates approximately £4k per annum through fees and charges. Prices were last increased in 2010/11. Following this year's review no further increases are recommended during 2013/14.

### **Registrars Services (Appendix 2, section 2.2)**

- 7.2 Registrar's Services currently generates £593k per annum approximately from a combination of fees from statutory services such as the registration of births, deaths, marriages and civil partnerships but also other services such as citizenship ceremonies, approved premises' licenses etc.
- 7.3 No further increases are recommended at present. However, the service will continue to review the prices to ensure they remain competitive.

## **8. COMMUNITIES, LOCALITIES AND CULTURE**

### **Parking (Appendix 3, section 3.1) [Trading Account]**

- 8.1 In setting Parking fees and charges, account has been taken of the current and continuing weak economic situation and its impact on residents and businesses but also the effectiveness of the current level of fees and charges on areas of parking pressure.
- 8.2 Pay and Display fees have been reviewed and it is not proposed that these should increase in 2013/14. Resident permits will be increased by 5% and business permits will be increased by 10% in 2013/14. Both increases were identified as part of 2012/13 budget deliberations and are rounded to the nearest pound
- 8.3 Doctor's permits are currently charged at £525 per annum and are the only permits not linked to a vehicle's CO2 emissions/engine size. It is proposed that the specific charge for doctor's permits is removed and that these permits are offered as business permits in line with the emissions bands. Practices using

smaller vehicles will therefore reduce their permit costs and the change establishes an entirely consistent approach to permit charging aligning them to emissions bands for everyone in order to promote the reduction of pollutants within the borough

- 8.4 It is proposed to increase the fee for Traffic Management Orders (TMOs). The charge is applied usually to developers, statutory undertakers or commercial events companies and is used to manage traffic over short periods of time to accommodate site access, large commercial or road events or construction. The fee for Traffic Management Orders has not been increased since 2008. It is currently charged at £2,500. Approximately 10 TMO's are undertaken each year. Benchmarking data has identified that this fee is within the mid-range of charges applied by London Boroughs. The fee increase is needed to facilitate more effective cost recovery specific to the cost of implementing the TMO. It is proposed that this fee is increased to £3,000.
- 8.5 An administration fee of £50 is currently charged for bay suspensions (excluding suspensions for the provision of skips, for which a Temporary Structures Occupancy Fee is charged). This charge covers the cost of assessment, inspection and publication of the suspension. It is proposed that this charge is increased to £55 to reflect increased operational costs.

### **Clean and Green (Appendix 3, section 3.2)**

- 8.6 Temporary Structure Occupancy Fees are charged to cover the costs of regulation and inspection to any persons or organisation wishing to erect a temporary structure on or over the Highway (for example scaffolding). Current fees are charged according to length of occupation and there is a lack transparency for the Charge. Current charges are in the lowest quartile across London and this does not incentivise the swift removal of such structures. It is proposed that a more transparent charging mechanism is introduced and that charges are brought in line with neighbouring boroughs, as detailed below. Whilst it is estimated that this would generate approximately £5k of additional income per annum the driver for the change is principally to increase transparency regarding the reasons for the charge, to simplify back office processes and to further incentivise the swift removal of temporary structures such as scaffolding the prolonged presence of which can damage the local economy. The changes consist of:
- A one off pre-application inspection fee of £30, non-refundable if appointment missed.
  - Road occupancy charge with rates set according to the square meterage and period of occupation
  - Post inspection and deposit handling fee of £40
  - Complaint investigation and compliance fee of £45. This would only be charged if, following investigation, the complaint is upheld.
  - Licenses will be issued up to a period of 6 months only. Renewals to licences will incur a renewal fee of £100 (this includes inspection and admin cost).
  - An overstay charge of £150 plus occupancy fee will be introduced. This would not exempt the scaffolding company or hirer from enforcement action, if this is felt to be appropriate.

- 8.7 To ensure the local community has effective redress should something go wrong and to protect residents who apply for scaffolding licences from unlimited liability scaffolding licences will also now be linked to confirmation by the applicant of public liability insurance.
- 8.8 It is also proposed that a charge for containers, site hubs and portaloos is introduced. This would apply to construction sites where containers are located on the carriageway or footway. The charge covers administrative and inspection costs in order to ensure that the containers comply with safety requirements and do not cause an unnecessary obstruction to the public.

### **Transport and Highways (Appendix 3, section 3.3)**

- 8.9 In order to improve the effectiveness of cost recovery it is proposed that a fee is introduced for a crane licence if the road does not need to be closed. The fee would be set at £360, which is half of the current cost of a road closure. It is anticipated that there would be approximately 25 crane licence requests per year, generating £9k income per annum which would offset the costs of inspection and liaison with construction companies.
- 8.10 It is proposed that all other fees and charges within the Transportation and Highways service be increased by inflation in order to maintain cost recovery performance.

### **Commercial Waste (Appendix 3, section 3.4)**

- 8.11 In 2011 the way in which the commercial waste service is delivered within Tower Hamlets was changed to a pre-paid sack scheme with designated collection times. This change was brought about to reduce costs, reduce commercial dumping of rubbish in streets and business specific bin sites, improve the cleanliness of our streets and improve regulation of business waste disposal. It forms part of a three year proposal to deliver agreed annual savings through the development of the service. The project plan identifies an appropriate level of fee increase over the three year period in order to achieve annual targets aligned to the savings profile. Proposed increases for 2013/14 are in line with the project plan and enable the continued delivery of the savings target. In recognition of the community benefit provided by Schedule 2 category organisations it is only proposed to raise charges by inflation for the purpose of maintaining cost recovery performance. It is important to note that the council's commercial waste offer to business is delivered in an open market. Businesses producing waste must have a commercial waste agreement but they are not restricted to the Council's service.

### **Pest Control (Appendix 3, section 3.7)**

- 8.12 It is only proposed to increase all Pest Control fees and charges by the rate of Inflation in order to maintain cost recovery performance.

### **Environmental Protection (Appendix 3, section 3.8)**

- 8.13 The service undertakes contaminated land assessments for developers, for which a charge is applied (£150 standard and £400 non-standard). A

benchmarking exercise was undertaken in 2011 and identified that LBTH was in the lowest charging quartile. The charge was increased in 2012/13 in line with increased resource requirements to undertake higher levels of data collection and maintenance of land information. It is proposed that a further increase of 10% is applied to both standard and non-standard charges for 2013/14. These fees would position the Council within the mid-range of charges applied by other London Boroughs and would greater reflect the actual cost to the service of completing these searches.

- 8.14 Officers spend a great deal of time dealing with prior consents under Section 61, Control of Pollution Act 1974, on construction sites within the borough. It is proposed that a charge of £80 is applied per hour of officer time spent in discussing dispensations to agreed working hours and monitoring the noise from works undertaken as part of that dispensation. This charge would mainly apply to large scale development companies and would recover approximately £15k of council costs per annum.
- 8.15 Inflationary increases are proposed to all other Environmental Protection fees and charges in order to maintain cost recovery performance. Where appropriate, smaller charges have been rounded to the nearest equitable sum.

#### **Idea Store Learning (Appendix 3, section 3.10)**

- 8.16 It is proposed that library fines, charges and reduced rates for people over 65 years and under 16 years remain unchanged in 2013/14. The £5 premium rate for reservations on books and audio-visual materials from outside the London Libraries Consortium (LLC) is applicable to all borrowers aged 16 and over.
- 8.17 A charge of £25 per hour is currently applied for the hire of standard Idea Store learning labs. It is proposed that this charge is not increased. Room hire for Idea Store Canary Wharf learning labs and other non-standard spaces currently attract a charge of £50 per hour. It is proposed that this charge be on a sliding scale from £15 – £100 per hour, dependent upon the location, nature and size of the space and the equipment required. Small and medium sized local employers, charities and local voluntary organisations will secure a discount of 50% on all room hire; this includes standard and non-standard spaces.
- 8.18 Tower Hamlets Local History Library & Archives manages a collection of over 36,000 archival images which illustrate the rich and diverse history of the borough. This world class collection is increasingly being targeted by media and publishing companies with demand for copies of digitised images from the collection increasing significantly year on year. This commercial interest makes up about two thirds of total demand for the service. The cost to reproduce these images, with resource time and data storage has also increased. Currently charges are low in comparison to commercial picture agencies and other London borough archives. It is proposed that fees for image reproduction for LBTH residents and voluntary/community organisations remain unchanged. Fees for commercial organisations and individuals from outside of the borough will be increased and a 50% discount will apply for out of borough not for profit organisations.

#### **Sports Pitches (Appendix 3, section 3.12)**



- 8.19 Pitch fees have not been increased in the last ten years, whilst facilities and the quality of pitches have consistently improved during this time and charges are now in some instances out of step with neighbouring boroughs. Major improvements to the changing room facilities in Victoria Park are planned as well as additional pitches, a new cricket wicket and all weather practice areas. These enhanced facilities will increase the maintenance costs, so to avoid budget pressures pitch fees should be increased to help cover these. It is proposed to continue to freeze pitch charges for Borough junior and senior teams as this will enable us to continue to promote sports development and healthy lifestyles within the borough. However charges for out of borough teams are proposed to be increased by 10%.

## **9. CHILDREN, SCHOOLS AND FAMILIES**

### **School Meals (Appendix 4, section 4.1) [Trading Account]**

- 9.1 The School Meals Service operated by Contract Services continues to provide healthy and nutritious meals to pupils on a daily basis. The menus change each April and November and are designed to meet or exceed the Government's tough nutritional and food based guidelines. In 2011/12, Contract Services carried out a number of efficiency projects in order to generate savings for the Council and secure a viable future for the service. These efficiencies have been realised to date during the course of 2012/13 and the service is currently projecting a surplus at year end. A request will be made to reinvest any surplus into the service.
- 9.2 The main projects taken on which have exceeded expectations during 2012/13 were to carry out a full staffing restructure of Contract Services and review procurement methods – it is these efficiencies which have enabled the service to project such a positive year end position.
- 9.3 Budgetary research and planning has indicated that the global cost prices of food are likely to increase by 5 and 6% in 2013/14. There will also be additional pressure on the salary budget with the on-going support by the Council for the London Living Wage. It is estimated that these additional costs will require a further 6p per meal being added to the contract price of the meal to schools. However, through the careful and effective re-letting of procurement contracts utilising the London Supplies Group Contracts (a groups of neighbouring authorities pooling their needs to obtain improved pricing) continued efficiencies on food costs are anticipated.
- 9.4 The contract price charged to schools is not the price charged to pupils which has been recommended to remain the same at £1.90 and £2.00 per meal (primary and secondary respectively) for 2013/14.
- 9.5 The price charged to schools, which will be considered by Schools Forum, is proposed to increase by 3p for 2013/14 to take account of the overall financial position of the service. This increase will permit Contract Services to continue to work with schools closely to continuously improve the services offered.

#### **Arts and Music (Appendix 4, section 4.2)**

- 9.6 There are no proposals to increase fees and charges for activities provided by The Tower Hamlets Arts and Music Education Service (THAMES). However, it may be necessary to review these charges in the next financial year, should the Government reduce the grant that supports the service.

#### **Holiday Childcare schemes (Appendix 4, section 4.3)**

- 9.7 The Council runs childcare schemes during schools holiday for both working and non-working parents. Due to increasing demand from parents and carers provision has recently been extended to 13 years, with priority for siblings of younger children attending.
- 9.8 The current charges are £4 per day for non-working parents, £10 per day for working parents between 9am and 5pm, or £14 for an extended 8am-6pm day. These charges generate approximately £55,000 per annum.
- 9.9 Affordable childcare plays an important role in helping parents to work, or engage in education or training that can lead to work, and therefore contributes significantly to Community Plan priorities in relation to child and adult poverty and employment. This is particularly important in school holidays.
- 9.10 It is therefore not proposed to increase the fees for 2013/14. The service would continue to be subsidised by the council to cover the additional running costs which are in the region of £120,000.

#### **Day Nurseries (Appendix 4, section 4.4)**

- 9.11 The Day Nurseries provide a front-line service offering high quality childcare. The majority of children accessing this service are vulnerable and have been referred by Social Care or other professionals.
- 9.12 Although past decisions by Members have set the maximum charge for nursery provision at £180 per week, in practice, for the few cases for which a fee is applicable the prevailing charge has been £148 per week.
- 9.13 It is not proposed to change this charge for 2013/14.

#### **Support Services to Academies and Free Schools (Appendix 4, section 4.5)**

- 9.14 The Council provides a range of support services for its schools on a traded basis, which are set out in detail in our online catalogue at [www.lbthservicesforschools.co.uk](http://www.lbthservicesforschools.co.uk). These services are charged on a full cost recovery basis.
- 9.15 Where appropriate, these services are offered to academies and free schools. In order to cover the additional administrative costs of providing these services to organisations outside local authority control, a pricing policy that adds a 10% administrative charge to the full cost recovery rate was adopted last year. It is proposed to continue with this policy. Academies and Free Schools will also be charged VAT.

## **10. DEVELOPMENT & RENEWAL (Appendix 5)**

- 10.1 The Council generates £3.8m a year through charges for various planning and building control services. This includes a range of statutory and discretionary charges and a new set of charges introduced in July 2012 for discretionary work associated with Street Naming and Numbering (SN&N) applications.
- 10.2 For 2013/14 there is a proposal to increase Planning and Building Control discretionary fees and charges by inflation. All Planning Statutory fees (Appendix 6) have been increased by 15% (under the Town and Country Planning Regulation 2012) following a government announcement.
- 10.3 Building Control trading activity must break even year on year, hence, fees and charges relating to the Building Control Trading Account must reflect the cost of the service. A review will be undertaken and where appropriate any increases will be announced in the new financial year.
- 10.4 Street Naming and Numbering fees & charges were introduced during the 2012/13 financial year. The charges were set to test the impact on service demand. These charges will also be part of the Building Control review.

## **11. RESOURCES**

- 11.1 There are no fees and charges for consideration.

## **12. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 12.1 All directorates have undertaken a review of their fees and charges as part of the financial and business planning process, having regard to the guiding principles detailed in section 5.6.
- 12.2 In general fees and charges recover some or all of the costs of services from users. This generates income which reduces the costs of services to Council tax payers and can also be used to achieve other strategic objectives, such as encouraging the use of services. A decision to charge for or to subsidise services needs to be based on rational considerations.
- 12.3 The Medium Financial Plan inflation contingency figure assumes no additional income will be generated from fees and charges for 2013/14, although some budget decisions made in previous financial years have assumed increases in charges in 2013/14. The proposals in this report have no impact on the draft budget elsewhere on this agenda.
- 12.4 If it is decided not to increase charges in line with inflation, this will generally have the impact of increasing the level of subsidy provided by the Council to service users. Once a decision is made to freeze charges, it is difficult to recover the lost income without increasing costs by more than inflation in a future period. The

financial implications of freezing charges can therefore be regarded as permanent.

### **13. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

13.1 The report proposes increases to existing discretionary fees and charges imposed by the Council or the introduction of new charges. As a general approach –

- To the extent that the report proposes leaving existing charges unchanged, the Council's relevant powers are not made the subject of detailed legal comments.
- To the extent that an inflationary increase is proposed to an existing charge, it will be for officers to ensure that such an increase is justifiable by reference to the constraints of the charging power relied upon.

13.2 The Council has general power under section 93 of the Local Government Act 2003 ("LGA 2003") to charge a person for discretionary services, that is, the provision of a service where the Council is authorised, but not required, to provide the service and the person has agreed to its provision. The power applies where there is no other specific statutory power that covers the proposed charge. The income from charges for a service should not exceed the cost of providing the service. Charges may be set differentially, so that users are charged different amounts, for example for parking at different times of the day or for different levels of service.

13.3 The Council has power under section 1 of the Localism Act 2011 to do anything that individuals generally may do, subject to specified restrictions and limitations imposed by other statutes. The general power of competence extends to charging for services, but limits on charging are imposed by section 3 of the Localism Act. The Council may only charge for a service under the general power of competence if: (a) it is a discretionary service; (b) the person agrees to the service being provided; and (c) there is no other power to charge for the service, including in section 93 of the LGA 2003. Taking one financial year with another, the income from charges must not exceed the costs of providing the service.

13.4 In some instances, the report proposes new charges for discretionary services or for something that an individual would be able to charge for. These charges include –

- Charges for discretionary services associated with consents granted under section 61 of the Control of Pollution Act 1974.
- Charges for hiring space in Idea Stores.
- Charges imposed for image reproduction by the local history library and archives.
- Fees for use of sports pitches.
- Charges to schools associated with provision of school meals.

- 13.5 Such charges would be covered by either section 93 of the LGA 2003 or section 1 of the Localism Act 2011. Officers must take care that the conditions set out in paragraph 13.2 and 13.3 are complied with in respect of such charges.
- 13.6 In respect of some of the proposed charges and payments in the report, the Council's power to impose them arises from specific statutory powers (other than the general powers in section 93 of the LGA 2003 or section 1 of the Localism Act 2011). These are addressed in detail below, subject to general approach set out in paragraph 13.1.
- 13.7 The Environmental Information Regulations 2004 (EIR) place obligations on the Council to make environmental information available to the public. The Council is permitted to charge a reasonable amount to applicants who request environmental information, but may not charge for allowing an applicant: (1) to access any public registers or lists of environmental information held by the Council; or (2) to examine the information at a place made available by the Council for that purpose. In the imposition of any of the discretionary charges proposed in the report for the provision of information, officers must take care that charges are only imposed in the circumstances permitted by the EIR.
- 13.8 An increase is proposed to charges for resident and business parking permits and for bay suspensions. It is also proposed to treat doctors' permits the same as business permits. Under sections 45 and 46 of the Road Traffic Regulation Act 1984, the Council may by order: (1) designate parking places on highways in Tower Hamlets for vehicles or vehicles of any class specified in the order; (2) make charges for vehicles left in a parking place so designated; (3) limit the use of designated parking places for specified persons or vehicles or classes of persons or vehicles authorised by permit; and (4) make charges in connection with the issue of such permits. The changes proposed fall within these powers.
- 13.9 An increased fee is proposed in relation to traffic management orders. It is understood that this fee is connected with applications for exemption from any prohibition or exemption imposed by a traffic management order made under section 6 of the Road Traffic Regulation Act 1984. The Council is permitted to charge for such applications by the Local Authorities (Transport Charges) Regulations 1998. The amount of the charge is at the Council's discretion, but it must have regard to the actual cost of dealing with such applications.
- 13.10 It is proposed to introduce a variety of charges in relation to temporary structures in the highway. To the extent that these relate to discretionary services, the Council may charge for them in relation to section 93 of the LGA 2003 and subject to the constraints set out above. However, the Council is responsible under the Highways Act 1980 for granting permissions to place material in the highway: section 139 (skips); section 169 (scaffolding or other structure); and section 171 (building materials, rubbish or other things). The Council is permitted to charge for considering applications for such permissions by the Local Authorities (Transport Charges) Regulations 1998. The amount of the charge is at the Council's discretion, but it must have regard to the actual cost of dealing with such applications. Officers must ensure that costs charged for any non-discretionary matters related to the consideration of applications are properly related to that consideration.

13.11 Before imposing any new or revised fees and charges, the Council should first have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Information is contained in the report relevant to these considerations.

#### **14. ONE TOWER HAMLETS CONSIDERATIONS**

14.1 The Council has a statutory duty under the Equality Act 2010, the effect of which is summarised in paragraph 13.11 of the report.

14.2 Equality analyses have been undertaken for all services where fees and charge increases are proposed and linked to the delivery of savings (Appendix 7).

14.3 Where appropriate, concessions will be available to groups or individuals in the community where the increase may result in them being excluded from particular activities or subject to any other particular hardship.

#### **15. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)**

15.1 There are no SAGE implications arising from the recommendations of this report.

#### **16. RISK MANAGEMENT IMPLICATIONS**

16.1 The proposals for increases to fees and charges detailed in this report support the Council's Medium Term Financial Strategy and are necessary to deliver approved savings and achieve a balanced budget.

#### **17. CRIME AND DISORDER REDUCTION IMPLICATIONS**

17.1 There are no implications arising from the recommendations of this report.

#### **18. EFFICIENCY STATEMENT**

18.1 Fees and charges are reviewed annually as part of the financial and business planning process. This ensures that they are set at the appropriate level for the prevailing economic circumstances and represents good practice in terms of the Council's aim to provide value for money.

#### **19. APPENDICES**

Appendix 1 Discretionary Fees and Charges within Adults, Health and Wellbeing

Appendix 2 Discretionary Fees and Charges within Chief Executives

Appendix 3 Discretionary Fees and Charges within Communities, Localities and Culture

Appendix 4 Discretionary Fees and Charges within Childrens, Schools and Families

Appendix 5 Discretionary Fees and Charges within Development & Renewal

Appendix 6 Statutory Fees and Charges (All Directorates)  
Appendix 7 Equality Analyses

**Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012**

**LIST OF “BACKGROUND PAPERS” USED IN THE PREPARATION OF THIS REPORT**

Brief description of “Background Paper”

None