

## **Fees and Charges Policy**

### **Adopted December 2014, and revised April 2019 for West Suffolk Council**

#### **1. Introduction**

- 1.1 This policy was originally adopted on behalf of Forest Heath District Council and St Edmundsbury Borough Council. With effect from 1 April 2019 these 2 councils will not be in existence and this document will relate to West Suffolk Council.
- 1.2 West Suffolk Council provides a wide range of services to the local communities; some of these services are paid for through Government Grants, Business Rates and Council Tax but other services are provided through a fee or charge to the individual using the service or where West Suffolk Council acts as a contractor. The nature of these fees and charges depends on whether they relate to statutory or discretionary services:
  - Statutory fees and charges - the level of charge is usually determined by Government, or locally with a statutory maximum fee;
  - Discretionary services - those that a council is authorised but not required to provide.

#### **2. Objectives**

- 2.1 As large cuts to core funding have to be absorbed, whilst facing pressures across services areas; Officers and Members are required to behave more commercially and innovatively to meet future funding challenges. This complements the West Suffolk Strategic plan to meet local needs whilst delivering value for money to create the best possible future for the people in West Suffolk.
- 2.2 Fees and charges are to be structured to support the achievement of the council's priorities and contribute to the cost of service delivery. Optimum use of fees and charges is to be made without having a detrimental effect on:
  - Income;
  - Quality;
  - Service levels;
  - Vulnerable people;
  - Legislation;
  - Health and safety;
  - Creating unintentional outcomes; and
  - Public satisfaction.

### **3. Scope**

- 3.1 This document excludes the setting and reviewing of the Business Rates and Council Tax charging structure or those fees which are set nationally.
- 3.2 Fees and charges will normally be calculated on a marginal or full cost recovery basis, depending on the state of the market and any other influencing factors. Any concessions will be specified and separately agreed.

### **4. Legal basis**

- 4.1 The authority will comply with the legislation which gives the specific powers for charging.
- 4.2 Under the Localism Act 2011 which introduced a new General Power of Competence (GPC), English councils have legal powers to charge for a wide range of the services they provide to recover the cost of providing those services.
- 4.3 Authorities must already have the power to provide the service and the recipient of the discretionary service must have agreed to its provision and to pay for it.

### **5. Process**

#### **5.1 New charges**

- 5.1.1 All services must regularly consider potential new sources of income, in particular, charging for discretionary services under the Local Government Act 2003.
- 5.1.2 Proposals for new fees and charges will follow the annual review process as below.

#### **5.2 Annual review process and monitoring**

- 5.2.1 Fees and charges will be reviewed on an annual basis and incorporated within the overall West Suffolk Council budget setting arrangements, taking into consideration any legislative consultations that maybe required. Significant fluctuations in charges year on year should be avoided but may be inevitable if market conditions require this.
- 5.3.1 Market research, comparative data, management knowledge and any other relevant information will be used where appropriate to ensure that the charges are properly prepared.
- 5.3.2 Assistant Directors will approve fees and charges and will be provided with the methodology used for the proposed price changes.

- 5.3.3 In some cases, if the assessment will determine that the fees to be introduced or the annual review of the charging structure will create significant public and media interest, in these cases the proposals are to be agreed in consultation with the relevant Portfolio Holder.
- 5.3.4 If permitted charges are not to be increased annually, and will have a significant impact on the service, a report must be provided to the Portfolio Holder within the budget setting process detailing the justification to include links to the corporate priorities, the financial implications and the details as to where the budget shortfall will be funded from.
- 5.3.5 Charges to commercial customers may be negotiated out of the set fee structure, but not resulting in detriment to West Suffolk Council.

## **6. Equalities and diversity**

- 6.1 West Suffolk Council will adhere to the Equality and Diversity policies and all equalities legislation when setting and administering fees and charges.

## **7. Administration**

- 7.1 Each service will maintain a schedule of fees and charges levied for statutory and subsidised services.
- 7.2 These fees and charges must be published on the West Suffolk Council website and at the point of sale where appropriate; these must be straightforward and easy to understand.
- 7.3 Contractual fees, of a commercially sensitive nature, will not be published.
- 7.4 Reasonable notice should be given to service users before new fees and charges are implemented; statutory requirements to inform service users will be complied with.
- 7.5 The cost of collection will be considered to ensure that fees and charges are economical to collect.
- 7.6 If any member of the public believes that West Suffolk Council has acted in a way that is not in line with this policy, the Comments, Compliment and Complaint process will be followed.

## **8. West Suffolk Council as a contractor**

- 8.1 West Suffolk Council will actively participate in bidding for service contracts to provide services within the area; this maybe either a profit or not-for-profit basis. Officers should seek advice on the standard elements of a Service Level Agreement.

8.2 Trading can be undertaken through the vehicle of a company on a profit making basis. A council can only trade in respect of functions that it does not have a duty to provide to the person with whom it trades. The preparation and approval of a Business Plan is required for trading under the 2003 Act. The company need not be wholly owned by West Suffolk Council but could be a joint venture with a private partner.

## **9. Sponsorship**

9.1 Sponsorship is an agreement between the councils and the sponsor, where the council received either financial support or a benefit in kind for an event or campaign from another organisation which in turn gains publicity or other commercial benefits. West Suffolk Council welcomes the development of these constructive relationships with external organisations.

9.2 The Sponsorship Policy provides the framework for arranging such sponsorship agreements.

## **10. Supporting documents**

10.1 Further guidance is available to Officers via the Fees & Charges toolkit.

## **11. Review**

11.1 West Suffolk Council is committed to continuous improvement and it is critical that new approaches and ways of working are introduced.

11.2 This policy will be reviewed in line with any changes in legislation. Minor alterations to the policy will be approved by the Section 151 Officer in consultation with the Portfolio Holders.

### **Revisions**

Date of Review or Revision	Reason	Author