



**Somerset West and Taunton Council
Fees & Charges Report
2022-23**

(Refer to Appendix A)

Table of Contents

Budget Impact Summary	4
Environmental Health (Table 1)	5
Equality Impact Assessment	5
Budget Impact.....	5
Environmental Protection	6
Private Water Supplies	6
Food Safety.....	7
<i>Export Certificates</i>	7
<i>Safer Food Better Business Packs</i>	7
Private Sector Housing	8
<i>Houses in Multiple Occupation</i>	8
<i>Immigration Checks</i>	8
Bereavement Services (Table 2)	10
Budget Impact.....	10
Deane Helpline (Table 3)	10
Background.....	10
Legal Authority	9
Charges	9
Discounts	11
Budget Impact.....	10
Equality Impact Assessment	Error! Bookmark not defined.
Recommendation.....	11
Major Contracts (Table 4)	11
Waste Services – Somerset Waste Partnership	11
<i>Legal Authority</i>	12
Charges	12
Discounts	12
Budget Impact.....	Error! Bookmark not defined.
Building Control - Somerset Building Control Partnership.....	12
Budget Impact.....	13
Court Fees (Council Tax and Business Rates) (Table 5)	13
Background.....	13
Legal Authority	14
Charges	14

Budget Impact.....	14
Equality Impact Assessment.....	14
Watchet and Minehead Harbours (Table 6).....	15
Budget Impact.....	15
Parks & Open Spaces (Table 7)	16
Additional Charges.....	16
Roundabout sponsorship	16
Planting beds	17
Proposed Discounts.....	17
Budget Impact.....	17
Housing (HRA) Non Dwelling Rent Setting and Service Charges	
(Table 8).....	18
Background and Full details of the Report	18
Service Charges and Non-Dwelling Rental Income	18
<i>Service Charges</i>	18
<i>Garages</i>	18
<i>Meeting Halls</i>	19
<i>Guest Rooms</i>	19
<i>Temporary Accommodation</i>	19
<i>Exceptions:</i>	20
<i>Legal Implications (if any)</i>	20
<i>Equality and Diversity Implications (if any)</i>	20
<i>Consultation</i>	20
Land Charges (Table 9)	21
Background.....	21
Budget Impact.....	21
Legal Authority	21
Licensing (Table 10)	22-25
Recommendation.....	25
Planning (Table 11).....	26
Background.....	26
<i>How the Scheme Works</i>	26
Legal Authority	27
Charges	27
<i>Pre Application Advice Charges</i>	27
<i>Parish Delegation Meeting Attendance Charges</i>	27
Discounts	28

Budget Impacts	28
Equality Impact Assessment	29
Recommendation.....	29
Electric Vehicle Charging Points (Table 12)	30

Budget Impact Summary

This section provides a summary of the estimated changes to budgeted income within each service area that provides services for which fees and charges are payable by customers.

Please refer to the relevant Service area of the report under the Budget Impact section for further information.

GF Service Area	Proposed Income Budget Increase 2022/23 (£)
Environmental Services	9,590
Bereavement Services	55,760
Deane Helpline	49,630
Major Contracts	0
Court Fees (Council Tax and Business Rates)	37,000
Watchet and Minehead Harbours	450
Open Spaces	3,900
Local Land Charges	0
Licensing	0
Planning	0
Electric Vehicle Charging Points	0
TOTAL	156,330

The Draft Budget for 2022/23 includes a provisional estimate of £100k additional income arising from changes in Fees and Charges from April 2022 (per the Financial Strategy approved in July 2021). Final budget estimates will be updated to reflect the estimated impact in line with this report. As the table above shows the total additional income to the General Fund that can be included in the Final Budget is £156,330.

The proposed increases in the HRA fees and charges have been included with the proposed budget position for the HRA.

Housing Revenue Account	Proposed Income Budget Increase 2022/23 (£)
HRA Service Charges	257,620
TOTAL	257,620

Environmental Health (Table 1)

This report looks at all areas of the Environmental Health service and reviews the current fees and charges associated with delivering the service.

The fees are based on the full cost recovery model used by Land Charges and Licensing teams for a number of years and under pinned by the Local Government Association ‘Open for Business – LGA guidance on locally set license fees’ 2017.

The following services in Environmental Health incur charges:

1. Environmental Protection - businesses carrying out activities that could potentially cause emissions to air, land or water may need to hold an Environment Permit under the Environmental Permitting (England and Wales) Regulations 2010. Annual subsistence fees are payable each year. Fees are set by DEFRA and can be found on the DEFRA website.
2. Private Water Supplies – the council has a general duty under the Water Industry Act 1991 to take all steps appropriate for keeping itself informed about the wholesomeness and sufficiency of drinking waters in the district. This is carried out through risk assessments and sampling on a 5-year rolling programme.
3. Food Safety – charges include those for a Food Hygiene Rating Scheme Rescore inspection, Export Certificates, and the provision of a printed copy of the Safer Food Better Business Pack.
4. Private Sector Housing – these include charges for Houses in Multiple Occupation (HMO) license applications and renewals, Immigration checks and notices served under the Housing Act 2004.

Equality Impact Assessment

There are no proposed changes to the charging policy, therefore No Equality Impact Assessment is required.

Budget Impact

There is a small, estimated increase in income across these services because of income not achieved during 2021/2022 and following the COVID pandemic.

Environmental Protection

Somerset West and Taunton Council has a duty under the Environmental Permitting (England and Wales) Regulations 2010 to administer a permitting regime for businesses carrying out activities that could potentially cause emissions to air, land or water and require an Environment Permit. Fees are applicable and conditions are attached to any permit. Fees are set by DEFRA and can be found on the DEFRA website.

There are also requests for information which fall outside of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 for which we make a charge. These requests are for environmental information, including requests from solicitors, searches for contaminated land, etc.

Private Water Supplies

Somerset West and Taunton Council has a duty under the Water Industry Act 1991 to take all steps appropriate for keeping itself informed about the wholesomeness and sufficiency of drinking water supplies in the district, including any private water supply.

A private water supply is any water supply which is not provided by the local water undertaker or company and which is not a "mains" supply. It includes water intended for human consumption, used for domestic purposes, such as for drinking, washing, food preparation, heating, and sanitary purposes.

The Regulations or "The Private Water Supplies (England) (Amendment) Regulations 2018" place a requirement on the local authority to risk assess and carry out water quality inspections to all supplies except those to single domestic dwellings.

"The Private Water Supplies (England) (Amendment) Regulations 2018" removed the maximum fees which could be charged for delivering the private water supply service and requires the fee is the reasonable cost of providing the service.

We charge a flat fee for risk assessments and sampling visits that ensures the customer knows the charge for the service up front and makes the administration of the service easier. Further charges are applied where supplies fail to meet required standards and revisits are undertaken, this will depend on the nature of the failure and the laboratory tests required.

We are also introducing a new charge for non-statutory requests for risk assessments or sampling of supplies. These are often requested by solicitor as a result of a house sale and will incur an additional charge above the standard rate as a result of additional analysis costs and the work being outside of our routine work plan.

Food Safety

National Food Hygiene Rating Scheme – Request for a Rescore

The National Food Hygiene Rating Scheme (FHRS) is to allow consumers to make informed choices about the places they eat or shop for food and, through these choices, encourage businesses to improve their hygiene standards.

A food hygiene rating is assessed by an officer from Environmental Health at a scheduled food hygiene inspection. Those food businesses that fail to achieve the highest rating of “5” may be disappointed and so often carry out any works required immediately so that they can improve their score and regain their commercial advantage (or minimise their disadvantage). They can request a rescore which requires an officer to return to re-assess their premises and rescore.

The Food Standards Agency have confirmed that local authorities can fully recover the costs of re-inspections made at the request of the food business operator to reassess the food hygiene rating.

Export Certificates

Somerset West and Taunton Council can issue Export Health Certificates (EHC) upon request to a food business that wishes to export foodstuffs. Certificates are provided to assist the local exporter in meeting food safety requirements of the destination country.

The certificate does not vouch for the safety of an individual batch or consignment of food but instead states that the food being exported has been produced and/or stored in food premises that are subject to Somerset West and Taunton’s jurisdiction and have been subject to food safety inspections and intervention in accordance with UK legislation and the Food Law Code of Practice.

As such a reasonable fee may be charged to produce an EHC under the Localism Act 2011.

Safer Food Better Business Packs

All food businesses are legally required to have a documented Food Safety Management System. The Food Standards Agency produce Safer Food Better Business (SFBB) which can be downloaded from their website.

SFBB is a written food safety management system and the completion and implementation of this pack ensures compliance and ultimately an improved FHRS score. Many food businesses do not have the facilities to print a copy of SFBB so Somerset West and Taunton facilitate this by printing out and posting the most up to date packs to food business operators.

Private Sector Housing

Houses in Multiple Occupation

Licensable Houses of Multiple Occupation (HMOs) are defined as a dwelling comprising of three or more storeys that is occupied by five or more people, living as two or more separate households, and where the occupiers share some basic amenities such as washing and/or cooking facilities.

The reason there is a licensing requirement for this group of HMO's is that they present the highest risk to occupiers and therefore need to have additional controls and standards.

The Housing Act 2004 makes provision for local authorities to recover their costs associated with operating an HMO licensing scheme. There is no upper limit on the maximum fee that can be charged but local authorities are not allowed to make a profit, and the fees charged must be reasonable and proportionate.

The fees are in two parts:

Part 1 covers the cost of processing, administration, and validation of the application, including initial inspection (so up to and including issuing the licence).

Part 2 of the fee comprises a contribution towards the running costs of the scheme and exercising other licensing functions, including compliance and enforcement of licences issued (so post the licence being issued).

Both parts of the fees can be paid at the point of application but part 2 is refundable if the license is refused.

New HMO license applications and renewals will also be subject to a 10% discount of the licence fee if they are members of a professional organisation such as the National Landlords Association or the Residential Landlords Association. This is to acknowledge the landlord's membership and it is anticipated that through being a member of one of these associations the standards within their properties should be high.

Immigration Checks

We have a fast track immigration check service which is a discretionary service. The standard service would be an inspection within 10 working days and the fast track service/inspection typically within 3 or 5 working days.

This can be attractive were the applicant needs the immigration checks carried out quickly so as not to delay the arrival of an individual. The additional fee would be levied as the application would be processed ahead of other priorities.

If an immigration check application is refused an officer's hourly rate for any requests for re-inspections received within 12 months relating to the same request will be charged. This will ease the burden on the applicant.

Notices

Part 1, chapter 5 section 49 of the Housing Act 2004 grant the power to charge for all the following notices:

- Improvement Notice
- Hazard Awareness Notice
- Prohibition Order
- Emergency Prohibition Order
- Demolition Order
- Emergency Remedial Action Notice – recovery of expenses incurred in taking this action.

All notices and order are charged at a flat rate with an additional fee for every individual unit. This would reflect the additional work required in the serving of a notice or order on larger properties such as HMOs.

Bereavement Services (Table 2)

This report sets out the proposed table of fees and other charges, the payment of which may be demanded under Section 9 of the Cremation Act 1902, by Somerset West and Taunton Council for the cremation of human remains.

It is proposed to increase fees and other charges by an average 3% (rounded up).

Equality Impact Assessment

There are no proposed changes to the charging policy, therefore No Equality Impact Assessment is required.

Budget Impact

The proposed increases in existing fees would increase the income budget by approximately £55,760.

Deane Helpline (Table 3)

Background

The Deane Helpline Service provides community alarms, 24 hour monitoring, installation and emergency response services to over 2,900 vulnerable people all over the Somerset West and Taunton area and to partner organisations further afield, Overall, there are approximately 13,000 connections to the service.

Legal Authority

The Deane Helpline services are discretionary, and charges are made using discretionary charging powers under Section 93 of the Local Government Act 2003. The aim of setting the charges is to strike a balance between full cost recovery in order to break even as a service and consider how charges compare to competitors.

Charges

Annual price increases for Deane Helpline are based on the rate of CPI and other factors that affect the costs of delivering the service. The CPI rate as advised by the S151 Officer is 3.2%. To allow for increases in pension costs and in changes to the operational delivery of the service an additional 2% increase is necessary to recover the full cost of the service. This brings the overall increase necessary to 5.2%

Provider	Installation Charge	Weekly Charge	Total 1st year costs	Emergency Response
Forestcare - With Response	£0	£13.08	£717.60	Yes (Max 12 callouts)
Progress Lifeline	£0	£5.77	£300.00	Yes
Poole Lifeline	£30	£6.16	£350.32	Yes
Deane Helpline	£40.00	£6.36	£370.72	Yes
Your Homes Newcastle - Now Ostara	£0	£6.41	£333.20	Yes
Sedgemoor Careline	£40	£5.70	£336.40	Yes
Magna West Somerset (Housing Assoc)	£0	£4.61	£240.00	Yes

The current charge for private customers is £6.36 per week and the proposal is to increase this charge by 5.2% to £6.69 per week. Installation fees, Telecare Sensor charges and Contact Service Call charges would remain unchanged.

Leasehold customers are currently charged £3.09 per week; the proposal is to increase this charge by 5.2% to £3.25 per week.

Should our competitors introduce an expected 5.2% increase our position will remain consistent. Deane Helpline provides a high-quality service, so this is consistent with the market and still represents very good value for money.

Discounts

No discounts are available; all private paying customers pay the same.

Supported and Extra Care Council tenants are charged directly from SW&T Housing for rent and lifelines provided as part of their tenancy. This charge is based on the Service Level Agreement between Deane Helpline and SW&T Housing. The charge reflects the economies of scale of one internal recharge between services as opposed to individual bills to many customers.

External contracts are priced according to their number of connections, their annual increases are stipulated by contract.

Budget Impact

Income from private and council customers will increase by approximately £32.4k p.a.

Income from Leasehold customers will increase by approximately £720 p.a.

Equality Impact Assessment

See Appendix B.

Recommendation

It is recommended that the charge for Private paying customers increases to £6.69 per week.

It is recommended that the charge for Leasehold tenants increases to £3.25 per week.

Major Contracts (Table 4)

Waste Services – Somerset Waste Partnership

This relates to the optional elements of the waste services provided by Somerset West and Taunton through the Somerset Waste Partnership.

Traditionally all partners set their fees in a universal fashion, the Senior Management Group of Somerset Waste Partnership and the Partnership Board have considered the costs associated with these services and believe that this still represents a good value for money service for those that chose to use it but propose no increase for 2022/23.

Customers continue to have a choice over who supplies these waste removal services as there is no requirement on them to purchase this from SWP.

Legal Authority

- These are discretionary services leaving customers with choice.
- The charge for this service is recommended collectively by the partnership.
- The charges proposed reflect the position of no subsidy from the Council.

Charges

Green waste collections and bulky items are classified as non-business for VAT purposes and as such no vat is payable on these services.

- All customers have a 12-month rolling service for the 22/23 subscription.
- A zero increase has been proposed for charges for 22/23.
- The table below is consistent with the other Somerset districts proposed pricing and was supported by the Somerset Waste Partnership Board on the 24th September 2021.

Discounts

There are no discounts provided through this service.

Building Control - Somerset Building Control Partnership

The Somerset Building Control Partnership (SBCP) Committee agreed the fees and charges in recognition of the need for growth and the effects on inflation. The Committee considered the scheme of charges for 2022/23 and their contribution in placing the service in the strongest possible position to remain an efficient service provider.

Regulations allow for the setting of charges in respect of the main application types to cover processing of applications and inspection of works on site and for chargeable advice. Charges relate directly to the recovery of costs incurred in providing the Building Regulations chargeable services on a project by project basis and the local authority are not permitted to make a profit on this element of its operation over a rolling programme which was nominally three years.

The charges agreed were:

1. Increase of 2.5% on fees and charges for 2022/23.
2. Increase fees annually in line with inflation figures determined by the Construction Output Price Indices (OPI's)

3. Customers would be advised in advance of the introduction of the charge. The schedule of charges and the service standards would be published on the web site.

Fees are calculated according to the type of work required and the cost of the work being undertaken:

<https://somersestbcp.sedgemoor.gov.uk/article/3835/Fee-Calculator>

The updated fees will be uploaded on the SBCP web pages for the new FY.

Equality Impact Assessment

There are no proposed changes to the charging policy, therefore No Equality Impact Assessment is required.

Budget Impact

The partnership operates on a 5year business plan, any surplus or deficit remains in the partnership.

Court Fees (Council Tax and Business Rates) **(Table 5)**

Background

Council Tax is a charge to owners and occupiers of domestic dwellings and Business Rates, sometimes known as Non-Domestic Rates, is a charge on the occupation of a non-domestic property. The Revenue Service bills those liable of the charges and collects the monies due.

Should the bills not be paid in accordance with the instalments on the bill, a reminder is sent. A second reminder/final notice are also issued should the payments not be made. Sometimes, despite these reminders, the bill remains unpaid, in these instances, the Revenues Service will issue a Summons and apply to the Magistrate's Court for a Liability Order.

The amount we charge in Summons costs is reviewed by a Revenues Specialist aided by Finance to agree a figure that it costs the Authority from Final Notice Stage to the award of a Liability Order. These costs factor in all expenditure and included officer time, software costs, customer service recharge, printing, postage, and charges we must pay the Magistrates Court when we issue Summonses. These combined costs are added to the Summons and charged directly to the taxpayer. The detailed breakdown how we arrive at our costs figure is always shown to the Magistrates in the evidence bundle at every court hearing.

Legal Authority

The Council Tax (Administration and Enforcement) Regulations (1992) and The Non-Domestic Rating (Collection and Enforcement) (Miscellaneous Provisions) Regulations 1990 are the two pieces of legislation surrounding the charging of costs incurred by the authority for the issue of a Summons.

Charges

Following a High Court Case (Nicolson v Tottenham & London Borough of Haringey) there is a requirement to evidence a detailed breakdown of how the costs are calculated. As mentioned above to be transparent this is calculated with Finance and always provided in evidence at our court hearings. Whilst separate charges for Summons issue and obtaining a Liability Order are allowed in statute it is our recommendation to agree a single cost added upon the issue of a Summons.

Discounts

Discounts are not provided; we only charge what it costs to issue a Summons from Final Notice Stage up to the point of the actual court hearing. We do however withdraw costs in some instances for example if a customer is willing to pay the arrears in full or where vulnerability has been identified.

Budget Impact

Based on an average of three normal recovery years 2017/2018 & 2019 the estimated increase in Council Tax Court Costs raised in the 2022/2023 budgetary year will be £35k and the increase in NNDR Court Costs raised in 2022/2023 is estimated at £2k.

Equality Impact Assessment

The Income and Arrears Management Policy, to which these fees and charges relate, has been subject to an Equality Impact Assessment.

The costs incurred by the Council in carrying out the actions required prior to and including serving a magistrates' court summons, and the subsequent application for a liability order, are passed on to the those in default, ensuring that those who do pay on time (which will include many who share Protected Characteristics such as disability or older age for example) do not have to subsidise those who do not pay in such a timely manner.

All taxpayers are treated equally in terms of amount of court fees charged where a summons has been served and /or a liability order is obtained, irrespective of their Protected Characteristics. Our Income and Arrears Management Policy does however include a Vulnerability Protocol which seeks to identify vulnerable people and support them in addressing their debt in order that any additional fees and charges are kept to a minimum or avoided entirely.

The most financially disadvantaged council taxpayers may benefit from the Council Tax Reduction Scheme which can help cover up to 80% of the Council Tax for eligible taxpayers. There are also a range of discounts and exemptions that apply in certain circumstances. In addition, there are categories of certain persons that are to be disregarded when calculating the amount of tax payable, for example a person with severe mental impairment or a person away from home receiving or providing care.

Watchet and Minehead Harbours (Table 6)

Both Harbours struggle to maintain their statutory compliance with the level of funding brought in through the Harbour operation alone.

In recent years Council have invested further financial support into the Harbours at an increase cost to the taxpayer, or by drawing in resources from other services. The goal should be for the Harbours to be self-financing, however the increases required to achieve this would be unsustainable.

The Appendix (Appendix F) identifies the current and proposed charging schedule.

The annual slipway charges represent a considerable discount over the daily or weekly charges.

Slipway fees are not applied for Lifeboat use who have unlimited access for emergency response.

The Sea Scouts remain exempt from the charges.

Anecdotal evidence suggests that our fees are lower than other ports, each port's method of charging is different so being able to create a meaningful comparison is complex. This proposed fee structure does not seek to resolve that situation and further work on comparisons is still required.

The increase in fees will bring new income for the authority, whilst this income should be ring-fenced for the operation of the Harbour it does reduce the general fund contribution made and therefore an improvement in the councils MTFP should be the result.

Equality Impact Assessment

There are no proposed changes to the charging policy, therefore No Equality Impact Assessment is required.

Budget Impact

The proposed increase in existing fees, would increase the income budget by approximately £450.

Parks & Open Spaces (Table 7)

Hire and sponsorship of open spaces, parks, roundabouts, plant beds, dog and litter bin collections and sports pitches.

Fees for the use of public open spaces represents a charge for the loss of amenity for other public uses and contributes towards the cost of maintaining such spaces.

Any services required for an event for example electricity are charged in addition to the basic hire fee. Currently friends' groups, who are raising funds to put back into the parks are not charged a hire fee. Registered charities benefit from a reduction in the advertised rate of 20%.

For flexible hire for small scale fitness activities of less than 50 people for less than 2 hours per session in a single park a one-off charge is made, or for 12 months for up to 5 locations. A flexible hire is offered to support businesses wanting to operate instructor lead fitness activities such as military style boot camps, outdoor yoga, etc. The decision was made previously not to introduce charges for Park Run.

Additional Charges

In addition to the daily basic hire charge a separate fixed price of £60 is payable for hire and events to cover the extensive necessary administration tasks involved in checking the application and raising the Permit to Use the Land. This work is carried out in order to indemnify the Council.

Use of onsite electricity and water supplies will be charged at current unit cost plus a 10% administration fee where utilised.

A refundable damage deposit will also be requested, the rate to be set by an authorised officer of the council, dependant on the type of event.

Additional commercial services requested of the Localities team will be charged at the appropriate chargeable rates.

Roundabout sponsorship

All roundabouts will be charged based on the number of advertising / sponsorship signs that are placed. The rate per sign has been established following research into other southwest council charges. It is proposed that the charge is based upon the number of sponsorship / advertising signs that are permitted on the roundabout rather than a set rate per roundabout.

Roundabouts would have only one sponsor at any one time and would cover a period of 12 months.

Prices are based on whether the roundabout is located on a major or minor road. With a roundabout typically serving 3 or more junctions, it would there have 3 or more signs. We consider this to be good value based on the number of views each sign will get from passing motorists.

The charge above does not cover the provision of the signs which are a further cost of £120 per sign. Signs are limited in size and the service will have final say over the design and wording of the sign.

Planting beds

We occasionally receive request for sponsorship / advertising on flower beds, this charging schedule makes a move towards proactive marketing of these areas and seeks to test the markets interest and affordability. The cost of a planning bed will be less than roundabout sponsorship based on the volume of people that would see it.

Proposed Discounts

Currently the Friends groups are not charged to hire their particular open space or park. It is proposed that this continues in recognition of the good work done by the various groups in raising the profile of their parks, maintaining the profile and putting funding back into the park, by raising funds and applying for grants not available to Somerset West and Taunton Council.

Registered charities are charged a discounted fee. This discount is 20% across all fees identified in this report.

Equality Impact Assessment

There are no proposed changes to the charging policy, therefore No Equality Impact Assessment is required.

Budget Impact

The proposed increases in existing fees, would increase the income by approximately £3,900.

Housing (HRA) Non-Dwelling Rent Setting and Service Charges (Table 8)

Background and Full details of the Report

Some Council Fees and Charges will no longer be required to go to Full Council for approval under the new delegated powers contained within the Financial Procedure

Rules adopted by SWT from April 2020. Instead the fees and charges for the HRA will be approved by the Section 151 Officer and this report is provided for information. The exception will be the setting of Dwelling Rents which will still be submitted for Full Council for approval.

Service Charges and Non-Dwelling Rental Income

This incorporates income from non-dwelling rents (mainly garages but also shops, land access and meeting halls), charges for services and facilities, and contributions to HRA costs from leaseholders and council tenants.

Service Charges (Ref: Table 8:A)

Housing Service Charges are made to housing tenants for the services that they use. Service Charges are set locally each year and are in addition to the Social Rent Charges.

It is proposed that all fees will be increased by CPI+1%, where CPI in September 2021 was 3.1%. with an exception being made for the proposed communal areas service charge.

It is proposed to increase communal service charges from £0.68 to £1.00 per week. The increase reflects the significant amount of work we have invested in new fob-controlled entry systems, enhanced electrical lighting, and testing and all the associated maintenance costs. The increase is a conservative attempt to increase charges to better recover the costs of these works. Other costs included within this charge include electricity charges for communal areas, cleaning, communal and emergency lighting, servicing of door entry systems, servicing of lifts, communal tv aerials, communal repairs (e.g. fire alarm systems and other items above). We will undertake a detailed service charge review next year to provide a more refined figure. The proposed increase should generate an additional income of £25,109 per annum (total income of £78,468) based on 1509 properties which are eligible for the charge. Charges to leaseholders will continue to be based on actual costs incurred.

Garages (Ref: Table 8:B)

The proposal is to increase garage rents by the same CPI + 1% figure so that they are in line with the Dwelling Rental and Service Charges increase for 2022/23.

For council tenants the weekly rental will increase from £6.64 per week to £6.91 per week – an increase of £0.27 per week.

For private tenants and owner occupiers the weekly rental will increase from £12.18 (including VAT) per week to £12.68 per week – an increase of £0.50 per week.

Meeting Halls (Ref: Table 8:C)

The fees levied for 2022/23 for meeting room hire will be increased by CPI+1% and then rounded to the nearest 10p as requested by tenants during feedback provided in 2017/18.

Guest Rooms (Ref: Table 8:D)

The fees levied for 2022/23 for meeting room hire will be increased by CPI+1% and then rounded to the nearest 50p as requested by tenants during feedback provided in 2017/18.

Temporary Accommodation (Ref: Table 8:E)

The Homeless Service has an obligation to provide interim accommodation for Customers whom they owe a statutory duty. Their use of our HRA stock, designated as temporary accommodation is preferable to commercial Bed and Breakfast which does not have cooking facilities and is more expensive.

The fee for temporary accommodation was previously broken down into two elements: the licence fee and the service charge.

A detailed analysis by the Homelessness Specialist of the costs of temporary accommodation and the income received through the licence fee has shown a significant shortfall. The reasons why the income levels do not cover the service costs are largely due to higher void turnaround (due to temporary nature of stay); higher levels of repair costs on properties, both during occupancy and at void and increased levels of licence fee arrears from some customers where recovery has been challenging. There are also additional management costs generally to address issues such as anti-social behaviour which are higher than in stock where residents are more settled.

The proposed increase in licence fee levels will not cover the entire cost of the service but it will cover more than the previous charges did. We are confident that the increased charges will not prove unaffordable as 93% of arrears cases are currently related to those receiving benefits which will cover the new proposed charges. 74% of current licence holders are in receipt of some level of Housing Benefit with the remaining 26% being self-funders. This new proposal which contains this proposed increase has been drafted and agreed with the Benefit Specialist.

We have also recently introduced the lean rent collection process that has been so successful for the HRA into the approach to collect temporary accommodation rent, which should lead to fewer tenants experiencing arrears.

Exceptions:

Charges for properties not on mains sewerage and shared ownership.

These properties charges for sewerage will be increased in line with the Wessex Water increases for 2022/23 once known. Wessex Water rates for sewerage standing charge per annum and poundage charges are used in the system calculation.

For 2021-22 these are £7.00 per annum for unmetered sewerage standing charge and £1.68 for the poundage charge payable per £ of rateable value of the property.

Wessex Water will publish their new charges in February 2022 (available from their website) for 2022/23.

Shared Ownership

Shared ownership rental charges will be in accordance with the lease agreement.

Legal Implications (if any)

Through Section 2 Part 24 of the Housing Act 1985 (as amended by Local Government & Housing Act 1989) SWT are permitted to make the charges detailed above.

Equality and Diversity Implications (if any)

An Equality Impact Assessment form has been completed and Housing Services will continue to provide a number of initiatives to enable service users to manage their finances and maximise their income (such as the Debt and Benefit drop in sessions at Moorland House held weekly, as well as access to Case Managers who are experienced at debt and benefit advice, as well as signposting to external agencies i.e. CA).

Consultation

These proposals have been presented to and supported by the Council's Tenant Strategic Group.

Land Charges (Table 9)

Background

Under the Local Land Charges Act 1975 ('the Act'), each registering authority is responsible for keeping a register of local land charges for its area and an index in which the entries can be readily traced. In addition, to also hold and provide other information on a number of matters of importance to purchasers of property: e.g. road schemes, the property's planning and building control history, environmental information, Compulsory Purchase Orders, Community Infrastructure Levy liabilities, Section 106, Enforcements, and various notices and information which affect the property.

Budget Impact

Local Land Charges is a fee earning, self-financing service that operates on a rolling three-year cost recovery basis. The budget currently projects a surplus in the department so an increase in fees is not required.

Legal Authority

The Local Authorities (England) (Charges for Property Searches) Regulations 2008 make provision authorising local authorities in England and Wales to set their own charges in a scheme, based on full cost recovery, for carrying out their main Local Land Search functions. The principles of the charge's regulations require authorities to ensure that the price charged is an accurate reflection of the costs of carrying out the Local Land Charge function and not for creating surplus.

Regulations 4, 5 and 7 allow a local authority to make a charge for granting access to property records or answering enquiries about a property, or if it makes or proposes an internal recharge. Exceptions apply where it may or must impose a charge apart from these regulations or in respect of access to free statutory information (e.g. public registers; Environmental Information Regulations).

Regulation 6 explains how the charges must be calculated. These must be no more than the cost to the local authority of granting access to the records and must be calculated by dividing a reasonable estimate of the total costs by a reasonable estimate of the number of request for access likely to be received. A local authority must take all reasonable steps to ensure that over the period of any three consecutive financial years the total income does not exceed the total costs for granting access to property records. Where a local authority makes an overestimate or underestimate of the unit charge for the financial year, it must take this into account in determining the unit charge for the following financial year.

Regulation 9 relates to transparency in setting of charges and stipulates that during each financial year, a local authority must publish a statement setting out the estimates the local authority has made (estimates of total costs and estimates of numbers of requests) in respect of the unit charge for the following financial year, the basis for these estimates and the amount of the unit charge.

Looking across the three year rolling period we have an under recovery in 2019/20 but an over recovery in 2020/21, with the impact of COVID and the removal of stamp duty this last year has meant increased income for Land Charges however it would appear the housing market is now levelling out to a more normal level of activity therefore it seems reasonable to leave fees at the current level and make a review again next year when fee levels should be more stable. Any excess is retained by the service in an EMR, as required by statute.

No changes to be made for this year.

Licensing (Table 10)

This report looks at all areas of the Licensing service and reviews the current fees and charges associated with delivering the service.

The fees are based on the full cost recovery model underpinned by the Local Government Association ‘Open for Business – LGA guidance on locally set license fees’ 2017.

The Licensing Service offers advice, processes applications, monitors compliance and undertakes enforcement action across several different regimes, including.

- Animal Welfare (animal boarding, dog breeding, dangerous wild animals, zoos, pet shops, hiring of horses and keeping or training of animals for exhibition)
- Caravan Sites
- Charitable Collections (street & house to house Collections)
- Gambling Act 2005
- Licensing Act 2003
- Highways Act 1980 (s115E permissions)
- Scrap Metal Dealers Act 2013
- Sex Establishments (shops, cinemas, and sexual entertainment venues)
- Skin Piercing
- Street Parties
- Street Trading
- Taxis (vehicles, drivers & operators)

In accordance with case law and the Provision of Services Regulations no fee is levied in respect of enforcement action against unauthorised activities, except for licences issued under the The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Equality Impact Assessment

There are no proposed changes to the charging policy, therefore No Equality Impact Assessment is required.

Budget Impact

The Licensing Service cannot charge for some of its services, but fees are applied to chargeable services. Non-chargeable costs are borne by the Council.

Figures calculated for the 2022/23 fee setting are part of an ongoing process towards recovering as much of the reasonable costs of the service as possible. The figures

have been further refined over the previous year and these offer a reasonable position in respect of the costs incurred in the uninterrupted processing of applications.

All fees have been constructed on an anticipated number of applications. Should application numbers fall below the anticipated figure, then the level of cost recovery required may not be achieved. Over- or under-recovery based on the target level is dealt with on a rolling basis and is reflected in the fees charged the following year.

Animal Licensing

The following legislation allows for a local authority to charge fees for the consideration of an application for the grant, renewal or variation of a license including any inspection relating to that consideration, and for the grant, renewal, or variation.

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Dangerous Wild Animals Act 1976, s1(2)(e)
- Zoo Licensing Act 1981, s15

The Animal Welfare Regulations also allow the local authority to include within its fees 'the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator'.

There is no upper limit on the maximum fee that can be charged but local authorities are not allowed to make a profit, and the fees charged must be reasonable and proportionate.

Caravan Sites

The Caravan Sites & Control of Development Act 1960 as amended by the Mobile Homes Act 2013 allows for a local authority to charge fees for the consideration of an application for a license.

A local authority who have issued a site license in respect of a site in their area may require the license holder to pay an annual fee fixed by the local authority. Currently SWTC does not charge an annual fee, but this is being explored as part of the ongoing work being undertaken around licensing fees and charges.

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduced a new requirement for site managers to be fit and proper persons and allows local authorities to charge a fee for the consideration of an application, grant, renewal or transfer.

There is no upper limit on the maximum fee that can be charged but local authorities are not allowed to make a profit, and the fees charged must be reasonable and proportionate.

Charitable Collections

SW&T are unable to recover any cost in administering the licensing regime for street collection and house to house collection permits.

Gambling Act

The maximum fees are set centrally by the Government. Local discretion can be exercised over fees or levels of cost recovery up to the maximum permitted fee. SWTC currently levy 85% of the maximum fee permitted as the original fee levels set by government included an element for enforcement against unlicensed operators and the Provision of Services Regulations 2009 removed the ability to charge for such activities. The 85% is consistent across all licensing authorities in Somerset.

The Gambling Act also includes an annual fixed fee.

Licensing Act

These fees are set centrally by the Government and currently there is no local discretion over fees or levels of cost recovery. SI 2005 No79 The Licensing Act 2003 (Fees Regulations) 2005.

The Licensing Act also includes an annual fixed fee, based on the properties business rates.

Scrap Metal Dealers

The Scrap Metal Dealers Act 2013, Schedule 1 s6 allows a local authority to charge a fee for the consideration of an application.

There is no upper limit on the maximum fee that can be charged but local authorities are not allowed to make a profit, and the fees charged must be reasonable and proportionate.

Pavement Licenses

Pavement licensing is dealt with under either:

- The Highways Act 1980, s.115F 3(c), or
- The Business and Planning Act 2020

The latter sets a maximum fee of £100 to accompany an application.

There is no upper limit on the maximum fee that can be charged for Highway Act applications, but local authorities are not allowed to make a profit, and the fees charged must be reasonable and proportionate.

Sex Establishments

The adoption of Schedule 3 under Part II of the Local Government (Miscellaneous Provisions) Act (LG(MPA)) 1982, allows SWTC to charge a fee for the consideration of an application to grant, renewal or transfer of a license.

There is no upper limit on the maximum fee that can be charged but local authorities are not allowed to make a profit, and the fees charged must be reasonable and proportionate.

Skin Piercing

The adoption of Part VIII of the LG(MPA) 1982, allows SWTC to charge a fee for the consideration of an application to register acupuncture, tattooing, ear-piercing and electrolysis.

There is no upper limit on the maximum fee that can be charged but local authorities are not allowed to make a profit, and the fees charged must be reasonable and proportionate.

Street Parties

SWTC are unable to recover any cost in administering the licensing regime for street parties or road closures made under s21 of the Town Police Causes Act 1847.

Street Trading Consents

The adoption of Schedule 4 the Local Government (Miscellaneous Provisions) Act 1982, allows SWTC to charge a fee for the consideration of an application to grant or renewal of a street trading consent.

There is no upper limit on the maximum fee that can be charged and local authorities can set the length of consents, but local authorities are not allowed to make a profit, and the fees charged must be reasonable and proportionate.

Taxis

The Local Government (Miscellaneous Provisions) Act 1976, allows SWTC to charge a fee for the consideration of an application to grant, renewal or transfer a hackney carriage or private hire vehicle and any other associated applications.

However, in the case of taxi and private hire driver licensing, it is not just the cost of enforcement against unlicensed drivers which cannot be recovered but also enforcement against licensed drivers as well. It is estimated that, in 2020/21, driver enforcement costs were £6,985.

Taxi fees are calculated in isolation from the wider licensing regime.

There is no upper limit on the maximum fee that can be charged but local authorities are not allowed to make a profit, and the fees charged must be reasonable and proportionate.

Recommendation

Fees for applications under the Licensing Act 2003 and Gambling Act 2005 are set by statute so increases under local arrangements are not currently possible. For those fees where local discretion exists, they cannot exceed the parameters set out within the appropriate statutes.

Guided by case law and through the results of the costs analysis detailed above the suggested fee levels are set to achieve, as far as possible, full recovery for the projected costs to the Council of unfettered administration and supervision of the various licensing regimes.

It would be unlawful for the Council to deliberately set fees to make a profit and any over (or under) recovery will need to be redressed in future fee levels.

In order to ensure fees levied are reasonable and lawful, consideration can only be given to setting fees at the level suggested or at a level lower than those set out within the report thereby subsidising those businesses regulated by the Council's Licensing Service.

Planning (Table 11)

Background

Planning have the facility to provide Customers with advice and information when they are considering a development proposal; welcoming and encouraging discussions before applications are submitted.

This service is an opportunity to better understand the way in which an application will be judged against the policies in the development plan and other material considerations.

As a result of the time and resources involved in giving pre-application advice, we operate pre-application charges based on the type of proposal. This means that the service does not fall as a general cost to the council taxpayer.

How the Scheme Works

Requests for pre application advice need to be made by completing the website Pre-Application Advice Application Form and providing details and/or plans of the proposal, details are also provided to take a payment by telephone. Meetings where they are required will be attended by an appropriate professional officer from the Council. These will be either in the Council offices, or virtually or, if considered more appropriate, on site. Not every Pre-Application Advice application will require a meeting or site visit. Information about the site and details about the scheme need to be provided. More details are provided on the Council's website. Information required will normally include:

- a) Application Form available from the websites.

- b) a description and summary of proposals, and preferably sketch plans.
- c) if possible, photographs of the site.
- d) A site location plan.

Legal Authority

Fees for planning applications are set nationally. However, charges for pre-application discussion are discretionary. Local Planning Authorities are able to charge for providing pre-planning application advice using discretionary charging powers under Section 93 of the Local Government Act 2003 ('2003 Act'). The majority of authorities now charge for this service, with the income being reinvested in the service. In setting the charges there needs to be a balance set between recouping the full cost of the service provided and encouraging developers to engage with the Council as early as possible.

Somerset West and Taunton Council charges are set at a figure that will not generally discourage developers from contacting the Council, considering the undoubted benefit gained from obtaining greater certainty of the likely outcome. The charges continue to represent a tiny fraction of the cost of carrying out any form of development.

Charges

(See Appendix A for Details of Charges.)

Pre Application Advice Charges

Pre-Application Fees were increased in 2020 by 10%; the Bank of England Inflation Calculator would have indicated an increase of 15% would have been in line with inflation but the Council capped charges at 10%. In 2021 we decided to only raise the amounts to round the figures up slightly to make them more straight forward for Customers and Staff to quote.

This year, there are no proposals to increase fees. The planning service due to an increase in the number of planning applications being received and an increased level of work due to phosphates is unable to enhance the current service provided and provide responses to tight time targets. For larger schemes requiring advice Planning Performance Agreements are available which as they provide certainty around income allow the Council to use the fees to pay for additional staff resource. The hourly rates charged in Planning Performance Agreements are consistent with the rates for preapplication advice. Historically planning application fee income over and above the cost of the development management service has not been reinvested in additional staff resources. This is a challenge for the service in dealing with increased workloads.

Parish Delegation Meeting Attendance Charges

Somerset West and Taunton has three Parish Delegation Agreements with Wellington Town Council, Pitminster Parish Council and Milverton Parish Council where these

Parish Councils determine some minor applications at local level. This scheme has been in existence since the mid-1990s and remains the only scheme of its type in the country.

We currently charge £150 per meeting and there is no proposal to change this fee for 2022/23.

Discounts

This scheme does not include any discounts and all requests for advice within other areas of the Council will be charged accordingly.

Budget Impacts

As stated above, the ability of the Council to increase fees is limited to specific services, which are currently high when benchmarked against other Council's, with the majority of fees set nationally. Increases in payroll and operating costs have been offset by a reduction in the budget for mainly phosphate related planning application guarantee refunds, against specific planning applications identified for 2021/22.

Equality Impact Assessment

What are you completing this impact assessment for? E.g. policy, service area	PLANNING ADVICE CHARGES 2021
Section One – Aims and objectives of the policy /service	
<p>PLANNING</p> <p>To provide a proactive planning service from pre-application to delivery and monitoring</p> <ul style="list-style-type: none"> • Responsible for overseeing building development in Somerset West and Taunton • Co-ordinating the way our surroundings develop • Preventing developments which are not appropriate • Investigate breaches of planning regulations 	
Section two – Groups that the policy or service is targeted at	
<p>All Groups have the potential to be affected; however, the perspective is that the only significant increases in charges are for major developments whereby the pre application charge is an insignificant part of total development costs.</p>	
Section three – Groups that the policy or service is delivered by	

The Development Management staff, and Business support staff will administer and provided the pre applications advice – as per current procedures.

Section four – Evidence and Data used for assessment

Approximately 35-40 major planning applications are received per year (2% of all application). Pre-applications advice, which is encouraged with such application, will attract the higher fee. As previously stated, the pre application charge is an insignificant part of total development costs.

Section Five - Conclusions drawn about the impact of service/policy/function on different groups highlighting negative impact or unequal outcomes

The impact of this planning advice charges will be equal for all groups.

Section six – Examples of best practise

Officers work across the Council and community with specific groups e.g. Gypsy Forum

Recommendation

Only the charges for pre application advice and Planning Performance Agreements (PPAs) are within the discretion of the Council to increase as fees for planning applications are set nationally. The existing SWT charges for pre application advice and PPA fees are above the charges levied by other Somerset districts, so any increase is difficult to justify and may result in a lower take up of the service as many of the applicants are aware of the discrepancies. Furthermore, the service is currently unable to deliver an increased level of service to justify any fee increase, as identified in the above paragraph on pre application advice charges. For these reasons it is not proposed to increase the charges in 2022/23.

Electric Vehicle Charging Points

The introduction of charging for electricity used at publicly owned and maintained electric vehicle charge points.

The aim of the proposed charging approach is to ensure full cost recovery for the operation of the electric vehicle charge points.

Includes all costs to the council (energy, maintenance, administrative and management) into cost per unit of electric consumed, which allows for full cost recovery to be borne equally by all customers based on actual usage.

Most capital costs to date have been provided by way of grant from the Office for Zero Emission Vehicles (OZEV). Any capital costs borne by the council have also been included in the full cost recovery model.

The council has limited data on the number of charging sessions and electricity used. It is likely that transactions and energy costs will vary in time. It is therefore proposed that costs are regularly reviewed, and the charge adjusted accordingly.

Recommendation

Agree the recommended charge of **£0.30** per kWh to allow for recovery of costs associated with the operation of public EV charge points.

To delegate authority to vary the rate cost associated with the recovery of costs of operating the EV charge network to the Budget Holder (in association with the Climate Change team – first two reviews).

Equality Impact Assessment

Please see Appendix C.

Budget Impact

No specific budget exists to meet the costs of operating the service, therefore these costs need to be regularly reviewed to ensure full cost recovery.