

From: **Mike Hill, Cabinet Member for Community and Regulatory Services**

**Barbara Cooper Corporate Director of Growth Environment and Transport**

To: **Environment and Transport Cabinet Committee 21 September 2017**

Decision No: **17/00080**

Subject: **Decision to approve fees and charges for rechargeable Public Rights of Way and Access Service Activity and the principles for establishing fees and charges.**

Classification: **Unrestricted**

**Future Pathway of Paper:** For Cabinet Member Decision

**Electoral Division:** All

**Summary:** This paper details fees and charges for Public Rights of Way (PRoW) and Access Service activity, following review, where a charge is made for the provision of services. The paper also sets out a number of key principles applied when establishing fees and charges.

**Recommendation(s):** The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community and Regulatory Services on the decision to publish fees and charges for PRoW and Access activity and to delegate authority to the Public Rights of Way and Access Service Manager to review and publish revised fees and charges subject to the application of a number of key principles. Decision as attached at Appendix A.

## **1. Introduction**

- 1.1 This report details a number of adjustments to the fees and charges applied for Public Rights of Way (PRoW) services provided by Kent County Council. The fees and charges are set out at Appendix B.
- 1.2 The fees and charges for PRoW services are reviewed at least annually by officers applying a number of key principles. The principles are designed to ensure that the true costs of service provision to the County Council are recovered and that the fees and charges are reasonable and comply with the applicable legislation and regulation.

## **2. The Report**

- 2.1 The PRoW and Access Service is able to charge for a number of the services that it provides. The ability to charge for services is governed by a range of primary legislation, most notably the section 93 of the Local Government Act 2003 and section 3 of the Localism Act 2011. In the case of a number of

areas of work, and the ability to charge and how charges should be arrived at is further defined by regulations and guidance; for instance the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 as amended. The legislative and regulatory framework specifies that the County Council may recover the reasonable costs incurred by the authority in providing the service.

2.2 The PRoW and Access Service has applied a number of principles in establishing its fees and charges:

- a) It is incumbent on the Service to charge for activities that are discretionary, or where permitted by regulation, given the pressures on the County Council finances.
- b) Charges will be costed, reasonable and comply with all applicable legislation, regulation and guidance.
- c) Charges will be reviewed annually and on the enactment of any amending legislation, regulation or the issuing of guidance; for instance HMRC issued guidance that VAT should be charged for Local Authority Searches as from March 2017.
- d) Charges will reflect the true cost of service provision.
- e) The direct and indirect costs of service provision will be included in arriving at the charge for an activity.
- f) The calculation of indirect costs will include Corporate, Directorate, Divisional and Service overheads.
- g) Staff costs for an activity will be calculated on the basis of the gross salary plus on-costs , provided in the KCC Ready Reckoner, (salary + National Insurance + KCC pension contribution) divided by the number of days or hours available to the service per financial year. The number of days and hours will be re-calculated each financial year.
- h) The charges for specific activities have been established in line with the principles above and our best assessment of the time required completing tasks and the likely profile of the staff required.

2.3 In order to limit the need to seek further Executive-side decisions in respect of charges, authority is sought to enable adjustments to be made to the published fees and charges accounting for changes to staff salaries and indirect costs and legislative/ regulatory change. Adjustments will be made following a calculation of costs based on the principles set out in paragraph 4.2 a-h

### **3. Financial Implications**

3.1 The fees and charges set out in Appendix B ensure that the County Council continues to recover its reasonable costs where these are incurred in providing services that may be charged for. There is no significant departure from current charges and therefore no significant impact on income ,positive or negative is expected. Income from rechargeable and fee earning work is currently forecast at £141,000 for this financial year.

- 3.2 By charging for Public Rights of Way services , where permitted, the Public Rights of Way and Access Service is better able to meet the demand for some of its services while not impacting on otherwise pressured revenue budgets.

#### **4. Policy Framework**

- 4.1 The proposal ensures, as far as is possible, that the true costs of service provision are reflected in fees and charges for PRoW work. This enables the existing revenue budget to be used in ways that support “Increasing opportunities and Improving Outcomes” rather than in subsidising discretionary services.

#### **5 Equalities Act 2010 Implications**

- 5.1 No equalities implications have been identified; an Equalities Impact Assessment (EqIA) initial screening has been completed.

#### **6. Conclusions**

- 6.1 The Public Rights of Way and Access Service may charge for a range of its services. It is, given the financial climate, essential that where the Service may recover its costs it does so. The true costs of service provision will be reflected in establishing fees and charges and the PRoW and Access Service has set out a number of principles that are applied in calculating its costs.

#### **7. Recommendation(s)**

**Recommendation(s):** The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community and Regulatory Services on the decision to publish fees and charges for PRoW and Access activity and to delegate authority to the Public Rights of Way and Access Service Manager to review and publish revised fees and charges subject to the application of a number of key principles; as attached at Appendix A.

#### **8. Background Documents**

- 8.1 Appendix A Record of decision  
Appendix B – Public Rights of Way and Access Service Fees and Charges.  
EqIA:  
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5232&ID=5232&RPID=16991865>

#### **9. Contact details**

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