



**Open Report on behalf of Andy Gutherson, Executive Director - Place**

Report to:	<b>Councillor C J Davie, Executive Councillor: Economic Development, Environment and Planning</b>
Date:	<b>05 – 15 March 2024</b>
Subject:	<b>Public Rights of Way Fees and Charges</b>
Decision Reference:	<b>I032030</b>
Key decision?	<b>Yes</b>

**Summary:**

A set of proposed new and updated Fees and Charges for various Public Rights of Way services has been developed following a review of the service, the existing fees and charges and recent legislation coming into force which introduces new work and cost recovery mechanisms. The previous charges have been unaltered for approximately 15 years and have not kept up with rising costs of undertaking the work.

This report seeks approval of the proposed fees and further seeks approval to allow annual increases to ensure the Council is able to continue to recover its costs.

**Recommendation(s):**

That the Executive Councillor for Economic Development, Environment and Planning:

- (a) considers and approves the proposed new and updated fees and charges set out in Appendix A and Appendix B of the report, to take effect from 1<sup>st</sup> April 2024; and,
- (b) considers and approves the proposal to increase fees and charges annually based on any staff cost increase, and the prevailing CPI percentage rate for all other costs.

**Alternatives Considered:**

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| 1. | <p>Increase costs based on local pricing of other similar authorities.</p> <p>The costs and charges have been developed based on the average officer time taken for various tasks, and average costs of materials. A benchmarking exercise was carried out to provide insight and understanding to other similar authorities' costs which has been helpful, however using benchmarking data alone increases the risk that the Council could be undercharging for the service which increases</p> |
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	pressure on existing budgets, or overcharging for the service which would not be in line with legislation.
2.	<p>Keep charges as the current levels. To keep the fees and charges at their current level will mean that the Council does not recover the full costs of delivering the service, which places pressure on existing budgets. Those variable costs that are currently used place an increased administrative burden to provide quotes and create uncertainty for the customer as to the final price. A fixed price method for some elements is preferred to ensure consistency and certainty and make the process of undertaking the work simpler and more efficient.</p> <p>Additionally, the existing fees and charges do not take into account the changes being introduced by new legislation, which creates new mandatory responsibilities with a new different charging structure which allows the Council to recover full costs. Without having the ability to properly recover costs for this work would place the Council at risk of exposure to significant higher costs than before.</p>

**Reasons for Recommendation:**

The proposed fees and charges represent the full cost to the Council of providing the services and enable the Council to respond effectively to the expected future demand emerging from new legislation.

To ensure that the Council continues to recover the full costs of providing the service it is recommended that an annual price increase is approved.

**1. Background**

- 1.1. A recent review of the Public Rights of Way and Access Service was undertaken between July and October 2023, following the recruitment of the new Public Rights of Way and Access Manager.
- 1.2. The review highlighted that the current fees and charges for services provided by the Public Rights of Way and Access service have not been reviewed since approximately 2014, and as a result do not effectively cover the costs of providing the service.
- 1.3. Additionally, the Deregulation Act 2015 (the Act) places additional burdens on the Council, with different charging structures. This legislation has started to come into force and the provisions relating to public path order are expected soon. The Act changes the way that certain public path order applications are processed and made by providing a 'right to apply' for a diversion or an extinguishment order in certain circumstances.

- 1.4. These orders have a different charging structure to normal public path orders and allow the Council to recover full costs of making an order to cover costs of defending a decision in a subsequent public inquiry, which are not yet included in the existing fees and charges.
- 1.5. The majority of the Act changes are subject to guidance however initial cost recommendations have been included to allow the Council to begin to process right to apply applications immediately following the coming into force of the Deregulation Act provisions without creating additional financial pressures on the Council. The service is currently aware of 55 pending applications from landowners once the full provisions of the Act come into force.
- 1.6. A detailed analysis of the amount of officer time and other costs required to undertake various tasks was undertaken in order to ascertain what is the cost of providing each particular service. As part of this review the full officer time costs, taking into account full overhead costs was undertaken to enable the Council to price the service to a level that covers the true cost of providing the service.
- 1.7. The fees for landowner declarations and statements are proposed to change from a variable rate to a fixed fee for various services. This will allow greater clarity for customers about the fees prior to engaging the service, as well as reducing the administrative burden of processing applications.
- 1.8. The proposed revised set of fees for the services listed below has been included in Appendix A to this report. A breakdown of the tasks and subsequent costs of Public Path Orders (PPOs) are included in Appendix B. The fees include a breakdown of the officer time and direct costs of providing the service. A benchmarking exercise was also carried out to ascertain the fees and charges for Public Rights of Way Services for neighbouring County and Unitary Authorities and provide a comparison for the proposed new fees and charges. This has been included in Appendix C to this report.
  - Receipt and processing of Public Path Orders (Diversions and Extinguishments) under the Highways Act 1980 and the Town and Country Planning Act 1990.
  - Receipt and processing of landowner deposits and declarations under Section 31(6) Highways Act 1980 (proposed to be changed to a flat fee from a variable cost to minimise administrative costs).
  - Receipt and processing of landowner statements under Section 15(a) Commons Act 2006 (proposed to be changed to a flat fee from a variable cost to minimise administrative costs).
  - Costs relating to undertaking default action pursuant to formal enforcement notices.
- 1.9. In order to ensure that the Council is able to properly recover its costs in the future, it is proposed that the costs are increased on an annual basis. The cost of providing the service is predominately based on officer time, with a small

proportion being other costs such as material costs and external fees. The income from the fees and charges will be utilised to ensure that service delivery against the added burdens consequent to the Act are appropriately resourced.

- 1.10. It is proposed to price any cost increase based on any increased staff costs, and by a percentage based on the prevailing consumer prices index (CPI) percentage rate at the time of review for all other rates.

## **2. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

The service remains available regardless of protected characteristics and as a result the changes to the fees and charges are considered to be neutral in respect of the Council's Equality Act obligations.

### Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The JSNA and JHWS have been considered and there are not considered to be any implications from the proposals in this Report.

### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

There are not considered to be any crime and disorder implications of the decision.

### **3. Conclusion**

The proposed fees and charges represent the full cost to the Council of providing the services. The benchmarking exercise showed that the proposed new fees and charges are below average for similar neighbouring authorities.

The proposed new fees and charges will enable the Council to respond effectively to the expected demand for Right to Apply public path order applications emerging from the Act and enable the service to recover the full costs of making any order under the new legislative process and avoiding the risk of an increased burden on Council funds.

To ensure that the Council continues to recover the full costs of providing the service it is recommended that an annual price increase is approved based on any staff cost increase, and the prevailing CPI percentage rate for all other costs.

#### 4. Legal Comments:

The fees and charges proposed in this report are in accordance with the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 as amended by the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 and the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013, and fall within the remit of the Executive member to consider and determine.

#### 5. Resource Comments:

The proposed increase to current fees and charges will generate an additional income into LCC per annum which will offset the requirement for further resources to manage the increased workloads associated with the changes to the legislation under which this work is undertaken. If the proposal is agreed, this income will be built into the 2024-25 financial position for the service. Whilst benchmarking indicates that LCC will continue to charge below average when compared to similar neighbouring authorities, the proposed increase ensures full cost recovery, minimising reputation damage from existing applicants and has the potential to attract new applicants.

#### 6. Consultation

##### a) Has Local Member Been Consulted?

n/a

##### b) Has Executive Councillor Been Consulted?

Yes

##### c) Scrutiny Comments

Report to be presented to the Highways and Transport Scrutiny Committee meeting on 4th March 2024. The views of committee will be reported to the Executive Councillor directly.

##### d) Risks and Impact Analysis

Included as Appendix D to this report.

#### 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed PROW Fees
Appendix B	PPO Fee Breakdown
Appendix C	Fees and Charges Benchmarking
Appendix D	Equality Impact Analysis

**8. Background Papers**

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Deregulation Act 2015	<a href="https://www.legislation.gov.uk/ukpga/2015/20/contents/enacted">https://www.legislation.gov.uk/ukpga/2015/20/contents/enacted</a>

This report was written by Andrew Fletcher - Public Rights of Way and Access Manager, who can be contacted on 01522 553091 or [andrew.fletcher@lincolnshire.gov.uk](mailto:andrew.fletcher@lincolnshire.gov.uk).

**Proposed PROW Fees and Charges**

Landowner statements and declarations		Current average fee (variable rate)	Proposed fee (Flat fee)	Justification											
				Average Hours	Hourly rate	Supervision hours	Supervision rate	BS support costs (est. G6 rate @ 1hr)	Total time cost	Materials costs	Travel time	Notice posting cost (G6)	Ave mileage	Total cost	Notes
Landowner deposits: Highways Act Section 31(6)	Receipt and processing of deposited map and statement (of any size)	£77.92	£141.00	3	£ 31.61	0.5	£ 43.41	£ 24.35	£ 140.89	£ -	0	£ -	0	£ 140.89	
Landowner deposits: Highways Act Section 31(6)	Fee for each additional unconnected land parcel	Nil	£18.00	0.5	£ 31.61	0.05	£ 43.41	£ -	£ 17.98	£ -	0	£ -	0	£ 17.98	
Landowner deposits: Highways Act Section 31(6)	Receipt and processing of declaration that follows an initial deposited map and statement within 4 weeks	£41.15	£43.00	1	£ 31.61	0.25	£ 43.41	£ -	£ 42.46	£ -	0	£ -	0	£ 42.46	
Landowner deposits: Highways Act Section 31(6)	Receipt and processing of declaration that follows an initial deposited map and statement (once deposit already registered)	£41.15	£94.00	1.5	£ 31.61	0.5	£ 43.41	£ 24.35	£ 93.47	£ -	0	£ -	0	£ 93.47	Extra time needed as case effectively needs to be reopened
Landowner deposits: Commons Act 2006 Section 15(a) Landowner Statements (or combined Highways Act 1980 and Commons Act 2006 deposit)	Receipt and processing of deposited map and statement (of any size), including site visit and up to 2 notices	£154.87	£260.00	4	£ 31.61	0.75	£ 43.41	£ 24.35	£ 183.35	£ 1.50	1	£ 49.64	55	£ 259.24	
Landowner deposits: Commons Act 2006 Section 15(a) Landowner Statements (or combined Highways Act 1980 and Commons Act 2006 deposit)	Fee for each additional unconnected land parcel	Nil	£35.00	0.5	£ 31.61	0.05	£ 43.41	£ -	£ 17.98	£ 1.50	0.25	£ 49.64	5	£ 34.14	

Public Path Orders (excluding 'Right to Apply' applications)			Proposed fee (Flat fee)	Justification														
Stage	Description	Charge		Av. Hours (DMD)	DMD Hourly rate	Av. Hours (SPROWO)	SPROWO Hourly rate	Av. Supervision hours	Supervision rate	Legal costs	Business support costs	Admin costs	Total cost time	Material costs	Av. Mileage	Notice posting av. Time	Notice posting rate (G6)	Total cost
Stage 1: Pre-application advice (optional)	Provision of advice to the applicant and site visit to discuss the proposal*	New charge	£232.00	6.08	£34.00	0.00	£43.88	0.00	£43.41	£ -	£ -	£ -	£206.72	£ -	55	0	£32.15	£ 231.47
Stage 2: Application processing and initial consultation	Application processing, land ownership checks, site survey, provision of work estimates, preparation of draft plan and undertaking of informal consultations*	£1700 plus 2 newspaper advertisements	£1,129.00	23.83	£34.00	4.83	£43.88	0.00	£43.41	£ 50.42	£ -	£ -	£1,072.58	£6.00	110	0	£32.15	£ 1,128.08
Stage 3: Public Path Order preparation and publication	Final clarification of route with applicant, drafting of order, sealing of order, advertising notice in local press, posting notices on site, receive, record and acknowledge responses to the advertising of the notice		£1161 plus one local newspaper advertisement	15.50	£34.00	0.00	£43.88	1.00	£43.41	£ 327.73	£ -	£ -	£898.14	£1.00	165	5.83	£32.15	£ 1,160.82
Stage 4: Public Path Order confirmation	Confirm and seal the order, advertise confirmation in local press, post notices on site		£961 plus one local newspaper advertisement	8.75	£34.00	3.83	£43.88	0.00	£43.41	£ 151.26	£ 24.35	£ 31.61	£672.78	£1.00	220	5.83	£32.15	£ 960.21
Current PPOs - Cost for making a route available for public use	Works required to make the route available for public use	Full cost recovery	Full cost recovery	N/A	N/A		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Full cost recovery

\* The fee covers one 2-hour site meeting. If further meetings are required or the site meeting is particular distant from Lincoln, there may be an additional charge for which applicants will be made aware

Public Path Orders ('Right to Apply' applications - subject to regulations)			Proposed fee (Flat fee)	Justification														
RIA Stage	Description	Charge		Av. Hours (DMD)	DMD Hourly rate	Av. Hours (SPROWO)	SPROWO Hourly rate	Av. Supervision hours	Supervision rate	Legal costs	Business support costs	Admin costs	Total cost time	Material costs	Av. Mileage	Notice posting av. Time	Notice posting rate (G6)	Total cost
RIA Stage 1: Pre-application advice (optional)	Provision of advice to the applicant and site visit to discuss the proposal	New charge	£232.00	6.08	£34.00	0.00	£43.88	0.00	£43.41	£ -	£ -	£ -	£206.72	£ -	55	0	£32.15	£ 231.47
RIA Stage 2: Application processing and initial consultation	Application processing, land ownership checks, site survey, provision of work estimates, preparation of draft plan and undertaking of informal consultations*	New charge	£1,129.00	23.83	£34.00	4.83	£43.88	0.00	£43.41	£ 50.42	£ -	£ -	£1,072.58	£6.00	110	0	£32.15	£ 1,128.08
RIA Stage 3: Public Path Order preparation and publication	Final clarification of route with applicant, drafting of order, sealing of order, advertising notice in local press, posting notices on site, receive, record and acknowledge responses to the advertising of the notice*	New charge	£1161 plus one local newspaper advertisement	15.50	£34.00	0.00	£43.88	1.00	£43.41	£ 327.73	£ -	£ -	£898.14	£1.00	165	5.83	£32.15	£ 1,160.82
RIA Stage 4 (Opposed Orders): Negotiation of withdrawal of objections	Attempt withdrawal of objections, consideration of forwarding order to Planning Inspectorate, preparation of a decision report.	New charge	£316.00	8.00	£34.00	0.00	£43.88	1.00	£43.41	£ -	£ -	£ -	£315.41	£0.00	0	0	£32.15	£ 315.41
RIA Stage 5: (Opposed Orders): Preparation of case and referral to Planning Inspectorate (estimated time)	Preparation of various documents for a public inquiry or formal hearing.	New charge	£834.00	16.00	£34.00	0.00	£43.88	1.00	£43.41	£ 151.26	£ -	£ 94.83	£833.50	£0.00	0	0	£32.15	£ 833.50
RIA Stage 6: (Opposed Orders): Presentation of case to Planning Inspectorate at Public Inquiry	Representation at public inquiry or formal hearing	New charge	Full cost recovery (POA)															
RIA Stage 7: Public Path Order confirmation	Confirm and seal the order, advertise confirmation in local press, post notices on site	New charge	£961 plus one local newspaper advertisement	8.75	£34.00	3.83	£43.88	0.00	£43.41	£ 151.26	£ 24.35	£ 31.61	£672.78	£1.00	220	5.83	£32.15	£ 960.21

\* The fee covers one 2-hour site meeting. If further meetings are required or the site meeting is particular distant from Lincoln, there may be an additional charge for which applicants will be made aware

Enforcement		Proposed fee	Justification
Area Maintenance Team costs	Per hour cost inclusive of equipment and vehicle costs	£59.19	£75.85
Senior Public Rights of Way Officer charge out rate	Per hour cost	£28.94	£43.88
Assistant Public Rights of Way Officer charge out rate	Per hour cost	£20.84	£32.15



## Fee

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Public path order made, but opposed and case abandoned:

£ 2,305.90 plus notice placed in a local newspaper costing in the region of £300

Public path order made, confirmed and brought into operation:

£ 3,266.12 plus two notices placed in a local newspaper costing in the region of £300 each

## Fee Structure

### Rates

Resource	Grade	Scale points	Charge out rate
Definitive Map Officer (DMO)	7	18-21	£ 34.00 /hr
Senior Definitive Map Officer (SDMO)	9	24-27	£ 43.41 /hr
Senior Public Rights of Way Officer (SPO)	9	24-27	£ 43.88 /hr
Senior Legal Officer (SLO)	6	15-18	£ 50.42 /hr
Assistant Public Rights of Way Officer (APO)	6	15-18	£ 32.15 /hr
Rights of Way Technical Officer (PTO)	5	12-15	£ 31.61 /hr
Business Support Assistant - Level 1 (BSA)	2	3-6	£ 24.35 /hr
Mileage rate	N/A	N/A	£ 0.45 /mile

### 1. Pre-application advice (optional)

Action	Resource	Time (hrs)	Mileage	Material	Cost
Arrange site visit with applicant (phone/email)	DMO	0.25	0	£ -	£ 8.50
Carry out site visit (inc travel time)	DMO	3.83	55	£ -	£ 154.97
Summarise site visit discussions and provide advice to applicant.	DMO	2.00	0	£ -	£ 68.00
<b>Total</b>	<b>N/A</b>	<b>6.08</b>	<b>55.00</b>	<b>£ -</b>	<b>£ 231.47</b>

### 2. Application processing fee

Action	Resource	Time (hrs)	Mileage	Material	Cost
Check returned, completed application & assess whether LR search is required	DMO	0.50	0	£ -	£ 17.00
Set up case file & electronic file/instation procedures	DMO	1.00	0	£ -	£ 34.00
Reserve new path number	DMO	0.25	0	£ -	£ 8.50
Identify parish(es) & path numbers relating to the proposal.	DMO	0.50	0	£ -	£ 17.00
Complete checklists & obtain background paperwork/maps pertaining to PPO - to include checking definitive line accurately digitised	DMO	2.50	0	£ -	£ 85.00
Check information & relevant tables held on GIS & NE website	DMO	0.50	0	£ -	£ 17.00
Prepare land ownership plan and undertake a search in land registry to identify any unknown ownership	DMO	2.00	0	£ -	£ 68.00
Undertake search in land registry	SLO	1.00	0	£ 6.00	£ 56.42
Arrange site visit with applicant (phone/email)	DMO	0.25	0	£ -	£ 8.50
Carry out site visit (inc travel time)	DMO	3.83	55	£ -	£ 154.97
Carry out site visit (inc travel time)	SPO	3.83	55	£ -	£ 192.81
Write file note & record measurements. Print site photos & key sheet	DMO	2.00	0	£ -	£ 68.00
Request estimate of rechargeable costs from SPO for any works required to new route	DMO	0.50	0	£ -	£ 17.00
Provide rechargeable cost estimate to DMO	SPO	1.00	0	£ -	£ 43.88
Draft plan showing the proposal	DMO	2.00	0	£ -	£ 68.00
Draft background statement	DMO	1.00	0	£ -	£ 34.00
Background statement and plans sent to applicant for approval	DMO	0.50	0	£ -	£ 17.00
Acknowledge approval of plan(s) & background statement	DMO	0.50	0	£ -	£ 17.00
Carry out informal consultations & file as received	DMO	3.00	0	£ -	£ 102.00
Undertake further negotiations, if required.	DMO	0.00	0	£ -	£ -
Summarise informal consultations, checking statutory consultees have responded	DMO	2.00	0	£ -	£ 68.00
Prepare report for applicant and seek decision whether to proceed further	DMO	1.50	0	£ -	£ 51.00
<b>Total</b>	<b>N/A</b>	<b>30.16</b>	<b>110.00</b>	<b>£ 6.00</b>	<b>£ 1,145.08</b>

### 3. Public Path Order making fee

Action	Resource	Time (hrs)	Mileage	Material	Cost
Prepare 'Justification' for order	DMO	2.00	0	£ -	£ 68.00
Prepare full Order and notice descriptions	DMO	3.00	0	£ -	£ 102.00
Recommendation to SOMO whether to make order	DMO	0.50	0	£ -	£ 17.00
Authorisation to make/not make order	SOMO	0.50	0	£ -	£ 21.71
Write to PMS to obtain Dispensation	DMO	0.00	0	£ -	£ -
Advise consultees of decision and update PPO database	DMO	0.50	0	£ -	£ 17.00
Prepare LSL and draft order	DMO	2.00	0	£ -	£ 68.00
Send (scan) instruction to LSL with relevant documentation	DMO	0.50	0	£ -	£ 17.00
Open file	SLO	1.00	0	£ -	£ 50.42
Check draft order	DMO	0.25	0	£ -	£ 8.50
Seal and copy Order	SLO	1.50	0	£ -	£ 75.63
Prepare Order notices and letters and serve on consultees	SLO	4.00	0	£ -	£ 201.68
Prepare site notices & forward to SPD for posting	DMO	1.00	0	£ 1.00	£ 35.00
Posting, checking & removal of notices	APO	5.83	165	£ -	£ 261.68
Prepare Notice of Order & plan for advertisement on LCC website & email to Dev_Publishing.	DMO	0.50	0	£ -	£ 17.00
Update PPO database	DMO	4.00	0	£ -	£ 136.00
Respond to objections as required and attempt withdrawal of any objections	DMO	0.50	0	£ -	£ 17.00
Advise applicant of outcome of formal consultations	DMO	0.50	0	£ -	£ 17.00
Recommendation to SOMO whether to confirm or abandon order	DMO	0.50	0	£ -	£ 17.00
SOMO to authorise confirmation or abandonment of Order	SOMO	0.50	0	£ -	£ 21.71
Scan returned endorsed site notices to LSL & update PPO database	DMO	0.25	0	£ -	£ 8.50
<b>Total</b>	<b>N/A</b>	<b>28.83</b>	<b>165.00</b>	<b>£ 1.00</b>	<b>£ 1,160.82</b>

### 4. Public Path Order confirmation fee

Action	Resource	Time (hrs)	Mileage	Material	Cost
Prepare Certificate of Operation, forward to SPD and request new route(s) made available	DMO	1.00	0	£ -	£ 34.00
Checking new route available, raising necessary orders for works/signposting/laising with LO & complete Certificate of Operation	SPO	3.83	55	£ -	£ 192.81
Draft Legal Event Order, amending plan as required to comply with DMMO notation	DMO	2.00	0	£ -	£ 68.00
Request LSL Confirm order & seal Legal Event (following order confirmation period)	DMO	0.50	0	£ -	£ 17.00
Confirm Order	SLO	1.00	0	£ -	£ 50.42
Prepare Order notices and letters and serve on consultees	SLO	1.00	0	£ -	£ 50.42
Prepare site notices & forward to SPD for posting	DMO	1.00	0	£ 1.00	£ 35.00
Produce & Seal Legal Event	SLO	1.00	0	£ -	£ 50.42
Prepare site notice & plan for advertisement of confirmation on LCC website & email to Dev_Publishing.	DMO	0.50	0	£ -	£ 17.00
Posting, checking & removal of notices	APO	5.83	165	£ -	£ 261.68
Scan returned endorsed site notices to LSL & update PPO database	DMO	0.25	0	£ -	£ 8.50
Closing case file procedures & distribution of confirmed Order/Legal Event	DMO	1.00	0	£ -	£ 34.00
Collate invoice costs (PPO fees) / newspaper notices (making & confirming) / rechargeable works / mileage / LR registry search fees)	DMO	1.00	0	£ -	£ 34.00
Advance notice of invoice to applicant	DMO	0.50	0	£ -	£ 17.00
Request Business Support raise invoice	DMO	0.50	0	£ -	£ 17.00
Produce Invoice	BSA	1.00	0	£ -	£ 24.35
PTO to update GIS as part of file closing	PTO	1.00	0	£ -	£ 31.61
Archive file	DMO	0.50	0	£ -	£ 17.00
<b>Total</b>	<b>N/A</b>	<b>23.41</b>	<b>220.00</b>	<b>£ 1.00</b>	<b>£ 960.21</b>

### Fee

Public path order made, but opposed and case abandoned.

£ 2,305.90 plus notice placed in a local newspaper costing in the region of £300

Public path order made, confirmed and brought into operation:

£ 3,256.12 plus two notices placed in a local newspaper costing in the region of £300 each

All cases where the travel is more than 10 miles an extra premium for travel. More than 20 miles.

## Resource cost

### 1. Pre-application advice (optional)

Resource	Time		Mileage		Materials	Total Cost
	Hrs	Cost	Miles	Cost		
Definitive Map Officer	6.08	£ 206.72	55	£ 24.75	£ -	£ 231.47
Senior Definitive Map Officer	0.00	£ -	0	£ -	£ -	£ -
Senior PROW Officer	0.00	£ -	0	£ -	£ -	£ -
Senior Legal Officer	0.00	£ -	0	£ -	£ -	£ -
Assistant PROW Officer	0.00	£ -	0	£ -	£ -	£ -
Public Rights of Way Technical Officer	0.00	£ -	0	£ -	£ -	£ -
Business Support Assistant	0.00	£ -	0	£ -	£ -	£ -
<b>Total</b>	<b>6.08</b>	<b>£ 206.72</b>	<b>55</b>	<b>£ 24.75</b>	<b>£ -</b>	<b>£ 231.47</b>

### 2. Application processing fee

Resource	Time		Mileage		Materials	Total Cost
	Hrs	Cost	Miles	Cost		
Definitive Map Officer	24.33	£ 827.22	55	£ 24.75	£ -	£ 851.97
Senior Definitive Map Officer	0.00	£ -	0	£ -	£ -	£ -
Senior PROW Officer	4.83	£ 211.94	55	£ 24.75	£ -	£ 236.69
Senior Legal Officer	1.00	£ 50.42	0	£ -	£ 6.00	£ 56.42
Assistant PROW Officer	0.00	£ -	0	£ -	£ -	£ -
Public Rights of Way Technical Officer	0.00	£ -	0	£ -	£ -	£ -
Business Support Assistant	0.00	£ -	0	£ -	£ -	£ -
<b>Total</b>	<b>30.16</b>	<b>£ 1,089.58</b>	<b>110</b>	<b>£ 49.50</b>	<b>£ 6.00</b>	<b>£ 1,145.08</b>

### 3. Public Path Order making fee

Resource	Time		Mileage		Materials	Total Cost
	Hrs	Cost	Miles	Cost		
Definitive Map Officer	15.50	£ 527.00	0	£ -	£ 1.00	£ 528.00
Senior Definitive Map Officer	1.00	£ 43.41	0	£ -	£ -	£ 43.41
Senior PROW Officer	0.00	£ -	0	£ -	£ -	£ -
Senior Legal Officer	6.50	£ 327.73	0	£ -	£ -	£ 327.73
Assistant PROW Officer	5.83	£ 187.43	165	£ 74.25	£ -	£ 261.68
Public Rights of Way Technical Officer	0.00	£ -	0	£ -	£ -	£ -
Business Support Assistant	0.00	£ -	0	£ -	£ -	£ -
<b>Total</b>	<b>28.83</b>	<b>£ 1,085.57</b>	<b>165</b>	<b>£ 74.25</b>	<b>£ 1.00</b>	<b>£ 1,160.82</b>

### 4. Public Path Order confirmation fee

Resource	Time		Mileage		Materials	Total Cost
	Hrs	Cost	Miles	Cost		
Definitive Map Officer	8.75	£ 297.50	0	£ -	£ 1.00	£ 298.50
Senior Definitive Map Officer	0.00	£ -	0	£ -	£ -	£ -
Senior PROW Officer	3.83	£ 168.06	55	£ 24.75	£ -	£ 192.81
Senior Legal Officer	3.00	£ 151.26	0	£ -	£ -	£ 151.26
Assistant PROW Officer	5.83	£ 187.43	165	£ 74.25	£ -	£ 261.68
Public Rights of Way Technical Officer	1.00	£ 31.61	0	£ -	£ -	£ 31.61
Business Support Assistant	1.00	£ 24.35	0	£ -	£ -	£ 24.35
<b>Total</b>	<b>23.41</b>	<b>£ 860.21</b>	<b>220</b>	<b>£ 99.00</b>	<b>£ 1.00</b>	<b>£ 960.21</b>

### Fee

Public path order made, but opposed and case abandoned: £ 2,305.90 plus notice placed in a local newspaper costing in the region of £300  
 Public path order made, confirmed and brought into operation: £ 3,266.12 plus two notices placed in a local newspaper costing in the region of £300 each



## Equality Impact Analysis to enable informed decisions

### The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

### Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

**\*\*Please make sure you read the information below so that you understand what is required under the Equality Act 2010\*\***

### Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

### Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

### **Decision makers duty under the Act**

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

## **Conducting an Impact Analysis**

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

### **The Lead Officer responsibility**

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

### **Summary of findings**

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report.

## Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

### How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

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**Proposals for more than one option** If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

**The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.**

## Background Information

<b>Title of the policy / project / service being considered</b>	Public Rights of Way and Access service Fees and charges	<b>Person / people completing analysis</b>	Andrew Fletcher
<b>Service Area</b>	Environment	<b>Lead Officer</b>	Andrew Fletcher
<b>Who is the decision maker?</b>	Cllr Richard Davies - Executive Portfolio Holder for Highways and Transport	<b>How was the Equality Impact Analysis undertaken?</b>	Desk based analysis by Lead Officer
<b>Date of meeting when decision will be made</b>	From 05 March 2024 to 15 March 2024	<b>Version control</b>	1
<b>Is this proposed change to an existing policy/service/project or is it new?</b>	Existing policy/service/project	<b>LCC directly delivered, commissioned, re-commissioned or de-commissioned?</b>	Directly delivered
<b>Describe the proposed change</b>	Update of the existing Fees and Charges for the Public Rights of Way and Access service		



### **Evidencing the impacts**

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

### **Data to support impacts of proposed changes**

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

#### Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

#### Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1<sup>st</sup> April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

**Positive impacts**

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state '*no positive impact*'.

<b>Age</b>	No positive impact
<b>Disability</b>	No positive impact
<b>Gender reassignment</b>	No positive impact
<b>Marriage and civil partnership</b>	No positive impact
<b>Pregnancy and maternity</b>	No positive impact
<b>Race</b>	No positive impact
<b>Religion or belief</b>	No positive impact

<b>Sex</b>	No positive impact
<b>Sexual orientation</b>	No positive impact

**If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.**

**Adverse/negative impacts**

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

**Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.**

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Age	No perceived adverse impact
Disability	No perceived adverse impact
Gender reassignment	No perceived adverse impact
Marriage and civil partnership	No perceived adverse impact
Pregnancy and maternity	No perceived adverse impact

<b>Race</b>	No perceived adverse impact
<b>Religion or belief</b>	No perceived adverse impact
<b>Sex</b>	No perceived adverse impact
<b>Sexual orientation</b>	No perceived adverse impact

**If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.**

## Stakeholders

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at [engagement@lincolnshire.gov.uk](mailto:engagement@lincolnshire.gov.uk)

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

## Objective(s) of the EIA consultation/engagement activity

No external consultation undertaken. The Public Rights of Way and Access Service fees and charges apply to every person who uses the service equally, and do not favour or disadvantage any people with protected characteristics under the Equality Act 2010. The assessment was undertaken as a discussion between Chris Miller (Head of Environment ) and Andrew Fletcher (Public Rights of Way and Access Manager)

**Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic**

<b>Age</b>	No external consultation undertaken.
<b>Disability</b>	No external consultation undertaken.
<b>Gender reassignment</b>	No external consultation undertaken.
<b>Marriage and civil partnership</b>	No external consultation undertaken.
<b>Pregnancy and maternity</b>	No external consultation undertaken.
<b>Race</b>	No external consultation undertaken.
<b>Religion or belief</b>	No external consultation undertaken.

<b>Sex</b>	No external consultation undertaken.
<b>Sexual orientation</b>	No external consultation undertaken.
<b>Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way?</b> The purpose is to make sure you have got the perspective of all the protected characteristics.	No external consultation undertaken.
<b>Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?</b>	No positive or negative impacts of the decision on persons with protected characteristics have been identified



## Further Details

**Are you handling personal data?**

Yes

If yes, please give details.

The Public Rights of Way and Access Service routinely process personal data in order to effectively provide the service.

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**Actions required**

Include any actions identified in this analysis for on-going monitoring of impacts.

**Action**

**Lead officer**

**Timescale**

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
1	Version issues as part of report documentation	Andrew Fletcher	5/1/2024		

**Examples of a Description:**

- 'Version issued as part of procurement documentation'
- 'Issued following discussion with community groups'
- 'Issued following requirement for a service change; Issued following discussion with supplier'

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