

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

Report to:	<b>Councillor R G Davies, Executive Councillor Highways, Transport and IT</b>
Date:	<b>Between 26 January 2021 and 29 January 2021</b>
Subject:	<b>Highway Fees and Charges Annual Review</b>
Decision Reference:	<b>I021482</b>
Key decision?	<b>Yes</b>

**Summary:**

This report considers the decision made by the Executive Councillor for Highways, Transport and IT (I019270) in January 2020 and presents the annual review of highways fees and charges for implementation in the financial year 2021/22.

To ensure the Council covers its costs the charges have been reviewed and a series of increases are proposed. These increases are required to ensure that the fees and charges keep pace with inflation and are gradually raised to ensure council costs for delivering the service are met over the long term.

**Recommendation(s):**

That the Executive Councillor for Highways, Transport and IT approve the new charges and fees detailed in this report, to be applied from 1 April 2021.

**Alternatives Considered:**

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| 1. | To not amend the charges and fees. This would place further strain on highway budgets. |
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**Reasons for Recommendation:**

As part of the management of the highway network, the Council provides several important services relating to works on the highway, many of which are statutory in nature.

The Council provides some of these services at a level of charging that fails to recover the full cost of service provision, placing a burden on the highway budget.

It is proposed that charges be increased for services currently provided. Price and wage inflation was considered when reviewing fees and charges for the financial year 2021/22. The average increase is 5%, although some services will see higher increases to bring historically low prices more into line with current costs.

## 1. Background

The Council applies charges and fees to several highway related services that require consultation, coordination, planning and design advice as well as other administrative services to allow licences and traffic orders to be issued.

The services relate to highway compliance under the New Roads and Street Works Act 1991, land searches, parking waivers, traffic regulation orders and works carried out by the Council at the request of the public.

The pressure on highway budgets has been in place for several years and is likely to continue. Some prices are mandated to increase only in line with costs, other charges that are charged for discretionary services can be aligned to current costs. These increases will, over the medium term, bring the charges more into line with the council's costs following a decade of no increases.

In line with the Council's prudent management of its finances and the provision of services, especially those within the highway, an annual review of costs and pricings has been undertaken. The charges and fees applicable from 1 April 2021 are laid out in table 1, below:

Item	Current Charge	Increase	Charge from 1/4/21	Notes
Scaffold permit	£75.49	5%	£79.26	
Skip Permit	£44.78	5%	£47.02	
Road closure over 5 days	£1,199.60	5%	£730.75	The increase relates to officer time and resource costs. A new non recruitment advertising contract was entered into in 2020. The contract has seen an overall reduction of advertising costs, passed onto customers and LCC in full.
Road closure up to 5 days	£810.28	5%	£670.85	
Emergency road closure	£359.96	5%	£426.53	
Amended road closure	£396.12	5%	£473.69	
Cancellation	£396.12	5%	£473.69	
Extension	£396.12	5%	£473.69	
Event	£119.60	5%	£125.58	
S50	£330.21	5%	£346.72	
S171	£177.63	5%	£186.51	
S184	£300.32	5%	£315.33	Note A
<b>Con 29R searches</b>				
Roads	£4.62	5%	£4.85	
PROW	£7.26	5%	£7.62	
Land	£1.32	5%	£1.39	
Roadworks	£1.32	5%	£1.39	
Drainage	£3.96	5%	£4.16	
Road schemes	£3.30	5%	£3.47	

Item	Current Charge	Increase	Charge from 1/4/21	Notes
Traffic schemes	£3.96	5%	£4.16	
Notices	£1.98	5%	£2.08	
Total Fee	£27.72	5%	£29.11	
<b>Con290 searches</b>				
Private schemes	£1.32	5%	£1.39	
Pipelines	£1.32	5%	£1.39	
Floods and water	£3.96	5%	£4.16	
Common land	£7.92	5%	£8.32	
Total Fee	£14.52	5%	£15.25	
<b>Café Licences (various)</b>				
up to 9 chairs	£219.68	5%	£230.66	No charge until 30/9/21
10 to 25 chairs	£275.14	5%	£288.90	No charge until 30/9/21
26 to 50 chairs	£550.28	5%	£577.79	No charge until 30/9/21
51 chairs +	£1,100.41	5%	£1,155.43	No charge until 30/9/21
<b>Extent Highway Searches</b>				
Plan	£40.49	5%	£42.51	
Plan + Queries	£51.72	5%	£54.30	
Bay suspensions	£13.00	50%	£19.50	
Parking Waivers	£10.40	50%	£15.60	

Table 1 Fees and Charges from 1 April 2021

**Note A.** Section 184 agreements are normally associated with small works, usually dropping kerbs for access to paved gardens. However recently there have been requests for section 184 agreements that have a greater scope of work, requiring detailed design work and more council resources. For works, such as a vehicle crossing that includes a culvert, each request would be priced individually but at the same hourly rates as used for a s184. Heavy duty accesses will be charged at twice the standard section 184 due to increased inspection and design requirements.

The introduction of a new council wide non-recruitment advertising contract has realised savings to our customers and the county council. The table above has been amended to reflect the lower advertising costs generally seen in financial year 2020/21. The advertising prices charged to customers must be the actual price charged by the local newspapers, there is no impact upon the council's financial position as no income is raised from this portion of the overall charge. However, officer time and resource costs have increased. The advertising costs used in the table are indicative only and may be subject to change depending on the charge imposed by local newspaper groups.

As part of the Planning and Business Act 2020, café licencing was simplified and delegated to second tier authorities. To reduce the burden placed upon those authorities, the county council accepted delegated powers and in line with measures to help promote businesses provided the licences for free until 30 September 2021.

Charges can be made for discretionary services, where the council has the powers but not the obligation to deliver and for statutory services where charging regimes exist. The table below identifies the services and the powers under which charges can be made:

Task	Act	Section	Discretionary	Statutory	Recovering costs	Reinvestment to service	Notes	Other
							SI 1998 No. 948 Local Government, England & Wales The Local Authorities (Transport Charges) Regs 1998 - Schedule	
Scaffold permit	Highways Act 1980	169		X	Administration and officer expertise	No	Table 1 - 2	
Skip permit	Highways Act 1980	139	X		Administration and officer expertise	Yes	Table 1 - 1	
Road closure over 5 days	RTRA 1984	14		X	Administration and officer expertise	No	Table 2 - 3	
Road closure up to 5 days	RTRA 1984	14		X	Administration and officer expertise	No	Table 2 - 3	
Emergency road closure	RTRA 1984	14		X	Administration and officer expertise	No	Table 2 - 3	
Amended road closure	RTRA 1984	14		X	Administration and officer expertise	No	Table 2 - 3	
Road closure cancellation	RTRA 1984	14		X	Administration and officer expertise	No	Table 2 - 3	
Road closure extension	RTRA 1984	14		X	Administration and officer expertise	No	Table 2 - 3	
Event	RTRA 1984	16a		X	Administration and officer expertise	No	Table 2 - 5	
Install apparatus	NRSA '91	50	X		Administration and officer expertise	Yes	NA	NRSA '91 - section 96
Working in the road	Highways Act 1980	171		X	Administration and officer expertise	No	Table 1 - 3	
Small works (dropped kerb)	Highways Act 1980	184		X	Administration and officer expertise	No	Table 1 - 9	
Con 29 Searches	Local Government and Housing Act 1989	150	X		Administration and officer expertise	Yes	NA	SI 2008 No. 3248 Housing, England. The Local Authorities (England) (Charges for Propoerty Searches) Regulations 2008 - reg 8 and Environmental Information Regulation 2004 regulation 8
Extent of Highway search	Local Government and Housing Act 1989	150	X		Administration and officer expertise	Yes	NA	SI 2008 No. 3248 Housing, England. The Local Authorities (England) (Charges for Propoerty Searches) Regulations 2008 - reg 8 and Environmental Information Regulation 2004 regulation 8
Café licences	Highways Act 1980	115a	X		Administration and officer expertise	Yes	NA	
Parking bay suspensions	RTRA 1984	49(4)		X	Administration and officer expertise	No	Table 2 - 6	
Parking waiver / exemption	RTRA 1984	1,6,9 or 14	X		Administration and officer expertise	Yes	Table 2 - 3	

## **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 increase of charges and fees does not impact upon the Council's responsibilities under the Equality Act 2010.

Joint Strategic Needs Analysis (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 & Well Being Strategy (JHWS) in coming to a decision.

The increase of charges and fees does not impact upon the Council's responsibilities under JSNA or JHWS.

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.

The increase of charges and fees does not impact adversely on crime and disorder.

### **3. Conclusion**

In 2010 the Local Government Efficiency Group recommended that "...unless otherwise justified, local authorities should be reimbursed for the economic cost of providing services for Government departments and other agencies and bodies."

The Council has to ensure that the services it provides are financially sustainable and capable of delivering the requirements made of it under legislation, including the Traffic Management Act and the New Roads and Street Works Act.

Therefore the increase of charges helps to secure service delivery and the ongoing review of costs both locally and with our near neighbours will keep delivery at a financially sustainable level.

### **4. Legal Comments:**

The Council has the power to recharge for the provision of the services detailed in this report either by virtue of them being discretionary services or services for which a statutory charging power exists.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

## **5. Resource Comments:**

The current charges and activity volumes for services are held in aggregate rather than detailed within the Council's finance system but the reported baseline is consistent with that information. The proposed increased charges that have resulted from the benchmarking undertaken should enable the service to generate the level of income anticipated in the Council's 2021/22 revenue budget proposals. The increases and income levels will be monitored as part of routine budget management processes going forward.

## **6. Consultation**

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

Yes

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

Yes

### **c) Scrutiny Comments**

The report is due to be considered by the Highways and Transport Scrutiny Committee on 25 January 2021, and the comments from the Committee will be reported to the Executive Councillor.

### **d) Have Risks and Impact Analysis been carried out?**

Yes

### **e) Risks and Impact Analysis**

The risks and impacts of charging for highways related services and the issuing of licences remain in line with the impacts relating to the overall service provided for the Lincolnshire Permitting Scheme and the streetworks elements therein.

## **7. Background Papers**

The following background papers under section 100D of the Local Government Act 1972 were used in the preparation of this Report

Background Paper	Where it can be viewed
Highway Fees and Charges Benchmarking Review Decision Reference: I019270	<a href="https://lincolnshire.moderngov.co.uk/ieDecisionDetails.aspx?ID=570">https://lincolnshire.moderngov.co.uk/ieDecisionDetails.aspx?ID=570</a>

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