



## CABINET – 10TH JULY 2019

**SUBJECT: CONSIDERATION OF CALL-IN REQUEST – PROPOSED CHANGES IN FEES AND CHARGES**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES**

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- 1.1 The attached report, which asked Members to consider under the Council's call-in procedure a decision taken by Cabinet on 27th March 2019 in respect of changes to certain fees and charges within the Communities Directorate, was presented to the Policy and Resources Scrutiny Committee on 28th May 2019.
- 1.2 Members were reminded that on 27th March 2019, Cabinet considered a report on Proposed Changes in Fees and Charges, and subsequently resolved that for the reasons contained in the report:-
  - (i) The services where fee and charge changes need to be applied be noted, and authorisation be given to the relevant Head of Service in consultation with the Director, relevant Cabinet Member and Head of Corporate Finance to implement changes in line with inflationary and/or commercial conditions prevailing for the service(s);
  - (ii) The relevant Head of Service records and posts any increases in fees and charges in accordance with the Authority's scheme of delegation.
- 1.3 A request for a call-in on the report was subsequently received, having been supported by Councillors K. Etheridge, A. Farina-Childs, C.P. Mann, J. Taylor and L. Whittle. It was explained that the call-in had been made on the grounds that the decision conflicts with the Council's approved budget and that it had been made without regard to a material fact or information or without proper consultation which in the opinion of the members making the request would lead to a different decision being made by the Executive.
- 1.4 Members were asked to consider the merits of the call-in request whilst having regard to a number of questions set out in the report, and to consider whether to refer any remaining concerns to the Cabinet for reconsideration, setting out, in writing, the nature of its concerns.
- 1.5 Clarification was sought on why this particular proposal had been presented to Cabinet for a decision in view of the Council's introduction of delegated powers in 2002. Officers explained that in the past the delegated power has been used in accordance with council policies, and as there was no policy in place for this particular proposal, and the increases were not included in the budget, then a report to Cabinet was required on this occasion.
- 1.6 Councillor K. Etheridge then addressed the Scrutiny Committee and elaborated on his reasons for requesting the call-in. He explained that he held concerns regarding the report in that it had not been presented to the Policy and Resources Scrutiny Committee prior to its consideration by Cabinet, nor had it been considered as part of the budget setting process. Councillor Etheridge also held concerns regarding the proposed delegated powers to be given to Officers and Cabinet Members and in view of the level of savings required by the Authority, felt that any decision in respect of fees and charges should be the responsibility of Members

and not Officers. He also felt that business cases should be produced to detail the costings for any fee changes for the areas detailed in the original report to Cabinet, and feared that the decision to allow the fees and charges to be determined under the scheme of delegation will give unlimited scope to Officers and the Cabinet Member to make any changes. He therefore requested that the report be reconsidered by Cabinet and that the views of the Scrutiny Committee be taken into account.

- 1.7 In response to a Member's query, Officers confirmed that the Finance Team had explored the amount of revenue that could be generated for the service areas where delegation is proposed and confirmed that each 1% increase equated to circa £79k. Members were advised that a report would be presented to Cabinet in the Autumn regarding a Commercial Strategy and that should the Scrutiny Committee be minded to recommend a threshold on fee increases, this could be incorporated into the Strategy for Cabinet consideration.
- 1.8 The Scrutiny Committee expressed the importance of thorough consultation and were of the view that they should have been given the opportunity to consider the report prior to its presentation to Cabinet. During the course of the debate, it was suggested that a cap be imposed on fee increases and that any changes of significance or above this level should firstly be presented to the Scrutiny Committee for consideration and thereafter Cabinet for approval. Members debated how the level of the cap could be determined and it was subsequently moved and seconded that the previous September's Consumer Price Index (CPI) figure (which is currently at a level of 2.1%) be utilised and any fee increase below that level be implemented under delegated powers, with any increases above that level being reported to the Scrutiny Committee and Cabinet. A Member also suggested that alternative uses for venues be examined to generate additional income before fee increases are explored.
- 1.9 Following consideration of the report and in supporting the call-in request, the Policy and Resources Scrutiny Committee unanimously recommended to Cabinet that:-
- (i) the report on the Proposed Changes in Fees and Charges be reconsidered alongside the views of the Policy and Resources Scrutiny Committee;
  - (ii) that a cap equating to the previous September's Consumer Price Index level in respect of any proposed fee increases be implemented, and that any increases above this level be referred to the Policy and Resources Scrutiny Committee and thereafter Cabinet for determination, with any changes below this level being authorised under the delegated powers as set out in the original report to Cabinet on 27th March 2019.
- 1.10 Cabinet are asked to consider the report and the above recommendations and take into account the views of the Policy and Resources Scrutiny Committee, and are also asked to note that the imposition of a cap will need to be incorporated into the financial regulations.

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Appendices:

Appendix Report to Policy and Resources Scrutiny Committee on 28th May 2019 -  
Agenda Item 4



## POLICY AND RESOURCES SCRUTINY COMMITTEE – 28TH MAY 2019

**SUBJECT: CONSIDERATION OF CALL-IN REQUEST - PROPOSED CHANGES IN FEES AND CHARGES**

**REPORT BY: INTERIM HEAD OF DEMOCRATIC SERVICES**

### 1. PURPOSE OF REPORT

- 1.1 To consider under the Council's call-in procedure a decision taken by the Cabinet on 27<sup>th</sup> March 2019.

### 2. SUMMARY

- 2.1 To consider the call-in request set out in paragraph 5.3 below.

### 3. RECOMMENDATIONS

- 3.1 That the Committee considers the call-in request and the questions set out in this report and considers whether to refer any concerns to the Cabinet for reconsideration, setting out in writing the nature of its concerns or take no further action.

### 4. REASONS FOR THE RECOMMENDATIONS

- 4.1 In accordance with the call-in procedure in the Overview and Scrutiny Procedure Rules of the Council's Constitution.

### 5. THE REPORT

- 5.1 On 27th March 2019 Cabinet considered a report on Proposed Fees and Charges and a copy of this report is attached at Appendix 1 to this report.
- 5.2 The Cabinet resolved that for the reasons contained in the report:-
- (i) the services where fee and charge changes need to be applied be noted, and authorisation be given to the relevant Head of Service in consultation with the Director, relevant Cabinet Member and Head of Corporate Finance to implement changes in line with inflationary and/or commercial conditions prevailing for the service(s);
  - (ii) the relevant Head of Service records and posts any increases in fees and charges in accordance with the authority's scheme or delegation.

5.3 A request has been made for a call-in as follows:

*We the undersigned elected members wish to institute a call in of the Fees and Charges Report passed at Cabinet item 9 on 27/3/19 because the fee setting principle has been set and agreed in the Communities Directorate with no reference to the elected members who sit on the Policy & Resources Scrutiny Committee or the Budget Setting Meeting Full Council in February, and we call for full debate at scrutiny in this regard.*

This call-in was supported by the following Members:

- Councillor K. Etheridge
- Councillor A. Farina-Childs
- Councillor C. Mann
- Councillor J. Taylor
- Councillor L. Whittle

5.4 The request has been considered in accordance with the relevant provisions of the Council's Constitution and has been accepted as a valid call in and has been supported by the appropriate number of Members.

5.5 The Grounds on which a call in can be made is:

- (i) that it conflicts with the Council's policy framework; or
- (ii) that it conflicts with the Council's approved budget; or
- (iii) that it has been made without regard to a material fact or information or without proper consultation which in the opinion of the members making the request would lead to a different decision being made by the Executive.

The Call in is made on the basis of ground (ii) and (iii) above.

5.6 Members are asked to consider the merits of the call-in request and by way of guidance may have regard to the following:-

- (a) Should the report on Changes to Fees and Charges have been considered by Policy and Resources Scrutiny Committee prior to a decision by Cabinet?

The Fees and Charges report was listed in the Cabinet Work programme reported to the following scrutiny committee meetings, prior to the presentation to Cabinet on 27<sup>th</sup> March 2019:

- Policy and Resources Scrutiny Committee 12<sup>th</sup> March 2019
- Health Social Care & Wellbeing Scrutiny Committee 19<sup>th</sup> March 2019
- Regeneration and Environment Scrutiny Committee 26<sup>th</sup> March 2019

- (b) Should the proposals to change fees and charges have been included in the Budget report considered by full Council on 21<sup>st</sup> February 2019?

- (c) if yes to (a) and (b) was there any information not put before the Cabinet which would have led to a different decision being made by the Cabinet?

### **Conclusion**

5.7 Having debated the questions set out above and any other matters, the Committee must consider whether to refer any remaining concerns to the Cabinet for reconsideration, setting out, in writing, the nature of its concerns. If the scrutiny committee agrees to take no further action and does not refer the matter back to Cabinet, the decision shall take effect on the date of the scrutiny meeting.

## **6. ASSUMPTIONS**

6.1 No assumptions have been made or were thought necessary, in respect of this report.

## **7. LINKS TO RELEVANT COUNCIL POLICIES**

7.1 The call-in process is within the Overview and Scrutiny Procedure Rules within the Council's Constitution, in accordance with the Local Government Act 2000.

### **7.2 Corporate Plan 2018-2023.**

The requirement to establish and maintain the Council's Constitution is set out in the Local Government Act 2000 and ensures that decisions take into account and relate to the Corporate Plan.

## **8. WELL-BEING OF FUTURE GENERATIONS**

8.1 The requirement to establish and maintain the Council's Constitution is set out in the Local Government Act 2000 and contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 as it sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. It sets the framework for the decision making roles and responsibilities which will impact on future generations.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales.

## **9. EQUALITIES IMPLICATIONS**

9.1 None other than those set out in the Report to Cabinet.

## **10. FINANCIAL IMPLICATIONS**

10.1 None other than those set out in the Report to Cabinet.

## **11. PERSONNEL IMPLICATIONS**

11.1 None other than those set out in the Report to Cabinet.

## **12. CONSULTATIONS**

12.1 The Chair and Vice - Chair of the Policy and Resources Scrutiny Committee. The Monitoring Officer.

### **13. STATUTORY POWER**

13.1 Local Government Act 2000 and the Local Government (Wales) Measure 2011.

Author: Catherine Forbes-Thompson, Interim Head of Democratic Services  
Consultees: Councillor James Pritchard Chair Policy and Resources Scrutiny Committee  
Councillor Gez Kirby Vice Chair Policy and Resources Scrutiny Committee  
Rob Tranter, Head of Legal Services and Monitoring Officer

Appendices:  
Appendix 1 Report to Cabinet 27<sup>th</sup> March 2019 item 9



## **CABINET - 27TH MARCH 2019**

**SUBJECT: PROPOSED CHANGES IN FEES AND CHARGES**

**REPORT BY: INTERIM CORPORATE DIRECTOR – COMMUNITIES**

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### **1. PURPOSE OF REPORT**

- 1.1 To seek Cabinet approval for officer delegation to apply changes to certain fees and charges within the Communities Directorate and for officer delegation to be agreed for future changes to be applied in the interest of business efficiency.

### **2. SUMMARY**

- 2.1 On 21<sup>st</sup> February 2019 Council considered and agreed the Authority's 2019/20 budget but there were no generic fees and charges increases contained within the budget report.
- 2.2 The Authority's financial regulations require Cabinet approval for any increases in fees and charges over and above those agreed as part of the budget setting process at Council.
- 2.3 As there were no generic increase in fees and charges within the Full Council report on the 2019/20 budget, this Cabinet report outlines a number of service areas within the Communities Directorate where fees and charges need to be increased as a result of inflationary and/or commercial market conditions and seeks Cabinet approval in delegating responsibility for implementing any increases to the relevant Head of Service in consultation with the Director, relevant Cabinet Member and Head of Corporate Finance.

### **3. RECOMMENDATIONS**

- 3.1 Cabinet is asked to note the services where fee and charge changes need to be applied and authorise the relevant Head of Service in consultation with the Director, relevant Cabinet Member and Head of Corporate Finance to implement changes in line with inflationary and/or commercial conditions prevailing for the service(s).
- 3.2 That the relevant Head of Service records and posts any increases in fees and charges in accordance with the Authority's scheme of delegation.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To ensure that services can respond to inflationary and/or commercial market conditions and that the correct processes in accordance with the Authority's Financial Regulations and Scheme of Delegation are followed.

## 5. THE REPORT

### 5.1 The Authority's Financial Regulations (paragraph 13.07) state that:-

All fees and charges will be reviewed annually by each Director. Inflationary increases will be agreed as part of the budget setting process for Council. Increases above those agreed as part of the budget setting process will require Cabinet approval. Statutory charges will be reported as and when the Council is notified of any increases.

### 5.2 In the Council's scheme of delegation the Chief Executive, Director or Head of Service, in consultation with the Head of Corporate Finance and relevant Cabinet Member, has the power to set all fees and charges in accordance with the Council's policies.

### 5.3 Members will be aware of the ongoing significant financial challenges moving forward with further savings of circa £44m anticipated for the four-year period 2020/21 to 2023/24. In looking to develop proposals to address this challenge it is widely accepted that the Council cannot continue as it is. There is a need to examine the way in which we use our resources to deliver services required by our communities across the county borough.

### 5.4 The Corporate Management Team is currently working with the Cabinet to establish a vision for 'Caerphilly 2022' and this will form the basis of a report to Cabinet in April 2019. The report will set out details of a programme to examine how services are prioritised, how they can become more business efficient through a series of service reviews, exploring opportunities for greater customer focus, digital delivery, alternative delivery models, and commercial opportunities; whilst looking at preventative measures that will encourage early intervention that will ultimately allow the demand for certain services to be better controlled.

### 5.5 As part of this new way of working a Commercial Strategy will be developed which will set out a framework to review current fees and charges and to identify new opportunities for income generation. This Strategy will need to provide a greater degree of flexibility and delegation in relation to decisions around fees and charges and will be subject to a separate report to Cabinet later this year.

### 5.6 The Communities Directorate provides a large number of front line services with a complex range of fees some of which are statutory in nature (e.g. planning, licensing, food hygiene rating etc.) and others which are commercial in nature and discretionary (e.g.: sport and leisure, building control, event booking fees, venue admission, events spaces/pitches, equipment hire, food and beverages at tourist destinations, commercial waste etc.).

### 5.7 As a result of the discretionary and commercial nature of these services there is a requirement for each service to have the flexibility to change and remain competitive in an often complex commercial environment. This will often necessitate changing fees and charges to reflect commercial conditions (this could mean increasing or reducing fees and charges).

### 5.8 In addition to the need for response to commercial/market changes, there are often complex inflationary increases applied to certain services which are not in-line with the typical inflationary indices (retail price index, RPI or consumer price index, CPI) that have been used in the past.

### 5.9 An example is the Commercial Waste service where the inflationary pressures are three-fold and comprise disposal contract inflation, wage related inflation for collection operatives and fuel inflation. In this regard, although Council agreed pay related growth and non-pay inflationary growth for expenditure budgets as part of the 2019-20 budget setting process, the complexity of other inflationary pressures requires the ability for services to respond by increasing their fees and charges accordingly.



- 5.10 In such circumstances there is a need for services to pass on the inflationary increase through fees and charges (while also seeking to remain competitive in a commercial environment).
- 5.11 The table below outlines the list of services where flexibility to apply fee changes need to be agreed for 2019/20.

Service Area	Service Fee/Charge
Waste Strategy & Operations	<ul style="list-style-type: none"> <li>• Commercial Waste Charges</li> </ul>
Green Spaces & Transport	<ul style="list-style-type: none"> <li>• MOT &amp; Minibus Testing Fees</li> <li>• Outdoor Facilities Fees</li> <li>• Invasive Species Treatments</li> </ul>
Sport & Leisure	<ul style="list-style-type: none"> <li>• Caerphilly Adventures Activity Charges</li> <li>• Sports Development Activity Charges</li> <li>• Leisure Centre Activity Charges</li> <li>• Leisure Centre Room Hire</li> </ul>
Regeneration & Planning	<ul style="list-style-type: none"> <li>• Building Control Fees</li> <li>• Venue &amp; Events Fees (Booking Fees, Venue Admission Charges, Room Hire, Event Pitches, Equipment Hire)</li> <li>• Venue Merchandising</li> <li>• Venue Catering</li> <li>• Property Portfolio Rentals</li> </ul>

## 6. ASSUMPTIONS

- 6.1 There are no specific fees and charges set out in this report as the report is seeking flexibility for services to respond to inflationary and commercial pressures or opportunities.
- 6.2 However, if Cabinet is minded to agree the flexibility for service areas to respond to these changes it has been assumed that:-
- (i) The Head of Service will liaise with the relevant Cabinet Member, and Corporate Director (Communities) & Head of Corporate Finance in determining fee increases.
  - (ii) Any increases will be recorded and posted in accordance with the Authority's scheme of delegation.
  - (iii) Any savings resulting from fee increases will form part of the Medium Term Financial Plan (MTFP) savings considerations for the service/directorate from 2020/21 onwards.

## 7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 Effective financial planning, the setting of balanced budgets and efficient delivery of services is at the heart of everything the Council does and is fundamental to the future of local service delivery.
- 7.2 The principles articulated in this report will assist services to remain commercially competitive, to assist with the achievement of efficient service delivery while delivering against future savings requirements.
- 7.3 The report therefore contributes to all of the objectives within the corporate plan 2018-2023 and the Authority's MTFP principles.

## **8. WELL-BEING OF FUTURE GENERATIONS**

8.1 Effective financial planning and effective budget setting and management supports the 7 Well-being goals within the Well-being of Future Generations Act (Wales) 2015, namely:-

- A Prosperous Wales
- A Resilient Wales
- A Healthier Wales
- A More Equal Wales
- A Wales of Cohesive Communities
- A Wales of Vibrant Culture & Thriving Welsh Language
- A Globally Responsible Wales

8.2 Affordability, sustainability and competitiveness of services ensures their longevity and the ethos of this report is to provide the flexibility to achieve this.

8.3 Consequently the affordability of services cuts across of all the 7 Well-being goals listed above.

## **9. EQUALITIES IMPLICATIONS**

9.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified, therefore a full EIA has not been carried out.

## **10. FINANCIAL IMPLICATIONS**

10.1 The ability to be flexible to market demands or trends and inflationary pressures is fundamental to the future competitiveness (and ultimately survival), and efficiency of many of the front line services delivered by Caerphilly County Borough Council.

10.2 While the financial benefits of the approach advocated in this report are difficult to accurately quantify, the approach will benefit services moving forward and enable Heads of Service to divert income above budget target levels into the MTFP for 2020-21 onwards.

## **11. PERSONNEL IMPLICATIONS**

11.1 There are no specific personnel implications associated with this report although it is important to note that additional income and the enhanced competitiveness of services is likely to have a positive effect on protecting front line service jobs.

## **12. CONSULTATIONS**

12.1 The consultees listed below have been consulted on this report and their views have been incorporated accordingly.

## **13. STATUTORY POWER**

13.1 Local Government Act 2003.

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Consultees: Councillor Barbara Jones, Deputy Leader & Cabinet Member for Finance,  
Performance & Governance  
Councillor Sean Morgan, Deputy Leader & Cabinet Member for Economy,  
Infrastructure, Sustainability & Wellbeing of Future Generations  
Councillor Nigel George, Cabinet Member for Neighbourhood Services  
Councillor Eluned Stenner, Cabinet Member for Environment, Public Protection &  
Planning  
Councillor Lisa Phipps, Cabinet Member for Homes & Places  
Christina Harray, Interim Chief Executive  
Ed Edmunds, Corporate Director for Education & Corporate Services  
Dave Street, Corporate Director for Social Services & Housing  
Nicole Scammel, Head of Corporate Finance & Section 151 Officer  
Steve Harris, Interim Head of Business Improvement Services  
Rob Hartshorn, Head of Public Protection, Community & Leisure Services  
Rhian Kyte, Head of Regeneration & Planning  
Marcus Lloyd, Head of Infrastructure  
Mark Williams, Interim Head of Property  
Rob Tranter, Head of Legal Services and Monitoring Officer