

BIRMINGHAM CITY COUNCIL

REPORT OF THE ASSISTANT DIRECTOR, HIGHWAYS & INFRASTRUCTURE TO THE LICENSING & PUBLIC PROTECTION COMMITTEE

12TH APRIL 2017

ALL WARDS

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2017/2018

1 SUMMARY

- 1.1 This report deals with the annual review of fees and charges for Highway Services within the delegations of this Committee.

2 RECOMMENDATIONS

- 2.1 That the fees and charges set out in Appendix 1 are approved as follows:
- City Council retained fees and charges with effect from 12th April 2017
 - Highways Maintenance and Management Private Finance Initiative (HMMPFI) Service Provider, Amey retained fees and charges with effect from 7th June 2017

3 BACKGROUND

- 3.1 The City Council's Financial Regulation 15.2 requires that Chief Officers, at least annually, report to and seek approval from Committee on a review of fees and charges levied for services provided. The last review for Highways Services was approved by the Public Protection Committee on 20th April 2017.
- 3.2 Following commencement of the Highway Maintenance and Management PFI Contract in June 2010, specific permits, under the legislation shown in Table 1 below, are prepared by the Council's Highway Maintenance and Management Service Provider, Amey.

Under the terms of the Highway Maintenance and Management PFI Contract, Amey is entitled to retain the fee / charge associated with the issue of certain permits. Table 1 below identifies the fee recipient for different permit types;

Table 1. Recipient of fees and charges

Statutory Basis	Fee Recipient
Highways Act 1980:	-
Section 115E – Street Cafés/ Objects or Structures	Authority
Section 139 – Placement of Skips in the Highway	Authority
Section 142 – Plant and Maintain Trees Shrubs etc. in the Highway	Authority
Section 169 – Scaffolding and Cranes	Service Provider
Section 171 – Deposit of materials on the highway	Service Provider
Section 172 - Hoarding	Authority
Section 177 – Oversailing the Highway	Service Provider
Section 184 – Carting Over (Temporary Access)	Service Provider
New Roads and Street Works Act (NRSWA) 1991:	-
Section 50 - Licence for Private Apparatus in the Highway	Authority

3.3 The key points in relation to this are:

- For those permits where Amey retains the fees, this is at a level agreed between the City Council and Amey;
- The setting of the levels of fees and charges retained by the Authority for such permits ultimately remains a matter for this Committee;
- The contract restricts the maximum level of increase that Amey may request to the previous rate plus the HMMPFI contractual index (RPIx). This increase is contractually linked to the contract anniversary in June of each year; This increase is capped at 2.86% (January 17 Index) for 2017/18 but may be rounded up for clarity.
- Those fees and charges received by the Service Provider are therefore contractually controlled and are not able to be amended by the committee. They are included for the committee to note.

4 PROPOSALS

- 4.1 The fees and charges covered by this report have been reviewed in line with the Corporate Charging Policy. The fees retained by the Service Provider Amey are to be increased by 2.86% in line with the HMMPFI contractual requirements. Those retained by the Authority are to be increased by 4.58% to allow for inflation, the additional costs of superannuation, national insurance and pay award. These fees and charges, which have been rounded for ease of use, have been provided in Appendix 1 of this report.
- 4.2 The fees and charges have been compared to those of neighbouring West Midlands local authorities and UK Cities for similar services. The picture between different authorities is a varied one, with some different charging structures and different charges. The proposed charges are not significantly disparate to those of other authorities.
- 4.3 No changes such as additional fees, removed fees or altered pricing structures are proposed.
- 4.4 Where new objects or structures are to be installed by third parties on the highway under s115E Highways Act 1980, a fee is added to cover the costs of this licence. Due to the wide variety of items that could be installed and the different locations these are included simply 'at cost' that will be determined on a case by case basis.

5 IMPLICATIONS FOR RESOURCES

- 5.1 Based on estimated usage of services, it is envisaged that implementation of the proposed fees and charges will generate sufficient income to meet budgeted income levels for 2017/18. The proposed fees and charges outlined in appendix 1 are estimated to increase income to the City Council by approximately £12,000 which will cover the associated increase in costs .

6 CONSULTATION

A draft version of this report was presented to the Deputy Leader's Star Chamber on 9th March 2017. Senior officers and the Cabinet Member for Transport and Roads have also been consulted.

7 IMPLICATIONS FOR POLICY PRIORITIES

- 7.1 The recommendations contained within this report are in accordance with Financial Regulations, the requirement to balance the Budget and the Corporate Charging Policy.
- 7.2 The extent to which the charges for the services covered by this report comply with the detailed requirements of the Corporate Charging Policy identified attached in Appendix 2.

8 IMPLICATIONS FOR EQUALITY AND DIVERSITY

- 8.1 Following an initial equalities assessment (Appendix 3) no specific implications have been identified for equality and diversity.

Appendices:

- Appendix 1: List of Proposed Revised Fees and Charges
- Appendix 2: Compliance with the City Council's Corporate Charging Policy
- Appendix 3 : Equalities Analysis (**DRAFT awaiting Quality Checking**)
- Appendix 4: Public Sector Duty Statement Equality Act 2010.

Background Papers:

- Corporate Charging Policy

Contact Officers

Kevin Hicks

Assistant Director Highways & Infrastructure
kevin.hicks@birmingham.gov.uk

Simon Ansell, Head of City Finance

Tel: 0121 464 9124
E-mail: simon.ansell@birmingham.gov.uk

Paul O'Day, Street Services Manager

Tel: 0121 303 7412
E-Mail: paul.o'day@birmingham.gov.uk

CONSIDERATION OF POLICY REQUIREMENT OF CORPORATE CHARGING POLICY

POLICY REF	CORPORATE CHARGING POLICY REQUIREMENT	LICENSES AND PERMITS
3a	Distinguished between controllable & non-controllable charges (Set by Government)	Controllable
3c	Considered/identified subsidies	No subsidies
3d	Budget adjusted to reflect policy objectives	Not applicable
3e	Differential charging considered	Not applicable
3f	Charges compared with competitors	Not Applicable
3b	Maximises income, covers full cost	Covers cost
4	Discretionary services not charged for considered	Not applicable
7a	Charges simple to understand and administer	Yes
7b	Service users understand charges / payment method before service provided	Yes
7c	Method of payment considered	Yes
8a	Charges updated at least annually	Yes
8b	Charges take account of what market will bear	Yes, where applicable
8c	3 year Corporate Review of concessionary schemes	Not applicable



Equality Analysis

Birmingham City Council Analysis Report

EA Name	Licensing And Public Protection Highway Fees And Charges 2017/18
Directorate	Economy
Service Area	Economy - Highways & Infrastructure
Type	Reviewed Policy
EA Summary	Review of fees and charges for highways licencing functions for 2017/18
Reference Number	EA001892
Task Group Manager	dominic.waller@birmingham.gov.uk
Task Group Member	
Date Approved	2017-04-03 00:00:00 +0100
Senior Officer	lesley.edwards@birmingham.gov.uk
Quality Control Officer	hilarly.mills@birmingham.gov.uk

Introduction

The report records the information that has been submitted for this equality analysis in the following format.

Initial Assessment

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

Relevant Protected Characteristics

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

1 Activity Type

The activity has been identified as a Reviewed Policy.

2 Initial Assessment

2.1 Purpose and Link to Strategic Themes

What is the purpose of this Policy and expected outcomes?

The purpose is for the highway department with guidance from finance and legal to review the fees charged by the Highway Authority for licencing activity such as scaffolding and skips on the highway. This review takes place annually to ensure that fees are fair and meet the corporate charging policy. In the context of the equalities assessment, it reviews annually whether charges are likely to be unfairly applied with particular regard of those with protected characteristics. It also touches on whether those services charged for are likely to be provided in an unfair way because of the charge. The expected outcome is that the charges for 2016/17 will be increased in line with inflation and uplifted to meet staffing cost increases to create new charges for the 2017/18 financial year starting in April 2017.

For each strategy, please decide whether it is going to be significantly aided by the Function.

Children: A Safe And Secure City In Which To Learn And Grow	Yes
Health: Helping People Become More Physically Active And Well	Yes
Housing : To Meet The Needs Of All Current And Future Citizens	Yes
Jobs And Skills: For An Enterprising, Innovative And Green City	Yes

2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
Will the policy have an impact on employees?	Yes
Will the policy have an impact on wider community?	Yes

2.3 Relevance Test

Protected Characteristics	Relevant	Full Assessment Required
Age	Not Relevant	No
Disability	Not Relevant	No
Gender	Not Relevant	No
Gender Reassignment	Not Relevant	No
Marriage Civil Partnership	Not Relevant	No
Pregnancy And Maternity	Not Relevant	No
Race	Not Relevant	No
Religion or Belief	Not Relevant	No
Sexual Orientation	Not Relevant	No

2.4 Analysis on Initial Assessment

The charges have been reviewed by Highways, Finance and Legal for fees to be increased from 2016/17 to 2017/18 in relation to inflation and increases in staff overheads. This increase is currently set at 4.73% and rounded up for clarity.

The fees and charges are reviewed annually for Highways and generally increase in approximate relation to inflation. All fees are charged on an equal basis and do not discriminate or affect an individual group in a differential or negative way.

Fees are largely charged to business customers and applied to organisations rather than individuals. Consequently there is believed to be no impact on individuals or their characteristics. For example, a company will apply for a crane licence and the determining factors are how the operation is managed, whether safety has been considered, whether access is provided or controlled on the highway and if the operation is insured. At no point is an individual person or any characteristic considered affected unfairly by the charge.

3 Full Assessment

The assessment questions below are completed for all characteristics identified for full assessment in the initial assessment phase.

3.1 Concluding Statement on Full Assessment

The fees and charges for Highways 2017-18 are chargeable to all persons on an equal basis and will not adversely affect any individual group with a protected characteristic or otherwise.

The fee structure has not changed significantly from previous years but has been indexed to cover the cost of inflation and staff overhead increases.

All fees are made public via committee agendas and the report is published on the website each year. In this time no complaints or comments have been received. The fees in this years report do not differ significantly from previous years.

Colleagues within BCC Finance and Legal have been consulted and no concerns have been highlighted.

4 Review Date

01/02/18

5 Action Plan

There are no relevant issues, so no action plans are currently required.

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity 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:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) 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; (c) 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.
3	<p>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.</p>
4	<p>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:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) age (b) disability (c) gender reassignment (d) pregnancy and maternity (e) race (f) religion or belief (g) sex (h) sexual orientation