

## BIRMINGHAM CITY COUNCIL

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

**18<sup>TH</sup> APRIL 2018**

**ALL WARDS**

#### **REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2018/2019**

#### **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 30<sup>th</sup> April 2018
  - Highways Maintenance and Management Private Finance Initiative (HMMPFI) Service Provider, Amey retained fees and charges with effect from 7<sup>th</sup> June 2018

#### **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 12<sup>th</sup> 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
<b>Highways Act 1980:</b>	-
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
<b>New Roads and Street Works Act (NRSWA) 1991:</b>	-
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 4.08% (January 2018 Index) for 2018/19 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 between 2.86% and 4.08% in line with the HMMPFI contractual requirements. Those retained by the Authority are to be increased by 5.4% 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 2018/19. The proposed fees and charges outlined in Appendix 1 are estimated to increase income to the City Council by approximately £18,700 which will cover the associated increase in costs.

## 6 CONSULTATION

Senior officers and the Cabinet Member for Transport and Roads have 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 are identified and 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 Appendix 4: Public Sector Duty Statement Equality Act 2010.

**Background Papers:**

- Corporate Charging Policy

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 5/4/18

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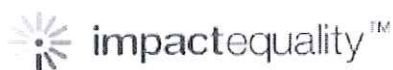
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Appendix 2

**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	Economy Directorate And Highways LPPC Fees And Charges 2018/19
Directorate	Economy
Service Area	Economy - Highways & Infrastructure
Type	Reviewed Policy
EA Summary	To review, approve and implement Planning and Development, Transportation and Connectivity, Highways and Infrastructure, and Highways LPPC Fees and Charges for 2018/19.
Reference Number	EA002800
Task Group Manager	peter.a.bethell@birmingham.gov.uk
Task Group Members	janet.l.hinks@birmingham.gov.uk, vijay.patel@birmingham.gov.uk, jenny.bent@birmingham.gov.uk
Date Approved	2018-04-20 00:00:00 +0100
Senior Officer	vijay.patel@birmingham.gov.uk
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### 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?

To review, approve and implement Planning and Development, Transportation and Connectivity, Highways and Infrastructure, and Highways LPPC Fees and Charges for 2018/19. These are charges for a range of services offered by Planning, Transport and Connectivity and Highways and Infrastructure.

These include, for example - dropped kerb fees, highways licence fees, planning pre-application advice, street naming and numbering and property searches.

Objectives: To introduce a revised set of fees and charges for 2018/19 taking into account the following factors:

- The City Councils Corporate Charging Policy The Economy Directorate's Budget Strategy for 2018/19.
- The need to ensure relevant expenditure is met and that budgeted income targets are achieved.
- The need to recovery of costs incurred in providing services To maximise income potential where possible.

Relevant officers within the Economy Directorate have been consulted regarding the proposed fees and charges.

Outcomes: The proposed fees and charges for 2018/19 will be set at levels to recover costs and generate income in order to meet budget requirements.

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?	No
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	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**

As part of the review, approval and implementation of Planning and Development, Transportation and Connectivity, Highways and Infrastructure, and Highways LPPC Fees and Charges for 2018/19, no impacts have been identified that affect the protected characteristic groups. Charges apply to everyone applying for these services and there is no reason why any of these protected characteristic groups would apply for these services more so than anyone else. There is no reason why individuals from any of the protected characteristic groups would not expect to pay for any of these services in the same way as everyone else.

The disability subsidy for dropped kerbs has been in place for many years and a change or review is not required at this time. Removal or amendment of the subsidy would require a full consultation but this is not proposed at this time.

No comments or complaints have been received regarding this subsidy during day to day business.

As such there is no justification to re consult affected groups.

### **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**

As part of the review, approval and implementation of Planning and Development, Transportation and Connectivity, Highways and Infrastructure, and Highways LPPC Fees and Charges for 2018/19, no impacts have been identified that affect the protected characteristic groups. Charges apply to everyone applying for these services and there is no reason why any of these protected characteristic groups would apply for these services more so than anyone else. There is no reason why individuals from any of the protected characteristic groups would not expect to pay for any of these services in the same way as everyone else.

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#### **4 Review Date**

22/04/19

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

