

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cllr Rigby, Cabinet Member for Transport	
MEETING/ DECISION DATE:	On or after 13 August 2022	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3351
TITLE:	Fees & Charges 2022/23 – Highways and Traffic	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 and 2 – Fee, Charges and Commuted Sums applied by Bath & North East Somerset Council, Environmental Services, Highways and Traffic - 2022/23		

1 THE ISSUE

- 1.1 The purpose of this report is to obtain agreement to the fees charges and commuted sums required for specified services provided within the Highways and Traffic Service.

2 RECOMMENDATION

The Cabinet member is asked to approve:

- (1) The recommendation for new fees, charges and commuted sums for relevant services as proposed in Appendix 1 and 2
- (2) The fees, charges and commuted sums as approved are implemented from and including 1st September 2022.
- (3) Delegated authority is given to the Highways and Traffic Group Manager in consultation with the Cabinet Member for Transport to agree fees and charges which vary from the standard inflation clause if the cost base changes or new services are introduced, and that this can be done at 6 month intervals if external factors influence the cost base significantly throughout the financial year.

3 THE REPORT

- 3.1 The Highways and Traffic Service (the “Service”) undertakes a wide range of statutory and non-statutory functions to ensure that the highway network is managed, maintained and developed to specified standards.
- 3.2 The fee for a number of the functions delivered by the Service are statutory and are therefore set by law. Other fees and charges are discretionary and have been set to ensure that cost recovery is achieved.
- 3.3 The Council introduced a street works permit scheme in May 2020. Most works on the highway require a permit and fees are charged to utility companies for that permit. The Council is required to undertake an annual review of its permit scheme every year for the first three years of its operation and then subsequently every three years. The review of its first year of operation is currently progressing and any changes to the fees will be subject to a separate decision report.
- 3.4 Licence fee payments for skips, scaffolds, hoardings, cherry pickers, mobile cranes, building materials, containers, footway crossings, traffic surveys and banners are non-refundable. This ensures that all administration costs are fully recovered and discourages speculative applications. Applicants are given warning in advance of submitting applications that the licence fee is non-refundable.
- 3.5 Commuted sums are charged for new assets installed by third parties such as developers, that are nonstandard items and will incur the Council additional costs. The commuted sums are used to pay for the additional maintenance cost incurred by the Highway Authority.
- 3.6 Fees and charges are designed to recover costs and are in line with comparable services offered by neighbouring Councils.
- 3.7 Some fees and charges are based on quotes depending on the length of time to undertake the task.

4 STATUTORY CONSIDERATIONS

- 4.1 Section 1 of the Localism Act 2011 (the “Act”) sets out the general power of competence (“GPC”). The GPC provides the Council, broadly, with a power to generally do anything an individual may do. The GPC enables local authorities to charge for discretionary services and supports innovation. Section 3 of the Act permits local authorities to recover the costs of provision, but not to make a profit, when taking into account all elements of service provision. Section 93 of the Local Government Act 2003 contains a mirror provision for discretionary services. Each section is relied upon to impose the discretionary charges.
- 4.2 The Service has a statutory duty to safely manage the highway network under the Highways Act 1980, the New Roads and Streets Works Act 1991 and the Traffic Management Act 2004. These Acts allow both statutory charges and

discretionary charges for the placing temporary plant on the highway such as skips and scaffolds.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 This is an update to charges for existing services; no additional resources are required to implement the recommendations. There is a regular annual review needed to support existing revenue budgets. If a bi-annual review is deemed necessary it will reflect the change in the cost to ensure income budget are achieved.

5.2 Communications with existing customers, where required, is to be undertaken within existing resources.

5.3 These charges also include statutory fees which cannot be varied.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 In consultation with the Council's Equality Officer, it was agreed that an Equality Impact Assessment would not be required. The fees, charges and commuted sums are for annual operational services provided, within the Service and support the service in maintaining the highway network.

8 CLIMATE CHANGE

8.1 Help to support the Council in providing a well maintained and managed network which is important in managing congestion and promoting active travel.

9 OTHER OPTIONS CONSIDERED

9.1 None

10 CONSULTATION

10.1 The Council's Director for Place Management, Cabinet Member for Transport, Monitoring Officer and Section 151 Officer have had the opportunity to provide input to this report.

Contact person	<i>Gary Peacock - Deputy Group Manager, Highways and Traffic</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	