



RECORD OF DELEGATED DECISION

This form is used to record **all** officer decisions which are not included in the Forward Plan. The constitution details who can take delegated decisions.

1. Name & Title of Officer:	Dawn Garton Director for Corporate Services
2. Title / Subject Matter:	Increase of Fees and Charges 2022/23 – Corporate & Legal Services
3. Decision Reference No.	CEX187
4. Type of Decision:	Public
5. Decision Taken: 5.1 Authority to approve the fees and charges including any increases as outlined in the attached Schedule 1 – Corporate Services. 5.2 Authority to approve the fees and charges including any increases as outlined in the attached Schedule 2 – Legal Services.	
6. Reasons for Decision: Fees and Charges are reviewed on an annual basis to ensure that they reflect inflation and the cost of the service is accurately reflected.	
7. Authority / Legal Power: It is an executive function to determine fees and charges. Portfolio Holders and Officers can take key decisions excluding functions reserved to the Leader. Implementation of Fees and Charges are not reserved matters. In addition, the Officer Scheme of Delegation (Chapter 2, Part 4 of the MBC Constitution) provides that Chief Officers have delegated authority to increase fees and charges in line with the Financial Procedure Rules in relation to the functions within their area of service responsibility.	

8. Background Papers attached?	None		
<p>9. Alternative options available / rejected:</p> <p>Not to approve new Fees and Charges or increase Fees and Charges - This is not recommended as it would not present best value for the Council and the fees would not reflect cost recovery.</p>			
<p>10. Implications:</p> <table border="1" data-bbox="231 660 1369 2065"> <tr> <td data-bbox="231 660 630 2065" style="vertical-align: middle;">Legal</td> <td data-bbox="630 660 1369 2065"> <p>It is an executive function to determine fees and charges. Portfolio Holders and Officers can take key decisions excluding functions reserved to the Leader. Implementation of Fees and Charges are not reserved matters.</p> <p>In addition, the Officer Scheme of Delegation (Chapter 2, Part 4 of the MBC Constitution) provides that Chief Officers have delegated authority to increase fees and charges in line with the Financial Procedure Rules in relation to the functions within their area of service responsibility.</p> <p>The Local Government Act 2003 (the 2003 Act) provides a general power to charge for discretionary services. It has a number of key features:</p> <ul style="list-style-type: none"> • Authorities are under a duty to ensure that, taking one year with another, the income from chargrs do not exceed the costs of provision • Authortieis must already have the power to provide the service • The recipient of the discretionary service must have agreed to its provision and to pay for it • It does not apply to services which an authority is mandated or has a duty to provide at no extra cost • Charges may be set differentially so that people are charged different amounts <p>Under ordinary legal principles, an authority has the power to do anything reasonably incidental to its express powers. In circumstances where an authority wishes to charge, for example for works or supplies the authority will need to satisfy itself the enactment which authorises provision of a</p> </td> </tr> </table>		Legal	<p>It is an executive function to determine fees and charges. Portfolio Holders and Officers can take key decisions excluding functions reserved to the Leader. Implementation of Fees and Charges are not reserved matters.</p> <p>In addition, the Officer Scheme of Delegation (Chapter 2, Part 4 of the MBC Constitution) provides that Chief Officers have delegated authority to increase fees and charges in line with the Financial Procedure Rules in relation to the functions within their area of service responsibility.</p> <p>The Local Government Act 2003 (the 2003 Act) provides a general power to charge for discretionary services. It has a number of key features:</p> <ul style="list-style-type: none"> • Authorities are under a duty to ensure that, taking one year with another, the income from chargrs do not exceed the costs of provision • Authortieis must already have the power to provide the service • The recipient of the discretionary service must have agreed to its provision and to pay for it • It does not apply to services which an authority is mandated or has a duty to provide at no extra cost • Charges may be set differentially so that people are charged different amounts <p>Under ordinary legal principles, an authority has the power to do anything reasonably incidental to its express powers. In circumstances where an authority wishes to charge, for example for works or supplies the authority will need to satisfy itself the enactment which authorises provision of a</p>
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	particular service would also permit the provision of anything reasonably incidental to that service. Where an authority is relying on subsidiary powers under s.111(1) of the Local Government Act 1982 to authorise the provision of a service to facilitate the discharge of a specific function, then the authority may charge under section 93(1) of the 2000 Act for that function related service by virtue of the disapplication at s.93(7)(a) of the 2003 Act
Finance	Proposed amendments to Fees and Charges have been undertaken in consultation with Finance.
HR	None
11. Signature of Decision Maker:	Signature redacted Dawn Garton Director for Corporate Services
12. Consultation with:	Cllr Ronnie de Burle Portfolio Holder for Corporate Governance, Finance & Resources
13. Date:	1 February 2022

Please send all decisions for publication to: Democratic Services at democracy@melton.gov.uk. All decisions with exempt information should be sent to Natasha Taylor, Democratic Services Manager at ntaylor@melton.gov.uk