

Public Rights of Way Committee

Date of Meeting: 10 September 2018

Report Title: Public Rights of Way Proposed Fees and Charges 2019-20

Senior Officer: Frank Jordan, Executive Director - Place

1. Report Summary

- 1.1. This report outlines the proposed fees and charges for 2019-20 for charged-for services provided by the Public Rights of Way team.
- 1.2. The work of the Public Rights of Way team contributes to the Corporate Plan Outcomes 4 “Cheshire East is a green and sustainable place” and 5 “People live well and for longer”, and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

2. Recommendation

- 2.1. That the report be noted.

3. Reasons for Recommendation/s

- 3.1. The report is for information only.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1 Charges are made for services provided by the Public Rights of Way team in four principle areas where recovery of costs is permissible within the relevant legislation:
 - Public Path Orders and Temporary Closures
 - Land Searches
 - Landowner declarations, deposits and statements
 - Enforcement action cost recovery.

- 5.2 Powers for the recovery of enforcement costs are set out in various pieces of statutory legislation and reflect full cost recovery of all reasonable costs involved in pursuing the matter including overheads. Costs are based on time analysis of staff based on the penultimate scale point of salary grade with 20% for overheads. Legislation does not permit the making of a profit. Advertising costs are recovered from the applicant.
- 5.3 An annual review of the fees and charges are conducted as part of the budget setting process of the Council. The charges for 2019-20 have been increased by inflation and rounded. In addition, the fees and charges have been amended to reflect changes in legal process enacted by legislation.
- 5.4 Charges for Public Path Orders are set to recover all administrative costs of the process, with charges made in accordance with “The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993” as amended by “The Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996”.
- 5.5 Land Searches are a discretionary task in which a request is made for formal confirmation of whether or not there are Public Rights of Way recorded on the Definitive Map within a defined area. Charges are set to recover all administrative costs, and to reflect similar charges levied by Cheshire East Highways for similar services.
- 5.6 Landowner declarations, deposits and statements made under the Highways Act 1980 section 31(6) attract a charge set to recover all administrative costs, and are made under the provisions of Commons Act 2006 S15A and S15B.
- 5.7 Enforcement action costs are charged on the basis of actual costs incurred by the Public Rights of Way team, contractors and police, as applicable.
- 5.8 The fees and charges proposed for the 2019-20 financial year are detailed below. Approval for the changes has been obtained from the Portfolio Holder / Head of Service who have the appropriate delegated powers. The revised fees and charges schedule has been submitted as part of the Council’s budget setting process which will be finalised in February 2019 by full Council.

Service	2018-19	2019-20
Public Path Order	£3,817	£3,900
Emergency closure	£274	£280
21 day extension to 21 day closure	£78	£80
6 month extension to closure	£499	£510
6 month temporary closure Order	£499	£510
Further 6 month extension Order (via Secretary of State)	£327	£335

Land Search	£77	£80
Highways Act 1980 S31(6) deposits and statements on behalf of landowner applicants:	-	-
•deposited statement and plan with consecutive statutory declaration	£235	£240
•a statutory declaration relating to a current, valid statement and plan	£118	£120

6. Implications of the Recommendations

6.1 Legal Implications

6.1.1 There are no legal implications.

6.2 Finance Implications

6.2.1 There are no additional financial implications foreseen.

6.3 Policy Implications

6.3.1 The Public Rights of Way Charging Policy will be updated when the revised fees and charges come into operation in 2019-20.

6.4 Equality Implications

6.4.1 There are no equality implications.

6.5 Human Resources Implications

6.5.1 There are no human resource implications foreseen.

6.6 Risk Management Implications

6.6.1 There are no risk management implications foreseen.

6.7 Rural Communities Implications

6.7.1 There are no direct implications for rural communities.

6.8 Implications for Children & Young People

6.8.1 There are no direct implications for children and young people.

6.9 Public Health Implications

6.9.1 There are no direct implications for public health.

7 Ward Members Affected

7.1 All Wards. No Ward Member engagement is required as the report is for information only.

8 Access to Information

8.1 Not applicable.

9 Contact Information

9.1 Any questions relating to this report should be directed to the following officer:

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