

Public Rights of Way Committee

Date of Meeting: 02 December 2019

Report Title: Public Rights of Way Proposed Fees and Charges 2020-21

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

- 3.1. The report is for information only.

4. Other Options Considered

- 4.1. Not applicable – this is a non-executive matter.

5. Background

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

- Meetings, site visits and notice posting at the request of landowners/developers.
- 5.2 Powers for the recovery of 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 final scale point of salary grade with overheads included at the corporate agreed rate. Legislation does not permit the making of a profit. Advertising costs are recovered direct from the applicant, where applicable
 - 5.3 An annual review of the fees and charges has been conducted as part of the budget setting process of the Council. The charges for 2020-21 have been increased by inflation, rounded, and also take into account revised corporate recharge rates. In addition, the fees and charges have been amended to reflect revised assessments of costs incurred.
 - 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”. Previous fees and charges schedules have charged the same application fee for orders under both Highways Act 1980 and Town and Country Planning Act 1990. Whilst the processes are, on the whole, the same, the latter, due to the complexity of the planning process, involve additional tasks, dialogue and negotiation. For this reason the fees have been separated to reflect the Officer time and therefore costs involved.
 - 5.5 Charges for temporary closures of Public Rights of Way are also set to recover all administrative costs of the process, now separated into those requiring only notices to be processed and those requiring legal orders to be made, again to reflect the different tasks involved in each process.
 - 5.6 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.
 - 5.7 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.
 - 5.8 Enforcement action costs are charged on the basis of actual costs incurred by the Public Rights of Way team, contractors and police, as applicable.

5.9 Costs for meetings, site visits and notice posting at the request of a landowner or developer are charged on the basis of Officer time and mileage.

5.10 The fees and charges proposed for the 2020-21 financial year are detailed below.

Service	2019-20	2020-21
Public Path Order		
Highways Act 1980	£3,900	£4,900
Town & Country Planning Act 1990 – single property / mineral application	£3,900	£5,250
Town & Country Planning Act 1990 – multiple properties	£3,900	£5,800
Temporary Closure		
3 day event closure	£335	£430
Motor event closure	£280	£200
5 day or 21 day closure or extension	£280	£150
6 month temporary closure Order	£510	£430
6 month extension Order via Secretary of State	£335	£300
Land Search	£80	£85
Highways Act 1980 S31(6) deposits and statements on behalf of landowner applicants:		
•deposited statement and plan with consecutive statutory declaration	£240	£300
•a statutory declaration relating to a current, valid statement and plan	£120	£150
Meetings, site visits, notice posting at request of landowner/developer - rate per Officer per hour plus mileage	-	£50
Enforcement cost recovery - rate per Officer per hour plus mileage, plus any contractor and police fees	£49	£50

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 2020-21.

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.

6.10 Climate Change Implications

6.10.1 The Council has committed to becoming carbon neutral by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.

6.10.2 The work of the Public Rights of Way team encourages a reduction in carbon emissions and increased environmental sustainability by reducing energy consumption and promoting healthy lifestyles through active travel.

7. Ward Members Affected

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

8. Consultation & Engagement

8.1 Approval for the changes has been obtained from the Portfolio Holder and 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 approved in February 2020 by full Council.

9. Access to Information

9.1 Contact the report writer.

10. Contact Information

10.1 Any questions relating to this report should be directed to the following Officer:

Name: Genni Butler

Job Title: Acting Public Rights of Way Manager

Email: genni.butler@cheshireeast.gov.uk