
Petition response – Charging

Committee considering report:	Executive
Date of Committee:	6 July 2023
Portfolio Member:	Councillor Iain Cottingham
Date Portfolio Member agreed report:	22 June 2023
Report Author:	Joseph Holmes (Executive Director – Resources)
Forward Plan Ref:	EX4328

1 Purpose of the Report

- 1.1 The Council received a petition for debate at Full Council on the 1st December. The petition set out “We, the undersigned, call upon WBC to adopt the following policy without delay: WBC will ensure that it charges the correct amounts of money due to it for any and all services for which it levies charges and will reimburse any resident or service user who has been charged in error or has been charged where no charge should have been levied.”
- 1.2 The petition was tabled for a debate as it had over 1,500 signatories. Following verification by officers the total verified signatories was below this threshold so has become an ‘ordinary petition’. The response to the petition therefore needs to come back to a subsequent Executive.

2 Recommendation

- 2.1 That the Executive:
- 2.2 notes the petition and resolves to continue to ensure that the Council complies with the intent of its policy framework in income collection
- 2.3 aims for the Council to provide the best possible customer experience, and recently published its Customer Charter, which details the service levels it aspires to provide. It also explains what recourse is available to individuals or businesses who feel these have not been met. This would include those individuals or businesses who believe that they have been charged incorrectly or have been charged where no charge should have been levied. It is not the Council’s intention, nor will it be policy, to issue and collect charges that are incorrect or are not chargeable if appropriate procedures and form completion have been properly undertaken.

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	None identified			
Human Resource:	None identified			
Legal:	None identified			
Risk Management:	None identified			
Property:	None identified			
Policy:	None identified			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:		X		

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Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:		X		
Core Business:		X		
Data Impact:		X		
Consultation and Engagement:	None			

4 Executive Summary

- 4.1 The Council received a petition on the 1st December, and in line with the Council constitution needs to respond to this in a timely manner.
- 4.2 The petition concerns the Council’s collection of monies and charges across the Council and ensuring that the charge is correct. The Council issues charges of £30.7m for specific services across its remit that enables the Council to fulfil its statutory obligations and a variety of services to the public; this includes a very wide range of charges, fees and levies. The larger elements of collection are in respect of Council Tax, Business Rates, Car Parking income, Adult Social Care fees and charges, Community Infrastructure Levy, Section 106 agreements, commercial property income, planning fees and income from services traded to schools.
- 4.3 Ensuring that the Council collects all fees and charges owed to it is crucial as part of the overall budgetary framework. Without the income from the very many fees and charges provided to the Council, the much valued services provided would lack funding and the respective ongoing delivery of services and capital schemes would cease.
- 4.4 The Council aims for the best possible customer experience and recently published its Customer Charter, which details the service levels it aspires to provide. It also explains what recourse is available to individuals or businesses who feel these have not been met. This would include those individuals or businesses who believe that they have been charged incorrectly or have been charged where no charge should have been levied. It is not the Council’s intention, nor will it be policy, to issue and collect charges that are incorrect or are not chargeable if appropriate procedures and form completion have been properly undertaken.

5 Supporting Information

Introduction

- 5.1 The Council received a petition at the Full Council meeting on the 1st December 2022. The petition was worded as follows:

We, the undersigned, call upon WBC to adopt the following policy without delay:

WBC will ensure that it charges the correct amounts of money due to it for any and all services for which it levies charges and will reimburse any resident or service user who has been charged in error or has been charged where no charge should have been levied.'

- 5.2 After verification by officers, there were 1,418 signatories to the petition. According to Part 13 the Council's Constitution (excerpt below for reference), this petition response has been determined to go to the Executive for consideration:

“Process when an Ordinary Petition is received

The Petitions Officer will arrange for each ordinary petition to be reported to the next convenient meeting of the Executive, Council, Committee, Commission or Sub-Committee of Council which has the power to take a decision on the matter”

Supporting information

- 5.3 The Council collects income of over £240 million pounds¹ from charges, fees and levies annually. This comprises a wide range of various fees and charges, Council Tax and Business Rates; not all of it for West Berkshire itself. The two largest sources of income are Council Tax and Business Rates. Income targets are reported upon in the quarterly performance reports that go to the Executive with overall rates against these two areas in the high 90%.
- 5.4 The collection of this income is essential as it is used to fund vital services and projects. It is incumbent on all local authorities to collect all monies owed to it for services provided so that it can set a balanced budget as dictated by statute.
- 5.5 If residents or service users believe that they have been charged incorrectly or that have been charged where no charge should have been levied, there are a range of processes available. These options include informal resolution with the Council, the formal complaints process (this is detailed on the Council's website), taking the complaint to the Local Government Ombudsman (or respective Ombudsman for that specific service area if available) or even the option of a Judicial Review of the decision if previous stages of the process have not resolved the complaint.

6 Other options considered

- 6.1 This report sets out the Council's response to a petition presented to it. A response must be issued to petitions, so no other options have been considered.

¹ £30.7m in specific charges, £90m in business rates and £110m Council Tax, £6.6m in Community Infrastructure Levy and £2.9m in s106

7 Conclusion

- 7.1 For members of Executive to note the report and resolve to support the intent of the petition in line with the Customer Charter, the corporate complaints process and its statutory obligations with respect to sound budgetary management.

8 Appendices

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

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