

Public Document Pack



Neuadd Cyngor Ceredigion, Penmorfa,
Aberaeron, Ceredigion SA46 0PA
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15 December 2023

Dear Sir/Madam

I write to inform you that a Special Meeting of Cabinet will be held at the Council Chamber, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron and remotely via video conference on Thursday, 21 December 2023 at 10.00am for the transaction of the following business:

1. **Apologies**
2. **Personal matters**
3. **Disclosure of Personal/ Prejudicial Interests**
4. **To confirm as a true record the Minutes of the previous Meeting of the Cabinet and any matters arising from those Minutes FOR DECISION (Pages 3 - 8)**
5. **Any petitions received**
6. **Reports of any decisions (if any) having been called in from Overview and Scrutiny Committee**
7. **Any feedback from Overview and Scrutiny Committee not otherwise on the agenda**
8. **To consider the report of the Corporate Lead Officer for Finance and Procurement upon the Council Tax Base and Precept Payment Dates FOR DECISION (Pages 9 - 16)**

9. **To consider the report of the Corporate Lead Officer for Highways and Environmental Services upon the Amendment of the Fees and Charges 2023-2024 in relation to Sections 37, 38 and 278 Highways Act 1980
FOR DECISION (Pages 17 - 20)**
10. **Any other matter the Chairman decides is for the urgent attention of the Cabinet**

Members are reminded to sign the Attendance Register.

A Translation Service will be provided at this meeting and those present are welcome to speak in Welsh or English at the meeting.

Yours faithfully



Miss Lowri Edwards
Corporate Lead Officer: Democratic Services

To: The Leader of the Council and Members of the Cabinet
The remaining Members of the Council for information

Public Document Pack Agenda Item 4

Notice of the Decisions of the **Meeting of the Cabinet** held at the Council Chamber, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron and remotely on **Tuesday, 5 December 2023**

This Notice is published at 5.00pm on Thursday, 7 December 2023. Requests to call-in any decision to be delivered to the Head of Democratic Services by 5.00pm on Thursday, 14 December 2023. The decisions will come into force (if no valid call-in application is received) on Friday, 15 December 2023.

PRESENT: Councillor Bryan Davies (Chair), Councillors Catrin M S. Davies, Clive Davies, Gareth Davies, Keith Henson, Wyn Thomas, Matthew Vaux and Alun Williams.

ALSO IN ATTENDANCE: Councillors Rhodri Davies, Amanda Edwards, Elizabeth Evans, Eryl Evans, Gwyn Wigley Evans, Raymond Evans, Rhodri Evans, Gareth Lloyd, Ann Bowen Morgan and Caryl Roberts.

(10.00am- 12.32pm)

110 **Apologies**

No apologies were received.

111 **Personal matters**

- i. Condolences were extended to Councillor Wyn Evans and family on the loss of his father.
- ii. Condolences were extended to the family of Deio Evans, a former employee of the Highways and Environmental Services who has recently passed away.
- iii. Best wishes were extended to Ken Griffiths, Team Leader- Street Works on his retirement following 47 years of service to the County Council in Ceredigion.
- iv. Best wishes were also extended to Gerwyn Jones, Corporate Manager: Environmental Services as he leaves his role with the authority. He was thanked for his excellent work and wished well for the future.
- v. Congratulations were extended to George Ryley, Corporate Manager: Procurement & Payments, who was recently shortlisted as 'Individual of the Year' at the 2023/24 GO Awards Wales. In addition, best wishes were extended to him on his retirement from his current post following 27 years of service.

112 **Disclosure of Personal/ Prejudicial Interests**

- i. Councillors Bryan Davies, Gareth Davies and Matthew Vaux declared a personal and prejudicial interest in relation to item 118, confirming that they had been granted dispensation to speak and vote on this matter by the Ethics and Standards Committee.
- ii. Councillor Catrin M S. Davies declared a personal and prejudicial interest in relation to item 118, confirming that she had been granted dispensation to speak in relation to Long Term Properties and to speak and vote in relation to second homes by the Ethics and Standards Committee.
- iii. Councillors Rhodri Evans and Gareth Lloyd declared a personal and prejudicial interest in relation to item 118. Both had been granted

dispensation to speak and vote on this matter by the Ethics and Standards Committee.

113 To confirm as a true record the Minutes of the previous Meeting of the Cabinet and any matters arising from those Minutes

To confirm as a true record the Minutes of the previous Meeting of the Cabinet held on 7 November 2023.

Matters arising: There were no matters arising from the minutes.

114 Any petitions received

None.

115 Reports of any decisions (if any) having been called in from Overview and Scrutiny Committee

None.

116 Any feedback from Overview and Scrutiny Committee not otherwise on the agenda

None.

117 To consider the report of the Corporate Lead Officer for Porth Gofal upon the Practice Solutions Limited (PSL) Report following Consultation and Engagement - Ceredigion Respite & Day Opportunities (older people, learning disability, Profound and Multiple Learning Disabilities and Autism) and Respite provision (Through Age) including feedback from the Overview and Scrutiny Committee

DECISION:

1. To approve the Respite and Day Opportunities Report and Action Plan as outlined by Practice Solutions Limited.
2. To approve that a Development Group oversee the delivery of the Action Plan in conjunction with the TAW Programme Board and the Healthier Ceredigion Strategic Group.
3. To develop and agree a resource schedule and robust programme plan to support and ensure that capacity is identified to lead on this significant transformation programme.
4. To return to the Healthier Communities Overview and Scrutiny Committee with an Annual Progress report.
5. To note the feedback from the Healthier Communities Overview and Scrutiny Committee and agree that a Members Workshop be arranged in early 2024 at one of the Local Authority's Centres.

Reason for the decision:

To enable the Authority to progress with the re-design of Respite and Day Opportunities in line with the Through Age Wellbeing Strategy.

118 To consider the report of the Corporate Lead Officer for Finance and Procurement upon the Council Tax Premiums applicable to Long Term Empty Properties and Second Homes in Ceredigion

DECISION:

1. On the matter of Council Tax Premiums applicable to **Long Term Empty Properties**, Cabinet recommends to Full Council that the existing 25% Council Tax Premium should increase, with effect from 01/04/24, to:
 - a) 100% for Properties that have been Long Term Empty Properties for up to and including 5 years.
 - b) 150% for Properties that have been Long Term Empty Properties for over 5 years and up to and including 10 years.
 - c) 200% for Properties that have been Long Term Empty Properties for over 10 years.with all time periods including the initial continuous period of 12 months for a dwelling to become defined as a 'Long Term Empty Property' by virtue of it being unoccupied and substantially unfurnished.
2. On the matter of Council Tax Premiums applicable to **Second Homes**, Cabinet recommends to Full Council that the existing 25% Council Tax Premium should increase to:
 - a) 100% to take effect from 01/04/24 and then
 - b) 150% to take effect from 01/04/25.
3. To recommend to Full Council that any potential financial considerations arising from the consideration of these recommendations should be dealt with as a separate matter at a separate future meeting after 14/12/23.

Reason for the decision:

- To inform Full Council of the Cabinet's view on the matter of Council Tax premiums applicable to Long Term Empty Properties and Second Homes in Ceredigion.
- To aim to bring Long Term Empty properties back into use to provide safe, secure and affordable homes and to aim to increase the supply of affordable housing and to enhance the sustainability of local communities in Ceredigion.

119 EXEMPT ITEM

The report relating to item 119 on the agenda, Appendix B1 and B2, is not for publication as it contains exempt information as defined in paragraph 12 and 13 of Part 4 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) (Wales) Order 2007. If, following the application of the Public Interest Test, the Council resolves to consider this item in private, the public and press will be excluded from the meeting during such consideration, in accordance with Section 100B(2) of the Act.

Members were requested, when dealing with the item, to consider whether to exclude the public and press from the Meeting.

DECISION:

Not to exclude the public and press from the meeting.

Reason for the decision:

The document was not discussed in public.

- 120 **To note the report of the Corporate Lead Officer for Finance and Procurement upon the Quarter 2 Capital Programme Monitoring Report**
Cabinet noted the report.
- 121 **To note the report of the Corporate Lead Officer for Finance and Procurement upon the 2023/24 Controllable Revenue Budget - Financial Performance**
Cabinet noted the report.
- 122 **To note the report of the Corporate Lead Officer for Finance and Procurement upon the Mid-year review of the Treasury Management Strategy for 2023/24**
Cabinet noted the report.
- 123 **To note the report of the Corporate Lead Officer for Finance and Procurement upon the Banking Contract**
Cabinet noted the report.
- 124 **To note the report of the Corporate Lead Officer for Policy, Performance and Public Protection upon the Ban on the sale and supply of certain single-use plastic products in Wales becomes law including feedback from the Overview and Scrutiny Committee**
Cabinet noted the report and the feedback from the Healthier Communities Overview and Scrutiny Committee.
- 125 **To note the report of the Corporate Lead Officer for Porth Cymorth Cynnar upon the Additional Licensing Scheme**
Cabinet noted the report.
- 126 **To note the report of the Corporate Lead Officer for Porth Cymorth Cynnar upon the Ceredigion Youth Council Meeting Minutes (20.10.23)**
Cabinet noted the report.
- 127 **To note the report of the Corporate Lead Officer for Porth Cynnal upon the Statutory Director of Social Services Report 2022-2023 including feedback from the Overview and Scrutiny Committee**
Cabinet noted the report and the feedback from the Healthier Communities Overview and Scrutiny Committee.
- 128 **To note the report of the Corporate Lead Officer for Porth Cynnal upon the Independent Reviewing Service Performance Management Report-Quarter 1 2023/24 including feedback from the Overview and Scrutiny Committee**
Cabinet noted the report and the feedback from the Healthier Communities Overview and Scrutiny Committee.

- 129 **To note the report of the Corporate Lead Officer for Porth Cynnal upon the CYSUR/CWMPAS Combined Local Operational Group Safeguarding Report- Quarter 1 2023/24**
Cabinet noted the report.

- 130 **Any other matter the Chairman decides is for the urgent attention of the Cabinet**
None.

Confirmed at the Meeting of the Cabinet held on 23 January 2024

Chairman:_____

Date:_____

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CYNGOR SIR CEREDIGION COUNTY COUNCIL

Report to: Cabinet

Date of meeting: 21st December 2023

Title: Council Tax Base and Precept Payment Dates

Purpose of the report: To determine the Council Tax Base and Precept Payment Dates for the 2024/25 financial year.

For: Decision

Cabinet Portfolio and Cabinet Member:
Councillor Gareth Davies, Cabinet Member for Finance & Procurement

1. REQUIREMENT TO DETERMINE THE COUNCIL TAX BASE

The Council, at its meeting held on 14th December 2004, resolved that the setting of the Council Tax Base would become an Executive function from thereon, and therefore it is for the Cabinet to determine the Council Tax Base for 2024/25. The Tax Base of an area is a measure of the Council Tax raising capacity of that area. The following Council Tax Bases are required to be calculated:

- (a) Council Tax Base for Ceredigion County Council;
- (b) Council Tax Base for each of the Town and Community Council areas.

2. CALCULATION OF COUNCIL TAX BASE

The rules for the calculation of the Council Tax Base are prescribed in the Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995 and as amended by the Local Authorities (Calculation of Council Tax Base) and Council Tax (Prescribed Classes of Dwellings) (Wales) (Amendment) Regulations 2004 and the Local Authorities (Calculation of Council Tax Base) (Wales) (Amendment) Regulations 2016.

The regulations set out the formulae for calculating the Tax Base for an area and prescribe the period during which the calculations must be performed and the results notified to precepting and levying authorities. The formulae and calculations are set out in Appendix 1.

This report is therefore largely a technical one that follows the regulations outlined.

The calculation of the Council Tax Base contained in Appendix 1 reflects a zero discount for all properties included in Prescribed Classes A, B and C, on the assumption that the zero discount continues to apply, for the whole of the Authority's area, for 2024/25. The assumption of a zero discount is made on the basis of the Council's updated determination of 14th December 23, to increase the Council Tax Premium on both Second Homes and Long Term Empty Homes from 1st April 2024 (Sections 12A(3) and 12B(4) of the Local Government Finance Act as inserted by the Housing (Wales) Act 2014).

The figures contained in the appendices take account of the following:

- (a) an assumed collection rate of 98.5%;
- (b) estimated entitlement to disablement reductions;
- (c) estimated entitlement to discounts;
- (d) estimated number of exempt dwellings;
- (e) estimated number of prescribed class of dwellings;
- (f) an assumption that all properties currently awaiting banding (including an estimated number of new properties) will be valued in the appropriate bands which have been estimated;
- (g) an assumption that the Council has no properties to be regarded as Class O exempt dwellings which are the responsibility of the Secretary of State for Defence.
- (h) An estimated amount in respect of the Premium of 100% levied in respect of Second homes with no occupation restriction.
- (i) An estimated amount in respect of the Premium levied in respect of Long Term Empty Properties:
 - 100% for Properties that have been Long Term Empty Properties for up to and including 5 years.
 - 150% for Properties that have been Long Term Empty Properties for over 5 years and up to and including 10 years.
 - 200% for Properties that have been Long Term Empty Properties for over 10 years.

(with all time periods including the initial continuous period of 12 months for a dwelling to become defined as a 'Long Term Empty Property' by virtue of it being unoccupied and substantially unfurnished.).

The calculation and setting of the Council Tax Base therefore incorporates the new level of Council Tax Premiums on Long Term Empty Properties and Second Homes approved by Full Council 14/12/23. In arriving at the estimated number of dwellings to which a Premium will apply, allowance has been made for the effect of a likely reduction in the number of properties attracting a Premium and a potential impact on the overall collection rate. A reduction in the number of properties is to be expected as the overriding policy aim is to bring Long Term Empty Properties back into use and to increase the supply of affordable housing and to enhance the sustainability of local communities.

3. COUNCIL TAX BASE CONCLUSION

The resulting Council Tax Base for 2024/25 is 33,768.51 which is an increase of 3.05% compared to the Tax Base for 2023/24 (32,767.99). The figures for each Town and Community Council are shown in Appendix 2.

The Tax Base data is returned to Welsh Government in the form of a CT1 return, this includes both the overall Tax Base for Council Tax setting purposes and also the 100% calculation for Revenue Support Grant purposes (the latter excludes the Council Tax Premiums applied to Second Home and Long term Empty properties).

As well as some uncertainty regarding the estimated number of dwellings to which a Premium will apply, the impact of the Non-Domestic Rating (Amendment of Definition of Domestic Property) (Wales) Order 2022 (which raises the threshold that Self Catering Properties need to achieve in order to be classed under Business Rates (actual days let rises from 70 to 182 and available days for letting rises from a minimum of 140 to a minimum of 252)) may also not be fully seen as yet. Regular ongoing monitoring of these dynamics during the year will therefore be essential.

4. PAYMENT OF PRECEPTS

The provisions of the Local Authorities (Precepts) (Wales) Regulations 1995 apply to the payment of precepts by Ceredigion County Council. In accordance with the provisions of the above regulations, the Council is required to:

- (a) notify each relevant precepting authority before 31st December of the proposed schedule of instalments
- (b) no earlier than 21 days after notifying each relevant precepting authority of the proposed schedule of instalments, determine a schedule of instalments; and
- (c) inform each relevant precepting authority before 1st February of the schedule of instalments.

In order to comply with the above, the following proposed schedule of instalments is recommended:

- i) Dyfed Powys Police Authority - 12 equal instalments, paid on the last working day of each month commencing April 2024.
- ii) Town and Community Councils - 3 equal instalments, paid on the last working day of April, July and October.

Wellbeing of Future Generations:

Has an Integrated Impact Assessment been completed? If, not, please state why.

No. Does not refer to policy or service change.

Summary of Integrated Impact Assessment:

Long term: N/A

Collaboration: N/A

Involvement: N/A

Prevention: N/A

Integration: N/A

Recommendation(s):

1. To approve the Council Tax Base for Council Tax setting purposes of 33,768.51 in accordance with the calculations as set out in Appendices 1 & 2.
2. To note the Council Tax Base for Revenue Support Grant purposes of 32,622.36.
3. To approve the schedule of instalments for Dyfed Powys Police Authority Precept payments in 2024/25 as being - 12 equal instalments paid on the last working day of each month commencing April 2024.
4. To approve the schedule of instalments for Ceredigion Town and Community Councils Precept payments in 2024/25 as being - 3 equal instalments on the last working day of April 2024, July 2024 and October 2024.

Reasons for decision:

The Council has a legal obligation to set its tax base for the forthcoming year.

Overview and Scrutiny:

N/A

Policy Framework:

Annual Budget Setting Process

Corporate Well-being Objectives:

Underpins all Corporate Priorities

Finance and Procurement implications:

The Tax base forms part of the 24/25 Budget Setting and Council Tax calculations.

Legal Implications:

Figures must be ratified by 6th January 2024

Staffing implications:

None

Property / asset implications:

None

Risk(s):

Due to the increase in the level of Council Tax premiums on both Long Term Empty Properties and Second Homes, there is less certainty than normal in the estimate for the number of dwellings to which a Premium would apply during 24/25. This will be actively monitored during the course of the year.

Statutory Powers:

Local Government Finance Act 1992

Background Papers:

None

Appendices:

Council Tax Base Calculation Papers

Corporate Lead Officer:

Duncan Hall - Corporate Lead Officer: Finance & Procurement

Reporting Officer:

Duncan Hall – Corporate Lead Officer: Finance & Procurement

Ann Ireland – Corporate Manager: Revenues & Financial Assessments

Date:

15th December 2023

CYNGOR SIR CEREDIGION COUNTY COUNCIL

CALCULATION OF COUNCIL TAX BASE 2024/2025

The **TAX BASE** is calculated using the following formula:

$$T = (A \times B)$$

WHERE: **T = TAX BASE** (The measure of the tax raising capacity of the area)
A = RELEVANT AMOUNTS (The total of relevant amounts calculated using specified formula- see below)
B = COLLECTION RATE (The proposed collection rate assumption for 2024/2025 is 98.50%)

The **RELEVANT AMOUNT** for each Valuation Band is calculated using the following formula :

$$(H - Q + E + J) \times \frac{E}{G}$$

WHERE: **H = CHARGEABLE DWELLINGS** (The number of dwellings in the band listed in the valuation list, adjusted for the effects of disabled relief, PLUS the Council's estimate of changes to the list and exempted dwellings in 2024/2025)
Q = FACTOR TO TAKE ACCOUNT OF DISCOUNTS (The aggregate of amounts found by multiplying, for each different relevant percentage, R by S - see below)
R = NUMBER OF DWELLINGS SUBJECT TO THE RELEVANT DISCOUNT (The number of properties included in H for which the amount of council tax payable for the relevant day was reduced by the relevant percentage.)
S = RELEVANT PERCENTAGE (The prescribed percentage (for Single Person Discount), and the percentage discount determined by the Authority for each of the Prescribed Classes.)
E = PREMIUM FACTOR (The factor to take account of a premium. The calculation for item E requires a billing authority to multiply, for each relevant percentage, an estimate of the number of dwellings in respect of which a premium applies with the relevant percentage.)
J = AMOUNT OF ADJUSTMENTS (The Council's estimate of adjustments to be made to the number of chargeable dwellings in the list, plus any discounts or premiums applicable to them for 2024/2025.)

	BAND	Ratio to Band D
$\frac{E}{G}$ = RATIO TO BAND D	A*	5/9
	A	6/9
	B	7/9
	C	8/9
	D	9/9
	E	11/9
	F	13/9
	G	15/9
	H	18/9
	I	21/9

PRESCRIBED CLASS DISCOUNTS	CLASS A	0%
	CLASS B	0%
	CLASS C	0%
PREMIUM - PRESCRIBED CLASS B		100%
PREMIUM - LONG TERM EMPTY	Up to 5 years	100%
	Between 5 and 10 years	150%
	Over 10 years	200%

COUNCIL TAX BASE FOR CYNGOR SIR CEREDIGION COUNTY COUNCIL FOR 2024/2025

BAND	TAX BASE
A*	1.78
A	1,038.52
B	3,222.84
C	6,020.54
D	6,958.29
E	9,923.06
F	4,905.02
G	1,479.96
H	174.84
I	43.66
TOTAL TAX BASE	33,768.51

The figure for calculating Revenue Support Grant is 100% of the Tax Base figure excluding premiums which is: 32,622.36

SYLFAEN TRETH Y CYNGOR FESUL CYNGOR TREF A CHYMUNED AR GYFER / COUNCIL TAXBASE BY TOWN & COMMUNITY COUNCIL - 2024/25

ARDAL TREF NEU GYMUNED / TOWN OR COMMUNITY AREA	BAND A*	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I	CYFANSWM / TOTAL
ABERYSTWYTH 101	-	174.58	737.33	1,106.60	730.67	759.02	497.82	158.38	26.51	-	4,190.91
ABERAERON 102	-	39.08	84.09	80.55	148.25	205.86	185.28	54.98	5.89	-	803.98
ABERTEIFI/CARDIGAN 103	-	100.19	425.84	525.60	355.37	255.23	162.13	42.67	7.85	2.30	1,877.18
LLANBEDR P S/LAMPETER 104	-	86.40	156.30	207.32	201.46	197.13	127.30	29.54	2.95	-	1,008.40
CEI NEWYDD/NEW QUAY 105	-	16.58	59.38	107.93	242.56	285.92	94.57	31.19	9.83	2.30	850.26
BORTH 106	-	11.82	123.36	169.87	156.13	244.09	67.92	16.82	-	-	790.01
CEULANAMAESMAWR 107	-	12.48	94.63	64.14	70.44	117.39	49.07	27.49	1.96	-	437.60
BLAENRHEIDOL 108	-	3.12	29.88	40.50	72.66	40.94	17.77	4.93	-	-	209.80
GENAU'R GLYN 109	-	2.30	0.57	44.44	41.62	128.51	101.70	44.32	3.93	-	367.39
LLANBADARN FAWR 110	-	20.54	75.85	128.50	204.66	235.67	129.43	89.45	6.88	2.30	893.28
LLANGYNFELIN 111	-	5.26	27.00	75.95	26.60	87.30	44.45	9.85	3.44	-	279.85
LLANFARIAN 112	-	11.49	24.31	68.73	146.29	196.84	249.63	62.77	14.73	-	774.79
LLANGWYRYFON 113	-	4.11	9.57	27.15	73.40	92.70	44.10	11.08	-	-	262.11
LLANILAR 114	-	6.24	16.47	69.40	142.59	168.86	52.62	27.89	3.44	-	487.51
LLANRHYSTUD 115	-	9.20	19.52	80.35	91.37	157.10	70.76	30.36	3.44	2.30	464.40
MELINDWR 116	-	15.59	31.97	81.66	103.20	194.72	74.68	34.05	-	2.30	538.17
PONTARFYNACH 117	-	4.43	10.91	60.42	66.50	68.33	32.36	12.73	-	-	255.68
TIRMYNACH 118	-	61.10	48.66	232.27	129.79	178.16	146.15	26.66	1.96	-	824.75
TRAWSGOED 119	-	11.16	20.30	51.24	149.98	137.53	60.45	23.80	3.44	-	457.90
TREFEURIG 120	-	7.56	4.98	224.17	197.27	269.66	78.95	19.28	1.48	-	803.35
FAENOR 121	-	4.60	31.02	61.96	87.19	398.46	171.75	68.51	4.42	-	827.91
YSGUBOR-Y- COED 122	-	3.94	4.21	27.15	33.00	34.93	33.43	27.08	1.96	2.30	168.00
LLANDDEWI BREFI 123	0.55	3.12	23.74	83.18	87.43	70.43	34.14	4.93	-	-	307.52
LLANGEITHO 124	-	6.40	13.40	44.24	132.24	121.60	46.94	9.44	1.96	-	376.22
LLEDROD 125	-	5.91	13.40	57.37	102.20	92.70	45.52	4.93	-	-	322.03
NANTCWNLLE 126	-	6.40	34.87	34.81	130.28	114.99	38.41	18.87	-	2.30	380.93
TREGARON 127	-	15.60	94.81	116.23	130.53	151.39	42.31	8.21	3.93	-	563.01
YSBYTY YSTWYTH 128	-	3.77	15.13	63.91	57.38	58.38	14.94	4.11	-	-	217.62
YSTRAD FFLUR 129	-	7.88	68.55	42.70	83.99	74.65	32.71	6.57	-	-	317.05
YSTRAD MEURIG 130	-	1.80	10.14	33.50	47.78	55.08	17.42	4.51	1.96	-	172.19
CILIAU AERON 131	-	7.71	18.96	62.17	71.43	181.80	73.25	14.36	-	2.30	431.98
HENFYNYW 132	-	6.24	18.97	78.15	130.03	198.03	77.16	17.65	1.96	-	528.19
LLANARTH 133	-	27.26	52.28	93.04	189.14	252.81	107.37	25.84	1.96	-	749.70
LLANDYSILIOGOGO 134	-	9.36	8.05	57.57	128.55	213.40	113.78	28.72	3.93	2.30	565.66
LLANFAIR CLYDOGAU 135	-	5.09	19.92	29.55	87.92	108.06	39.11	14.36	-	-	304.01
LLANFIHANGEL YSTRAD 136	0.41	14.94	41.37	141.64	152.93	213.70	88.20	34.05	1.96	-	689.20
LLANGYBI 137	-	10.01	34.27	38.96	62.06	84.57	41.25	10.67	6.39	-	288.18
LLANLLWCHAIARN 138	-	11.83	19.53	95.00	83.00	184.20	94.58	16.42	1.96	-	506.52
LLANSANTFFRAED 139	0.41	39.24	38.31	103.31	190.13	199.55	58.68	8.62	1.48	-	639.73
LLANWENOG 140	-	8.70	44.82	95.89	158.36	195.63	65.79	27.49	1.48	-	598.16
LLANWNNEN 141	-	4.60	13.02	43.35	33.74	75.84	41.61	8.21	-	-	220.37
DYFFRYN ARTH 142	-	13.30	24.12	80.99	141.86	224.84	103.83	7.80	1.96	4.59	603.29
ABERPORTH 143	0.41	32.69	150.35	208.42	206.14	387.62	131.21	58.26	-	2.30	1,177.40
BEULAH 144	-	16.08	44.25	81.87	155.90	385.24	157.89	38.16	7.37	6.87	893.63
LLANDYFRIOG 145	-	32.19	104.21	137.48	124.12	311.51	125.16	23.38	3.44	2.30	863.79
LLANDYSUL 146	-	63.24	128.92	267.94	222.39	369.29	157.18	56.62	11.79	-	1,277.37
LLANGOEDMOR 147	-	17.41	48.28	87.12	116.98	193.52	93.87	34.46	12.28	2.30	606.22
LLANGRANNOG 148	-	15.10	18.77	96.10	98.51	121.29	80.01	21.32	-	2.30	453.40
PENBRYN 149	-	14.94	24.89	57.79	132.74	300.69	187.77	60.73	1.48	-	781.03
TROEDYRAUR 150	-	15.92	35.43	80.35	102.70	268.78	163.93	19.28	-	-	686.39
Y FERWIG 151	-	10.02	23.93	72.01	126.83	259.12	138.68	38.16	3.44	2.30	674.49
CYFANSWM / TOTAL	1.78	1,038.52	3,222.84	6,020.54	6,958.29	9,923.06	4,905.02	1,479.96	174.84	43.66	33,768.51

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CYNGOR SIR CEREDIGION COUNTY COUNCIL

Report to: Cabinet

Date of meeting: 21st December 2023

Title: Report on the Amendment of the Fees and Charges 2023 – 2024 in relation to Sections 37, 38 and 278 Highways Act 1980

Purpose of the report: To approve the amendments to the Fees and Charges 2023 – 2024

For: Decision

Cabinet Portfolio and Cabinet Member:

Councillor Keith Henson (Highways and Environmental Services and Carbon Management) and Councillor Matthew Vaux (Partnerships, Housing, Legal and Governance and Public Protection)

Introduction

On 14 February 2023 Cabinet approved the Council’s Fees and Charges effective from 1 April 2023. This includes the fees chargeable by Legal Services and Highways and Environmental Services for entering legal agreements for the adoption of highways under Section 38 of the Highways Act 1980 (“the Act”). However, there is more than one statutory route to adopt a private road, under section 37 for instance, and through private construction work on the adopted highway that will need to be done to an adoptable standard through a section 278 agreement. This report aims to consolidate the fees chargeable for work that the Council does which is in reality very similar for each part of the Act.

Section 38 provides the Council with the power to enter into an agreement whereby a developer agrees to construct a road to a particular standard and dedicate the road as a highway once complete. The Council agrees under such an agreement to adopt the road so that it becomes maintainable at the public expense, provided it has been constructed to the agreed standard. The fees and charges associated with entering into section 38 agreements are set out in the Fees and Charges 2023 – 24 as approved by Cabinet:

www.ceredigion.gov.uk/your-council/budgets-finance/fees-and-charges/

For information the current fees for section 38/278 agreements are set out as follows;

Legal Services

Section 38/278 Charge	
1% fee on up to the first £500,000 worth of work	Minimum £1,050 - Maximum £5,250
Section 38/278 variation charge	£622.00

Highways & Environmental Services

Section 38 Supervision and Administration Fees		
Works up to £500,000		£6,000
Works in excess of £500,000	First £500,000	8% of value of works
	Next £500,000 value in excess of £0.5m	7% of value of works
	Next £2,000,000 value in excess of £1m	6% of value of works
	Remainder of works value in excess of £3m	5% of value of works

Section 37 of the Act is an alternative route to the above which enables a developer to complete the construction of a road before serving a notice on the Council declaring their intention to dedicate the road as highway. This route is rarely used by developers as it involves a number of stages where there is potential for referral to the Magistrates Court and, as such, there is risk that the proposed adoption via s.37 may fail. Historically the Council has not set a fee for adoptions via s.37 as they are rarely proposed however the work required to ensure that a road is up to adoptable standard and/or to make a complaint to the Magistrates Court if it considers that the proposed highway would not be of sufficient utility to the public to justify it being maintained at public expense, is not insubstantial. The Council would need to request and be satisfied with the evidence provided that all the Council's requirements that would normally be part of any s.38 agreement are met. In effect the approval work is the same as for s.38 agreements but done in a different order, and will include both intrusive (e.g. coring) and non-intrusive (e.g. CCTV) surveys, after the road has been constructed.

Section 278 of the Highways Act 1980 is an agreement between a third party and the Council that allows them to carry out new work within the adopted highway boundary or alterations to the existing adopted highway asset as an agent of the Council as highway authority. The works covered by this part of Act are normally included as part of s.38 Agreements but can be used as a standalone agreement where there is no linked s.38 works. Fees that are commensurate with s.38 fees have been consistently applied by the Council in the past and the inclusion in this paper is to remove any doubt or anomaly that they will be applicable. The Legal Services fee approved by Cabinet for s.278 agreements is identical to that of s.38 agreements.

To ensure that costs can be fully recovered for S.278 agreements and any future Section 37 notices received by the Council, it is recommended that the Fees and Charges 2023 – 2024 are amended to include fees and charges relating to the adoption of highways under Section 37 and Section 278 of the Highways Act 1980.

Wellbeing of Future Generations:

Has an Integrated Impact Assessment been completed? If, not, please state why.

No. This report does not represent a change in policy or strategy.

Summary of Integrated Impact Assessment:

Long term: N/A
Collaboration: N/A
Involvement: N/A
Prevention: N/A
Integration: N/A

Recommendation(s):

That Cabinet APPROVES the amendment of the Fees and Charges 2023 – 2024 as follows:

“Section 37, 38 and 278 Supervision & Administration Fees” for Highways & Environmental Services (p41)

and

“Section 37/38/278 charge” under Legal Services (p29)

Reasons for decision:

To ensure that the Council can fully recover costs for responding to Section 37 notices and requests under s.38 and s.278 of the Highways Act 1980.

Overview and Scrutiny:

N/A

Policy Framework:

Fees and Charges 2023 - 24

Corporate Well-being Objectives:

N/A

Finance and Procurement implications:

The approval of this recommendation will enable the Council to fully recover costs for responding to requests for Section 278 agreements and Section 37 notices.

Legal Implications:

Improved good governance around fee setting for s.278 agreements and s.37 notices.

Staffing implications:

None

Property / asset implications:

None

Risk(s):

Failure to amend the Fees and Charges 2023 – 24 could result in the inability of the Council to fully recover costs arising in relation to Sections 37 and 278 of the Highways Act 1980.

Statutory Powers:

Highways Act 1980

Background Papers:

14 February 2023 Cabinet Report – ‘Report of the CLO – Finance & Procurement upon Fees and Charges’: <https://council.ceredigion.gov.uk/documents/s4584/Report-%20Fees%20and%20Charges.pdf?LLL=0>

Appendices:

None

Corporate Lead Officer:

Elin Prysor, Corporate Lead Officer- Legal & Governance Services

Rhodri Llwyd, Corporate Lead Officer: Highways & Environmental Services

Reporting Officer:

Louise Harries, Senior Lawyer – Non-contentious (Property)

Steve Hallows, Service Manager (Highways Development)

Date:

12.12.2023