



**Meeting held in private: Environment Directorate -
Corporate Director & Executive
Member for Managing our
Environment**

To: Councillor Richard Foster.

Date: Friday, 25 July 2025

Time: 9.30 am

Venue: Via Microsoft Teams

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AGENDA

- 1. Review of Fees and Charges Pavement and Primate Licences (Pages 3 - 44)**
- 2. Allerton Waste Recovery Park Annual Performance Briefing (Pages 45 - 50)
2024/25**
- 3. Response to the Government Call for Evidence on Solar Car (Pages 51 - 64)
Parks and Electric Vehicle Charging**
- 4. York and NY Combined Authority Community Fund 2025 – (Pages 65 - 72)
Application for Public Conveniences**

Barry Khan
Assistant Chief Executive
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County Hall
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Thursday, 17 July 2025

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North Yorkshire Council

Environment Executive Members

25 July 2025

Fees and Charges – Pavement and Primate Licensing

Report of the Assistant Director – Regulation and Harbours

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to propose and agree new fees and charges relating to North Yorkshire Council's pavement and primate licensing functions.

2.0 BACKGROUND

- 2.1 The Council may charge a reasonable fee to recover the costs associated with administration and enforcement of licences in accordance with the following specific provisions:
- Section 2 (1A) of the Business and Planning Act 2020, as amended by the Levelling Up Act 2023 for pavement licensing; and
 - Regulation 13 of The Animal Welfare (Primate Licences) (England) Regulations 2024, including a fee in respect of any inspection which the Council must or may arrange.

3.0 PAVEMENT LICENCES

- 3.1 The Council is responsible for the administration and regulation of Pavement Licences under the Business and Planning Act 2020. Pavement Licences are issued to allow movable furniture on part of a relevant highway for the purpose to sell or serve food/drink and allow customers to consume food/drink in connection with the relevant use of a premises.
- 3.2 In response to the Covid-19 pandemic, the Business and Planning Act 2020 was introduced to allow business to gain licences quickly and the Act was only originally intended to remain in place for a temporary period. The Levelling up and Regeneration Act 2023 made permanent the provisions set out in the Act, which came into effect as of 31 March 2024.
- 3.3 This permanent regime retains the key features of the 2020 regime, intended to streamline processing and reduce costs, but also incorporates some changes regarding fees, outlined below
- a fee of up to £500 can be charged for first time applications; and
 - up to £350 for renewal applications
 - subject to each local authority deciding the level of fee up to that cap.
- 3.4 Previously, the maximum fee to be charged was set by the Government to aid businesses following the pandemic and was set at £100. This did not cover the cost to authorities for dealing with and processing an application for a pavement licence and then enforcement of the licence.
- 3.5 Local authorities can grant pavement licences for a length of their choosing up to a maximum of two years.
- 3.6 Additional information on pavement licensing and the Levelling up and Regeneration Act 2023 can be found on the following link: [Pavement licences: guidance - GOV.UK](#)

4.0 PRIMATE LICENSING

- 4.1 In 2024, the Department for Environment, Food and Rural Affairs (Defra) using powers granted to them by the Animal Welfare Act 2006, created the Animal Welfare (Primate Licences) (England) Regulations 2024.
- 4.2 These Regulations introduce a primate licensing scheme, setting strict rules to ensure that only private keepers who can provide zoo-level welfare standards will be able to keep primates.
- 4.3 The new Regulations commenced on 06 April 2025, and the enforcement provisions of the Regulations commence on 06 April 2026. All existing primate owners and prospective owners will be required to have a primate licence from 06 April 2026.
- 4.4 The Regulations set out a specific application process and require an inspection to be carried out prior to any application being determined. They also require a further inspection to take place on at least one occasion during the licence period (where issued for more than 12 months). These inspections must be conducted by a “suitable person”, which is defined in the situation as being:
- a veterinarian; or
 - any other person who, in the view of the local authority is competent to carry out the inspection.
- 4.5 Once issued licences may last up to three years, with three years being the default unless the applicant requests the licence to be issued for a shorter period.
- 4.6 An application fee may be charged, and 13 of the Regulations also permits a fee to be charged for any required inspections.
- 4.7 Additional information on the Animal Welfare (Primate Licences) (England) Regulations 2024 can be found on the following link: [The Animal Welfare \(Primate Licences\) \(England\) Regulations 2024](#). To note, no guidance has been issued to date.

5.0 FEES OVERVIEW

- 5.1 Licence fees should be calculated on a cost-recovery basis in order for the associated costs of the service to be met by individuals and businesses benefiting from the licensed activity. Any failure to recover costs in this regard would result in a subsidisation of private enterprise at the expense of other services that the Council provides to its taxpayers.
- 5.2 The proposed fees for pavement licensing can be found in Appendix A.
- 5.3 The proposed fees for primate licensing are attached at Appendix B.
- 5.4 It is proposed that the new fees for both pavement and primate licensing take effect from 01 August 2025.

6.0 PROPOSED LICENCE FEES

- 6.1 It is essential to a well-functioning licensing service that those administering and enforcing the regime are well-resourced. Licensing authorities are expected to regularly review their fees to reflect changes to costs.
- 6.2 The cost of the service is determined by several factors including staffing (salaries, along with National Insurance and pension contributions), accommodation, utilities, IT support, legal costs, software, insurance, printing and postage. The licence fee for each application is then dependent on several other factors including, where applicable, the time spent on administration, inspections, complaints, compliance checks, committees and consultations.

- 6.3 The costs associated with pavement and primate licensing functions in North Yorkshire have been calculated with due regard to the relevant legislation, case law and guidance, accounting for changes in personnel, salaries, overheads and operational service delivery. The relevant cost calculations are attached at Appendix A and Appendix B.
- 6.4 Prior to local government reorganisation in North Yorkshire, the seven district licensing authorities operated different pavement licensing regimes, the cost of which was recovered from permit holders in accordance with district authority calculations. Some did not charge a fee at all. The different area fees for pavement licensing remain. Now, North Yorkshire has one licensing team, it is important to harmonise the pavement licence fee throughout the Council area, in line with the new provisions under the Levelling Up and Regeneration Act 2023, which require the Council to set a new fee.

7.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1 The Council is committed to protecting communities, safeguarding children and ensuring the safety and wellbeing of the public.
- 7.2 Fees will be reviewed annually to ensure that the licensing regime is adequately resourced to deliver its public protection functions. Effective delivery in this regard also supports economic growth.

8.0 ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The Council may consider retaining the existing licence fees for pavement licences. However, the fees set by the predecessor authorities vary significantly from £0 to £100, and the service would be running at a loss, and recovered unfairly elsewhere. Any failure to recover costs permitted by statute would require an unnecessary subsidisation of the licensing regime at the expense of the Council's taxpayers.
- 8.2 The proposed fee for primate licensing is the first fee to be set for this new type of licence.

9.0 FINANCIAL IMPLICATIONS

- 9.1 The proposed fees have been calculated with a view to recovering all costs associated with the applications concerned (where permitted by statute).
- 9.2 Any income received must only be used to fund service delivery relating to the relevant licensing functions and therefore it must be emphasised that a review of the fees will not lead to any additional revenue for the Council.
- 9.3 The impact of the primate legislation is expected to be minimal, but the new legislations bring with it cost implications to both the Licensing Authority and to those who are captured by the scope of the new law. This is not an optional law, and so the only way to mitigate the impacts is to ensure that suitable cost recovery fees are set. Fees set at incorrect levels can adversely impact those who wish to obtain permission to operate lawfully, and equally, where fees which can be set to cost recover are not, any shortfall must be funded by the Council. As a Council has duty to uphold its statutory duties. This impacts on the Council's ability to spend money in other areas. The fees suggested in this report will be reviewed annually.

10.0 LEGAL IMPLICATIONS

- 10.1 The legislative framework for setting licence fees has been explored at paragraph 2.1 of this report.

10.2 Regards should be had to the Local Government Association Guidance (14 December 2023) on locally setting licensing fees and the general principles of the Provision of Services Regulations 2009. In accordance with regulation 18(4) of the Provision of Services Regulations 2009, any relevant charges which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.

10.3 In accordance with R (on the application of Cummings) v Cardiff City Council [2014] EWHC 2544 (Admin), the Council must not use licence fees as an income-generating scheme. In the event of any surplus arising from income in relation to a particular licence type, the surplus must be used to reduce the relevant fees charged at the next review. The Council must also ensure that any surplus from one licensing regime shall not to be used to subsidise a deficit in another.

11.0 EQUALITIES IMPLICATIONS

11.1 No equalities implications have been identified in the proposed review of licence fees. See Appendix C for the screening form.

12.0 CLIMATE CHANGE IMPLICATIONS

12.1 No climate change implications have been identified in the proposed review of licence fees. See Appendix D for the screening form.

13.0 POLICY IMPLICATIONS

13.1 In accordance with the Council's Fees and Charges Policy, the default charging method is to recover the full costs (including overheads, capital charges and recharges) with a view to ensuring no element of subsidy from local taxpayers. The Policy is attached at Appendix E.

13.2 HM Treasury's Managing Public Money publication promotes a standard approach to calculating costs and setting charges. Annex 6.1 of the document explores how to calculate the cost of public services. The relevant extract is attached at Appendix F.

13.3 The Local Government Association (LGA) has published guidance on locally set fees (December 2023) setting out the legislation, case law and details of the costs that may be recovered. The guidance is attached at Appendix G.

14.0 REASONS FOR RECOMMENDATIONS

14.1 The Council is expected to conduct regular reviews of licence fees to ensure that, where statutory powers exist, the cost of the licensing regime is recovered from applicants and licence holders.

15.0 RECOMMENDATIONS

15.1 It is recommended that the Corporate Director – Environment, in consultation with the Executive Member for Managing our Environment approve:

- (i) The fees and charges set out in **Appendix A** relating to Pavement Licensing, be rounded up for simplicity, effective from 01 August 2025 as follows:

Pavement licence (grant), two years	£400
Pavement licence (renewal), two years	£305

- (ii) The fees and charges set out in **Appendix B** relating to Primate Licensing, be rounded up for simplicity, effective from 01 August 2025 as follows:

Primate licence (new or renewal), three years	£440
Primate licence (variation)	£170

APPENDICES:

Appendix A – Proposed Pavement licence fees

Appendix B – Proposed Primate Licensing fees

Appendix C – Equalities Impact Assessment

Appendix D – Climate Impact Assessment

Appendix E – North Yorkshire Council’s Fees and Charges Policy

Appendix F – Extract from ‘Managing Public Money’ (HM Treasury)

Appendix G – Local Government Association guidance on locally set fees

BACKGROUND DOCUMENTS:

[Pavement licences: guidance - GOV.UK](#)

[Levelling-up and Regeneration Act 2023](#)

[The Animal Welfare \(Primate Licences\) \(England\) Regulations 2024](#)

Callum McKeon

Assistant Director – Regulation and Harbours Environment

County Hall

Northallerton

Report Author: Sharon Cousins - Area Licensing Manager (Central); and Gareth Bentley - Head of Licensing

Presenter of Report: Callum McKeon, Assistant Director, Regulation and Harbours

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Officer hourly rates

NYC Role	Avg FTE salary	NI	Pension	Overhead Support	Hourly Rate
Head of Service	£58,562.00	£8,034.30	£10,833.97	£25,181.66	£53.33
Licensing Manager	£47,242.50	£6,336.38	£8,739.86	£20,314.28	£42.95
Senior Licensing Officer	£42,708.00	£5,656.20	£7,900.98	£18,364.44	£38.79
Licensing Enforcement Officer	£38,487.89	£5,023.18	£7,120.26	£16,549.79	£34.92
Technical Licensing Officer	£30,928.46	£3,889.27	£5,721.77	£13,299.24	£27.98

Pavement Licensing Annual Costs

	Total (minutes)				
	HOS	LM	SLO	LEO	TLO
Policy and service development	120	480	480	300	300
Data protection, Fol requests	15	15	30	0	120
Complaints and investigations	0	480	600	3000	300
Training and research	60	240	240	300	300
Enforcement and inspection	0	120	360	1200	0
Procedures, forms, guidance and website	60	240	240	300	300
Staff (performance, meetings etc)	60	240	240	300	300
Total time (minutes)	315	1815	2190	5400	1620
Total time (hours)	5.25	30.25	36.50	90.00	27.00
Total cost (£)	£280.00	£1,299.19	£1,415.79	£3,142.57	£755.53
Active licences	60				
Total annual cost per licence	£4.67	£21.65	£23.60	£52.38	£12.59
	£114.88				

Pavement Licensing Processing Costs

Pavement licence (grant)	Two years			
	LM	SLO	LEO	TLO
Receiving application (appointments, photocopies etc)	0.00	0.00	5.00	30.00
Processing application (validation, supporting documents)	0.00	5.00	10.00	30.00
Consultation	0.00	15.00	30.00	30.00
Data entry	0.00	10.00	10.00	30.00
Inspection on application (average)	0.00	0.00	90.00	0.00
Issue licences etc	0.00	5.00	0.00	10.00
Total time (minutes)	0.00	35.00	145.00	130.00
Time cost (£)	£0.00	£22.63	£84.38	£60.63
Annual costs (£)	£229.77			
Total cost (£)	£397.41			

Pavement licence (renewal)	Two years			
	LM	SLO	LEO	TLO
Receiving application (appointments, photocopies etc)	0.00	0.00	5.00	20.00
Processing application (validation, supporting documents)	0.00	5.00	10.00	15.00
Consultation	0.00	15.00	15.00	15.00
Data entry	0.00	0.00	5.00	15.00
Issue licences etc	0.00	5.00	0.00	10.00
Total time (minutes)	0.00	25.00	35.00	75.00
Time cost (£)	£0.00	£16.16	£20.37	£34.98
Annual costs (£)	£229.77			
Total cost (£)	£301.28			

Officer hourly rates

NYC Role	Avg FTE salary	NI	Pension	Overhead Support	Hourly Rate
Head of Service	£58,562.00	£8,034.30	£10,833.97	£25,181.66	£53.33
Licensing Manager	£47,242.50	£6,336.38	£8,739.86	£20,314.28	£42.95
Senior Licensing Officer	£42,708.00	£5,656.20	£7,900.98	£18,364.44	£38.79
Licensing Enforcement Officer	£38,487.89	£5,023.18	£7,120.26	£16,549.79	£34.92
Technical Licensing Officer	£30,928.46	£3,889.27	£5,721.77	£13,299.24	£27.98

Primate Licensing Annual Costs

	Total (minutes)				
	HOS	LM	SLO	LEO	TLO
Service development	15	30	15	0	0
Data protection and FoI requests	0	0	30	0	60
Training and research	15	30	30	30	30
Staff (performance, meetings etc)	15	15	15	15	15
Total time (minutes)	45	75	90	45	105
Total time (hours)	0.75	1.25	1.50	0.75	1.75
Total cost (£)	£40.00	£53.69	£58.18	£26.19	£48.97
Active licences	3				
Total annual cost per licence	£13.33	£17.90	£19.39	£8.73	£16.32
	£75.68				

Primate Licensing Processing Costs

		Three years			
New or Renewal Application		LM	SLO	LEO	TLO
Receiving application (appointments, photocopies etc)		0.00	5.00	10.00	20.00
Processing application (validation, supporting documents)		0.00	10.00	10.00	20.00
Data entry		0.00	5.00	5.00	20.00
Inspections		0.00	0.00	240.00	0.00
Issue licences etc		0.00	5.00	5.00	15.00
Total time (minutes)		0.00	25.00	270.00	75.00
Time cost (£)		£0.00	£16.16	£157.13	£34.98
Annual costs (£)		£227.03			
Total cost (£)		£435.29			

Variation application		LM	SLO	LEO	TLO
Receiving application (appointments, photocopies etc)		0.00	5.00	10.00	20.00
Processing application (validation, supporting documents)		0.00	10.00	10.00	20.00
Data entry		0.00	5.00	5.00	10.00
Inspections		0.00	0.00	180.00	0.00
Issue licences etc		0.00	5.00	5.00	15.00
Total time (minutes)		0.00	25.00	210.00	65.00
Time cost (£)		£0.00	£16.16	£122.21	£30.31
Total cost (£)		£168.69			

Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Environment		
Service area	Licensing		
Proposal being screened	Introduction of Pavement and Primate Licence fees		
Officer(s) carrying out screening	Sharon Cousins and Gareth Bentley		
What are you proposing to do?	The purpose of this report is to present a proposal for a new Pavement (new and renewal) and Primate licensing fee.		
Why are you proposing this? What are the desired outcomes?	To recover the cost of administering licences.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions: <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		√	
Disability		√	
Sex		√	
Race		√	
Sexual orientation		√	
Gender reassignment		√	
Religion or belief		√	
Pregnancy or maternity		√	
Marriage or civil partnership		√	
People in rural areas		√	
People on a low income		√	
Carer (unpaid family or friend)		√	
Are from the Armed Forces Community		√	
Does the proposal relate to an area where there are known	No. This report covers the setting of licence fees only. Other policies cover EI.		

inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.				
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No.			
Decision (Please tick one option)	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:	<input type="checkbox"/>
Reason for decision				
Signed (Assistant Director or equivalent)	Callum McKeon			
Date	17/07/2025			

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process. If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Introduction of Pavement and Primate Licensing Fees
Brief description of proposal	The purpose of this report is to present a proposal for the review of all fees and charges relating to the Council's pavement and primate licensing functions.
Directorate	Environment
Service area	Licensing
Lead officer	Sharon Cousins and Gareth Bentley
Names and roles of other people involved in carrying out the impact assessment	None

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following.

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact, then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full CCIA:	<input type="checkbox"/>
Reason for decision	This report only sets fees for Pavement and Primate licences.			
Signed (Assistant Director or equivalent)	Callum McKeon			
Date	17/07/2025			

North Yorkshire Council

Fees & Charges Policy

1.0 Introduction and Context

- 1.1 Income generation is an important part of the Council's overall resources. Fees and charges can help to achieve income to support frontline service delivery and future investment, can influence customer behaviour and can help to ensure the council's policy objectives are achieved.
- 1.2 In total in 22/23 the former 8 councils in North Yorkshire expect to generate £113m from discretionary fees and charges - 11% of total income budgeted for the year. An effective Fees and Charges Policy will help to maximise income raised and lower the burden to Council Tax payers of providing various council services, instead ensuring that where appropriate, it is the direct users of these services that are paying towards the costs of these services.
- 1.3 The principle aims of this Fees and Charges Policy are to support future budget setting and medium-term financial planning processes and to provide a framework for the Council's approach to charging for services.
- 1.4 With this in mind, this Policy has been developed, to provide Service Managers with a centralised framework to consider when reviewing their fees and charges, helping to ensure a consistent approach across the Council.

2.0 Scope

2.1 This Policy applies to:

- Non-Discretionary (Statutory) Services that a Local Authority is mandated, or has a duty to provide, where charging is permissible in the legislation;
- Discretionary Services that a Local Authority has the power, but is not obliged, to provide and may cost recover for providing such services.

2.2 This Policy does not apply to:

- Any service where there is no ability to cost recover (charge) for such services;
- Council Tax and Business Rates – local taxation charges are covered by separate legislation;
- Fees and Charges that are set in statute and regulations, for example, Planning Application Fees;
- Services that are free of charge at the point of delivery, under legislation, for example domestic general waste collection;
- Contributions to the cost of care, as defined by social care legislation;
- Housing Revenue Account (HRA) housing rents – a separate HRA rents policy covers these particular charges;
- Services traded through North Yorkshire Education Services (NYES) and
- Wholly controlled companies – as separate legal entities (within the NYC Group) fees and charges are set separately in accordance with their approved objectives, business plans and governance arrangements.

3.0 Roles and Responsibilities

- 3.1 Within the Council's Constitution, Directors are responsible for establishing and reviewing fees and charges for their directorate in accordance with this corporate policy framework, the legal framework which enables such charges and the approved budget envelope.
- 3.2 The Corporate Director of Resources is responsible for reviewing this policy and providing advice and guidance for its implementation.

4.0 Objectives

- 4.1 With the ever-increasing budget pressures facing the public sector, it is important for the Council to increase resilience and independence wherever possible. One of the main areas this can be explored through is Fees and Charges.
- 4.2 In line with the Council's savings requirements and commercial stance, it is vital to regularly review the continuing provision of those discretionary services where the council is unable, or unwilling, to recover the full costs of service. It is also important to ensure that where there is an opportunity to introduce new fees and charges, this opportunity is investigated fully to understand the implications of doing so.
- 4.3 The Fees and Charges Policy therefore has the following objectives:

4.3.1 Maximising consistency across services:

As part of local government reorganisation, there is a need to move towards a consistent approach to fees and charges to ensure charges reflect service costs and are fair across the whole of North Yorkshire. This Policy acknowledges that there will be different fees and charges in operation across North Yorkshire as services work towards single operating models. This Policy does not specify if, when or how the various fees and charges across all 8 former councils should be harmonised but as services are brought together, it provides a unified set of principles for services to follow.

Any departure from the agreed Policy should be clearly documented and clearly explained. A corporate list of fees and charges is maintained by Finance and will allow Directors and Service Managers to record when a charge was last reviewed and what was considered. To assist with this process, a Fees and Charges calculation tool/guidance has been developed. (Link to Intranet)

4.3.2 Ensuring Fees and Charges are robust and up to date:

All fees and charges are to be reviewed on an annual basis. Whilst it is acknowledged that a full review of each fee and charge implemented by the Council is not practicable each financial year, it is considered that as a minimum the fees and charges already charged by the Council are to be adjusted in line with inflation each year. This will ensure that any inflationary change to the costs of providing a service will be matched by a corresponding change to the charge made for the service. The inflation rate to be applied each year will be notified by the Corporate Director of Resources as part of the budget setting process. All fees and charges must be subject to a detailed review at least every 3 years.

4.3.3 Ensuring that Fees and Charges are clearly understood:

As part of the review of Fees and Charges, the cost of providing each service, and any legislation pertaining to this service, is to be considered. As services start to work together under local government reorganisation and budgets are re-worked, services will be better placed to understand the costs of providing services and will help inform future decisions around fees and charges. The Fees and Charges calculation tool will allow Directors and

Service Managers to calculate the cost of providing a service and record any relevant legislation and store this information for future reference.

4.3.4 Maximising Council income:

When reviewing existing fees and charges, or when considering the implementation of a new charge, the charge should be set at such a level as to maximise the income received by the Council. Please see (Link to intrant) for further guidance on the approach to use when determining a fee and charge.

Service income budgets will rise in line with inflation in each year. As budgeted income targets are set to increase, it is important for fees and charges to be regularly reviewed and updated to help in meeting this increased level of budgeted income.

It is also important to ensure that fees and charges are reflective of the council's costs of service provision, to ensure that services are not being inadvertently subsidised without a positive decision to this effect.

5.0 Implementation

5.1. The following costing approach to fees and charges should be adopted:

- When introducing or reviewing a fee or charge, the Council will follow one of three models set out below.
- As a general rule, Fees and Charges should be aimed towards full-cost recovery, including an appropriate share of corporate and departmental overheads.
- If the Council is unable, or unwilling, to recover the full costs of providing a discretionary service, then as part of the annual review, the continued provision of this service should be considered along with the rationale of the charging policy adopted.
- When finalising the costs of each fee and charge, consideration should be given to any wider implications of setting the charge at the proposed rate, to avoid any unintended consequences.

Costing Model	Objective	Key Considerations
1. Full Cost Recovery	To cover the full costs of delivering the service ensuring no element of subsidy from local taxpayers.	<ul style="list-style-type: none"> • This is the Council's default charging method; • Charges should recover the full costs, including overheads, capital charges and recharges;
2. Cost Plus	To cover the full costs of delivering the service plus a margin to contribute to re-investment in services.	<ul style="list-style-type: none"> • In limited circumstances it may be appropriate to add a margin to full cost recovery, for example to contribute to re-investment in services where the income will not generate a surplus or profit against the service in totality. Guidance from Finance should be obtained before considering such charges

3. Subsidised	To cover all or part of the costs of service delivery with support from local taxpayers.	The level of subsidy should have regard to the full cost of service delivery and there should be a clear and agreed rationale for subsidy
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- 5.2 Fees and Charges should be benchmarked against other local authorities to help identify potential best practice. When appropriate to the Fee and Charge in question, benchmarking against other relevant competitors in the market should also be undertaken.
- 5.3 Each Directorate is responsible for ensuring that their Fees and Charges are appropriately monitored and up to date. Each Directorate's list of Fees and Charges is to be overseen by the Directorate's lead Finance Business Partner.
- 5.4 Annual reviews should consider the following factors:
- Inflationary pressures, and when a flat rate uplift might not be the most appropriate option due to specific changes to the cost-of-service delivery;
 - Service-level budget targets, with the context of council-wide targets and advice from lead Finance Business Partners;
 - Cost of administration;
 - Scope for new charging areas, this might be entirely new discretionary service to deliver, or existing services that are currently not charged for;
 - Demand/volume and sensitivity to price changes;
 - Use stakeholder engagement and comparative data, where appropriate, to ensure that charges do not adversely affect the take up of services or restrict access to services (other than where this is a desirable outcome).
- 5.5 If a decision is taken to not increase some fees and charges the budget shortfall that this creates will need to be bridged through other operational and cost savings. Conversely, if charges are increased above inflation this can contribute to Directorate savings targets.
- 5.6 Service users should be given a reasonable period of notice before the introduction of new or increased charges and there may be a requirement to consult.
- 5.7 To ensure cost effectiveness and efficiency when setting and amending charging levels, the following are to be considered:
- The desirability of increasing the Council's market share e.g., temporarily reducing a fee or charge in order to stimulate demand for a service, leading to increased income generation;
 - Obstacles to maximising full cost recover when providing the service;
 - Future investment required to improve or maintain the service;
 - If full cost recovery would require a sudden and large uplift and may reduce market share, it may be prudent to phase-in that price rise over a longer period with a temporary agreed discount;
 - The desirability of reducing the uptake of a given service, i.e., raising charges during peak times.
- 5.8 Once the review of existing fees and charges has been completed, or any proposal for a new fee or charge has been developed, these will need to pass through each Directorate's agreed approval process before implementation.

5.9 Further guidance is available as part of the Fees and Charges Calculation Tool.

6.0 Regularity of Review

6.1 The Policy is to be reviewed every four years as a minimum and any required amendments will be subject to approval of the Executive.

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Annex 6.1

How to calculate charges

This annex discusses how to calculate the cost of public services for which a fee is charged.

Introducing a new or updated charge bearing service

A6.1.1. Public sector organisations planning to set up or update a service for which a fee may be charged shall ensure early engagement with Treasury. Advice should be sought at the earliest opportunity if there are any variations on the standard model. Proposed variations may be agreed in certain instances, considering each on its merits. Each will need to be justified in the public interest and on value for money grounds.

A6.1.2. Practical issues which organisations will need to consider when setting up or refreshing a charge bearing service include: the definition of the service and its rationale; the proposed financial objective (for instance, full cost recovery; 70% of full cost plus a 30% public subsidy); how the service is to be delivered and which organisation is to deliver it; whether the provider should retain any income from charges; the proposed charging structure (for instance, a single service or several sub-services). Organisations will also need to refer to the checklist in box 4.9 of factors to consider when planning policies and projects.

Measuring the full cost of a service

A6.1.3. With agreed exceptions, fees for services should generally be charged at cost, sometimes with an explicit additional element to match the returns of commercial competitors. So to set fees for public services it is essential to calculate the cost of providing them accurately.

A6.1.4. The main features to be taken into account in measuring the annual cost of a service are set out in box A6.1A. Not everything in the list will apply to every service and the list may not be exhaustive. It is important that the calculation is comprehensive, including all relevant overheads and non-cash items.

A6.1.5. So far as possible the calculation should use actual costs, where they are known. For services just starting, there may be no alternative to using best estimates, geared to estimated consumption patterns.

A6.1.6. Start-up costs which are capitalised in the accounts and the cost of fixed capital items are scored in the accounts in full. These costs should be attributed to the cost of the service as the depreciated value each year.

A6.1.7. Start-up costs which cannot be capitalised in the accounts are scored as they are incurred. Such costs may be recovered through fees and charges by spreading them over the first few years of service provision. It is also good

practice to set fees to recover costs which cannot be capitalised in the accounts and which have been incurred to improve efficiency and effectiveness so that charges are lower or offer better value. This needs explicit Treasury agreement and may require statutory backing.

A6.1.8. For services which are charged at different rates, the same procedure should be used to set the different rates. That is, the cost of any premium service should be objectively justifiable by its additional cost (e.g. where faster shipping is offered); or conversely any discount should be justifiable by saving to the supplier (e.g. using the internet rather than over the counter). Note, however, that sometimes the legislation permits differential pricing unrelated to the relative underlying costs – though even then there should be good policy reason for the difference.

Box A6.1A: elements to cost in measuring fees

- Accommodation, including capital charges for freehold properties
- Fixtures and fittings
- Maintenance, including cleaning
- Utilities
- Office equipment, including IT systems
- Postage, printing, telecommunications
- Total employment costs of those providing the service, including training
- Overheads, e.g. (shares of) payroll, audit, top management costs, legal services, etc
- Raw materials and stocks
- Research and development
- Depreciation of start upstart-up and one-off capital items
- Taxes: vat, council tax, stamp duty, etc
- Capital charges
- Notional or actual insurance premiums
- Fees to sub-contractors
- Distribution costs, including transport
- Advertising
- Bad debts
- Compliance and monitoring costs
- Provisions

But not:

- Externalities imposed on society (e.g. costs from pollution and crime)
- Costs of policy work (other than policy on the executive delivery of the service)
- Enforcement costs⁹²
- Replacement costs of items notionally insured
- Start-up costs (those which are capitalised in the accounts) and one-off capital items

Financial objectives

A6.1.9. The standard approach to setting charges for public services (including services supplied by one public sector organisation to another) is full cost recovery. It normally means recovering the standard cost of capital, currently 3.5% in real terms. Some exceptions are noted in section 6.4.

A6.1.10. One other exception is commercial services, i.e. those services which compete or may compete with private sector suppliers of similar services. These should aim to recover full costs including a real rate of return in line with the rates achieved by comparable businesses facing a similar level of risk. The normal range of rates is 5-10% but rates as high as 15% may be appropriate for the very highest risk businesses.

A6.1.11. Great care should be taken in pricing commercial services where public sector suppliers have a natural dominant position. The market prices of competitors will often be a good guide to the appropriate rate of return if there is genuine competition in the market. Where there are limited numbers of buyers and sellers in a market, it may be better to take other factors into account as well. These might include past performance, the degree of risk in the underlying activity and issues bearing on future performance.

Accidental surpluses and deficits

A6.1.12. Despite every effort to measure and forecast costs, surpluses and deficits are bound to arise from time to time. Causes may include variations in demand, in year cost changes, and so on. It is good practice to consider mid-year adjustment to fee levels if this is feasible.

A6.1.13. It is also good practice to set fees to recover accumulated past deficits. This may require statutory backing through a s102 order (see paragraph 6.3.3).

A6.1.14. Where significant surpluses have arisen, these should usually be refunded to the payees at the earliest opportunity.

⁹² See HMT guidance on receipts

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/226421/PU1548_final.pdf

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Open for business

LGA guidance
on locally set licence fees

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Introduction

Councils are responsible for administering a range of licences and approvals relating to both national legislation and discretionary functions that are agreed locally. For the majority of these regimes the costs are recovered through fees set by each council and paid by the licence applicant. It is an accepted principle in relation to these schemes that those who benefit from the system (eg licence holders) should cover the cost of it. Locally set fees are a vital means of ensuring both that full costs can be recovered by each and every council, reducing the risk of a subsidy from local tax payers, and that businesses do not pay more than they should.

While the licensing role within local government may be long established, the decisions that are being made by individual councils in this area are facing increased scrutiny from businesses, the public and in the media, particularly in relation to fee setting. Recent case law resulting from the European Services Directive, the introduction of new licences for scrap metal dealers and the potential introduction of locally set fees for alcohol licensing have all placed an added emphasis on the need for every council to set fees in a legally robust and transparent manner. In particular, a recent case under the Services Directive has significant implications for the way in which councils apply their licence fees.

This guidance aims to help councils understand the full breadth of issues that should be considered when setting local licence fees in order to meet legal obligations and provide the necessary reassurances to local businesses. It does not contain a fees calculator because this assumes a uniformity of service design and associated costs, when it is vital that councils are free to design the service that best serves the needs of their community and recover costs accordingly.

Key issues

Understanding the role of licensing

Licensing is an integral part of councils' broader regulatory services. Regulatory services are increasingly recognised as being at the heart of councils' approaches to economic growth, and it is believed that over fifty per cent of a business' contact with a council takes place through regulatory services. Officers working in licensing, environmental health and trading standards have regular interactions with businesses and can therefore have an important role in helping them become established and grow, at the same time as ensuring they adhere to important safeguards.

While economic growth is a priority for every council in the country, there is also the need to ensure that licensing regimes can continue to protect communities and visitors; manage public health risks; and remain responsive to local concerns.

Licensing also has an important role to play in helping councils shape the areas in which people live and work; by determining what types of premises open there, how long they are open for, and what sort of activities take place. Councillors, as democratic representatives of local communities, should be able to take licensing decisions that are in line with the preferred wishes of those communities.

The balance of all these factors will vary for each local area. Councils can take the opportunity to work with businesses, community groups and residents to design a licensing service based on local priorities and understand the implications that this will have for the fees charged.

All of this work requires funding, and it is an accepted principle that licensed activities should be funded on a cost-recovery basis, paid for by those benefiting from the licensed activity, rather than drawing on the public purse.

Where councils have the flexibility to set local fees, it is possible to consider how resources can be focused on risk; whether business support is effective; and how the burden of inspections can simply be removed where it is not necessary. A streamlined approach to licensing will ensure that fees are kept to a minimum and businesses can be encouraged to prosper.

How does the European Services Directive impact on locally set licence fees?

The European Services Directive¹ aims to make it easier for service and retail providers to establish a business anywhere within Europe. The principle of ensuring that regulation is transparent and that the burdens placed on businesses are kept to a minimum is an objective that all councils can support. However, the legal requirements in the Directive do have practical implications for local licensing regimes, including fee setting.

Further guidance about the entirety of the European Services is available on the GOV. UK website².

1 EU Services Directive:
<http://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32006L0123&qid=1446478137741>

2 BIS guidance on the EU Services Directive:
<https://www.gov.uk/eu-services-directive>

Councils should specifically note that the Directive does not apply to licensing of taxis, or gambling activities; however, the principles remain a helpful way of providing a transparent and business-friendly approach to licensing.

Principles of the Services Directive

The general principles of the Services Directive apply to all processes and administrative procedures that need to be followed when establishing or running a service or retail business, including the setting, charging and processing of fees for licences. The core principles of the Directive – non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent and accessible – apply to fee setting and are already practiced by a large number of councils with the aim of ensuring a fair and transparent approach for local businesses and communities.

Most principles are self-explanatory, but the principle of ‘non-discrimination’ requires a little more explanation. In the Services Directive it is defined as meaning ‘the general conditions of access to a service, which are made available to the public at large by the provider [and] do not contain discriminatory provisions relating to the nationality or place of residence of the recipient’.

This applies at the local level when considering fee setting meaning that all applicants must be treated equally irrespective of location and/ or nationality. Councils should not, for instance, seek to subsidise businesses operating in one geographical area by offering comparatively lower fees than required of those operating in another. Such an approach discriminates against those businesses located elsewhere in the locality.

The importance of this approach has also been established by case law on taxi and PHV licensing which, as it is not covered by the Services Directive, demonstrates that some core principles are shared between UK and EU legislation.

Cummings v Cardiff ruled that the charges within a licensing regime for different categories of licence should not subsidise each other; so a surplus gained on hackney carriage licences should not reduce the cost of a private hire vehicle licence. This can be logically extended to mean that the fees received under one licensing regime must not subsidise fees charged under another. For instance, a surplus generated by taxi fees must be reinvested back into taxi licensing and not used to reduce the cost of, for instance, a scrap metal dealers licence.

All councils should therefore ensure that they have individual, discrete cost-calculations for each of the licensing regimes that they operate. This may require a change in the way that some councils operate.

One of the LGA’s priorities for ongoing Brexit negotiations is that fees covering licensing continue to be upheld in domestic law.

Administering payment of fees

Under the Services Directive councils need to ensure that details of any fees are easily accessible online, including the ability to make payments online.

Councils should be able to separate out the cost of processing an initial application from those costs associated with the ongoing administration of a scheme, because this latter element cannot be charged to unsuccessful licence applicants.

This was a key issue in the Hemming v Westminster case (see case law, page 13), in which the Supreme Court asked the European Court of Justice (ECJ) to rule on how Westminster applied its licence fees. The Supreme Court identified two different approaches to charging fees:

- (a) Whereby a council charged a fee upon application (covering the costs of authorisation procedures) and a subsequent fee to successful applicants (covering the cost of administering and enforcing the framework) - the ‘type A’ approach.

- (b) Where a council charged a single fee on application covering all costs, on the basis that the relevant proportion of the fee would be refunded to unsuccessful applicants – the ‘type B’ approach.

The ECJ published its ruling on the issue on 16 November 2016, following an earlier opinion by the Advocate General in July 2016.

The ECJ ruled that the type B approach of fee setting is not compatible with the Services Directive, arguing that the Directive ‘precludes the requirement for the payment of a fee, at the time of submitting an application for the grant or renewal of a authorisation, part of which corresponds to the costs relating to the management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is refused.’

Therefore, **licensing authorities will need to amend their fee structures for fees covered by the Services Directive to ensure that application fees relate solely to the cost of authorisation procedures** (ie, the costs associated with reviewing an application and granting / refusing a licence). **Under the type A approach, on which the Supreme Court ruling still holds, successful licence applicants should subsequently be charged an additional fee** relating to the costs of administering and enforcing the relevant licensing framework. An example of amended licensing fees which separate out administration and enforcement costs can be found on Westminster council’s website³.

It is worth noting on this point that the Supreme Court view – which again still holds – was that there is nothing to stop licensing authorities making the payment of such a fee a condition of holding a licence. This would mean that authorities could withhold a licence until payment of the relevant fee had been received:

‘...nothing in article 13(2) precludes a licensing authority from charging a fee for the possession or retention of a licence, and making this licence conditional upon payment

³ https://www.westminster.gov.uk/sites/www.westminster.gov.uk/files/licensing_fees_list.pdf

of such fee. Any such fee would however have to comply with the requirements, including that of proportionality, identified in section 2 of Chapter III and section 1 of Chapter IV. But there is no reason why it should not be set at a level enabling the authority to recover from licensed operators the full cost of running and enforcing the licensing scheme, including the costs of enforcement and proceedings against those operating sex establishments without licences.’

Not all legislation in England and Wales permits councils to separate out elements of the fee in this way. For instance, the Licensing Act 2003 has fees set nationally, which constrains councils’ ability to adopt this approach. It is therefore unclear whether a council could offer a refund of the enforcement element if an application is refused under this Act: the LGA view is that this is not possible, as the legislation requires that the specified amount (fee) must be paid on application.

Nevertheless, despite these constraints, councils should calculate the notional costs of administration and enforcement separately and make applicants aware of the two elements to the fee. In addition to meeting the transparency requirements of the Services Directive, this enables councils to examine the efficiency of their internal processes and make improvements where necessary. The process adopted and information available about this should be simple and cost effective for both the council and businesses.

Reasonable and proportionate

The Directive also includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

Keeping fees under review

Fees should be broadly cost neutral in budgetary terms, so that, over the lifespan of the licence, the budget should balance. Those benefitting from the activities permitted by the various licences should not, so far as there is discretion to do so, be subsidised by the general fund.

To ensure that fees remain reasonable and proportionate it is necessary to establish a regular and robust review process. This has particular advantages in the early stages of a new licensing regime, as with the Scrap Metal Dealers Act, where fees have been set on best guess estimates of the number of applications that will be received.

Annual reviews allow for the fine tuning of fees and allow councils to take steps to avoid either a surplus or deficit in future years. This will not immediately benefit licence holders where the licence has been granted for a number of years and paid for in a lump sum, but will ensure new entrants to the licensing scheme are charged appropriately.

Councils that divert fees income from the relevant licensing scheme to fund other licensing work, or to fund other council activities, will be breaking the law.

Where fees charged result in a surplus, both *Hemming v Westminster* and *Cummings v Cardiff* state that this surplus must be used to reduce the fees charged in the following year. It is possible to extend the reinvestment of the surplus over more than one year⁴, but this will need careful consideration about whether contributors may leave the licensing system over that period and therefore lose out on the return.

4 *R v Manchester City Council ex parte King* (1991) 89 LGR 696.
<http://www.lawindexpro.co.uk/cgi-bin/casemap.php?case=197719&rf=scu%2520target=>

Deficits can similarly be recovered⁵, although where there is a significant deficit, councils may want to consider how recovery can be undertaken over more than one year so as not to financially harm otherwise viable businesses.

The case of *R v Tower Hamlets LBC* (1994)⁶ may also be of relevance, as the High Court indicated that “a council has a duty to administer its funds so as to protect the interests of what is now the body of council tax payers”.

Open route for challenge

In the interests of transparency it is helpful to give an indication of how the fee level has been calculated; the review process in place and a contact method for businesses to query or challenge the fees. Open consultation with businesses and residents to design a local service, including understanding the implications for fees, helps to provide a robust answer to challenge.

It may also prove helpful to engage elected members in the scrutiny of fees. They will use their knowledge as local representatives to consider councils’ assumptions and challenge them where necessary.

5 *R v Westminster City Council ex parte Hutton* (1985) 83 LGR 516.

6 *R v London Borough of Tower Hamlets ex parte Tower Hamlets Combined Traders Association*, 19 July 1993; [1994] COD 325 QBD Sedley J. Although the decision was about the London Local Authorities Act 1990, it would appear to have general effect as a principle.
<http://www.lawindexpro.co.uk/cgi-bin/casemap.php?case=197718&rf=scu%2520target=>

So what can be included in a licence fee?

Councils may want to consider the following elements when setting licence fees. It should be noted that this list is for consideration only, as councils may choose not to charge for all the elements listed if they do not apply locally, or there may be additional areas of work carried out during the licensing process that were not highlighted during the development of this guidance.

Individual pieces of legislation may also have specific items that may or may not be chargeable under the scheme. The lists below will apply for most schemes, but should always be checked against the relevant piece of legislation. If councils have any concerns they should seek the advice of their in-house legal department.

Initial application costs could include:

Administration – this could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.

Initial visit/s – this could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include 'on-costs' in this calculation. Councils will need to consider whether 'on-costs' include travel costs and management time.

Third party costs – some licensing processes will require third party input from experts, such as veterinary attendance during licensing inspections at animal related premises.

Liaison with interested parties – engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

Management costs – councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the 'on-costs' attached to officer time referenced below.

Local democracy costs – councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.

On costs – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.

Development, determination and production of licensing policies – the cost of consultation and publishing policies can be fully recovered.

Web material – the EU Services Directive requires that applications, and the associated guidance, can be made online and councils should effectively budget for this work.

Advice and guidance – this includes advice in person, production of leaflets or promotional tools, and online advice.

Setting and reviewing fees – this includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

Further compliance and enforcement costs could include:

Additional monitoring and inspection visits

– councils may wish to include a charge for risk based visits to premises in between licensing inspections and responding to complaints. As with the initial licensing visit, councils can consider basing this figure on average officer time, travel, administration, management costs and on costs as suggested above.

Local democracy costs – councils may want to recover any necessary expenditure in arranging committee meetings or hearings to review existing licences or respond to problems.

Registers and national reporting – some licensing schemes require central government bodies to be notified when a licence is issued. The costs of doing this can be recovered.

Charging for action against unlicensed traders

Councils' ability to charge for these costs as part of a licensing scheme depends on the licensing scheme in question. In *Hemming v Westminster* (see page 13), the Supreme Court ruled that the Services Directive made no mention of enforcement costs. Councils' ability to charge these costs to applicants for licences is therefore dependent on the UK legislation.

The Court ruled that licensing authorities are entitled under the Local Government (Miscellaneous Provisions) Act 1982 to impose fees for the grant or renewal of licences covering the running and enforcement costs of the licensing scheme; in this case, the licensing scheme for sex shops.

However, legal interpretation of taxi and PHV licensing suggests that councils do not have the power to recover the costs of any enforcement against licensed or unlicensed drivers at all, although they may recover the costs of enforcement against vehicles⁷. The LGA believes that section 70(1) of the 1976 Act makes it clear that the costs of enforcement against licensed operators can also be recovered through a fee; however, the position on recovering these costs is contested.

Home Office guidance under the Scrap Metal Dealers Act, which councils must have regard to, prevents the recovery of enforcement costs against unlicensed dealers only. Great care must therefore be taken when setting fees to check what is and is not permitted under that specific licensing regime.

Unrecoverable costs

It is worth considering that the costs of defending appeals in the magistrate's court or via judicial review can be recovered through the courts. Including these costs within the fees regime could lead to recovering the costs twice, which would be inconsistent with the Services Directive.

⁷ <http://www.guildford.gov.uk/cHttpHandler.ashx?id=6647&p=0>

Do	Don't	Maybe
Check the relevant legislation	Use a surplus from one fee to subsidise another	Include the costs of enforcement against unlicensed traders
Calculate processing costs and enforcement costs separately and ensure that any fees covered by the Services Directive are charged to applicants and new licensees in two stages	Allow fees income to be drawn into the council's general fund	Include a condition on the issued licence that requires the payment of the enforcement part of the fee, where this is not charged upfront
Clearly communicate to applicants the elements that make up the fee	Allow fee levels to roll-over each year without a review	
Ensure fees are determined by the right person	Forget to ask the courts to award costs during a prosecution	
Include staff on-costs		
Include training costs for officers and councillors		

Further support

The practical approach to designing a local licensing service, allocating costs accurately and considering legal implications can be a difficult task; therefore it is strongly recommended that licensing teams work with their legal advisors and finance teams to make the best use of all expertise.

In addition, councils should consider working collaboratively with neighbouring authorities to provide mutual support. Working with other councils and reviewing fees set by similar authorities can be an extremely valuable way of ensuring that fees are not perceived to be disproportionate by businesses.

This document sets out high-level, overarching principles for fee setting that apply across most licensing regimes. It is always important to check the specific details of the regime in question.

The All Wales Licensing Expert Panel has compiled a series of helpful documents to assist councils with the practical aspects of setting fees, including data capture guidance and a basic time recording method. They can be accessed at:

<http://www.npt.gov.uk/default.aspx?page=11958>

The following links will take you to relevant legislation or guidance for the most common licensing regimes, current at the time of publication:

Licensing Act 2003

<https://www.gov.uk/government/publications/alcohol-licensing-fee-levels>

Gambling Act 2005

<http://www.legislation.gov.uk/ukpga/2005/19/section/212>

and

<http://www.legislation.gov.uk/uksi/2007/479/contents/made>

Scrap Metal Dealers 2013

<http://tinyurl.com/SMDAfees>

Taxis and PHV Licensing (Local Government Miscellaneous Provisions Act 1976)

<http://www.legislation.gov.uk/ukpga/1976/57/section/70>

Sexual Establishments (Local Government Miscellaneous Provisions Act 1982)

<http://www.legislation.gov.uk/ukpga/1982/30/schedule/3>

Street Trading (Local Government Miscellaneous Provisions Act 1982)

<http://www.legislation.gov.uk/ukpga/1982/30/schedule/4>

Provision of Services Regulations 2009
(The UK legislation applying the EU Services Directive to UK law)

<https://www.detini.gov.uk/publications/guidance-business-provision-services-regulations>

Case law

Hemming v Westminster

The Hemming v Westminster case tested the degree to which fees and processes must be proportionate, as well as the administrative processes for calculating fees, in the context of licensing sex establishments. The case established a number of key points about setting fees under the Services Directive.

The case has passed through a number of courts, including the Court of Appeal, Supreme Court and European Court of Justice, with different elements of the case being settled at different stages.

In 2013⁸, the Court of Appeal ruled that the fees set must not exceed the costs of administering the licensing regime. This meant that the council was no longer able to include the cost of enforcement against unlicensed sex establishment operators when setting the licence fee. The Court of Appeal held that such costs could not be deemed to fall within the EU Services Directive 2006 and associated UK Provision of Services Regulations 2009.

The Directive states that charges levied by a competent body on applicants under an authorisation scheme must be reasonable and proportionate to the cost of the 'procedures and formalities' of the scheme and must not exceed these costs. However, the cost of visits to licensed premises to monitor compliance could be recovered through fees.

The judgement also found that the annual reviews conducted by an officer of Westminster City Council were no substitute for determinations by the council. The judge rejected the council's submission that the fee had been fixed on an open-ended basis in 2004 so that the fee rolled over from one year to the next. Westminster City Council was consequently ordered to repay fees charged over that period.

The judgement would have left Westminster, and potentially other councils, liable to refund the proportion of sex shop licence fees deemed to be unlawful, dating back to the introduction of the Regulations in 2009.

Westminster appealed the Court of Appeal's judgement on the recovery of enforcement costs, and the case was heard by the Supreme Court in January 2015. Other matters determined by earlier hearings, such as the need to review fees annually and the requirement for councils to ring-fence income from licensing fees so that any surplus or deficit is carried forward to the next year's budget, were not contested.

The council's position that it was lawful for it to seek to recover all enforcement costs was supported by the LGA, which submitted written interventions to the Supreme Court. A range of regulatory bodies, as well as HM Treasury, also submitted written interventions in the case.

8 Court of Appeal ruling for Hemming v Westminster – 24 May 2013
<http://cornerstonebarristers.com/wp-content/uploads/2013/05/Hemming-APPROVED-Judgement.pdf>

The Supreme Court ruled⁹ that licensing authorities are entitled under the Local Government (Miscellaneous Provisions) Act 1982 to impose fees for the grant or renewal of licences covering the running and enforcement costs of the licensing scheme. Crucially, it reasoned that the Services Directive deals only with the issue of authorisation procedures and fees relating to applications to exercise a service activity (such as operating a sex shop). The Supreme Court sought an opinion from the European Court of Justice regarding how such fees should be levied. It identified two different approaches to charging fees:

- whereby a council charged a fee upon application (covering the costs of authorisation procedures) and a subsequent fee to successful applicants (covering the cost of administering and enforcing the framework) - the 'type A' approach, or
- where a council charged a single fee on application covering all costs, on the basis that the relevant proportion of the fee would be refunded to unsuccessful applicants – the 'type B' approach.

The Supreme Court found the type A approach of charging two fees is permissible under the Services Directive but considered that the type B approach of charging a single fee was more problematic.

The ECJ published its ruling on the issue on 16 November 2016, following an earlier opinion by the Advocate General in July 2016, and concluded that only type A fees are permissible under the Services Directive.

However, the opinion of the Advocate General and the commentary contained in the judgement of the ECJ went beyond the specific issues that had been referred to it. Of particular concern, both the opinion and the commentary in the ruling appeared to reopen the issue of whether including the costs of administering and enforcing licensing regimes within licence fees is compatible with the Services Directive, with a strong indication that the Advocate General and ECJ

⁹ <https://www.supremecourt.uk/cases/uksc-2013-0146.html>

believed that it is not. **While the Supreme Court's view on this issue remains in place at the current time, meaning councils can continue to include these costs in their licence fees**, it seems inevitable that there will be a further challenge on this issue at some point in future.

Where councils receive claims for previously paid type B licence fees on the grounds that they have now been ruled incompatible with the Services Directive, the only legitimate claim for restitution relates to the loss of interest that a licence holder can be deemed to have suffered by virtue of paying the entirety of the fee upfront, rather than the fee being split into two payments on application and on successfully being awarded a licence.

The fact that the opinion expressed by the Advocate General in July appears to dissent from the view expressed by the Supreme Court as regards the legality under the Services Directive of including enforcement costs in licence fees is not relevant to claims for reimbursement. The opinion is just that - an opinion - rather than a ruling, and did not form part of the final ECJ ruling on the narrow issue at stake.

The LGA has received legal guidance on the form of words that councils can use in respect of such claims. This is available from rebecca.johnson@local.gov.uk

Cummings v Cardiff¹⁰

Cardiff Council had proposed a significant increase to hackney carriage and private hire vehicle charges in July 2013. Cummings and other claimants then challenged Cardiff City Council to a judicial review over the way these costs had been calculated. In 2014, Mr Justice Hickinbottom granted the claim for the review on the grounds that:

- the level of fees set failed to have regard to and/or account for any surplus or deficit generated in previous years dating back to 1 May 2009

¹⁰ <http://www.stjohnschambers.co.uk/dashboard/wp-content/uploads/Cummings-Others-v-Cardiff-11.pdf>

- the level of fees set failed to account for any surplus or deficit accrued under each of the hackney carriage and private hire licensing regimes within the regime under which they have accrued
- the level of fee set for hackney carriage licences in 2013 included part of the cost of funding taxi marshals for the Council's administrative area.

The Judge also made declarations that:

- (1) A local authority when determining hackney carriage and private hire licence fees under ss.53 and 70 of the LG(MP) Act 1976 must take into account any surplus or deficit generated from fees levied in previous years in respect of meeting the reasonable costs of administering the licence fees as provided by ss.53 and 70 above.
- (2) A local authority must:
 - keep separate accounts for hackney carriage and PHV licence fees under ss.53 and 70 of the LG(MP) Act 1976
 - ensure that any surplus or deficit identified under each part of the hackney carriage and private hire licensing regimes is only applied to the part of the system from which it has been raised/lost
 - ensure that any surplus from one licensing regime shall not to be used to subsidise a deficit in another.

Acknowledgments

This document was updated in 2017 to reflect the ECJ decision *Hemming v Westminster*.

The original document was put out to public consultation between 5 and 29 November 2013 and updated in November 2015 to reflect the Supreme Court decision in *Hemming v Westminster*. On both occasions it was reviewed and cleared by the LGA's in-house legal team and external Counsel: similar, the amendments in 2017 were based upon guidance from Counsel.

We are very grateful to all those listed below who responded to the consultation exercise:

- The Home Office
- Bolton Council
- Bristol City Council
- Broadland District Council
- Members of the LGA Licensing Forum
- Oxford City Council
- Southampton City Council
- West of England Group of Local Authorities



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North Yorkshire Council

Executive Members

25 July 2025

Allerton Waste Recovery Park Annual Performance 2024-25

Report of the Assistant Director – Environment and Transport

1.0 PURPOSE OF REPORT

- 1.1 To update the Corporate Director Environment and Executive Member for Managing our Environment about contractual performance of Allerton Waste Recovery Park (AWRP) for the 2024-25 Contract Year.

2.0 BACKGROUND

- 2.1 Allerton Waste Recovery Park (AWRP) has been operational since 1 March 2018 and consists of a Mechanical Treatment (MT) plant, an Anaerobic Digester (AD) and Energy from Waste (EfW) facility. The site also has offices and a Visitor and Education Centre where members of the public and groups can visit the facility to learn about management of waste. The facility can receive up to 320,000 tonnes of waste per annum in accordance with the Planning Permission.
- 2.2 The Contract requires provision of the following annual reports within 40 Business Days of the end of the previous Contract Year.
- an Annual Reconciliation Report
 - an Annual Waste Data Report
 - an Annual Energy Report.
 - the Annual Service Report
 - the Environmental Report.
- 2.3 This report summarises the 2024-25 performance compared against the previous year.

3.0 SUMMARY OF THE CONTRACT YEAR

- 3.1 2024-25 was a difficult year operationally for AWRP. Availability of the EfW was lower than the previous year and several unplanned periods of downtime meant that contingency diversion arrangements were put in place with Contract Waste being diverted to alternative treatment facilities or landfill sites. Whilst Mechanical Treatment plant availability increased when compared to the prior year, tonnage throughput was lower, and recycling performance was slightly lower.
- 3.2 AWRP had two planned maintenance outages during the Contract Year. The first was between 19 April – 15 May 2024 and the second started on 20 March 2025 and ran until 20 April 2025. There were some issues with the return to services following both planned outages and additional contingency diversions were required to remain in place.
- 3.3 Throughout 2024-25, work continued with the Contractor to progress the changes required resulting from the Permit Variation for AWRP which was issued by the Environment Agency in September 2023. In December 2024, an Independent Technical Advisor was jointly appointed by NYC and AWRP SPV to assist with the Qualifying Change in Law (QCIL) process and validation of cost claims.

3.4 In June 2024, the Government issued a further consultation around the UK Emissions Trading Scheme and inclusion of EfW facilities from 2028. The consultation considered mechanisms for distributing costs including linking with the packaging changes and Extended Producer Responsibility (pEPR) scheme. The document also consulted on options for monitoring and measuring fossil carbon from emissions that would require purchase of carbon allowances. NYC responded to this consultation in July 2024 and since then, there have been no further updates from Government.

4.0 TONNAGES

4.1 Total waste managed through the contract in 2024-25 was 312,253 tonnes. The tables below set out waste types and whether material was sent to AWRP or a Contingency Delivery Point.

	2024 -25 AWRP
Contract Waste	221,646
Third Party	30,278
	251,924
	2024-25 Contingency
Landfill	35,034
Treatment	25,295
	60,329

5.0 CONTRACTUAL TARGETS – AUTHORITY REQUIREMENTS

5.1 The table below shows the performance for the last two Contract Years against the Authority Requirements. Further details on performance are included in the sections below.

Target	Authority Req	2023-24	2024-25
Recycling/composting of Contract Waste	5%	1.78%	1.75%
Landfill diversion of Contract Waste	70%	94.86%	87.29%

6.0 CONTRACTUAL TARGETS – KPIs

6.1 The table below summarises the 2024-25 performance against the KPIs as set out in the Performance Framework.

KPI	KPI description	2023-24 Performance Failure points (PFPs)	2024-25 Performance Failure points (PFPs)
1	Contract Waste recycling (5% target)	212,000	215,000
9a	Max turnaround time Mechanical Treatment Facility (30 mins)	800	1,200
9b	Max turnaround time Energy from Waste facility (40 mins)	800	200
		213,600	216,400

7.0 RECYCLING PERFORMANCE – KPI 1

7.1 Recycling performance was 1.75% against a contractual target of 5% which was a slight reduction when compared to the prior year's outturn. The main reason for this were issues with the EfW availability and breakdown of one of the MT shredders in December 2024. The shredders were replaced in early March 2025.

8.0 MT PERFORMANCE

8.1 The table below shows the performance of the MT for tonnage throughput and availability over the past two Contract Years.

	2023-24	2024-25	Change
Tonnage throughput	157,280	136,655	-13.11%
Availability (time)	75.65%	82.06%	6.41%

8.2 The MT had the highest availability performance since the contract started, however there was less tonnage throughput due to issues with the EfW availability and the need to balance bunker levels.

8.3 The first half of the year saw steady performance overall when taking account of the planned maintenance outage and some small blockages in the facility.

8.4 Performance over the last six months of the year was impacted by failure of the main shredder and also the requirement to manage the EfW bunker levels, so the MT was operating at a reduced throughput. There was a second planned maintenance outage that started in March 2025 which also impacted on MT performance as the EfW was offline from 20 March.

9.0 ENERGY FROM WASTE PERFORMANCE

9.1 AWRP had two planned maintenance outages during the Contract Year. The first was between 19 April – 15 May 2024 and the second started on 20 March 2025 and ran until 20 April. There were some issues with the return to services following both planned outages and additional contingency diversions were required.

9.2 The table below shows the performance of the EfW in relation to tonnage throughput and availability over the last two Contract Years.

	2023-24	2024-25	Change
Tonnage throughput	270,523	218,076	-19.39%
Availability (time)	86.87%	77.05%	-9.82%

9.3 In June 24, the EfW had its first month with 100% availability since the contract started, however from September onwards, there were a number of issues and breakdowns including several blockages, snapped or blocked ash extractor chains and a hopper flap detaching and falling into the grate on line 2 which negatively impacted availability. The most significant blockage was in the ram feeder in late September which kept the plant offline for 10 days.

9.4 The EfW was unavailable for just under 84 days over the year. 30.5 days were due to planned outages and the remaining 53 days resulted from unplanned down time.

	2023-24		2024-25	
	Days	%	Days	%
Planned downtime (DT)	27	7.50%	30.5	8.29%
Unplanned DT – Other (including operational / system failures)	21	5.70%	53.3	14.61%
	48	13.2%	83.8	22.90%

10.0 AD PERFORMANCE

10.1 The table below shows tonnage throughput of the AD over the past two Contract Years.

	2023-24	2024-25	Change
Tonnage throughput	8,025	5,297	-34%

10.2 2024-25 was a difficult year again for the AD with the lowest tonnage throughput and electricity generation to date. The reduced throughput can be mainly attributed to availability of both the EfW and MT plant.

10.3 AD performance was also impacted by some mechanical issues (including a blocked S tube and a failure of the bursting disc in May 24) and issues with biology of waste in the digester reduced the amount of material that could be fed into the process.

11.0 LANDFILL DIVERSION PERFORMANCE

11.1 The table below shows the percentage of Contract Waste that was diverted away from landfill over the past 2 Contract Years.

	2023-24	2024-25	Change
Diversion from landfill %	94.86%	87.29%	-7.57%

Landfill diversion performance fell by just over 7.5% for the Contract Year which was directly linked to the availability issues with the EfW. We are working with the operator to try and get material to other waste treatment facilities rather than landfill sites where possible during any periods of diversion.

11.3 May and October 24 were the only months where diversion performance fell below the 70% contractual target due to the planned maintenance outage and the ram feeder blockage. For the remainder of the year, diversion performance averaged 91.5%.

12.0 ENVIRONMENTAL PERFORMANCE

12.1 During 2024-25, Thalia reported 48 instances of non-compliance with the AWRP environmental Permit (all for the EFW). There were 26 reportable instances in 2023-24.

12.2 All but one of the breaches were categorised by the Environment Agency as having "no impact on human health, quality of life or the environment". Only one was categorised as having a "minor impact on human health, quality of life, or the environment". This event was a single, short-duration exceedance of dioxin/furan concentration above the Emission Limit Value. The Environment Agency agreed with Thalia's assessment that there was no clear root cause and no evidence of abatement system failure. Follow-up testing showed emissions well below the permit limit. The case was referred to the UK Health Security Agency (UKHSA), which raised no health concerns.

12.3 The Environment Agency operates a Compliance Classification Scheme where operators are rated based on compliance with their Environmental Permit. The 2024 rating for AWRP is band B.

13.0 VISITOR CENTRE

13.1 During 2024-25, the Visitor Centre welcomed over 1,300 visitors including school pupils from primary, secondary, independent, and special schools and local environmental groups. In addition to the visits, the AWRP Education officer interacted with over 1,700 people in schools across North Yorkshire (delivering assemblies and workshops), the Women's Institute and Scout groups.

13.2 A Halloween open day was held and over 55 people toured the facility and took part in recycling and upcycling crafts with North Yorkshire Recycling Officers and North Yorkshire Rotters. A successful Climate Change event was hosted at AWRP, which welcomed headteachers and school leaders from across North Yorkshire so that they could meet other professionals and improve their school's environmental credentials.

13.3 The Thalia website had over 2,750 visitors each month - with over 7,500 views of the Allerton Waste Recovery Park page during 2024-25. The pledge micro site recorded a carbon offset of 1,682kg since Services commenced.

14.0 FINANCIAL IMPLICATIONS

14.1 Whilst there are no specific financial implications arising from the contents of this briefing note, the document refers to a contractual change process linked to the Environmental Permit at AWRP.

14.2 The waste team are working with the Independent Technical Advisor to establish the likely overall value of any changes required under the Contract and a further report would be brought to the Executive Member in the future detailing costs and funding provisions.

15.0 LEGAL IMPLICATIONS

15.1 There are several considerations to take into account when managing a Qualifying Change in Law (QCiL) process. The changes to the Environmental Permit at AWRP are likely to be a High Value Change (the threshold for this change under the Contract is £2m).

15.2 The Contractor can claim for project management fees for preparing responses to a High Value Change notice. Senior Lenders due diligence costs are also required to be covered by the Authority (these fees are capped at 5% of the value of the change). Specialist external legal advisors are supporting the NYC waste team with the change process.

16.0 EQUALITIES IMPLICATIONS

16.1 There are no equalities implications arising from this briefing note.

17.0 CLIMATE CHANGE IMPLICATIONS

17.1 There are no climate change implications arising from this briefing note.

18.0 RECOMMENDATION

18.1 To note the contents of this briefing note

APPENDICES: None

BACKGROUND DOCUMENTS: None

Michael Leah
Corporate Director – Environment
County Hall
Northallerton
1 July 2025

Report Author – Lisa Cooper, Commercial Manager (Waste)
Presenter of Report – Lisa Cooper, Commercial Manager (Waste)

North Yorkshire Council

Environment Executive Members

25 July 2025

Response to the Government call for evidence on solar car parks and electric vehicle charging

Report of the Assistant Director – Environment and Transport

1.0 PURPOSE OF REPORT

- 1.1 To provide the Corporate Director, Environment Services and Executive Member for Managing our Environment with the proposed response to the Department for Energy Security and Net Zero and Department for Transport's call for evidence on solar car parks and electric vehicle (EV) charging, and to seek any further views and approval to submit the response.

2.0 BACKGROUND

- 2.1 The government is seeking evidence on a proposal to mandate the installation of solar canopies on new outdoor car parks, subject to some exemptions, as well as views around current planning policy relating to EV charging infrastructure.
- 2.2 This report outlines the council's proposed response to the consultation. Once approved, the response will be submitted to the relevant government departments.

3.0 CALL FOR EVIDENCE

- 3.1 The focus of the consultation is on the implementation of solar canopies in car parks like those illustrated in Appendix A (Photo 1). In their consultation document, the government notes that the potential for solar canopies on car parks lies in leveraging their significant under-utilised surface area to contribute meaningfully to the UK's renewable energy generation capacity. By being situated close to existing centres of electricity use, car parks have the potential to reduce the grid electricity demand (and bills) of those who host them. Solar canopies offer a dual use of the land and can provide additional revenue through the sale of any electricity not used on-site.
- 3.2 Government policy is in a very formative stage, and we do not have any firm details yet about how it would be designed and implemented. The idea is that new car parks will be required to install solar canopies, subject to some specific exclusions (which are currently undefined). And the potential for requiring this in existing car parks is also being considered, but again, there are no firm proposals about how this would be done. The call for evidence is intended to inform this policy development.
- 3.3 The response has been written collaboratively by council officers in various teams including parking, property, EV & infrastructure, and climate change. The response can be found in Appendix A.

3.4 The overall officer view supports the principle of maximising the use of car park space with solar canopies, as this will contribute directly to our carbon reduction targets and could result in long term cost savings. Any mandatory requirements should be cost-neutral overall to us as a local authority, so schemes should only be mandated where they are known to be feasible and where a strong business case can be applied, and if necessary financial support (e.g. grant funding) should be made available to enable the delivery of new government policy.

3.5 The second part of the consultation relates to electric vehicle charging infrastructure and planning. The call for evidence is seeking insight into planning and permitting changes required to support continued acceleration in relation to charge point deployment. The officer response identifies several barriers to action, especially for householders, and provides some suggestions for improvement including how to streamline the process for installing cross-pavement charging.

4.0 ALTERNATIVE OPTION CONSIDERED

4.1 Not reviewing and agreeing to the submission is rejected because it would prevent the council's opinions from being considered as part of national policy development.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising as a result of responding to this consultation. Any financial implications that arise from the government's future policies will be dealt with in future reports in line with the Councils financial governance process.

6.0 LEGAL IMPLICATIONS

6.1 Submitting the response will have no immediate legal implications, but following the outcome of the call for evidence, there may be legal implications for the council arising from changes to government policy, which will be dealt with as required in future reports.

7.0 EQUALITIES IMPLICATIONS

7.1 An equalities impact assessment (EIA) screening has been carried out. Approving and submitting this consultation response will not have an impact on people with protected characteristics, so a full EIA is not required. (Appendix B)

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 A climate change impact assessment (CCIA) screening has been carried out. Approving and submitting this consultation response will not have a climate change impact, so a full CCIA is not required. (Appendix C)

9.0 REASONS FOR RECOMMENDATION

9.1 Officers have produced a response to the call for evidence, which is attached as Appendix A. Any further views are now being sought from the Corporate Director and Executive Member, along with approval to submit the response.

10.0 RECOMMENDATION

10.1 Subject to any comments received, it is recommended that the Corporate Director for Environment, in consultation with the Executive Member for Managing our Environment agrees to submit the proposed response (Appendix A) to the Department for Energy Security and Net Zero and Department for Transport.

APPENDICES:

Appendix A – Call for evidence response questionnaire.

Appendix B – Equalities Impact Assessment screening

Appendix C – Climate Change Impact Assessment screening

BACKGROUND DOCUMENTS: None

Michael Leah
Assistant Director – Environment and Transport
County Hall
Northallerton

Report Author – John Ward-Campbell, Climate Change Business Partner
Presenter of Report – Shaun Berry, Head of Sustainability and Environment

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Government call for evidence on solar car parks and EV charging

Photo 1: Illustrative solar canopy type, as used in call for evidence document:



Section 1 Questions

Q: What different car park ownership models in England, Wales and Northern Ireland are you aware of? Please provide any evidence you have on the proportion of market share covered by each of these ownership models.

North Yorkshire Council operates 176 car parks in total, of which 153 are charged (under TPOs), the rest are free. We know that there are a small number of privately run car parks, *excluding* supermarkets and similar locations. The total of car parks across all North Yorkshire number is not known.

Q: There is conflicting evidence on the number, size and location of non-domestic car parks in England, Wales and Northern Ireland. Can you provide quantitative evidence to help address this?

None available

Q: Do you agree that we have identified all the major benefits to car park owners which could emerge from the installation of solar canopies?

Yes. We would also recommend consideration on how the policy can support other types for renewables which may be appropriate in some locations. Other renewable energy types can complement solar PV by generating energy at different times, enhancing overall output and resilience. As part of this we would need clear national or local frameworks to streamline approvals while ensuring safety and noise standards are met.

Q: How would you expect any generated electricity on the car park(s) you might own or operate to be used? You may select multiple options.

Either self-consumption (including on-site EVCPs) or exporting to grid. This would depend on many factors including the intended business model, the specifics of the location itself and its expected use.

Q: How do you think the installation of solar canopies would impact the financial valuation of a car park?

No evidence currently on impact.

Q: Do you agree with the estimated revenue from selling electricity back to the grid through a SEG tariff, and/or the estimated electricity cost savings from self-consumption? Please provide any relevant qualitative or quantitative evidence.

Don't know. No evidence held either way.

Q: Do you agree that we have identified all the potential wider societal benefits?

Yes

Q: Do you think that solar capacity installed on car parks would be new capacity, or would it displace solar capacity from elsewhere in Great Britain?

More likely to be new capacity, especially for council owned car parks. However in private sector this would depend who the developer/investor is, and whether they are diverting investment form, say, solar projects elsewhere, so it is a hypothetical as present.

Q: Do you agree that we have identified all the major costs that could emerge to car park owners from the installation of solar canopies?

No. Costs should also include the cost of site surveys, feasibility studies and preparation of business cases for individual locations. Also include any necessary enabling works which will vary from site to site.

It is essential that all installations must meet safety regulations, including electrical isolation, fire safety, and structural standards. Canopies should be designed to maintain accessibility for all users, including disabled drivers, and to ensure the car park remains safe and user-friendly.

Q: Do you agree with the estimated costs and assumptions relating to: installation, grid connection, missed revenue, familiarisation and maintenance?

There are too many variables to give a clear sense of likely costs. For example, physical site constraints, grid capacity, type of system, overall design and market volatility will all have an impact of feasibility and final cost.

We recommend the department carries out some "real-life" feasibility studies at archetype car parks to establish a clearer understanding, for example a sample of rural and urban settings, in different regions and with different grid capacity.

Q: How do you think these costs may differ between existing car parks and new car parks?

We assume that the cost of installation would be lower in a new car park because the car park location, layout and design can be created with canopy installation in mind from the outset, whereas a retrofitted solution may have to overcome individual site constraints which would add to the cost.

Q: How would you cover the costs arising from the installation and maintenance of solar canopies? Please provide any relevant qualitative or quantitative evidence.

We have not carried out any feasibility studies on our existing car par estate so cannot provide qualitative evidence. However, given the pressing limitations on local authority budgets, we would only proceed on the basis that an installation has to be cost neutral (or best-case scenario income generating) in this case by both reducing electricity bills for on-site services including EVCPs, and exporting to the grid.

Q: Would mandating the installation of solar canopies impact your decision to construct new car parks?

No comment as we have no plans for new ones currently.

Q: If you were looking to develop a new car park and solar canopies were mandated, would you look to install and manage the solar panels in-house, or sell / lease the car park area to another company?

Difficult to answer, as this is a hypothetical scenario. It would depend on the individual location and business case for investment.

Q: Would mandating solar canopies on new car parks impact other planned investments such as building new housing or other solar/renewable generation installation (e.g. on the roof of adjacent buildings)?

No evidence on this currently.

Q: How does the cost of solar canopy installation compare to installing solar elsewhere (e.g. on rooftops or in nearby solar farms)?

We would expect it to be lower.

Q: If solar were mandated on car parks, how long should the implementation period be, in order to reduce costs and disruption?

We would encourage implementation of the policy as soon as possible once mandated.

Q: Do you agree that we have identified all the costs of this proposal to wider society which could emerge?

Yes

Q: Do you agree that we have identified all the major barriers to the installation of solar canopies, or have we omitted anything? Do you disagree with any of the barriers we have outlined? Please provide any relevant qualitative or quantitative evidence.

Yes

Q: What support or incentives would help overcome these barriers? Can you think of any other government measures, aside from mandating, which would help increase solar deployment on existing car parks?

Funding:

Government funding (e.g. direct grants) would be essential for retrofitting public sector and council-owned car parks. Also keeping/making relevant installations VAT-free.

Planning permission:

Solar canopies on new car parks should be standardised in planning policy, ensuring consistent delivery aligned with climate targets.

Grid connection:

National policies should prioritise renewable energy connections and provide clear guidance for integrating solar and wind generation with EV charging.

Battery storage:

Guidance is needed to integrate battery storage safely in public car parks, given the potential benefits of storage to manage peak loads.

Q: If you are a car park owner/operator with solar PV deployment already, what were the biggest barriers to installation and how did you overcome them?

N/A

Q: Might there be impacts on the distribution networks as a result of this policy? Please provide detail.

We recommend consulting in detail with the DNOs.

Q: Would you be willing to accept an export limitation condition (potentially capped at zero export) to speed up the connection process? How would this affect the timescale for making returns on the initial capital investment?

It is unlikely we would accept this. Depending on the size and type of system and on-site facilities, it is unlikely we would consume all generated power on-site, so a stringent (possibly zero) export cap would undermine the business case for investment. The suggestion of a capped or zero export condition is in opposition to other points in the consultation relating to estimate energy generation income.

Q: If a mandate is introduced, how should it be monitored and enforced?

We presume this would sit with local authority development control. Resources would need to be available via fees or other sources to enable this new work to be effectively delivered.

Q: Should any additional categories of car parks be exempt (e.g. based on size, location, unsuitability, physical state or usage)? Your answer may refer to existing and/or new car parks.

Exemptions should apply where installing canopies would clearly be unfeasible.

Q: Do you think any policy to mandate solar installation should apply to existing car parks or only new car parks? Do you think residential and/or multi-storey should be exempt?

We are supportive of the principle, but any mandatory regulation for retrofitting systems has to require funding for implementation. For the council, the installation has to be cost neutral.

This will either be achieved by ensuring revenue generated covers costs (which may vary from site to site), and/or by provision of government grant to enable work to happen. Many existing sites were not designed for PV, so would be cost-prohibitive to install.

For existing car parks, we recommend a site-by-site feasibility assessment before mandating retrofits. Many existing sites are shaded, poorly oriented, or face structural challenges that limit the viability of PV. A tailored approach ensures that investment is directed where it will deliver the greatest benefits.

There are unlikely to be any surface level residential car parks of that size within North Yorkshire. For multi-storeys this will be very site specific. We are aware of some existing MSCPs which are not structurally suitable for roof-mounted PV. For new construction, this can be built into the design but we do not have insight into likely costs.

Section 2 Questions

Q: Are the current planning rules, included planned changes, around charging on private land appropriate? Are there further potential changes that could be made to the planning system in relation to EV charging installations and the associated site in residential and commercial settings, including listed buildings? What evidence can you provide that would support this position?

The rules around charging on private land are appropriate.

Q: Are the current and planned planning rules around equipment, housing and energy storage systems (i.e. batteries), and the use of solar appropriate? Are there further changes to the planning system that could accelerate the installation of energy storage systems to support ChargePoint installations? What evidence can you provide that would support this position?

Q: What changes could be made to consenting processes for cross-pavement charging solutions, if any? What evidence can you provide to support this position?

A major barrier to cross-pavement charging solutions is the current requirement for planning permission. This requirement should be retained only for listed buildings and properties within conservation areas. In other cases, the consenting process could sit primarily with Highways or EV Infrastructure teams, focusing on the physical suitability of the location for a cable to cross the pavement.

At present, residents without off-street parking face a lengthy and uncertain process. Applying for planning permission typically takes 8–12 weeks, costs £528 in application fees, and often involves additional professional costs for drawings or supporting material, with no guarantee of approval. Even if planning is granted, applicants must still separately secure Highways approval. This makes the process disproportionately complex and costly compared to other home improvements.

To address this, national criteria should be established to determine where and how cross-pavement charging can be permitted. At present, local authorities are forced to interpret ambiguous or conflicting guidance, often developing their own approaches and exposing themselves to liability risks in the process. There are no national standards for key elements — such as cable gulleys or cable mats — leaving councils to navigate a complex and inconsistent landscape. Current guidance is insufficient and lacks the clarity and authority needed.

A nationally defined framework should be introduced, clearly specifying:

- Where cross-pavement charging can be permitted
- What types of installations are acceptable
- Who can carry out the work
- What insurance households must hold
- What constitutes a safe installation in terms of both electrical and highway safety

Such a framework would provide consistency and reduce the burden on local authorities. If needed, a dedicated licensing scheme for cross-pavement charging could be created to formalise and enforce these requirements.

As evidence, North Yorkshire Council has been developing a cross-pavement charging trial for over 12 months, but progress has been slow due to the need to resolve multiple overlapping issues. These include:

- Unclear responsibilities around insurance, risk and liability
- The need to coordinate Highways permissions, planning requirements and safety regulations
- A lack of standards regarding safe distances from electrified street furniture
- Liability questions around maintenance and reinstatement following utility works or resurfacing

A national framework would streamline this process and remove many of the current barriers, enabling a fairer and faster rollout of EV charging for residents without access to off-street parking.

Q: Are the current rules for planning and consents around on-street charging appropriate? What further changes would you make? What evidence can you provide to support this position?

The current rules for public charging are appropriate.

Q: Overall, and having regard to the contents of this call for evidence are there any other comments you wish to include in the role of highways permitting and licencing or national planning policy / guidance in better planning for and delivering electric vehicle charging infrastructure? What evidence can you provide to support this position?

Local Authorities should retain control of what is installed where on the Highway to ensure safety, clarity and consistency.

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Environment		
Service area	Climate Change		
Proposal being screened	Response to the government call for evidence on solar car parks and electric vehicle charging		
Officer(s) carrying out screening	John Ward-Campbell		
What are you proposing to do?	Respond to DESNZ via their online questionnaire.		
Why are you proposing this? What are the desired outcomes?	To ensure the council's views are heard in developing national policy.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		x	
Disability		x	
Sex		x	
Race		x	
Sexual orientation		x	
Gender reassignment		x	

Religion or belief		x	
Pregnancy or maternity		x	
Marriage or civil partnership		x	
People in rural areas		x	
People on a low income		x	
Carer (unpaid family or friend)		x	
Are from the Armed Forces Community		x	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No		
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
Decision (Please tick one option)	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:
Reason for decision	Responding to the call for evidence will not have an impact on people with protected characteristics		
Signed (Assistant Director or equivalent)	Michael Leah		
Date	14/07/2025		

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Response to the government call for evidence on solar car parks and electric vehicle charging
Brief description of proposal	The proposed response to the call for evidence is presented for consideration and approval by director and executive member
Directorate	Environment
Service area	Climate Change
Lead officer	John Ward-Campbell
Names and roles of other people involved in carrying out the impact assessment	

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following.

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact, then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full CCIA:	<input type="checkbox"/>
Reason for decision	Approving and submitting the consultation response (the subject of this report) will not have a climate change impact. Impacts relating to the implementation of any future policy connected to this will be dealt with in future reports as necessary.			
Signed (Assistant Director or equivalent)	Michael Leah			
Date	14/07/2025			

North Yorkshire Council

Environment Executive Members

25 July 2025

York and North Yorkshire Combined Authority Community Fund 2025 – Application for Public Conveniences

Report of the Assistant Director – Environment and Transport

1.0 PURPOSE OF REPORT

- 1.1 To seek approval for the submission of an application to York and North Yorkshire Combined Authority for funding of £20,000 from the Corporate Director Environment in consultation with the Assistant Director- Resources to purchase steel doors for the public conveniences of Harrogate to increase safety and reduce anti-social behaviour.

2.0 BACKGROUND

- 2.1 Launched in May 2013, The Community Fund is specifically for local organisations, groups or individuals who need money to help fund a new community safety project or scheme.
- 2.2 The money will be used on the public conveniences in Harrogate to replace all external access doors and install automatic opening and closing mechanisms, alongside reinforced security steel doors at each site, alongside improved lighting and signage.
- 2.3 Officers have prepared an application for submission and the closing date for applications is midday on 31 July 2025.

3.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

- 3.1 The York and North Yorkshire Office for Policing, Fire, Crime and Commissioning (OPFCC), part of the York and North Yorkshire Combined Authority, has been committed to providing a Community Fund since 2013.
- 3.2 The fund enables local groups and organisations to apply for grants of up to £20,000, for new or innovative projects that support local communities within North Yorkshire or City of York to feel safe and be safe.
- 3.3 The Community Fund aims to invest in one-off projects at a local level which can achieve positive outcomes for individuals and communities across three key areas; To support key or priority community locations to be or feel safe(r), to provide services or deliver projects which aim to prevent people from becoming victims of crime or anti-social behaviour (ASB), to provide services or deliver projects which aim to prevent people from becoming perpetrators or decrease the chance of people re-offending.
- 3.4 North Yorkshire's Police and Crime Plan 2025 - 29, is an evidence-based plan, informed by the public's identified priorities, following extensive consultation across York and North Yorkshire. The subsequent plan aims to respond to the concerns raised, while setting expectations for North Yorkshire Police to achieve.

3.5 Evidence collected shows that whilst the sites in Harrogate represent 4% of the network they account for 15% of the vandalism and crime. Damage has included broken locks, graffiti, and misuse of the space for non-sanitary purposes, leading to temporary closures, increased repair costs, and public complaints.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

4.1 Reports have been received and formal complaints from residents and local businesses expressing concerns over safety, cleanliness, and reliability of access.

4.2 There is strong local demand for safe, accessible, and consistently available public conveniences, especially for elderly residents, families with young children, and people with disabilities. We have also consulted with community support officers, who support the proposed improvements as a way to deter crime and reduce their callouts to these facilities.

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

5.1 The scheme contributes to the Council Plan Safe, Healthy and Living Well priorities as follows:

- i. Working with the Police to protect adults and children from harm as part of our Safeguarding Partnerships.
- ii. Prioritising early intervention, preventing crises before they arise.
- iii. North Yorkshire Council is committed to ensuring our communities are and feel safe. We will engage with residents, gathering local knowledge and fostering open conversations, while working closely with North Yorkshire Police.

6.0 ALTERNATIVE OPTIONS CONSIDERED

6.1 Applying for a grant towards steel doors on the public conveniences in Harrogate is considered an opportunity for NYC to tackle ASB and create safer environments alongside North Yorkshire Police, helping to meet our council priorities.

6.2 If the application is unsuccessful alternative funding will be provided from existing service budgets.

7.0 FINANCIAL IMPLICATIONS

7.1 If the grant application is successful the NYC will receive funding of up to £20,000 which will be used in conjunction with budget from existing service budgets to fund the cost of steel doors, the total amount required for this project is £83,000.

7.2 There are no ongoing costs for the Council over and above current revenue budgets for public conveniences.

8.0 LEGAL IMPLICATIONS

8.1 There are no legal implications arising from the submission of the grant application. Grant terms are not available at the present time but will be reviewed by Legal Services when released. If any of the grant terms present unacceptable risk for the Council, then the grant offer would be declined. In the event that the bid is successful, any contracts entered in respect of the grant funding will be in accordance with the Council's Procurement and Contract Procedure Rules, and if relevant the Public Contracts Regulations 2015 and/or the Procurement Act 2023.

9.0 EQUALITIES IMPLICATIONS

9.1 There are no significant equalities implications arising from this report, see Appendix A for screening.

10.0 CLIMATE CHANGE IMPLICATIONS

10.1 There are no significant climate change implications arising from this report, see Appendix B for screening.

11.0 COMMUNITY SAFETY IMPLICATIONS

11.1 Installing automatic open/close steel doors in public toilets enhances accessibility and safety—particularly for vulnerable groups such as the elderly, people with disabilities, and women and girls.

11.2 Reducing anti-social behaviour, re-offending and reducing callouts to the facilities.

12.0 REASONS FOR RECOMMENDATIONS

12.1 Applying for the grant will reduce pressure on existing service budgets and leaves room for further improvements which would not be possible without the additional funding.

13.0 RECOMMENDATION

13.1 To recommend that the Corporate Director of Environment approve the request to apply for the £20,000 grant awarded by York and North Yorkshire Combined Authority, to purchase new steel doors for public conveniences to help improve community safety.

APPENDICES:

Appendix A – Equality Impact Assessment

Appendix B – Climate change

Background documents: None

Michael Leah
Assistant Director – Environment and Transport
County Hall
Northallerton
31 July 2025

Report Author – Megan Davies Environment Graduate Trainee
Presenter of Report – Megan Davies Environment Graduate Trainee

Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Environment		
Service area	Waste and Streetscene		
Proposal being screened	Impact of new steel doors on public conveniences		
Officer(s) carrying out screening	Megan Davies		
What are you proposing to do?	Purchase new piece of equipment using grant funding		
Why are you proposing this? What are the desired outcomes?	Use of money to help meet North Yorkshire Police Crime Plan and reduce anti-social behaviour to help create safer communities		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	
Does the proposal relate to an area where there are known inequalities/probable impacts (for	No		

example, disabled people's access to public transport)? Please give details.				
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:	<input type="checkbox"/>
Reason for decision	No impact on protected characteristics			
Signed (Assistant Director or equivalent)	Michael Leah			
Date	11.07.2025			

Climate Change Impact Assessment

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	York and North Yorkshire Combined Authority Community Fund
Brief description of proposal	Grant to fund new steel doors on public conveniences in Harrogate to help create safer communities by reducing anti-social behaviour.
Directorate	Environment
Service area	Waste and Street scene
Lead officer	Megan Davies
Names and roles of other people involved in carrying out the impact assessment	Steven Goddard, Public Conveniences Manager

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following.

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	X	Continue to full CCIA:	
Reason for decision	Broadly no effects on environment. As public conveniences are already in place there will be no changes to existing environment.			
Signed (Assistant Director or equivalent)	Michael Leah			
Date	11.07.2025			

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