



Corporate Fees and Charges Policy

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Purpose of this policy

Basingstoke and Deane Borough Council is committed to ensuring the efficient and effective operation of the council and to deliver high quality services in the most innovative and cost-effective ways.

Current policy outlines the councils' key principles that will be considered when charging for our services in a transparent and consistent manner and how they can support the councils' ambitions. The policy will ensure we will have a properly considered and informed approach to all the charges we make for our services.

The management of fees and charges is fundamental to the financial performance of the council and the achievement of key priorities. The aim of this policy is to address the requirement for a corporate approach to the issue of fees and charges and to:

- set out the council's policy and principles in relation to setting fees and charges
- support transparent, consistent and informed decision making
- link charging decisions, subsidy and concessions to council priorities and strategies
- provide a policy context through which fees and charges can be a positive instrument for achieving council priorities and supporting the planning, delivery and improvement of services
- support the efficiency and commercialisation of our services to promote the Medium Term Financial Strategy (MTFS) and delivery of council objectives

Scope

This policy has been guided by current best practice and sits within a legal context, particularly statutory powers provided by the Local Government Act (LGA) 2003. Section 93 LGA 2003 and guidance empowers the council to charge for discretionary charges. This power cannot be used where the council is under a duty to provide the service, or where charging is prohibited or where a specific legislative charging regime applies. The council must have regard to guidance when charging for discretionary services under the Act. Accordingly, for each discretionary service where a charge is made, there is a duty to secure that, taking one year with another, the income from charges for that service does not exceed the costs of provision. Any over or under recovery that results in a surplus or deficit of income in relation to costs in one period should be addressed by the council when setting its charges for future periods so that over time income equates to costs. Section 93 also permits the council to charge only some persons for providing a discretionary service and to charge different persons different amounts for providing a service.

There are a further range of services where specific legislative provisions allow the council to decide whether to charge and how much. One such area is leisure and recreational facilities where a council is allowed to charge for these facilities beyond cost recovery limitations (section 19(2) Local Government (Miscellaneous Provisions) Act 1976).

The council also has power under section 1 Localism Act 2011 to do anything that individuals generally may do, subject to certain specified restrictions and limitations imposed by other statutes. The general power extends to charging for a discretionary service where there is no other power to charge.

This policy covers any goods or services that the council has a discretion to provide or has a statutory duty to provide but has the discretion to set the charge.

Statutory charges also fall within the scope of the policy, even though their level may not be determined by the council. This ensures clarity and consistency and allows subsequent reviews of the policy to be comprehensive. It also enables changes to the national legislative charging framework, and any other situations that may arise in the future, to be addressed.

The policy is supported and enabled by the Basingstoke and Deane “Charging Framework”. This is a decision-making process for the organisation which ensures that all potential aspects of fees and charges good practice are considered and evaluated before the decision is reached.

Policy principles

- In order to contribute towards the cost of providing services or to meet statutory requirements, the council will charge for all discretionary services where it is appropriate and cost-effective to do so, with a presumption that charges will be set at a level that enables full costs to be recovered, unless there are contrary policies, legal or contractual reasons.
- Subject to legal requirements and ensuring that the council is appropriately recovering costs and using benchmarking to identify where current charges are not aligned with comparable organisations, charges will be set at a level which ensures that all residents of the borough have access to services.

- Specific decisions and charging policies should support delivery of the Council Plan and other local strategies and service objectives. Charging decisions will take account of the council's cross-cutting themes and have regard for the potential impact on other business units. Where a service provides environmental benefits or wider community benefits by addressing a council plan priority, services may be subsidised.
- Subsidies and concessions should be used to help achieve specific targets or objectives. Concessions should be awarded and reviewed in relation to each service. Where subsidy and concessions are applied there should be an evaluation process in place to measure levels of success in meeting these objectives. Definitions and qualifying criteria for concessionary target groups should be consistent across the Council.
- Arrangements for charging and collecting fees should be efficient, practical and simple to understand by users.
- Charges, and decisions not to charge, will be reviewed annually in accordance with the council's charging framework and in sufficient time for the impact of any revisions to be included in the budget setting process.
- Consideration must be given to any equality impacts when changing a charge or setting a new charge.
- When services are provided by a third party, any contract provisions regarding charging to users should be consistent with the council's fees and charges policy.

Business units are expected to keep a schedule of all fees and charges levied. These schedules should include, and identified separately, any charges that are set and should record the date of the last in-depth review and the date of any decision and reason to provide a subsidy or concession. The power to charge should also be set out for each charge. The council's fees and charges will be reviewed and set prior to each financial year and published on the council's website alongside the approved MTFs and budget.

Policy implementation and variation

The updated policy will take effect from April 2025. It will then be reviewed every three years to ensure relevance, effectiveness and compliance, or sooner if required to deliver another council strategy or new legislation requires a review.

The policy will encompass decisions made as part of the annual fees and charges review process, where new charges are introduced or where existing charges are removed or amended. The policy is complimented by, and should be used with, the Basingstoke and Deane "Charging Framework".

Implementation of the charging policy is an integral part of the service planning process and this policy will be applied consistently across the council. Ongoing monitoring on the charges made will be undertaken by individual business units, by Internal Audit through the risk based audit programme and the Annual Audit Plan, and by Financial Services through the annual fees and charges review and setting process.

The policy principles have been designed, as far as possible, to remain valid and appropriate should organisational, local or national circumstances change in the future. However, variation to the policy may be agreed by Cabinet in exceptional circumstances. Variation is most likely to occur where the council has to respond within tight timescales to new legislation, Government policy, or an emerging local community or organisational issue. A solution must, however, always be explored through this policy and Basingstoke and Deane Charging Framework in the first instance.

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