



## Environment Committee

**27 JANUARY 2014**

<b>Title</b>	<b>Environment, Fees and Charges</b>
<b>Report of</b>	Housing and Environment Lead Commissioner
<b>Wards</b>	All
<b>Status</b>	Public
<b>Enclosures</b>	Appendix A - Fees and charges
<b>Officer Contact Details</b>	<p>Claire Symonds, Commercial &amp; Customer Services Director 0208 359 7082 <a href="mailto:Claire.symonds@barnet.gov.uk">Claire.symonds@barnet.gov.uk</a></p> <p>Paula O'Dumody, Business Performance &amp; Development Manager, 020 8359 4368 <a href="mailto:paula.o'dumody@barnet.gov.uk">paula.o'dumody@barnet.gov.uk</a></p> <p>Rick Mason, Assistant Director - Regulation and Network Management, 020 8359 7865 <a href="mailto:Rick.mason@barnet.gov.uk">Rick.mason@barnet.gov.uk</a></p>

## Summary

This report recommends, in accordance with the current constitution the fees and charges under this Committee's remit to be considered by the Committee prior to being presented to the Policy and Resources Committee for approval.

## Recommendations

1. That the Environment Committee consider and recommend the fees and charges set out in this report to be presented to Policy and Resources Committee for approval.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Fees and charges are considered annually to comply with legislative changes, to take into account inflation (where applicable), the cost of service provision and any new opportunities to improve the service offered to residents and service users. This report presents the proposed fees and charges for the coming year for those that fall within the remit of this committee. Any fees and charges which are not being increased by more than the rate of inflation, are not included within this report as their approval method is different
- 1.2 The fees and charges of two service areas are brought to this Committee, Environmental Health and Hendon Cemetery & Crematorium, both services delivered by Re (the council's joint venture company with Capita).
- 1.3 For Environmental Health Services, a review of actual costs to provide certain licences has been undertaken and so some fees have been increased above inflation to reflect actual costs, whilst some others have been reduced.
- 1.4 Animal related licences require a veterinary inspection. These inspections are carried out on behalf of the Council by City of London Veterinary Services. These are regulatory inspections carried out by Vets and Animal Health inspectors whom we have authorised with powers of entry. Fees have increased above inflation to reflect the increase in fees charged by City of London.
- 1.5 For the Hendon Cemetery & Crematorium, although the basis for charging burial and cremation fees for a local authority are set out in statute, this allows authorities to set fees as it thinks proper. Hendon Cemetery and Crematorium is in a competitive market with five other cemetery and crematoria within the borough and others in neighbouring boroughs, some of which are private and have freedom in setting fees.
- 1.6 With this in mind, fees for burial and cremation have been set at commercial rates, taking into account the fees charged by competitors and to place Hendon Cemetery & Crematorium appropriately within the market to attract business as well as being benchmarked with other cemeteries in the area to ensure they are competitive.
- 1.7 In response to the reduction in available burial space within the cemetery and London in general, 40% has been added to the cost of a pre-purchased grave, so that those wishing to purchase a grave for use at some time in the future will pay a premium for the benefit of securing the plot.
- 1.8 Fees for grave purchase for immediate use and for interments have increased by above inflation to reflect that no increase was made in the previous year.
- 1.9 The fee for mausoleum spaces has been reassessed and changed to reflect the actual amount of cemetery space that a mausoleum takes up which is the space of several normal graves.
- 1.10 All the fees and charges are attached as Appendix A

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The review of fees and charges is good practice and is undertaken annually, to ensure that costs of providing services are being recovered where appropriate. For those fees and charges that will be levied on the services provided by Re, the Council and Re have undertaken an audit of the fees and charges proposed and have updated, deleted or added fees as appropriate.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The alternative is to not review the fees and charges and adjust them (or add new ones if appropriate) but this is not good practice and could result in a failure to recover costs of provision of the service or indeed over recover where the charge is set at a cost recovery level. There are a number of charges for Cemetery & Crematorium service that have been set at a level to be competitive, as well as taking into account benchmarking results, and all are considered proper, as allowed by legislation, and are appropriate in the circumstances.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 If the fees and charges recommended are agreed then these will be submitted with a report to the Policy and Resources Committee for approval, in accordance with Constitutional requirements.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Barnet Council will work with local partners to create the right environment to improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

- 5.1.2 The three priority outcomes set out in the 2013/16 Corporate Plan are:

- Promote responsible growth, development and success across the borough
- Support families and individuals that need it- promoting independence, learning and well-being
- Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study

- 5.1.3 The proposed fees and charges schedule will aid Re to meet the financial challenges that the Council is facing which will in turn benefit the residents of the Borough.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 The review of the fees and charges will ensure that they are being charged at a correct rate and without a subsidy or excess charge being applied incorrectly. This is good practice and will ensure the costs of the services

provided are reviewed and charged accurately on a regular basis. It will also allow effective benchmarking with other local authorities offering the same services which will enable value for money to be determined.

- 5.2.2 The Fees and Charges contained within this report will contribute to managing the financial challenges faced by the council. They have been reviewed for VAT implications, and appear accurate to comply with appropriate VAT legislation.

### **5.3 Legal and Constitutional References**

- 5.3.1 Local authorities have a variety of powers to charge for specific statutory services set out in statute. The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services, the latter on a costs recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.
- 5.3.2 Additionally the Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services but again subject to conditions/limitations similar to those noted above.
- 5.3.3 Where authorities have a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard, however delivery beyond that point may constitute a discretionary service for which a charge could be made.
- 5.3.4 There is a variety of legislation permitting charging for different services, some which set prescribed fees and charges (or the range of charges for a given service), and others which allow discretion based on costs of providing the service.
- 5.3.5 In relation to cemeteries, the Local Authorities' Cemeteries Order 1977 allows local authorities to charge such fees as they think proper for or in connection with burials, for granting any permit for the placing and maintenance of tombstones or memorials in cemeteries or for placing an additional inscription on such a tombstone or memorial. Charges for cremation are also permitted by the Cremation Act 1902.

### **5.4 Risk Management**

- 5.4.1 Increasing fees and charges always poses an element of risk around the proportionate level of increase, when compared to residents' ability to pay. Every effort has been made to manage the charge increase to an appropriate level and in many cases the charge is at a cost recovery level only; however some element of reputational risk will remain.

## **5.5 Equalities and Diversity**

5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

5.5.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

5.5.3 An Equalities Impact Assessment (EqIA) has been undertaken, and identified a greater potential adverse financial impact relating to one of the proposed new approaches to charges for Hendon Cemetery and Crematorium on some communities and particularly the Muslim community, where religious practice can make it unacceptable to use a grave for more than one person. As no comments were submitted on this during the consultation period, the proposed fee has been included in the recommended schedule of fees and charges. As mentioned earlier in this report there are other providers of cemetery (and crematorium) services meaning that all individuals have a choice as to whether to use the service.

5.5.4 The outcomes and impact of these changes will be monitored and measured against current information to ensure that different groups are not adversely affected, as well as being compared against those of different boroughs.

## **5.6 Consultation and Engagement**

5.6.1 As in previous years, all fees and charges will be published on Engage Barnet, Barnet's Citizen Space for public consultation which will happen between the date of this committee and the March Policy and Resources Committee meeting and the results presented to that committee.

## **6. BACKGROUND PAPERS**

None