

	<p>Policy and Resources Committee</p> <p>24 March 2015</p>
<p style="text-align: right;">Title</p>	<p>Fees and Charges for 2015/16</p>
<p style="text-align: right;">Report of</p>	<p>Chief Operating Officer</p>
<p style="text-align: right;">Wards</p>	<p>N/A</p>
<p style="text-align: right;">Date added to Forward Plan</p>	<p>N/A</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A – List of Updated Fees and Charges</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Ruth Hodson, Head of Finance</p>

<p>Summary</p>
<p>This report presents the proposed fees and charges for the forthcoming financial year. All fees and charges have been approved by the appropriate committees. 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 via a delegated powers report.</p>

<p>Recommendations</p>
<ol style="list-style-type: none"> 1. That the Policy and Resources Committee consider the proposed fees and charges as detailed in Appendix A and approve them for implementation from 1 April 2015, or as soon as possible thereafter. 2. That the Policy and Resources Committee endorses the recommendations (as set out in paragraphs 5.3.12 to 5.3.14 of this report) from Adults and Safeguarding Committee of 26 January 2015 and 19 March 2015 on the setting of fees and charges.

- 3. That the Policy and Resources Committee note the charges for Regeneration & Housing Development within Appendix A are for noting only not formal approval.**
- 4. That Policy & Resources Committee note the updated Greenwich Leisure Limited (GLL) price schedule for leisure centres within Appendix A taking effect from 1 April 2015**

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.
- 1.2 All the relevant fees and charges are attached to this report 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 the Council and 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 option considered is not to review the fees and charges and adjust them (or add new ones if appropriate). This option was rejected because 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 should be set at a cost recovery level.

4 POST DECISION IMPLEMENTATION

- 4.1 If the Committee approves the attached fees and charges, these will be implemented from 1st April 2015 or as soon as possible thereafter.
- 4.2 The Emissions based charges and Temporary permits (weekly & monthly) within the parking section of Appendix A will only be implemented after the process to amend the Traffic Management Orders has been completed. This process can take up to 12 weeks and as such we would not expect to be in a position to implement the new charges until after April 2015.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The proposed fees and charges schedule will aid the Council to meet the financial challenges that the Council is facing which will in turn benefit the residents of the Borough. It will furthermore contribute towards the following corporate priorities:

5.1.1.1 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.

5.1.1.2 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

5.2 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 but don't contribute towards the achievement of any specific income proposals in the Medium Term Financial Strategy (MTFS). They have been reviewed for VAT implications, and appear accurate to comply with appropriate VAT legislation.

5.2.3 The Green permits for electric vehicles have reduced from £15 to free in 2015/16, in line with the Councils reduced emissions policy.

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 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.
- 5.3.6 In using the powers under the Road Traffic Regulation Act 1984, the authority has a duty, amongst other considerations, to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities both on and off the highway. This is pursuant to section 122 of the Road Traffic Regulation Act 1984.
- 5.3.7 The Council as the Highway Authority has the necessary legal powers to introduce or amend Traffic Management Orders through the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 5.3.8 The fees relating to Regeneration & Housing Development are for noting only as these are set and agreed in accordance with the contract between the council and Re.
- 5.3.9 Residential, Nursing and Respite Charges for Adult Social Care
The Department for Work and Pensions have announced changes in the rates of benefits payable and personal allowances from 6 April 2015. This In line with the Sections 14, 17 of the Care Act 2014, the Care and Support (Charging and Assessment of Resources) Regulations 2014 and Care and Support Statutory Guidance 2014.

The Department of Health Local Authority Circular LAC (DH) (2015)1, the authority will need to use the amended rates when calculating contribution levels for clients in 2015/16. This will relate to clients in residential, nursing and respite care. The changes in rates could impact on the level of charge that clients will need to make to their care.

5.3.10 Fairer Contributions Policy for Adult Social Care

The Council's adopted fairer contributions policy includes a protected income value which is equal to income support or pension credit plus 25%. Income support/pension credit is the weekly amount of money the Government sets as the lowest level of income that everyone should have to live on, to meet everyday living costs, such as food, travel and utility bills. The fairer contributions policy was adopted under Section 17 of the Health and Social Services and Social Adjudications Act 1983. This has been superseded by Sections 14, 17 of the Care Act 2014, the Care and Support (Charging and Assessment of Resources) Regulations 2014 and Care and Support Statutory Guidance 2014.

5.3.11 In relation to fees and charges for care services, the Care Act 2014 allows local authorities to charge the costs of care in accordance with the regulations and statutory guidance. In addition to charging for care, the regulations and guidance from 1 April 2015 allows local authorities to charge for the costs of universal deferred payments and the costs of arranging care for people who have savings or capital above the thresholds.

5.3.12 Adults and Safeguarding Committee on 26 January approved recommendations on fees and charges for universal deferred payments from 1 April 2015. These fees are set out in appendix A of this report.

5.3.13 The interest rate for deferred payments will be set at 1% from 1 April 2015. It is proposed that the interest rate charges will be reviewed every three months by Adults and Communities. The power to vary and change interest rates for deferred payments will be delegated to the Council's section 151 officer, with the maximum limit set by the Department of Health. The Department of Health will review the maximum limit bi-annually.

5.3.14 Subject to approval by the Adults and Safeguarding Committee on 19 March 2015, the fees and charges for the costs of arranging care for people who have savings or capital above the threshold are set out in Appendix A of this report.

5.3.15 Council's Constitution, Responsibility for Functions, Annex A – details that the certain committees are responsible for developing fees and charges for those areas under the remit of the committee for consideration by the Policy & Resources Committee. The Policy and Resources Committee is responsible for ensuring effective Use of Resources and Value for Money.

5.3.16 The Council's Constitution, Financial Regulations, Section 4.1.1 (Budget Strategy) states:

“The setting of fees and charges and the Council’s policies for the recovery of debt, which do not form part of the budget strategy are separately approved by the Policy and Resources Committee.”

and

“Policy and Resources Committee must approve changes to fees and charges that are significantly different from inflation, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.”

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 Equality Act 2010 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 for all the Adults & Communities charges within this report, as identified within Appendix A. The EqIA was submitted to the Adults & Safeguarding Committee detailing mitigating actions.

5.5.4 An Equalities Impact Assessment (EqIA) has been undertaken for all the Re fees & charges within Appendix A, 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 consultations were published on Engage Barnet, Barnet's Citizen Space for public consultation.
- 5.6.2 The fees and charges for universal deferred payments were subject to a separate public consultation. Following this consultation, a report on the fees and charges for universal deferred payments went to the Adults and Safeguarding Committee on 26 January 2015.
- 5.6.3 The proposals to make charges for care arrangements for people who have capital or savings above the threshold has been subject to separate public consultation. Following this consultation, a report on implementing the Care Act 2014 is being submitted to Adults and Safeguarding Committee on 19 March 2015 which includes recommendations to charge fees to cover the costs of arranging care.
- 5.6.4 The GLL charges within Appendix A do not require any formal consultation as the charges are in line with the contract, and are solely for members to note.
- 5.6.5 Regional Enterprise & Parking consulted on fees and charges between the 26th January and the 20th February. The consultation resulted in no comments from the public regarding fees and charges within this report.

9 BACKGROUND PAPERS

- 9.1 Adults and Safeguarding Committee – 26th January 2015 – Item 9 – Universal Deferred Payments - That the Adults and Safeguarding Committee approve the adoption of anew universal deferred payments scheme as set out in this report with effect from 1 April 2015. This scheme will meet statutory guidance and the legislative requirements of the Care Act 2014.
- 9.2 Environment Committee - 27th January 2015 – Item 7 Environment Fess & Charges - That the Environment Committee recommend the fees and charges set out in the report to be presented to Policy and Resources Committee for approval
- 9.3 Environment Committee – 27th January 2015 – Item 8 - Implementation of New Parking Policy. That the Environment Committee consider and recommend the parking permit charges set out in this report to be presented to Policy and Resources Committee for approval
- 9.4 Housing Committee – 2nd February 2015 – Item 15 Fees & Charges: Environmental Health - Private Sector Housing - That the Committee recommend the fees and charges set out in Appendix A to this report to be presented to Policy and Resources Committee for approval.

- 9.5 Planning Committee – 25th February 2015 – Item 15 Fees & Charges: Building Control - 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.
- 9.6 Licensing Committee – 19th March 2015 – Fees & Charges: All other licensing fees excluding street trading. 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.
- 9.7 Adults and Safeguarding Committee – 19th March 2015 - Implementing the Care Act 2014: Eligibility; Carers contributions; Care arrangement fees; Increased demand