

	ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 16/03/2017
Title	Barnet Council Fees and Charges for Services provided by Regional Enterprise
Report of	Chief Executive
Wards	All
Status	Public
Enclosures	Appendix A; Barnet Council Fees and Charges for services provided by Re
Officer Contact Details	Paula O'Dumody; paula.o'dumody@barnet.gov.uk; 020 8359 4368

Summary

The report seeks approval for named charges to be increased by inflation plus 2% (3.9%) or below. The report includes such fees and charges for: Highways; Trading Standards; Licensing; Environmental Health; Planning; Land Charges; Cemetery and Crematorium Street Naming and Numbering and Building Control.

Decisions

1. That the fees and charges listed in Appendix A be approved for increase by inflation plus 2% or below, for implementation from 1st April 2017.

1. WHY THIS REPORT IS NEEDED

- 1.1 Increases to Fees and charges are considered annually to comply with legislative changes, to reflect cost changes and to take into account the impact of inflation (where applicable). This report seeks approval for the proposed fees and charges for the coming year to be increased/amended. Increases in this report are limited to at or below inflation plus 2% (3.8%); increases in excess of this amount have been referred to Theme Committee, Planning Committee or Licensing Committee.
- 1.2 Some fees in the Appendix are not for approval by the authority as they are prescribed through central Government departments or have been approved through another approval body. These are included for information only and are marked as such in the Appendix.

2. REASONS FOR DECISIONS

- 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.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 The alternative is to not approve the new fees and charges but this would result in the Council not recovering the full cost of service provision for many services.

4. POST DECISION IMPLEMENTATION

- 4.1 Once the new fees and charges are approved they will be implemented on the 1st April 2017 or as soon as practicable thereafter. They will be published on the Council's website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The revision of fees and charges contributes to the core principals of Fairness, Responsibility and Opportunity
- 5.1.2 The proposed fees and charges will help the Council to meet the financial challenges that it is facing ensuring cost recovery, contributing to the medium term financial strategy, 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 schedule of proposed charges is attached at Appendix 1. Financial Regulations require that increases in fees and charges, higher than inflation and 2%, be referred to theme Committees, Planning Committee and Licensing Committee for approval. This report concerns increases below that threshold, and largely reflects inflationary increases.
- 5.2.2 Reviewing fees and charges ensures that they are being charged at a correct

rate and without a subsidy or excess charge being applied incorrectly. This is good practice and ensures the costs of the services provided are reviewed and accurately charged for on a regular basis.

5.2.3 The Fees and Charges contained within this report have been reviewed for VAT implications 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. 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, if there is a specific power to charge for it or if there is a prohibition on charging.

5.3.2 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.

5.3.3 There is a range of legislation permitting charging for different services, some which set prescribed fees and charges for a given service and others which allow discretion based on the costs of providing the service.

5.3.4 Paragraph 4.3.10 of the Council's Financial Regulations (Part 21 of the Council's Constitution) states, '*Chief Officers may approve changes to fees and charges annually where the change is broadly in line with inflation. The date for annual increases need not be 1 April.*'

5.3.5 Paragraph 1.5 of Annex B to Responsibility for Functions Scheme of Delegated Authority to Officers (Part 15 of the Council's Constitution) states, '*Before any delegated powers report is signed by a Chief Officer he or she must consider whether the issues involved are likely to raise significant levels of public concern or comment or give rise to policy considerations. Where this is the case, the views of the Chairman of the relevant Committee should be sought as to whether or not it is appropriate to use the delegation. All delegated power reports must indicate that this process has been undertaken*'.

5.3.6 The Chief Executive confirms that he has complied with the above requirement for this report.

5.3.7 Paragraph 1.6 of Annex B to Responsibility for Functions of Delegated Authority to Officers (Part 15 of the Council's Constitution) states, '*Formal reporting of officer decisions will take place if actions or decisions involve... (amongst other things)... the fixing of fees and charges which are broadly in line with or lower than inflation to be levied by the Council.*'

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 to reflect cost recovery in most cases; however some element of reputational risk will remain.

5.5 Equalities and Diversity

5.5.1 The Equality Act 2010 sets out the Public Sector Equality Duty which requires public bodies to have due regard to the need to:

- eliminate 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 in to day to day business and keep them under review in decision making and the design delivery of services. It is not considered that the fees and charges subject of this report will have an adverse impact on any of the protected groups but the outcomes and impact of these charges will be monitored and measured against current information to ensure that different groups are not adversely affected.

5.6 Consultation and Engagement

5.6.1 None

6. BACKGROUND PAPERS

6.1 None

7. DECISION TAKER'S STATEMENT

7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

I authorise the following action

8.1 Approve the proposed fees and charges for implementation from April 1st 2017.

Signed

A handwritten signature in black ink, appearing to read 'Jeffrey', written above a horizontal line.

Date

20/03/17
