

	<h2>Environment Committee</h2> <h3>7 November 2017</h3>
<p style="text-align: right;">Title</p>	<p>Fees and Charges – 2018/19</p>
<p style="text-align: right;">Report of</p>	<p>Strategic Director - Environment</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A – Proposed Fees and Charges 2018/19</p>
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<h2>Summary</h2>
<p>This report seeks to obtain approval for the proposed new and above inflation fees and charges for 2018/19 to support the Environment Business Plan, and delivery of front line service within the Environment Directorate</p>

<h2>Recommendations</h2>
<ol style="list-style-type: none"> 1. That the Environment Committee consider and approve the proposed fees and charges for 2018/19 as set out in Appendix A. 2. That the Environment Committee agree the Electric Vehicle Charging Point Pilot Scheme and delegate power to the Strategic Director – Environment to set the fees and charges for it.

1. **WHY THIS REPORT IS NEEDED**

- 1.1 Fees and charges are reviewed on an annual basis to ensure that the costs of chargeable services are covered and the Council is achieving value for money. This report sets out the proposed above inflation fee increases as well as new fees and charges for services within the Environment Directorate. Any fees and charges which are being increased broadly in line with, or by less than the rate of inflation, are not included in this report as their approval is delegated to Chief Officers.

2. **REASONS FOR RECOMMENDATIONS**

- 2.1 **Recommendation 1** – It is recommended that the Environment Committee consider and approve the proposed fees and charges for 2018/19, as it is considered good practice to review fees and charges annually to ensure that the costs of providing the services are recouped.
- 2.2 **Recommendation 2** – It is recommended that the Environment Committee agree the Electric Vehicle Charging Point Pilot Scheme and delegate power to the Strategic Director – Environment to set the fees and charges for it. The Environment Committee approved the development of a Transport Strategy on 14 July 2016, and Electric Vehicle Charging Points is likely to be one of the strategies in that document. Once the pilot has run for at least 6 months a report will be brought back to this Committee to provide detail about it and for the Committee to set the charges if minded to continue beyond the pilot period..
- 2.3 For the Electric Vehicle Charging Point Pilot Scheme the fees and charges need to cover the operating costs of the new facility. These complex costs are being determined and it is proposed that the total charge levied will include the cost of electricity used and other overheads recovered as a “plug in fee”. The plug in fee will consist of bank charges (2% of transaction fee), service provider fee, communication and networking fee, back office charges and maintenance. Charges will apply to both lamp column chargers and destination chargers (free standing chargers).

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

- 3.1 The alternative approach is not to review the fees and charges, or adjust the current fees and charges, or not to add new ones where appropriate. This, however, is not considered good practice and will potentially expose the Council to the risk of not recovering the costs of the provision of the service, or potentially, over recovery, where the charge is set at a cost recovery level.
- 3.2 Given the financial pressures currently faced by the Council the only viable option for continuing to provide services is to levy an appropriate fee or charge.
- 3.3 The alternative approach of seeking approval of a fee from this Committee in respect of the Electric Vehicle Charging Point Pilot Scheme was considered, but as many of the costs are currently unknown there would be a higher risk that the charges would not cover the operating costs of the new facility. This approach is therefore not recommended.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Committee is so minded to approve Recommendation 1 then the fees and charges will be noted by the Policy and Resources Committee as part of the Council wide budget setting. Once the budget is approved by full Council the fees and charges will be posted on the Council's website and, where a statutory duty requires it, advertised in the approved publication and appropriate location. This will include appropriate amendments being made to existing Traffic Management Orders to reflect the revisions identified in this report. The new fees and charges will be implemented from 1 April 2018.
- 4.2 If the Committee is so minded to approve Recommendation 2, the Strategic Director – Environment will set the fees for the Electric Vehicle Charging Point Pilot Scheme. The finance of the Electric Vehicle Charging Point Pilot Scheme will be evaluated once the scheme has operated for at least six months, and should there be a desire to continue beyond the pilot, setting of the fees and charges for a longer term scheme will be brought back to this Committee for approval.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

5.1.2 The Council's key areas of focus include:

- Delivering quality services – improving the overall approach to planning and enforcement, including taking action against environmental crime such as littering and fly tipping
- Delivering services that our residents value most to a high standard, including keeping our neighbourhoods and town centres clean, safe and healthy, maintaining our parks and open spaces, ensuring that our roads and pavements are well looked after.

5.1.3 Fees and charges need to be reviewed to ensure value for money and cost recovery. Thereby complying with the 2015-2020 Corporate Plan priority for Barnet to be in the lowest 25% of all Councils (Boroughs and County Councils) for expenditure per head of population, reviewing fees and charges is a means of keeping our net costs under control.

5.1.4 There are no implications relating to the Health and Wellbeing Strategy and its stated priorities, or the future health and wellbeing needs of the local population as identified in Barnet's Joint Strategic Needs Assessment.

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

5.2.1 **Finance & Value for Money:** With public and Member expectations increasing, the review of fees and charges ensures that sufficient resources are made available to manage and prioritise those expectations.

5.2.2 The fees and charges proposals will contribute to the cost recovery/savings target of £6.56m included in the Business Plan 2017/18 – 2019/20 submitted to the November 2016 Environment Committee, which was approved at Policy and Resources Committee on 1 December 2016.

5.2.3 Adjusting fees and charges will ensure effective cost recovery for delivering the service; prices listed do not include VAT, which will only be charged where indicated.

5.2.4 The Constitution requires that all new charges, and charges that are proposed to be increased by more than inflation plus 2%, are agreed by the relevant Theme Committee, and also reported to Policy and Resources Committee for noting.

5.2.5 **Procurement:** At this time there are no implications.

5.2.6 **Staffing:** At this time there are no implications.

5.2.7 **Property:** At this time there are no implications.

5.2.8 **IT:** At this time there are no implications.

5.2.9 **Sustainability:** At this time there are no implications.

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. This will be done as part of any contract procurement. No contract procurement is currently planned as a result of the recommendation in this report.

5.4 Legal and Constitutional References

5.4.1 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 cost 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.

5.4.2 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 these are subject to conditions/limitations similar to those noted above.

- 5.4.3 Where a local authority has a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard. Should a request be made, however, for delivery above and beyond that standard, this may constitute a discretionary service for which a charge could be made.
- 5.4.4 There is a variety of legislation permitting charging for different services, some of 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.
- 5.4.5 With regard to the designation of parking places and the permit banding and supplemental charges, consideration of the requirements of sections 45-46a of the Road Traffic Regulation Act 1984 need to be borne in mind. 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 which states:

122 Exercise of functions by local authorities

(1) It shall be the duty of [every] [strategic highways company and] local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off [the highway or, in Scotland, the road].

(2) The matters referred to in subsection (1) above as being specified in this subsection are—

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

[(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);]

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) any other matters appearing to . . . the local authority . . . to be relevant.

[(3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.]

The authority is also required to have due regard to the Secretary of State's Operational Guidance on Parking Policy and Enforcement (last updated 2015).

5.4.6 The Council's Constitution (Clause 15A, Responsibility for Functions, Annex A) sets out the terms of reference of the Environment Committee. This includes

- To consider for approval fees and charges for those areas under the remit of the Committee
- To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.
- To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee

5.4.7 The Council's Constitution (Clause 21, Financial Regulations) also states:

4.3.8 For the fees and charges within their remit, theme Committees, Planning Committee and Licensing Committee must approve changes to fees and charges that are above inflation by 2% or more, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.

4.3.9 Changes to fees and charges approved by theme Committees, Planning Committee and Licensing Committee must be reported to Policy and Resources Committee for noting

5.5 Risk Management

5.5.1 The fees and charges proposed within this report are based on recovery of costs incurred by the Council, and in respect of some, bearing in mind the Council's duties under the Road Traffic Regulation Act and associated guidance. Efforts have been made to limit the charge increases and consideration has been given to the charges adversely affecting demand for the services as well as the need to recoup the cost of providing the service. There will nonetheless remain an element of reputational risk and challenge.

5.5.2 If agreed by the Committee the Strategic Director – Environment will set the Fees and Charges for the Electric Vehicle Charging Point Pilot Scheme when costs for the new facility have been determined. This pilot will run for at least six months, the finance will then be evaluated, and a report will be brought to a meeting of the Environment Committee thereafter to set Fees and Charges for the longer term, thereby mitigating the risk that the service will not cover its operational costs.

5.6 Equalities and Diversity

5.6.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.

5.6.2 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
 - foster good relations between persons who share a relevant protected characteristic and persons who do not.

5.6.3 The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.6.4 The proposed fees and charges have been reviewed against the protective characteristics. Initial Equality Impact Screening Assessments have not found that there would be any specific adverse impact on any of the protected groups. A full Equalities Impact Assessment will be carried out for the Electric Vehicle Charging Point Pilot Scheme, which will be reported to the meeting of the Environment Committee that will consider whether the scheme should be continued and if there is a desire for it, to set the Fees and Charges for the long term.

5.7 Consultation and Engagement

5.7.1 There was no specific consultation on the fees and charges in this report, a number of which are small increases on previous charges.

6. BACKGROUND PAPERS

6.1 [Environment Committee 8 November 2016 Fees and Charges 2017/18 Papers](#)

- 6.2 [Environment Committee 8 November 2016 Business Plan 2017/18 – 2019/20 Papers](#)
- 6.3 [Environment Committee 14 July 2016 Moving Around in Barnet – “A Direction of Travel”](#)
- 6.4 [Environment Committee 14 July 2016 Car Club Expansion in Barnet](#)
- 6.5 **REPORT CLEARANCE CHECKLIST**