

MEETING

ENVIRONMENT COMMITTEE

DATE AND TIME

MONDAY 15TH NOVEMBER, 2021

AT 7.00 PM

VENUE

HENDON TOWN HALL

TO: MEMBERS OF ENVIRONMENT COMMITTEE (Quorum 3)

Chairman: Dean Cohen

Vice Chairman: Peter Zinkin

Councillors

Elliot Simberg

Laithe Jajeh

Geof Cooke

Laurie Williams

Alan Schneiderman

Claire Farrier

Felix Byers

Alison Cornelius

Substitute Members

Sarah Wardle

Tim Roberts

Nizza Fluss

Nagus Narenthira

Kath McGuirk

Roberto Weeden-Sanz

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions must be submitted on Friday 01 October 2021 by 10AM. Requests must be submitted to Paul Frost.

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Services contact: Paul Frost 020 8359 2205 paul.frost@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the previous meeting	5 - 10
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Decisions of the Environment Committee

6 October 2021

Members Present:-

AGENDA ITEM 1

Councillor Dean Cohen (Chairman)
Councillor Peter Zinkin (Vice-Chairman)

Councillor Geof Cooke	Councillor Elliot Simberg
Councillor Laithe Jajeh	Councillor Laurie Williams
Councillor Alan Schneiderman	Councillor Claire Farrier
Councillor Sarah Wardle	

Apologies for Absence

Councillor Felix Byers Councillor Alison Cornelius

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting dated the 2 June 2021 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies for absence had been received from Councillor Felix Byers who was substituted for by Councillor Sarah Wardle and from Councillor Alison Cornelius.

3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

Details of the question asked and the answer provided was published and circulated at the meeting. Verbal response was given to supplementary questions at the meeting.

6. MEMBERS' ITEMS

Councillor Alan Schneiderman – BARNET'S ALLOTMENTS

Councillor Alan Schneiderman was invited by the Chairman to introduce the item. Councillor Schneiderman gave a summary of the issue and requested that the Committee give support to this item.

Following discussion on the item,

The Committee unanimously agreed that officers would engage with the Barnet Allotment Federation and report back to a future meeting.

Councillor Geoff Cooke - IMPROVE ROAD SAFETY ON COOL OAK LANE

Councillor Geoff Cooke was invited by the chairman to introduce his item. Councillor Cooke gave a summary of the issue. Following discussion, and two adjournments to seek further constitutional advice, the Chairman moved a recommendation that was duly seconded for committee make no decision on Councillor Cooke's Members item to allow this item to be considered at Hendon Area Committee on 27 October 2021, because of the "6-month rule" under Article 7:19 of the constitution.

The Chairman noted that it was more appropriate for Hendon Area committee to deal with the item as it had the budget to take immediate action on the issues raised under the Road Safety & Parking fund (authorised by the Executive Director of Environment).

The Committee on the recommendation voted as follows:

For: 5
Against: 4
Abstain: 0

The recommendation was therefore carried and the Committee RESOLVED to make no decision on the item.

7. AIR QUALITY REPORT

The Chairman invited the Executive Director for Environment to present the report. The Executive Director provided a full overview of the report and requested that Members give consideration. He introduced Ralph Haynes who responded to questions from the Committee

Following consideration of the item, Councillor Zinkin moved a new recommendation, that was seconded by the Chairman, for the Executive Director to review the ULEZ expansion impact on the boundary areas with the North Circular to enable prompt feedback to TfL and the Mayor of London.

The Committee voted on the recommendation as follows:

For - 5
Against - 0
Abstain - 4

The new recommendation 3 was therefore carried.

Councillor Schneiderman then moved a recommendation that was seconded by Councillor Farrier for Barnet to join the London Boroughs vehicle anti-idling action project.

The Committee voted on the recommendation as follows:

For - 4

Against - 4
Abstain – 1

As the vote were tied, the Chairman used his casting voted to vote against the recommendation. The recommendation was there lost.

Councillor Zinkin then moved an alternative recommendation, that was seconded by Councillor Jajeh, for the Executive Director to explore the success of the anti-idling enforcement scheme in Camden, including how many PCNs have been issued and paid to idling vehicles and report back how such a scheme would work in Barnet.

The Committee voted on the recommendation as follows:

For - 5
Against - 0
Abstain – 4

The new recommendation 4 was therefore carried.

The Committee therefore RESOLVED:

- 1. To note the progress made to address air quality from September 2019 to December 2020 as set out in this report and the 2020 Annual Status Report as shown in Appendix 1.**
- 2. To note the assessment of Barnet’s actions against the Cleaner Air Borough Accreditation Criteria (Appendix 3).**
- 3. That the Executive Director review the ULEZ expansion impact on the boundary areas with the North Circular to feedback o TfL and the Mayor of London.**
- 4. That the Executive Director explore the success of the anti-idling enforcement scheme in Camden, including how many PCNs have been issued and paid to idling vehicles and report back how such a scheme would work in Barnet.**

8. FLY TIPPING

The Chairman invited the Executive Director for Environment to present the report. The Executive Director provided a full overview of the report and requested that Members give consideration. He introduced Craig Miller who responded to questions from the Committee

Following consideration of the item, Chairman moved a new recommendation, that was duly seconded, that subject to the success of the Re-deployable CCTV Pilot scheme, the Executive Director explore how to secure additional funding to scale up the roll out of the scheme to additional appropriate locations.

The Committee unanimously voted on the recommendation. The new recommendation 4 was therefore carried.

The Committee unanimously RESOLVED

1. To note the contents of the report.
2. To note the updated Fly Tipping Working Group action plan as outlined in appendix 1.
3. That the Executive Director for Environment reports back in the next municipal year an update on progress of the implementation of the action plan.
4. That subject to the success of the Re-deployable CCTV Pilot scheme, the Executive Director explore how to secure additional funding to scale up the roll out of the scheme to additional appropriate locations.

9. TIME BANDING REVIEW

The Chairman invited the Executive Director for Environment to present the report. The Executive Director provided a full overview of the report and requested that Members give consideration. He introduced Craig Miller who responded to questions from the Committee

Following consideration of the item, the Chairman moved to vote on the recommendations in the report.

The Committee Unanimously RESOLVED

1. To note the contents of the report
2. To endorse the formation of three cross service Area Environmental Working Groups to improve the street scene and reduce fly tipping by working with the fly tip action group and developing the most appropriate solution for each area.
3. That any proposed changes required to the Barnet Waste Regulations as a result of this review be reported to Full Council for consideration

10. LIP FUNDING

The Chairman invited the Executive Director for Environment to present the report. The Executive Director provided a full overview of the report and requested that Members give consideration.

Following consideration of the item, the Chairman moved to vote on the recommendations on the report.

The Committee Unanimously RESOLVED

1. To note the impacts of disrupted LIP funding in 2020/21 and 2021/22 on Barnet's LIP delivery plan and the formulation of the LIP Working Group
2. To note that a new three-year LIP delivery plan needs to be produced for the period 2022/23-2024-25

3. To delegate the approval of the first stage of the LIP delivery plan (incorporating proposals being delivered or starting in 2022/23) to the Executive Director for Environment in consultation with the Chairman of the Environment Committee.

11. HIGHWAY NETWORK RECOVERY PROGRAMME 2022/23

The Chairman invited the Executive Director for Environment to present the report. The Executive Director provided a full overview of the report and requested that Members give consideration.

Following consideration of the item, the Chairman moved to vote on the recommendations on the report.

The Committee Unanimously RESOLVED

1. To approve the capital expenditure of £11.486 million for the delivery of the 2022/23 Highway Network Recovery Plan (NRP) Work Programme consisting of carriageway and footway renewal works, carriageway and footway patching, flood management and drainage works, and other associated works.
2. To agree the proposed investment proportions detailed in paragraph 5.2.5 of this report
3. To authorise officers to undertake Member engagement to finalise the Work Programme.

12. PURCHASE OF VEHICLES

The Chairman invited the Executive Director for Environment to present the report. The Executive Director provided a full overview of the report and requested that Members give consideration.

Following consideration of the item, the Chairman moved to vote on the recommendations on the report.

The Committee Unanimously RESOLVED to authorise the commencement of multiple procurements during the next 18 months, via existing vehicle purchase frameworks, for the purchase of vehicles required by the Council's front-line services and the award of those contracts to the successful providers.

13. COMMITTEE FORWARD WORK PROGRAMME

RESOLVED that the Committee note the Forward Work Programme.

14. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9.40 pm

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Environment Committee

15 November 2021

<p>Title</p>	<p>Member's Items</p> <p>Councillor Alan Schneiderman - TACKLING CLIMATE CHANGE IN BARNET</p> <p>Geoff Cooke - IMPROVE SAFETY AND FACILITIES IN STONEYFIELDS PARK</p> <p>Councillor Claire Farrier - SUPPORT THE HARD WORKING FRIENDS OF BARNET'S PARKS</p> <p>Councillor Laurie Williams - SUMMERS LANE RECYCLING AND REUSE CENTRE</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All Wards</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>None</p>
<p>Officer Contact Details</p>	<p>Paul Frost, 020 8359 2205, paul.frost@barnet.gov.uk</p>
<h2>Summary</h2>	
<p>Members Items have been received for the Environment Committee. The Committee are requested to consider the items and provide instructions.</p>	

Officers Recommendation

That the Environment Committee's instructions in relation to these Member's Items are requested.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members of the Committee have requested that the items tabled below are submitted to the Environment Committee for considering and determination. The Environment Committee are requested to provide instructions to Officers of the Council as recommended.

Alan Schneiderman	TACKLING CLIMATE CHANGE IN BARNET As the COP26 climate conference comes to a close, it's disappointing that an analysis of environmental indicators (including Co2 emissions, renewable energy, home efficiency, recycling and green spaces) by the 'InYourArea' website has placed Barnet in the bottom third (218 out of 314) of local authorities in England. Barnet needs to do so much better by setting out a comprehensive climate change action plan to urgently tackle these issues. We understand that a Barnet sustainability strategy is being (very slowly) developed. We request that residents and Barnet's climate change and environmental groups are invited to make submissions to be considered for inclusion in the sustainability strategy.
Geoff Cooke	IMPROVE SAFETY AND FACILITIES IN STONEYFIELDS PARK Local residents are concerned about the poor safety and facilities in Stoneyfields Park, Edgware. The following issues have been highlighted: <ul style="list-style-type: none">• Poor lighting in the alleyway that goes into the park has led to those using it, including women and school children walking to and from school feeling unsafe. Better lighting in this area is urgently needed.• The wooden viewing platform overlooking the pond is well used but is rotting and has gaps in the fence. This is a health and safety hazard and needs to be urgently repaired.• The park benches are vandalised and have been poorly repaired. These need to be replaced with new benches in more

	<p>open and friendly locations.</p> <ul style="list-style-type: none"> • There are insufficient litter bins in park, contributing to a problem with litter. More bins are needed, including to replace those in a poor and shabby state. <p>We therefore ask the Committee to consider this issue for action, and if necessary, ask for it to be considered by the Hendon Area Committee.</p>
Claire Farrier	<p>SUPPORT THE HARD WORKING FRIENDS OF BARNET'S PARKS</p> <p>Barnet has many 'friends' groups whose volunteer members do so much work to maintain and improve our parks and open spaces. We therefore ask that officers report back on how to ensure that plans and proposals for parks and open spaces are prepared in consultation with the relevant friends groups, and how communication with groups could be improved. We also ask for the report to consider how a friends group could be promoted for every park and open space, and how the borough's friends network could be supported by the Council.</p>
Laurie Williams	<p>SUMMERS LANE RECYCLING AND REUSE CENTRE</p> <p>In order to make it easier for residents to visit the Summers Lane Recycling and Reuse Centre and help to reduce fly tipping, we ask that the council discusses an extension to opening hours with the North London Waste Authority and the potential to remove the requirement to pre-book all visits.</p>

2. REASONS FOR RECOMMENDATIONS

2.1 No recommendations have been made. The Committee are therefore requested to give consideration and provide instruction.

2.2 **ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**N/A

3. POST DECISION IMPLEMENTATION

3.1 Post decision implementation will depend on the decision taken by the Committee.

4. IMPLICATIONS OF DECISION

4.1 **Corporate Priorities and Performance**

4.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

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

4.2.1 None in the context of this report.

4.3 Legal and Constitutional References

4.3.1 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or Sub-Committee on which s/he serves. The matter must be relevant to the terms of reference of the committee.

4.3.2 The referral of a motion from Full Council to a committee will not count as a Member's Item for the purposes of this rule.

4.4 Risk Management

4.4.1 None in the context of this report.

4.5 Equalities and Diversity

4.5.1 Members' Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

4.6 Consultation and Engagement

4.6.1 None in the context of this report.

5. ENVIRONMENTAL IMPACT

5.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None.



Environment Committee 15 November 2021

Title	Business Planning 2022-26 and Fees & Charges for 2022/23
Report of	Chairman of the Environment Committee
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix A – Saving Proposals for Environment Committee Appendix B – Fees & Charges for 2022/23
Officer Contact Details	Geoff Mee, Executive Director – Environment Geoff. Mee@barnet.gov.uk

Summary

A Business Planning report was received by Policy and Resources Committee on 30 September 2021 outlining the council's updated Medium-Term Financial Strategy (MTFS) to 2025/26 and the future financial challenges facing the council.

Theme Committees are requested to consider their response to this challenge, by considering savings proposals to secure a balanced council budget (the same process as used in previous years).

Work is ongoing to identify the impacts, both pandemic- and non-pandemic related, across the planning period. Given the high level of uncertainty in the MTFS period, particularly regarding 2022/23, 3 scenarios have been modelled. The central scenario estimates an overall budget gap of £16.2m, which may be reduced by £13.3m to £2.9m if all proposed savings are agreed.

The outcomes of all theme committee discussions will go forward as recommendations to Policy and Resources Committee in December 2021.

Officers Recommendations

- | |
|---|
| 1- That Committee approve the revenue savings programme listed in Appendix A after having considered the initial equalities impacts and recommend it to Policy and Resources Committee on 09 December 2021. |
| 2- That Committee approve the proposed fees and charges for 2022/23, as set out in Appendix B and recommend it to Policy and Resources Committee on 09 December 2021 |

1. WHY THIS REPORT IS NEEDED

1.1 Executive Summary

- 1.1.1 This report is required as part of the council's annual business planning process, to discuss and approve priorities for the Environment Committee for 2022/23 and also 2023/24 to 2025/26.

STRATEGIC CONTEXT

1.2 Background to 2022/23 Business Planning

- 1.2.1 The council has a statutory duty to set a balanced budget for the coming financial year and uses the Medium-Term Financial Strategy (MTFS) to estimate the budget position for the following three years. Savings proposals for future years are identified and proposed to Committee. Savings proposals for all years are proposed through Theme committees, recommended to P&R Committee, and then on to Full Council in March to be approved.

- 1.2.2 Between 2010/11 to 2020/21, the council successfully identified savings averaging £17m per year.

1.3 Approach to MTFS 2022-26

- 1.3.1 In June 2021, P&R Committee were presented with an update on the impacts of Covid and an introduction to the 2022/23 to 2025/26 MTFS process. This set out that resources were not expected to grow significantly from 2021/22 to 2022/23. Service areas were therefore asked to prepare budgets for 2022/23 within a nominal 'cash limit', set at the level of the budget in 2021/22.

- 1.3.2 A more detailed update on the MTFS was presented to September P&R committee which highlighted the level of uncertainty being faced in the short term. This uncertainty is being driven by 3 factors – the level of service pressures, and whether they are short term or of longer duration; the level of government grant funding to be received; and whether there will be scope for a social care precept (SCP) in 2022/23.

1.3.3 Considering these variables highlighted that each of them could have considerable impact (a 2% SCP would yield c£4m; service pressures were initially estimated at £15m; and changes to government grant, estimated at a loss of £2m per year, could be a loss or a gain of twice that). Accordingly, 3 scenarios were presented to September P&R committee, illustrating how these variables could lead to quite different outcomes, but also emphasising that the central scenario or base case was regarded as more likely and that it was preferred as a basis of planning. This central scenario is summarised below.

1.3.4 It is anticipated that a combination of government announcements, local political decisions, and the further development of service financial plans will reduce the overall level of uncertainty substantially by March 2022 when the budget is set.

1.3.5 As noted in paragraph 1.3.1 budgets for 2022/23 have been drafted on the basis of a nominal cash limit set at the level of the budget in 2021/22. This has identified budgetary pressures of c. £5.9m of which approximately £4.5m gross relates to shortfalls in car parking and parking control management. However, following significant mitigation the 2022/23 unresolved budgetary pressure currently stands at £1.4m (15 Oct).

1.4 MTFS September Summary – ‘Base case’

1.4.1 As at September, the estimated budget gap between 2022/23 to 2025/26 is £73.386m. Considering 2022/23 in isolation, the estimated funding gap is £16.233m

2021/22		2022/23	2023/24	2024/25	2025/26
£m	<u>MTFS Summary - Base Scenario</u>	£m	£m	£m	£m
333.101	Expenditure	342.102	369.561	394.431	418.983
(333.101)	Resources	(325.869)	(329.121)	(337.888)	(345.597)
(0.000)	Cumulative (Surplus)/Shortfall to Balanced Budget	16.233	40.441	56.543	73.386

1.5 Committee Context

1.5.1 As with the previous year, 2021/22 has set some unprecedented challenges for the Environment Directorate as it continued to respond to the Covid 19 pandemic with the easing of restrictions and return to ‘normal’.

1.5.2 The Environment team have continued to assess the possible future impacts of the pandemic on the whole range of their services. Issues for the service are noted below;

- The ongoing impact of changes to work and commuting behaviours on the level of parking demand and on and off street revenues remain unclear. Current indications would suggest that some types of parking activity may remain materially lower than previous levels. On some routes traffic levels appear to have recovered to pre-pandemic volumes, however the pattern is mixed with overall on-street paid parking activity in September 2021 at 70% of historic levels. The service is working to find ways to help with the financial shortfall which is reflected in the savings noted in appendix A.
- Last year TfL suspended most of the Local Implementation Plan (LIP) programme due to the impact of Covid on their financial position. This had a significant impact on the Environment directorate's ability to continue to support small to medium improvement schemes. This funding also provided for a number of key services including Disabled Bay parking facilities and School Crossing Patrols which had to be funded from elsewhere. LIP funding is also significantly reduced this financial year. No funding guarantees are given for the remainder of this financial year and beyond. The impact of this uncertainty and limited short-term funding from TfL remains significant for Barnet. At this point it is not clear what the position will be for future years funding. Discussions with TfL will continue to establish a better framework for future funding of the LIP programme.

1.5.3 Barnet is often characterised by its greenspace and during the pandemic, there was a significant increase in the use of parks. This summer the Council launched a series of activities to improve the cleanliness and appearance of sites which included;

- Increased Street Scene resource to support litter clearance and 'deep clean' efforts.
- Staff deployed Friday to Monday keeping parks clean before, during and after week-end use
- Appointment of specialist contractor to support co-ordination 'clean up' across water course locations, including with Welsh Harp, Silkstream and Dollis Valley.
- Engagement and support of partner agencies such as the Environment Agency, Canals & Rivers Trust and LB Brent.
- Launch and delivery of a Borough wide campaign 'Pick It. Bag It. Bin It'
- Delivery of a community and volunteer programme to support litter clearance efforts.
- Council volunteering action days.
- Appointment of third party organisation; Parkguard to co-ordinate park patrols.
- Delivery of 'Discover Barnet Presents' events programme.

The above workstreams were delivered between May – September 2021 and supported by additional funding to deliver. The service are currently reviewing options and models and seeking funding which would enable the sustained continuation of these initiatives.

- 1.5.4 In June 2021, Policy and Resources Committee approved the outline business case for West Hendon Playing Fields, which comprises of a £18m investment to transform and improve the site. The £1.1m investment of Colindale Park is due for full completion in November 2021 whilst masterplan proposals continue to be developed for, Barnet Playing Fields, Cophall Sports Hub, Heybourne Park and Rushgrove Park, with individual business cases for investment to be brought forward at a future date.
- 1.5.5 The charged for Green Waste service has been very well received since it was first communicated in February 2020. In its first year (2020/21) the service had a take up rate of 56.37% and generated an income of £2.88M, and currently in the second year (2021/22) there has been a take up rate 58.84% and an income of £3.02M. In the first year of the service 42,277 stickers were sold, in the second year 44,129 stickers have been sold to date. This puts the London Borough of Barnet at the highest take up rate in London based on the information available.
- 1.5.6 It is recognised that there is inherent risk within the services which given its nature cannot always readily be monetized, however risk to the MTFS is regularly monitored and detailed within the corporate risk register.

1.6 Environment Committee Savings

- 1.6.1 To achieve a balanced budget in 2021/22 and to meet the MTFS savings 2022/23 to 2024/25, indicative savings proposals have been identified for Environment Committee. Environment Committee are being asked to consider the savings programme. The full range of savings and / or income generation proposals within Environment Committee's area of responsibility can be seen in Appendix A, these total £6m.
- 1.6.2 Appendix A covers the MTFS period 2021/22 to 2024/25. We are focussing on 2022/23 savings and the principle areas of savings are;
- Parking – the establishment of a programme of parking controls aimed at addressing requests from residents and anticipated need, to meet the Council's traffic management obligations. Experience of existing controlled areas anticipates that additional income may be generated from these new schemes. Models developed for the new controlled zones suggest a surplus at a level as per the forecast set out within the Council's budgets.
 - Barnet Tennis – delivery of tennis management pilot, including options appraisal of alternative management models and approach to delivery, identifying improvements in administration and revenue position. Future recommendations and report to be presented back to Environment Committee for consideration.

- Skip Management – improved skip management and licencing of skips on public highways.

1.7 Fees & Charges

1.7.1 Revised financial regulations approved in October 2020 require all changes to fees and charges to be included in the budget proposals submitted by theme Committees or the relevant committee to the Policy & Resources Committee. The budget recommended by 09 December Policy and Resources Committee to Full Council will incorporate the latest projection of income from fees and charges. Full Council will approve all fees and charges as part of the budget report in March 2022.

1.7.2 Where fees and charges have increased in line with inflation the rate used is 2%. The 2% inflation has been used as guidance prior to Chancellor's budget speech on 27th October. The latter states inflation is to average more than 4% for next year and economy to return to pre-COVID levels by end 2021.

1.7.1 From April 2022, changes to fees and charges are proposed, these are listed in more detail in Appendix B:

1.7.2 A number of new fees and charges are proposed which require consideration by Environment Committee before being passed to Policy & Resources Committee. For example, within Highways there is a new charge for a Eruv Licence and supply and installation of private street name plates.

1.7.3 The general principles that have been applied to the fees and charges for 2022/23 is as per the table below:

Service	Fees and Charges - brief description of changes
Parking	No changes are being made to the existing fees and charges.
Greenspaces	No change or have been increased broadly in line with inflation.
Street Scene	No change or have been increased broadly in line with inflation. A few charges have been reduced in order to remain competitive. There are a few charges that have been increased above inflation rates, due to increased cost of materials.
Street Lighting, DLO & EV Charging	No changes are being made to the fees and charges.

Cemetery and Crematorium	<p>No change or have been increased broadly in line with inflation. Where applicable these fees and charges will also be charged at Milesplit Cemetery.</p> <p>Note that the funerals for minors are now funded by HM Government and not the family.</p>
Highways	<p>No change or have been increased broadly in line with inflation. There are a few charges that have been increased above inflation rates, this is due to increased cost of materials and / or a true reflection of installation and maintenance costs and these charges directly reflect the suppliers costs</p> <p>2% inflationary rate applied throughout other than for</p> <ul style="list-style-type: none"> • Memorial benches • Plaques <p>And new fees for</p> <ul style="list-style-type: none"> • Public Rights of Way • Section 31(6) Highways Act 1980 (Landholdings) • Eruv Licences • Street Name plates <p>Clarity is also provided for when heavy duty crossovers are applicable. This fee applies for all new developments (two or more units) requiring light / heavy duty crossovers, temporary habitual crossings, accesses serving multiple dwellings; commercial or industrial development; accesses to car park / forecourt; accesses for emergency and refuse vehicles or single access that forms part of a multiple property development to facilitate site construction or permanent accesses for the new development.</p>
Trading Standards and Licensing	<p>No change, changes made by statute or have been increased broadly in line with inflation.</p>
Environmental Health	<p>No change or have been increased broadly in line with inflation. Note that some fees are set by DEFRA and so the council cannot change these.</p> <p>New fees and charges for fire engineers reports in enforcement cases only.</p> <p>One fee is to be reduced in price so that it remains in line with other call out fees.</p>

1.8 Recovery Plan

1.8.1 The Covid-19 pandemic has provided an extremely challenging situation for Barnet, its residents and the wider borough. In the initial pandemic response, the council had to focus on critical services, including a number of new services to directly respond to the needs of residents. A programme of recovery planning was set up in May 2020 to co-ordinate the restoration of services that had to be de-prioritised to allow for this. Following the lifting of lockdown restrictions in July 2021, most activity to restore services had been completed and so the council agreed to close down the programme. There are some service areas where recovery activity requires more long-term effort. These will be picked up as part of the Barnet Plan and other council strategies.

2. REASONS FOR RECOMMENDATIONS

2.1 Local Government continues to face significant reductions in funding and increased demand for services, as set out in the above context. These challenges require longer term, robust financial and strategic planning and the recommendations in this report support this.

2.2 By law, the council is required to set a balanced budget. These proposals are the best way of doing that by meeting financial requirement and delivering outcomes and ambitions for Barnet.

2.3 It is recommended that the Environment Committee approve the proposed fees and charges for 2022/23 and recommend them to Policy and Resources Committee on 09 December 2021, as it is considered good practice to review fees and charges annually to ensure that the costs of providing the services are recouped. In addition, a number of new fees and charges are proposed which require consideration.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The alternative option is not to approve the MTFs. This, however, is not considered to be good practice and may expose the council to the risk of not achieving the savings targets or being able to set a balanced budget. There is a statutory requirement to set a balanced budget and submit budget returns to the Ministry of Housing, Communities and Local Government (MHCLG).

3.2 The alternative approach is to not review the fees and charges or to adjust the current fees and charges, or to not 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.

Given the financial pressures currently faced by the Council the only viable option for continuing to provide services is to levy and appropriate fee or charge.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Environment Committee approves recommendation 1 made by this report, then the savings proposals will be referred to Policy and Resources Committee in December 2021 as part of the council's Medium-Term Financial Strategy (MTFS). Public consultation on the MTFS will commence in December.
- 4.2 If the Committee is minded to approve Recommendation 2, then the fees and charges will be considered for agreement by the Policy and Resources Committee in December 2021 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. The new fees and charges will be implemented from April 2022.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 This report supports the council's corporate priorities as expressed through the Corporate Plan for 2019-24 which sets out our vision and strategy for the next 5 years. This includes the **outcomes** we want to achieve for the borough, the **priorities** we will focus limited resources on, and our **approach** for how we will deliver this.
- 5.1.2 Our 3 outcomes for the borough focus on place, people and communities:
- a pleasant, well maintained borough that we protect and invest in
 - our residents live happy, healthy, independent lives with the most vulnerable protected
 - safe and strong communities where people get along well
- 5.1.3 The approach for delivering on this is underpinned by four strands; ensuring residents get a fair deal, maximising on opportunities, sharing responsibilities with the community and partners, and working effectively and efficiently.

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

- 5.2.1 The Environment Committee savings programme will enable the council to meet its savings target as set out in the MTFS. These budgets will be formally agreed each year, and individual proposals will be subject to appropriate

consultation and equality impact assessments where necessary. For this reason, the proposals are subject to change.

- 5.2.2 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. The Constitution requires that all changes to fees and charges should be included in the budget proposals submitted by theme Committees to the Policy & Resources Committee.

5.3 **Social Value**

- 5.3.1 None applicable to this report, however the council must take into account the requirements of the Public Services (Social Value) Act 2012 to try to maximise the social and local economic value it derives from its procurement spend. The Barnet living wage is an example of where the council has considered its social value powers.

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 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 for the service.
- 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 subject to conditions/limitations similar to those noted above.
- 5.4.3 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.
- 5.4.4 There is a variety of legislation permitting charging for different services, some of which sets prescribed fees and charges (or the range of charges for a given service), and others which allow a discretion to determine the charge based on recovering the costs of providing the service.
- 5.4.5 These savings proposals are to be referred to Policy and Resources Committee. They will then be subject to consultation and a cumulative equality impact assessment before being referred on to Council so that Council may set the Council Tax, being mindful of any equality impacts and consultation responses.

5.4.6 The Council's Constitution (Document 8, Article 7 – Committees, Forums, Working Groups and Partnerships) sets out the responsibilities of all council Committees.

Responsibilities for Environment Committee include:

1) Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, littering, fly-tipping, fly-posting, graffiti, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health.

(2) To submit to the Policy and Resources Committee proposals relating to the Committee's budget (including fees and charges) for the following year in accordance with the budget timetable.

(3) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including 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.

(4) To receive reports on relevant performance information and risk on the services under the remit of the Committee.

5.4.7 The Council's finance regulations as contained in the council constitution notes that changes to fees and charges should be included in the budget proposals submitted by theme Committees or the relevant committee to the Policy & Resources Committee. The budget recommended by Policy and Resources Financial Committee to Full Council will incorporate the latest projection of income from fees and charges. Full Council will approve all fees and charges as part of the budget report

5.4.8 Some of the proposals, relate to savings resulting from operational decisions being made in a different way and are therefore estimated savings. The saving is therefore an indicative saving and its deliverability will be dependent on a number of factors. As part of the budget setting process, Policy and Resources Committee will consider the need for an appropriate contingency to cover any savings that are indicative and may not be met due to operational decisions. Some of the proposals in the MTFs relate to proposals that are at a very early stage. These proposals will be subject to further business planning and decision making to test whether they can be delivered and what the impact of such a proposal will be. These proposals will be considered in further detail during future business planning reports.

5.4.9 All proposals emerging from the business planning process will need to be considered in terms of the council's legal powers and obligations (including, specifically, the public-sector equality duty under the Equality Act 2010).

5.5 Risk Management

5.5.1 The Council has taken steps to improve its risk management processes by integrating the management of financial and other risks facing the organisation.

The allocation of an amount to contingency is a step to mitigate the pressures that had yet to be quantified during the budget setting process.

5.5.2 The allocation of budgets from contingency seeks to mitigate financial risks which have materialised.

5.6 Equalities and Diversity

5.6.1 Equality and diversity issues are a mandatory consideration in the decision making of the council.

5.6.2 Decision makers should have due regard to the public sector equality duty in making their decisions. The Equality Act 2010 and the Public-Sector Equality Duty require elected Members to satisfy themselves that equality considerations are integrated into day-to-day business and that all proposals emerging from the business planning process have taken into consideration the impact, if any, on any protected group and what mitigating factors can be put in place. The equalities duties are continuing duties they are not duties to secure a particular outcome. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

5.6.3 A public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this 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.

5.6.4 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.6.5 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

- 5.6.6 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- Tackle prejudice, and
 - Promote understanding.
- 5.6.7 Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:
- Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race,
 - Religion or belief
 - Sex
 - Sexual orientation
 - Marriage and Civil partnership
- 5.6.8 This is set out in the council's Equalities Policy together with our strategic Equalities Objective - as set out in the Corporate Plan - that citizens will be treated equally with understanding and respect; have equal opportunities and receive quality services provided to best value principles.
- 5.6.9 Progress against the performance measures we use is published on our website at:
www.barnet.gov.uk/info/200041/equality_and_diversity/224/equality_and_diversity
- 5.6.10 Where there are changes to service delivery or changes to staff, these will impact on individuals in different ways. However, at each stage of the process, the council will conduct an equalities impact assessment (EIA) where appropriate to ensure that where persons are impacted, proper measures are considered to mitigate the effect as far as possible. Those affected by any changes resulting from any of the proposals will be engaged, as set out in Appendix A under 'Consultation'. Where necessary, proposals will not be implemented or agreed until members have fully considered the equality impacts and responses to any consultation.
- 5.6.11 The revenue savings sheet shown at Appendix A indicates that an equalities impact assessment has been carried out for one saving proposal for the West Hendon Playing Fields Masterplan. For the majority of savings proposals, the need for an equality impact assessment will be kept under review as the specific proposals develop and will be carried out if required
- 5.6.12 All human resources implications will be managed in accordance with the Council's Managing Organisational Change policy, which supports the

Council's Human Resources Strategy and meets statutory equalities duties and current employment legislation.

5.7 Corporate Parenting

5.7.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. The outcomes and priorities in the refreshed Corporate Plan, Barnet 2024, reflect the council's commitment to the Corporate Parenting duty to ensure the most vulnerable are protected and the needs of children are considered in everything that the council does. To this end, great attention has been paid to the needs of children in care and care leavers when approaching business planning, to ensure decisions are made through the lens of what a reasonable parent would do for their own child.

5.7.2 The Council, in setting its budget, has considered the Corporate Parenting Principles both in terms of savings and investment proposals. The Council proposals have sought to protect front-line social work and services to children in care and care leavers and in some cases, has invested in them.

5.8 Consultation and Engagement

5.8.1 As a matter of public law, the duty to consult with regards to proposals to vary, reduce or withdraw services will arise in four circumstances:

- where there is a statutory requirement in the relevant legislative framework
- where the practice has been to consult, or, where a policy document states the council will consult, then the council must comply with its own practice or policy
- exceptionally, where the matter is so important that there is a legitimate expectation of consultation
- Where consultation is required to complete an equalities impact assessment.

5.8.2 Regardless of whether the council has a duty to consult, if it chooses to consult, such consultation must be carried out fairly. In general, a consultation can only be considered as proper consultation if:

- comments are genuinely invited at the formative stage
- the consultation documents include sufficient reasons for the proposal to allow those being consulted to be properly informed and to give an informed response
- there is adequate time given to the consultees to consider the proposals
- there is a mechanism for feeding back the comments and those comments are considered by the decision-maker / decision-making body when making a final decision
- the degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting

- where relevant and appropriate, the consultation is clear on the reasons why and extent to which alternatives and discarded options have been discarded. The more intrusive the decision, the more likely it is to attract a higher level of procedural fairness.

5.8.3 The council will perform a budget consultation during December 2021 through to January 2022. This consultation will cover any proposals to increase council tax together with seeking views on the council's budget overall.

5.8.4 In terms of service specific consultations, the council has a duty to consult with residents and service users in a number of different situations including proposals to significantly vary, reduce or withdraw services. Consultation is also needed in other circumstances, for example to identify the impact of proposals or to assist with complying with the council's equality duties. Service specific consultations will take place where necessary in line with timescales for any changes to be implemented.

5.8.5 If when council sets the budget envelope some service specific consultations have not been completed then Council will allow a contingency so that decision makers may make alternative decisions should there be undesirable equalities impacts.

5.8.6 Where appropriate, separate service specific consultations have already taken place for the and a link to the report presenting findings of the consultation is provided within the MTFS spreadsheet (Appendix A). In addition, it has been noted in the appendix that for a number of savings proposals the requirement for a consultation will be considered as the proposals are developed. Where appropriate service specific consultations have been undertaken for changes to fees and charges.

5.9 **Insight**

5.9.1 None in the context of this report

6.10 **Environmental Impact**

6.10.1 There are no direct environmental implications from noting the recommendations.

6. **BACKGROUND PAPERS**

Business Planning 2020-25 and Fees & Charges for 202122 to Environment Committee on 25/11/2020

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=10157&Ver=4>

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New Savings Reference	Department	Corporate Plan Outcome	Theme Committee	Description of saving	Impact Assessment			Equalities Impact All published EqIAs are online at: https://barnet.gov.uk/your-council/policies-plans-and-performance/equality-and-diversity/equality-impact-assessments	2021/22		2022/23		2023/24		2024/25		Total savings (All years)
					Consultation (How are we consulting on this proposal)	Impact on Service Delivery	Impact on Customer Satisfaction		2021/22	FTE Impact	2022/23	FTE Impact	2023/24	FTE Impact	2024/25	FTE Impact	
ENV5	Environment	Outcome 4: Clean, Safe & Well Run	Environment	Parking - A review of services and policies to ensure a consistent, fair approach to improving traffic, highway air quality and road safety. Meeting existing unaddressed needs and demands on the highway.	Service specific consultation will be undertaken if required.	This saving requires a change to service delivery.	This saving is not anticipated to have an adverse impact on customer satisfaction and it is possible that it may enhance perception that the Council provides value for money.	The need for an Equality Impact Assessment (EqIA) will be kept under review as the specific proposals develop and carried out if required.	(750)		(750)		(750)		(750)		(3,000)
ENV7	Environment	Outcome 4: Clean, Safe & Well Run	Environment	Fundamental Service Review of existing waste collection arrangements, following the passage of the environment bill and issue of all relevant guidance.	Service specific consultation to be undertaken as part of feasibility / statutory planning consultation will be required as proposals are taken forward.	This saving requires a change to service delivery.	Potential negative effect on satisfaction in the short term resulting from any change to existing arrangements.	An initial Equalities Impact Assessment (EqIA) will be produced as the specific proposals are developed in full.	0		0		0		(1,000)		(1,000)
ENV8	Environment	Outcome 4: Clean, Safe & Well Run	Environment	Highways and Transportation, Post 2023 Service Redesign - The end of the current Highways service arrangement offers an opportunity to redesign a new service which offers the potential to deliver savings and efficiencies. The year 6/7 review will provide an options analysis for the new service which will enable the authority to ascertain which service model best meets the needs of the borough.	Service specific consultation will be undertaken if required once a review has been undertaken.	It is anticipated the service would operate better, more efficient and with some financial savings in the long term.	Part of the aim of this review is to ensure a sound structure is put in place where customers can see the benefits either through better communication network and/or service outcome on the highway network	The need for an Equality Impact Assessment (EqIA) will be kept under review and carried out if required.	0		0		0		(900)		(900)
ENV10	Environment	Outcome 4: Clean, Safe & Well Run	Environment	Street Lighting Service Delivery Proposed Changes - Amending the contractual requirements in respect to the roads that are included within the Post Covid Investment Programme (PCIP). This programme includes the replacement of some 2,500 lighting columns over the next 6/7 years. This could be accommodated whilst still complying with recommended lighting standards. Making best use of the new street lighting control systems installed as part of the LED conversion project to optimise lighting levels as appropriate at various times, whilst still ensuring compliance with recommended lighting standards.	The proposed changes would still ensure compliance with recommended road lighting standards and therefore a service specific consultation is not required.	This would involve taking a different risk based approach to lighting column replacement timescales and changing the profile of when they will be replaced to a later date, whilst ensuring that the structural integrity and hence safety is maintained through an alternative testing programme with replacements only taking place following a testing failure. No noticeable impact as road lighting compliance is still achieved.	Unlikely to be an issue. A general satisfaction service will be conducted in respect to the overall service to determine views.	The need for an Equality Impact Assessment (EqIA) will be kept under review and carried out if required.	(100)		0		0		0		(100)
ENV11	Environment	Outcome 2: Family Friendly	Environment	Delivery of West Hendon Playing Fields Masterplan, Progress with Royal Institute of British Architects (RIBA) The stages will include professional fees required to deliver planning consent, including but not limited to site surveys and investigations, multi disciplinary design team, project management, cost consultancy, civil and structural engineering and planning fees. Potential phased development of proposal would return savings from prioritised facilities. Saving is predicated on securing capital investment to deliver financial benefit. Detail will be presented in the Outline Business Case to be presented to Committee for approval.	Service specific public consultation undertaken in 2018 and 2019. Report presented to Environment Committee. Key stakeholders including statutory bodies. https://engage.barnet.gov.uk/we-asked-you-said-we-did	It is anticipated that subject to investment and scheme approval, there will be a responsibility for the service to manage contracts/ sites/ partnerships as a result of delivery. This will be reviewed as part of a management options appraisal, detailed within the Outline Business Case.	Investment into West Hendon Playing Fields will transform opportunities for local residents, providing a range of facility mixes and improved environmental benefits.	EqIA and HIA undertaken as part of Environment Committee report (March 2020). https://barnet.moderngov.co.uk/eListDocuments.aspx?Cid=695&Mid=9910&Ven=4 Further EqIA / HIA to be completed as part of design development / Outline Business Cases.	0		0		0		(200)		(200)
ENV13	Environment	Outcome 2: Family Friendly	Environment	Introduction of semi-permanent cafe buildings at five sites within the Borough, generating revenue through lease arrangements. Purchase and installation of five cafes at £150k each, funded by ten-year loan. First year surplus estimated at £24k for five sites, allowing for loan repayment and interest. Saving is predicated on securing capital investment to deliver financial benefit.	Market engagement to review interest in proposal.	increase in facilities across the parks and open spaces portfolio. Anticipated that specific lease agreements will be secured with market providers / organisations to deliver offer.	The opportunity is anticipated to improve customer satisfaction, providing venues within parks for the community.	An Equality Impact Assessment (EqIA) will be produced as the specific proposals develop.	0		0		(24)		(24)		(48)
ENV14	Environment	Outcome 2: Family Friendly	Environment	Improvement plan for tennis delivery and facilities within Barnet. Introduction of booking system and programme of investment in facilities, with the intention of establishing sustainable, revenue-generating model. Saving is predicated on securing capital investment to deliver financial benefit, detail will be outlined in the Business Case.	As proposals are developed, service consultation and engagement will be undertaken as required.	Strategic approach to tennis management and delivery across Barnet, improved operations and efficiency with booking process. Opportunity to generate income which can be reinvested back into creating sustained service.	Potential resident objection in respect of introducing charges for court hire which may have previously been at nil cost. The Outline Business Case will detail a proposed pricing structure to ensure where appropriate concessions are offered in order to co-ordinate a balanced programme.	A full EqIA will be completed as part of the review and evaluation of the Tennis Pilot prior to the implementation of the Tennis Project	0		(20)		(38)		(37)		(95)
ENV16	Environment	Outcome 2: Family Friendly	Environment	Consideration as to the possibility of establishing a trading arm for trees service, offering tree management and policy services to neighbouring local authorities as a commercial enterprise. Initial investment required to confirm feasibility and approach to matters including legal, governance and resources required.	Consultation and engagement plan to be drafted. Changes will not impact on Barnet residents so no consultation is required.	Options appraisal to address review of resources / model required for implementation and provide recommendations. To be factored into business model proposed.	The opportunity is not anticipated to have an adverse impact on customer satisfaction.	The need for an equality impact assessment (EqIA) will be kept under review as the proposal develops and carried out if required.	0		0		(20)		(20)		(40)
ENV27	Environment	Outcome 4: Clean, Safe & Well Run	Environment	Improved Management of Skips placed on the Public Highway - Utilise available legislation to better manage the safety impact of skips placed on the Public Highway, including ensuring that all skips placed have been approved with appropriate Licences and that such licence conditions are fully compliant. Whilst there will be costs involved in increased resources to monitor this activity there are also mechanisms within the legislation to recover costs where non-compliance is evident. Currently a low level of compliance is occurring and this raises safety concerns for all highway users and therefore increased focus in this area will be beneficial for all.	As required by the specific Legislation related to this area of activity.	Improved safety on the Public Highway	Likely to be positive for the majority of Highway users	The need for an equality impact assessment (EqIA) will be kept under review as the proposal develops and carried out if required.	0		(25)		(50)		(25)		(100)
ENV28	Environment	Outcome 4: Clean, Safe & Well Run	Environment	Green Waste Cost Recovery - Medium Term Financial Strategy associated with this chargeable service following launch in 2019/20 and continuation in 2020/21.	Service specific consultation undertaken during the original decision making process to introduce a chargeable service - https://engage.barnet.gov.uk/garden-waste-charging-2019	None	None	No equalities impact assessment required as no changes proposed to current service offer. Original EqIA - https://www.barnet.gov.uk/sites/default/files/2020-09/Garden%20waste%20EqIA%20-%20September%202020%20review.pdf Updated EqIA - https://www.barnet.gov.uk/your-council/policies-plans-and-performance/equality-and-diversity#title-5	(500)		0		0		0		(500)
									(1,350)		(795)		(882)		(2,956)		(5,983)

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Environment Committee
15 November 2021
Title
**Community Infrastructure Levy (CIL)
Highways and Transportation**
Report of

Chairman of Environment Committee

Wards

All

Status

Public

Urgent

No

Key

No

Enclosures
None
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Summary

The Council has a broad Capital Programme which ranges across relatively small-scale initiatives to significant infrastructure projects and programme from the Community Infrastructure Levy (CIL). This levy is a charge which can be levied by local authorities on new development in their area and must be spent on infrastructure needed to support the development of their area, including repair to existing infrastructure.

The value of the Community Infrastructure Levy (CIL) Highways and Transportation Capital allocation is £20m to be allocated to a range of projects over the next 5 years, commencing 2022/2023 financial year.

The intention is to allocate the CIL funding across a range of project classifications over the 5 years.

The Environment Committee at the 6 October 2021 meeting considered proposals, to be part funded through the £20m CIL allocation for 2022/23, to cover carriageway resurfacing, principal road network resurfacing, footway relay and patching, carriageway and footway works adjacent to Brent Cross, Capital works (including flooding & drainage), other assets (including drainage and structures) and Heritage Assets as part of the Highway Network Recovery Programme 2022/23.

The five-year programme commencing 2022/23 will enable the Environment Committee to allocate and have the necessary oversight regarding the delivery of the CIL funding into the highway asset, improving customer experience in relation to the highways network.

As a result, this report seeks Environment Committee approval to the project classifications and to receive a further report detailing project classifications with a finalised Year 1 programme, aligned to the Highway Network Recovery Programme 2022/23.

Officers Recommendations

- 1. That the Committee agrees to the project classifications detailed in paragraph 1.8 of this report.**
- 2. That the committee notes the alignment of the Year 1 programme with the Highway Network Recovery Programme 2022/23 as approved at the Environment Committee meeting of 6 October 2021.**
- 3. That the Committee agrees to receive a future report setting out the Year 1 programme aligned to the Network Recovery Programme 2022/23.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council's Capital Strategy 2019-24 underpins the Council's Medium-Term Financial Strategy and combined forms a key component of the Council's ambitions to improve the environment of the borough, as set out in the corporate plan: Barnet 2024.
- 1.2 Aligned to the Council's Capital Strategy the Council has a broad Capital Programme which ranges across relatively small-scale initiatives to significant infrastructure projects and programme from the Community Infrastructure Levy (CIL). This levy is a charge which can be levied by local authorities on new development in their area and must be spent on infrastructure needed to support the development of their area, including repair to existing infrastructure.
- 1.3 The Council's approach to delivery of Capital projects aims to be proportionate to the scale and complexity of the individual schemes. Projects of a significant value follow the Council's Project and Programme Management Methodology. The Highways and Transportation projects are proposed to follow this approach.
- 1.4 The Highways and Transportation portfolio will be governed and managed by officers with an assigned Highways Capital Delivery Programme Manager to ensure effective governance.
- 1.5 Recommendations on budget are considered at Policy and Resources Committee. Strategic Decisions on individual projects identified in relation to the Highways and Transportation programme will be considered by the Environment Committee. A report setting out in more detail the breakdown of the programme will be brought to a future meeting of this Committee, aligned to the 2022/23 Network Recovery Programme.
- 1.6 As with other significant projects reports will be presented to the Financial Performance and Contract Monitoring Committee to ensure visibility of the progress of the project between the start of delivery and closure. This approach provides assurance on contract management and lessons learned for continued improvement in the performance of the Council's Capital Project Delivery programme.
- 1.7 The value of the Community Infrastructure Levy (CIL) Highways and Transportation Capital allocation is £20m to be allocated to a range of projects over the next 5 years, commencing 2022/2023 financial year.
- 1.8 The intention is to allocate the Highways and Transportation CIL funding across a range of project classifications over the 5 years including:
 - Bridges and Structures
 - Major Infrastructure
 - Vehicle Restraint Systems
 - Flooding and Drainage
 - Signs and Lines

- Principal Road Network
- Brent Cross Carriageways and Footways
- Carriageway Resurfacing
- Footway Network
- Heritage Assets

1.9 At the meeting of 6 October 2021, the Environment Committee received a report that set out the 2022/23 Highway Network Recovery Programme. In summary the agreed proposal is to include in the first year CIL allocation investment in carriageway resurfacing and principal road network, footway relay and patching, carriageway and footway Brent Cross, Capital works (including flooding & drainage), other assets (drainage and structures) and Heritage Assets.

2. REASONS FOR RECOMMENDATIONS

2.1 The value of the Community Infrastructure Levy (CIL) Highways and Transportation Capital allocation is £20m to be allocated to a range of projects over the next 5 years, commencing 2022/2023 financial year.

2.2 This allocation will enable the Council to undertake significant investment, over and above existing pressured revenue and capital allocations, in the Highways and Transportation asset, in particular addressing aging infrastructure including flooding and drainage assets, signing and lining, bridges and structures, roads and footways and heritage assets.

2.3 The five-year programme commencing 2022/23 will enable the Environment Committee to allocate and have the necessary oversight regarding the delivery of the CIL funding into the highway asset, thus improving the customer experience when accessing the highways network.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The alternate option is to continue with the current capital and revenue spend profile through Council budgets and the Network Recovery Programme. Access to the CIL funding enables the Council to enhance investment in critical highways infrastructure augmenting the existing Network Recovery Programme.

4. POST DECISION IMPLEMENTATION

4.1 Once the Committee approves the recommendations, officers will develop the programme further against the project classifications providing the Environment Committee with a finalised Year 1 programme, aligned to the Highway Network Recovery Programme 2022/23.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan - Barnet 2024, states in its strategic objectives that it will work with partners to achieve a pleasant, well-maintained borough that we protect and invest in.
- 5.1.2 Robust budget, performance and risk monitoring are essential to ensure that there are adequate and appropriately directed resources to support delivery and achievement of corporate and committee priorities as set out in the Corporate Plan (Barnet 2024) and Annual Delivery Plans.
- 5.1.3 The Highway network is the Council's most valuable asset and is vital to the economic, social and environmental wellbeing of the Borough as well as the general image perception. The Highways provide access for business and communities, as well as contribute to the area's local character and the resident's quality of life. Highways really do matter to people and public opinion surveys highlight some dissatisfaction with the condition of local roads. Resource constraints can sometimes result in short term fixes, rather longer-term solutions within a robust policy framework. The introduction of the CIL funding will positively improve this position and the quality and safety of the network.

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

5.2.1 Finance & Value for Money

5.2.1.1 The value of the Community Infrastructure Levy (CIL) Highways and Transportation Capital allocation of £20m has been approved by the Policy and Resources Committee at the meeting of 20 July 2021.

5.2.1.2 The first-year capital bid has been submitted to fund these works in 2022/23 which will form part of the five-year £20m CIL allocation.

5.2.2 Procurement – The implementation of the final approved schedule of roads, pavements and highways infrastructure projects will access existing and planned procurement routes as defined in the Councils Procurement Annual Plan in order to deliver value for money for the Council.

5.2.3 Staffing – None as a result of this report.

5.2.4 IT – None as a result of this report.

5.2.5 Property – None as a result of this report.

5.2.6 Sustainability – This report and the associated policies, guidance and application forms will promote the effective management and utilisation of the highway network across the borough.

5.3 **Legal and Constitutional References**

5.3.1 Section 151 of the Local Government Act 1972 states that: “without prejudice to section 111, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the

administration of those affairs”. Section 111 of the Local Government Act 1972 relates to the subsidiary powers of local authorities to take actions which are calculated to facilitate, or are conducive or incidental to, the discharge of any of their functions.

5.3.2 The Council's Constitution, Article 7 Committees, Forums, Working Groups and Partnerships, sets out the functions of the Financial Performance and Contracts Committee as being Responsible for the oversight and scrutiny of:

- The overall financial performance of the council
- The performance of services other than those which are the responsibility of the: Adults and Safeguarding Committee; Children, Education and Safeguarding Committee; Community Leadership and Libraries Committee; Environment Committee; and Housing and Growth Committee.
- The Council's major strategic contracts including (but not limited to):
 - Analysis of performance
 - Contract variations
 - Undertaking deep dives to review specific issues
 - Monitoring the trading position and financial stability of external providers
 - Making recommendations to the Policy and Resources Committee and/or theme committees on issues arising from the scrutiny of external providers
- At the request of the Policy and Resources Committee and/or theme committees consider matters relating to contract or supplier performance and other issues and making recommendations to the referring committee
- To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with this Article.

The Council's Financial Regulations can be found at:

<https://barnet.moderngov.co.uk/documents/s47388/17FinancialRegulations.doc.pdf>

5.4 **Insight**

5.4.1 The management of the CIL funding will be informed by strategic insight data provided by the Council's insight team and other sources in due course.

5.5 **Social Value**

5.5.1 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. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders. As set out in the council's Contract Procedure Rules, commissioners should use the Procurement Toolkit, which includes Social Value guidance. The Contract Management Toolkit should also be used to help ensure that contracts deliver the expected services to the expected quality for the agreed cost. Requirements for a contractor to deliver activities in line with Social Value will be monitored through the contract management process.

5.6 Risk Management

5.6.1 Throughout the life of each project, emerging risks are recorded and managed in line with the Council's risk management methodology and project management methodology.

5.7 Equalities and Diversity

5.7.1 Good roads and pavements have benefits to all sectors of the community in removing barriers and assisting quick, efficient, and safe movement to schools, work and leisure. This is particularly important for older people, people caring for children and pushing buggies, those with mobility difficulties and sight impairments. The state of roads and pavements are amongst the top resident concerns and the Council is listening and responding to those concerns through the management of an effective highway network.

5.7.2 The physical appearance and the condition of the roads, pavements and highway infrastructure have a significant impact on people's quality of life. A poor-quality street environment will give a negative impression of an area, impact on people's perceptions and attitudes as well as increasing feelings of insecurity. The Council's policy is focused on improving the overall street scene across the borough to a higher level and is consistent with creating an outcome where all communities are thriving and harmonious places where people are happy to live.

5.7.3 There are on-going assessments carried out on the conditions of the roads, pavements, and highways infrastructure in the borough. These ongoing assessments incorporate Public Rights of Way on which there were requests by letter, email, and phone-calls from users.

5.7.4 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- 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.

5.7.5 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 policies and the delivery of services. There is an on-going process of regularisation and de-clutter of street furniture and an updating of highway features to meet the latest statutory or technical expectations.

5.8 Corporate Parenting

5.8.1 No direct or indirect impacts on looked after children or care leavers identified beyond those applicable to the population as a whole.

5.9 Consultation and Engagement

5.9.1 Obtaining customer feedback is part of the contract management process to inform service delivery, service development and service improvement.

5.9.2 The nature of Capital delivery projects mean that the large majority of projects require consultation and engagement as part of the design process. Consultation and engagement forms part of the project planning process for capital delivery schemes. Projects hold gateway reviews at key points of the project's lifecycle to ensure that the planned process has been followed and to check the plan for future phases. Consultation and Engagement is a core component of the Gateway Review process.

6. Environmental Impact

6.1 There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

7. BACKGROUND PAPERS

7.1 None.

	<h2 style="margin: 0;">Environment Committee</h2> <p style="margin: 0;">15 November 2021 AGENDA ITEM 9</p>
Title	Chargeable Garden Waste Update
Report of	Chairman of Environment Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Craig Miller, Street Scene Director 020 8359 6065

Summary

This report provides an update on the progress to date of the chargeable Garden Waste Service, which became chargeable from 9 May 2020, and is now in its second year of service.

The Environment Committee approved a recommendation to introduce a chargeable garden waste service in January 2020 as part of its Reduction & Recycling Plan to support the London Environment Strategy.

The service has been very well received since it was first communicated in February 2020. In its first year (2020/21) the service had a take up rate of 56.37% and generated an income of £2.88M, and currently in the second year (2021/22) there has been a take up rate 58.84% and an income of £3.02M. In the first year of the service 42,277 stickers were sold, in the second year 44,129 stickers have been sold to date. This puts the London Borough of Barnet at the highest take up rate in London based on the information available.

The income generated from subscriptions in year one also allowed the council to continue investment to enhance the service originally made in 2019/20. This was subsequently increased by a further £600k in 2021/22. The service has also enabled the delivery of £800k MTFS savings in 2020/21, and £1.3M in 2021/22.

The amount of garden waste presented for collection per participating household has increased since the service was introduced, demonstrating that those residents that have signed up for the service are making full use of the service.

The Street Scene service captured and reviewed customers' sign-up data from the first year of the service to develop more efficient and effective processes and communications for the second year. This proved to be very effective, with the equivalent of the whole of the first year's total sign-ups being achieved in July 2021, approximately two months into the second year's service. The service also made full use of data and improved systems to enable proactive engagement with customers, such as providing targeted email reminders to residents ahead of their next collections and notification of winter pause dates for the service to those customers that provided their email contact details and permission to contact them.

Officers Recommendations

1. The Environment Committee note the contents of this report.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Chairman of the Environment Committee requested that a report be submitted to the Committee providing an update on the implementation and progress of the Council's new chargeable garden waste collection service after its first year of operation.

2. REASONS FOR RECOMMENDATIONS

- 2.1 This report provides an update on the progress to date of the chargeable Garden Waste Service, which was introduced from 9 May 2020.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 There are no alternative recommendations.

4. POST DECISION IMPLEMENTATION

4.1 Year 1 – planning and implementation of service

4.1.1 Communications

- 4.1.2 During the first year of the service a wide range of communications were issued from February 2020 to all residents about the new subscribed service to maximise the level of take up by reaching as many households as possible. The launch had originally been planned for 6 April 2020 but was delayed by one month due to the initial impact of the COVID 19 pandemic. All communications deadlines were met. Communications included:

- A press release
- A leaflet delivered to all residents
- Postcard delivered to all residents
- A social media campaign
- High street posters
- A voice recorded message used on the Customer Support telephone service
- An article in Barnet First
- Barnet First e-newsletter

- Communities Together Network e-newsletter
- An article in Barnet Homes magazine “At Home”
- Website updates
- An advert in Barnet Times
- Emailed information to charities, organisations including allotment groups, and Friends of Parks groups, the school circular, private managing agents
- An update provided to all Members.
- My Account - dashboard banner and email to My Account subscribers

4.1.3 Internal staff communications were also used in promoting the scheme given that a significant number of council staff are Barnet residents.

4.1.4 A webform was created and uploaded onto the Council website to allow residents to arrange to sign up and pay for the service online using a debit/credit card. A telephone sign-up option was also offered for those residents who did not wish to or could not access the online payment system. A cheque payment mechanism was also in place to ensure the service was as accessible to as many customers as possible.

4.1.5 Coloured self-adhesive stickers were despatched to customers following successful payment. Residents were required to stick them to the bins and identify them to the collection crews. A cut-off date was set for payments to enable customers to receive the first collection of the service year.

4.1.6 Use of data, systems and business intelligence

4.1.7 The Street Scene service put in place strong project management plans, resources and systems to plan for and deliver the service successfully. In the run up to the go live of the service the collection vehicle rounds needed to be reconfigured to match customer demand and location of subscribed households. Through the use of emerging subscription data and using tools such as Power BI the service was able to reconfigure the collection vehicle rounds in line with the number and location of residents participating in the service on a weekly basis to ensure that a more efficient operational service was being provided. This involved close working with supervisors and experienced drivers to ensure that there was sufficient vehicle and crew resourcing, and sufficient contingencies in place. All relevant staff were also briefed in order to respond effectively to any customer queries or complaints, and these were minimal.

4.1.8 Subscriptions and income

4.1.9 The data for subscription stickers sold and the income generated in the first year of the service is shown in Figures 1 and 2.

Figure 1: Stickers sold in year 1 of service (2020/21)

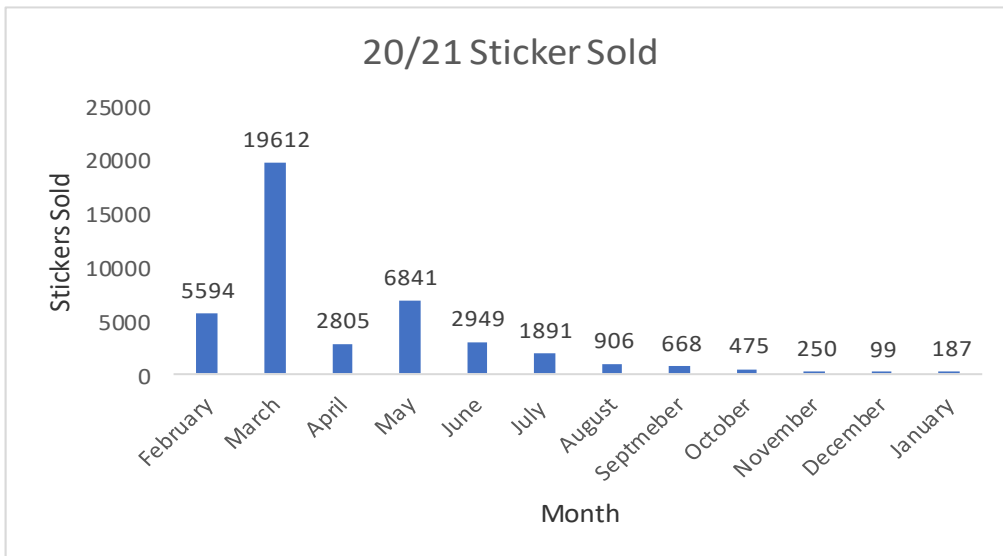
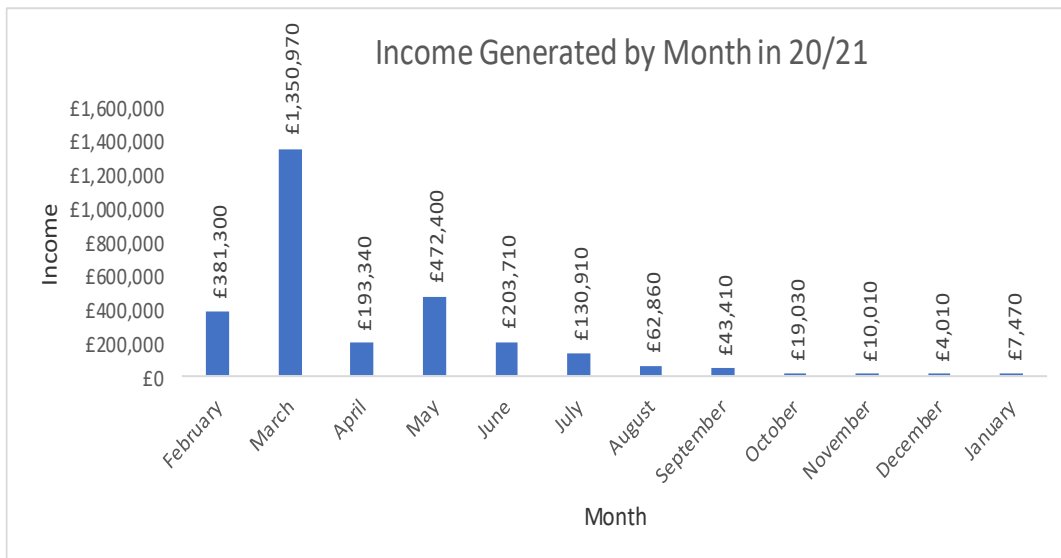


Figure 2: Income generated by month in 2020/21



4.1.10 The report to Environment Committee of 20 January 2020 noted that if there was a take up rate of 30% of previous users at a charge of £70 per bin, this would generate an income of £1,575,000. This would equate to 22,500 bins in Barnet, which would result in an income of £1,575,000.

4.1.11 Subscriptions in the first year of the service exceeded this scenario with a take up rate of 56.37%, being 42,277 bins, which is the highest amongst the London Boroughs based on the information available to the council.

4.1.12 Income generated from subscriptions exceeded this scenario and totalled £2,879,420 in the first year.

4.1.13 In the first year, there were peaks in subscription in March and May 2020, with the initial peak linked to the originally planned launch of the service in April 2020 which was then delayed to May due to the Covid-19 outbreak.

4.1.14 The cost to set up communications and back office staff resources for the first service year was £185,525. There are other costs associated with the service such as vehicle maintenance and staffing.

4.1.15 Street Scene proactively provided fortnightly collection day reminder emails which have been well received by customers using the service. To facilitate this, customers were encouraged to provide their email address and permission to contact them when signing up to the service and 92% did so. As a result, the service was able to provide specific collection day reminders to customers in either half of the fortnightly collection schedule, and provide other targeted communications such as reminders regarding their collection arrangements as part of the annual winter pause to the service. Targeted sign up emails were made possible in year 2 of the service as a result of this approach.

4.1.16 Policy

4.1.17 Policy was developed in relation to garden waste bins that were no longer required by residents who chose not to sign up to the chargeable service. This included allowing residents to keep their bins or arrange for the collection and reuse of the bins in an appropriate manner.

4.1.18 Autumn special offer

4.1.19 The council promoted a reduced charge for a part-year service in the first year of the service ("autumn special offer"). Residents were able to sign up in the autumn to receive up to 11 fortnightly collections, for a reduced price of £40 for the first bin and £30 for any additional bins. The service utilised data on the level of stickers sold over time to inform a decision on whether and when to make available the offer of a reduced charge that was proportionate to the number of collections left within the remainder of the service year. This would also enable residents to benefit from collections for the remainder of the service year, for example those who moved into the borough part-way during the year. The offer was promoted through bin stickers which were deployed on bins not displaying a subscription sticker in areas where business intelligence and crew observation suggested a lower level of subscriptions to the service, and online methods. Following communications on the autumn offer the data indicated an increase in subscriptions, and there continued to be sign ups to the service up until subscriptions began for the next service year. There were 1,051 additional stickers sold in year 1 as part of the special offer, with the majority then subscribing for the full year thereafter and this suggests that the communications approach was effective.

4.2 Year 2 – further improvements to service

4.2.1 Communications and use of data, systems & business intelligence

4.2.2 Following the successful implementation of the first year's service Street Scene were able to deliver some further improvements for the second year. The service has made full use of the emerging sign up data, using analytical tools such as Power BI.

Through the improved use of data, the service was able to deliver targeted communications and promotion of the service and maximise the cost-effectiveness of its communications. In summary this includes:

- Promotion of the second years' service focused on targeted online communications to 92% of residents who supplied an email address previously as part of the first years' service.
- The council provided an instant link for residents to subscribe again within the emails sent, improving the customer journey. This reduced communications costs and improved the ease with which customers could sign up to the service. Letters were sent to those residents that could not or did not provide an email address.
- Advance notice to sign up for the next years' service was provided to year one's subscribers in advance of the end of that years' service, as part of fortnightly email collection day reminders.
- The council was able to identify addresses from year one that were yet to subscribe in year two and issue targeted email reminders to these residents to ensure that they signed up in time for the start of the service. As a result, more residents signed up early to the second year of service and would therefore have been able to maximise the number of collections they receive during the service year.
- High levels of renewal were achieved in year two, and 89.34% of year two subscriptions have taken place online.
- Autumn offers of reduced charges for a part-year service were informed by analysis of the numbers of subscribers joining the service over time.
- Business intelligence gathered informed the level of support staff that were required to continue to offer subscriptions by phone to those residents that could not or chose not to sign up online.

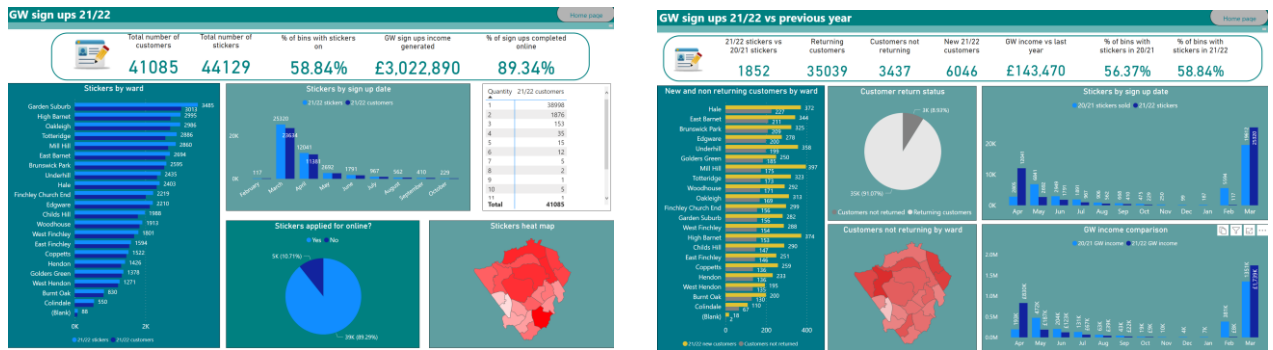
4.2.3 As well as targeted communications, other communications that were used to reach first time non-subscribers included:

- Website updates
- Press release
- An article in Barnet First Magazine
- Leaflet to all households
- A direct mail letter sent to residents that had previously subscribed but who did not provide their email address.
- Promotional messaging as part of fortnightly collection day email reminder
- Social Media Campaign
- Barnet First e-newsletter
- Communities Together Network e-newsletter
- An article in Barnet Homes magazine "At Home"

- Call centre voice recorded message
- Email to allotment groups and private managing agents.

4.2.4 Subscriptions and income

4.2.5 The use of Power BI dashboards as shown below enabled regular tracking and comparison of subscriptions between year one and year two. The dashboard allowed regular analysis of subscription information and for the output of mail lists of potential customers. The benefit of this analysis and targeted approach can be seen in the take up between years. In year one the majority of the stickers sold came in the first four months with a total of 82.4% of stickers sold in this period. Subsequently in year 2, the majority of sign-ups came in the first 2 months and the Council has already surpassed last year's take up rate and currently stands at 58.84% (44,129 stickers).



The data also allowed for the continued monitoring of round level data to ensure capacities could be monitored and adjusted to account for demand and tonnages collected.

4.2.6 The data for subscription stickers sold and the income generated in the second year of the service is shown in Figures 3 and 4.

Figure 3: Stickers sold in year 2 of service to date (2021/22)

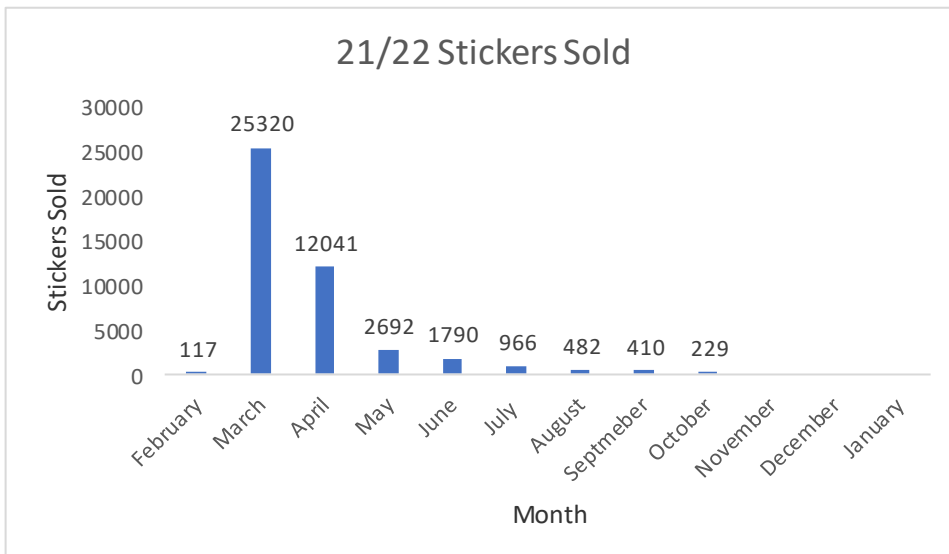
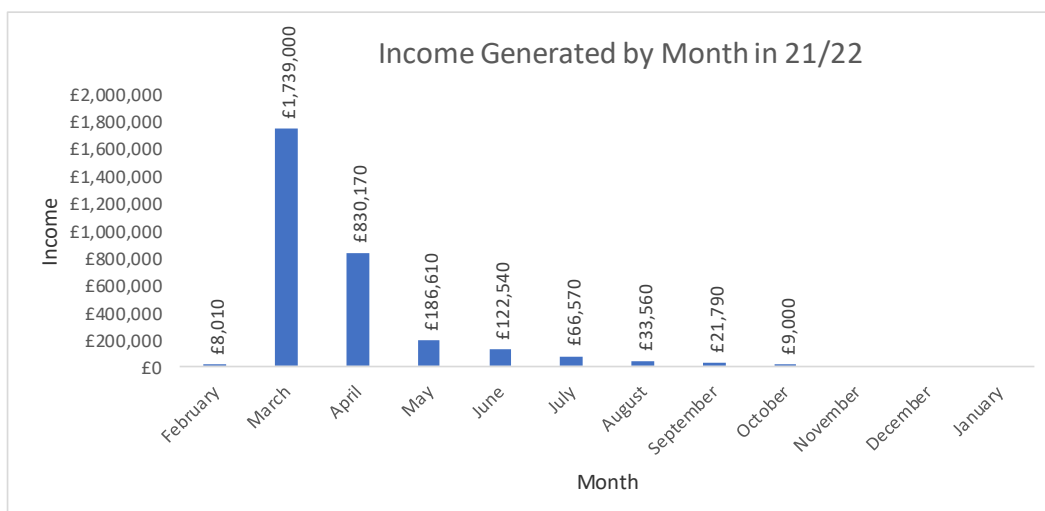


Figure 4: Income generated by month in 2021/22 (to date)



4.2.7 The take up rate for the second year of the service surpassed first year's rate and achieved the same level of service users and income by the beginning of July 2021. The take up rate thus far is 58.84%, with £3.02M income generated to date. An income of £3,000,000 was achieved by early September 2021.

4.2.8 The cost to set up communications and back office staff for the second year is currently projected to be £140,757, a potential reduction of £44,768 against the previous year.

4.2.9 The second year's data shows that the vast majority of subscribers to date joined before the launch of the service in May 2021, suggesting that the use of business intelligence and targeted email promotion to engage with customers and provide an easier customer journey was effective.

4.2.10 Policy

4.2.11 Further policy was introduced to allow Barnet Council to remove garden waste bins that have been abandoned by residents. Returned bins if in good state of repair are cleaned and reused as replacements for bins that are damaged during collections or have gone missing. So far including those that have been paid for, approximately 300 bins have been removed.

4.2.12 Autumn special offer

4.2.13 The council again promoted a reduced charge for a part-year service in the second year of the service ("autumn offer"). There were 1,051 additional stickers sold in year 1, of these subscribers 818 (77.8%) have signed up for the full year's service in year 2, suggesting satisfaction with the service. There have been 450 subscriptions in the first month since the launch of the autumn offer.

4.3 Other key information

4.3.1 Year on year comparison data

4.3.2 The table below summarises key outcomes data for the service.

	2020/21 (year 1)	2021/22 (year 2 to 25 October)
Bin stickers issued	42,277	44,129
Take up rate (based on assumed 75,000 bins in use prior to chargeable service)	56.37%	58.84%
Income	£2,879,420	£3,022,890

4.3.3 Subscriptions by ward

4.3.4 The graph below shows the distribution of subscribers for the second year of the service by ward (see Figure 5). The wards with the highest level of subscribers to the service are: Garden Suburb, High Barnet, Oakleigh, Totteridge and Mill Hill, with the lowest subscribers being Hendon, Golders Green, West Hendon, Burnt Oak and Colindale.

Figure 5: Stickers sold by ward

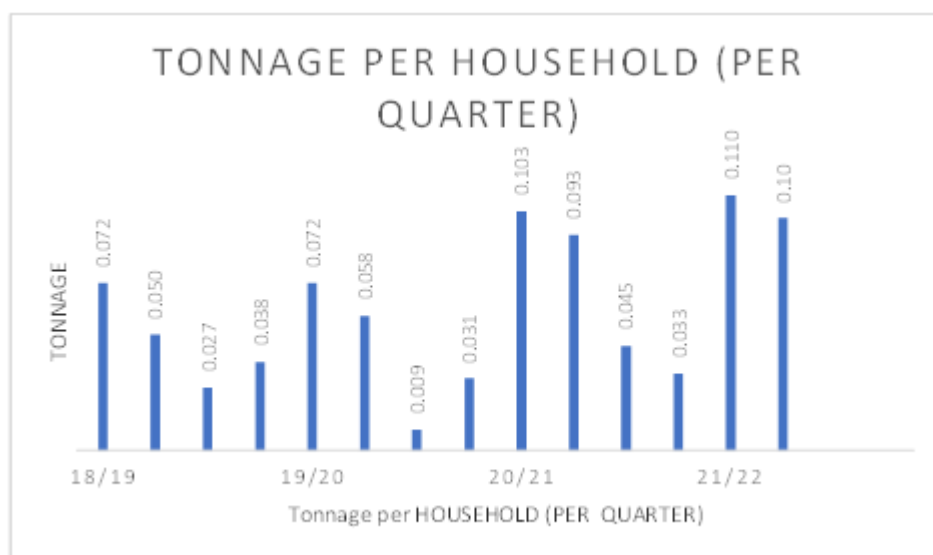


4.3.5 The Council has seen an increase in the uptake of residents using the service across all wards over the two years.

4.3.6 Garden waste tonnages

4.3.7 An analysis of the tonnages of garden waste collected has been carried out, comparing tonnage before and after charges were introduced (see Figures 6 and 7).

Figure 6: Average quarterly tonnage per participating household

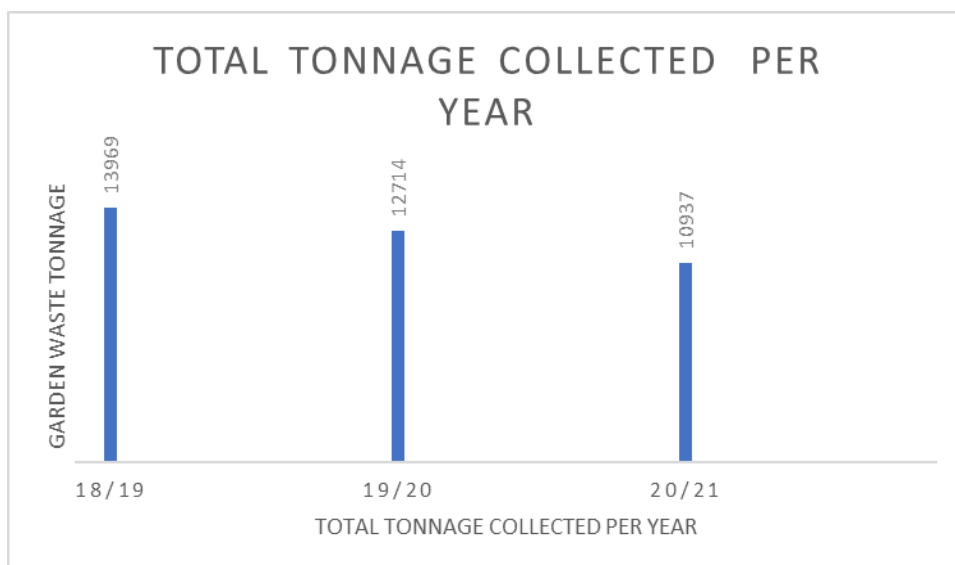


4.3.8 Figure 6 above shows the average tonnages collected per participating household per year. From 2020/21 onwards the service was offered as a subscribed service. The tonnage per participating household has increased from 0.047 tonnes (47 kilograms) in 2018/19 to 0.068 tonnes (68 kilograms) in 2020/21. The first quarter of the current service year has produced the highest tonnage per participating household at 0.110 tonnes (110 kilograms) per household and the 2021/22 figures show an improving trend.

4.3.9 The quarterly data shown is based on the service year (ie. quarter 1 includes May, June, July). The year 2018/19 had a full year of the service, the year 2019/20 had a reduced service as there was a longer winter pause due to remedial works at Oakleigh Depot, and a suspension of service in April due to the Covid 19 outbreak. This will have reduced tonnages for that year.

4.3.10 Figure 7 below shows the total annual tonnages collected. This shows that 78.3% of the 2018/19 garden waste tonnage is now being collected.

Figure 7: Total garden waste tonnage collected per year.



4.3.11 The North London Waste Authority have advised that they have not observed any increase in garden waste in the residual waste stream. There has not been any notable increase in garden waste collected as flytipping. An analysis of garden waste tonnage taken to the Reuse & Recycling centre (RRC) at Summers Lane has shown a slight reduction between 2019/20 and 2020/21. The reduction in tonnage collected from households appears not to have resulted in diversion of the material to residual waste, flytipping or the RRC, and could potentially be the result of changes in the amount of garden waste that is generated annually in line with variations in weather conditions. The council will continue to monitor tonnage trends going forward.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The report to Environment Committee in January 2020 noted the potential for a reduction in the percentage of household waste recycled, compost or reused. Based on the available information, the amount of garden waste collected is similar to that previously collected when the service was not chargeable. Analysis suggests that those residents that have signed up to the service are those making fuller use of the service.

5.1.2 Where residents choose not to join the chargeable service and take their garden waste to the Reuse and Recycling Centre, this will still support the achievement of the Council's recycling targets. Home composting bins were promoted as part of the communications campaign, these are available at a discounted rate to Barnet residents. Where residents choose to compost at home, this will not support the achievement of the Council's recycling targets but is the most environmentally beneficial method of dealing with garden waste.

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

- 5.2.1 Finance and value for money – The key financial costs for providing the service include the collection vehicles, fuel, crew costs, maintenance, insurance, Customer Support Group call centre staff, purchase of stickers to identify paid for bins, and extensive communications to ensure that all residents are provided with all the necessary information on garden waste charges. The report to Environment Committee on 20 January 2020 on the introduction of charges noted that assuming a charge of £70 was introduced from April 6, a take up rate of 30% would generate £1,575,000. The actual take up rate and income has significantly exceeded this.
- 5.2.2 The income generated from subscriptions in year one also allowed the council to continue a £500k investment to enhance services originally made in 2019/20. This was subsequently increased by a further £600k in 2021/22 to £1.1M.
- 5.2.3 Procurement – a service provider was procured to produce and deliver bin identification stickers.
- 5.2.4 Staffing – as anticipated, there have not been any implications on permanent staff. The rollout of the chargeable service has been achieved through the reallocation of frontline staff, additional support from existing back office staff, and the recruitment of one additional staff member.
- 5.2.5 IT – an online system for residents to join the chargeable service and make payment. was facilitated through close working between Street Scene and the Customer Support Group (CSG).
- 5.2.6 Property – There were no property implications.
- 5.2.7 Sustainability – Garden waste is not collected in refuse and recycling bins and therefore, the options of taking part in the chargeable service, taking the garden waste to the Reuse and Recycling Centre, and composting at home all promote the sustainable management of this waste stream.

5.3 Legal and Constitutional References

- 5.3.1 Below is the list of legal and constitutional references which enabled the Council to introduce the chargeable garden waste service.
- 5.3.2 Section 45(1) of the Environmental Protection Act 1990 states:
- (1) It shall be the duty of each waste collection authority—
 - (a) to arrange for the collection of household waste in its area except waste—
 - (i) which is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and
 - (ii) as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste;
 - (b) if requested by the occupier of premises in its area to collect any commercial waste from the premises, to arrange for the collection of the waste.

Section 45(3b) of the Environmental Protection Act 1990 states:

(3) No charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State; and in any of those cases—
(a) the duty to arrange for the collection of the waste shall not arise until a person who controls the waste requests the authority to collect it; and
(b) the authority may recover a reasonable charge for the collection of the waste from the person who made the request.

Section 46 of the Environmental Protection Act 1990 states:

Where a waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified.

The kind and number of the receptacles required under subsection (1) above to be used shall be such only as are reasonable but, subject to that, separate receptacles or compartments of receptacles may be required to be used for waste which is to be recycled and waste which is not dry recyclable waste, any dry waste stream, food waste, or any other waste which is to be recycled.

- 5.3.3 The revised Controlled Waste (England and Wales) Regulations 2012 set out what charges local authorities can make for waste collection and waste disposal. Under these regulations local authorities can make charges for the collection of garden waste from households.
- 5.3.4 In February 2019 the Government issued three consultations. The consultations were linked to the Government's proposals to implement the national Resources and Waste Strategy.
- 5.3.5 The second consultation on Consistency in Household and Business Recycling in England closed on 4 July 2021, and in its response the council noted that Local Authorities should retain the ability to charge for garden waste collection services and that there had not been an issue with garden waste appearing in the refuse waste stream as a result of charging.
- 5.3.6 The Environment Bill has passed from the House of Commons to the House of Lords, it is anticipated that this may be transposed into legislation during 2022.
- 5.3.7 The London Environment Strategy encourages the collection of garden waste, but does not prevent or discourage London Borough Councils from charging.
- 5.3.8 Council Constitution (Article 7, Committees, Forums, Working Groups and Partnerships) sets out the responsible body and their functions. For the Environment Committee its function is:

Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health.

Section 355(1)(a) of the GLA Act requires each of the waste collection authorities in Greater London (of which Barnet is one), in exercising any function under Part II of the

Environmental Protection Act 1990, to act “in general conformity” with the provisions of the London Environment Strategy (“the Strategy”) dealing with municipal waste management.

5.4 Insight

5.4.1 The use of business intelligence and data is set out in detail in section 4 of this report.

5.5 Social Value

5.5.1 There are no social value implications.

5.6 Risk Management

5.6.1 A risk register was prepared and regularly reviewed. The risks include; failure to deliver bin stickers, failure to engage with and communicate effectively to residents, failure to deliver the required savings and COVID-19. These risks are being mitigated through appropriate planning of procurement and communications activity.

5.7 Equalities and Diversity

5.7.1 A full Equalities Impact assessment was prepared for the Environment Committee meeting of 20 January 2020, to inform a decision on charging. This has been updated in September 2020 and October 2021.

5.8 Corporate Parenting

5.8.1 There are no corporate parenting implications

5.9 Consultation and Engagement

5.9.1 A public consultation ran for six weeks from 10 October to 22 November 2019 and the outcomes of this were considered at the Environment Committee meeting of 20 January 2020.

6. ENVIRONMENTAL IMPACT

6.1 The introduction of the chargeable service has enabled the council to identify the number and location of service users, so that collection crew and vehicles resources can be targeted as needed, resulting in a more operationally efficient garden waste service. On average there has been a reduction of four vehicle collection days per fortnight, resulting in an estimated reduction of 10.3 tonnes of CO² per year.

7. BACKGROUND PAPERS

7.1 Environment Committee January 2020 Garden Waste Collections - Introduction of Charges
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=9909&Ver=4>



Environment Committee

15 November 2021

Title	Review of Re Highways KPI Suite
Report of	Chairman of the Environment Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Geoff Mee, Executive Director, Environment geoff.mee@barnet.gov.uk Tim Campbell, Head of Commercial Management tim.campbell@barnet.gov.uk

Summary

Members previously received a report in June 2021 on the need to review the Highways Key Performance Indicators (KPIs) under the Development and Regulatory Services (DRS) contract with Regional Enterprise (Re) following the award of the Highways term maintenance contract (TMC) to TarmacKier Joint Venture (TarmacKier) which went live on 1 April 2021. Members resolved to receive a further report at this meeting. This report updates Members with the outcomes of the review.

Officers Recommendations

1. That the Environment Committee notes the revisions to the Re Highways KPI suite
2. That the Committee notes that the performance of TarmacKier will be shared with this Committee and will in the future be included as context in the Highways element of the Re report to the Financial Performance and Contracts Committee.

PURPOSE OF REPORT

- 1.1 This report updates the Committee with the outcomes of the review, previously reported to this Committee, of the KPI suite under the DRS contract with Re to align it with the Term Maintenance Contract (TMC) with TarmacKier.
- 1.2 The Highways TMC contains a range of KPIs, including a number such as defect rectification and gully cleansing, which are now directly the responsibility of TarmacKier. The KPI suite with TarmacKier was implemented from Q2 2021/22.
- 1.3 Six Highways KPIs under the DRS contract were suspended for the first quarter of 2021/22, as previously reported to this Committee, to allow for a review to be carried out and to align the two KPI regimes.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The review was carried out jointly between the Council and Re to ensure that the Re KPIs cover their responsibilities as the Managing Agent under the DRS contract. The Managing Agent responsibilities are to ensure that the Third-Party Contractors are complying with the terms of their contracts. This involves monitoring managed contracts and related KPIs and PIs including quality of service delivery (employing technical experts where necessary), cost (including budget, efficiency and cost effectiveness) and performance
- 2.2 The revised KPIs are shown in the table below, with a commentary about the changes as a result of the review.
- 2.3 Of the six KPIs, one (KPI 2.2 NM - Cat 1 Defects Rectification Timescales) is an interim measure pending a review of the Highways Inspection Manual risk matrix. This is due to be reported to this Committee in January 2022, and the KPI will be amended soon after.
- 2.4 Performance to the revised Re Highways KPI suite is being reported at the Financial Performance and Contracts Committee meeting on the 23rd November.

KPI	Old definition	New KPI	New definition	Commentary	Old Target	New Target	Commentary
				What's changed			

KPI 2.1-NM	Emergency Defects Rectification Timescales completed on time	KPI 2.1-NM	Response and Tasking Efficiency-Highways Emergency Defects	KPI amended to focus measurement on Re's speed and efficiency in emergency call-out responses and tasking to TKJV.	100% (2hrs)	100% (2hrs)	New target reflects Re's response timescale only.
KPI 2.2-NM	Cat 1 Defects Rectification Timescales completed on time	KPI 2.2-NM	Response and Tasking Efficiency-Highways Defects	KPI amended to focus measurement on Re's response investigating defect reports from various channels and timely tasking to TKJV. This KPI also incorporates the old KPI 2.3	100% (48 hrs - 7 days)	95% (10 Working days)	10 Working day target will be held as an interim position whilst the Highways Inspection Manual risk matrix is reviewed.
KPI 2.3-NM	Category 2 Defects Rectification Timescales completed on time	KPI 2.11-NM	Compliance with Quality and Audit checks in relation to repaired defects.	This new KPI measures the sampling coverage, timeliness and effectiveness of Re's quality and audit check regime on TKJV's reactive repairs under SI.3.2 and SI.3.3.	100%	10% (inc. 3% direct inspections).	Targets are not comparable 'like for like'.
KPI 1.7-NM	Annual programme of Gulley Cleansing	KPI 1.7-NM	Management of TMC in relation to Annual Gulley Cleansing.	KPI amended to focus measurement on Re's monitoring activities of TKJV in its delivery of the annual gulley cleansing programme.	94%	100%	Targets are not comparable 'like for like'.

KPI 2.8 - NM	Timely construction of Vehicle Crossovers following receipt of payment	KPI - 2.8 - NM	Tasking and management of TMC construction of Vehicle Crossovers following receipt of payment.	Improved definition and methodology for tracking and monitoring excluded complex cases. Clarify KPI scope for domestic crossovers only. Focused measurement on Re's tasking responsibilities, and clarity on its managing agent protocol duties with regards TKJV's obligations.	100% (4 weeks)	100% (5 Working days)	Targets are not comparable 'like for like'. New target represents timescale for Re's tasking responsibilities. TKJV have 4 weeks to complete construction.
KPI 2.10 - NM	Response to complaints relating to a drainage malfunction and/or flooding event	KPI 2.10 - NM	Response to complaints relating to a drainage malfunction and/or flooding event	Improved definition and methodology to focus measurement on Re's timely response to flooding events, and tasking responsibility of drainage issues reported by residents. Clarity provided on KPI measurement starting at point of initial customer report into Re Hub/call centre.	100% (2hrs, 4 weeks)	100% (2hrs)	New target represents timescale for Re's attendance and mobilisation of 3rd party agencies for emergency flooding events. TKJV has 4 weeks to rectify non-emergency drainage malfunctions.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None.

4 POST DECISION IMPLEMENTATION

4.1 After approval by the Committee, officers will include the revised Highways KPIs in reporting Re's performance to the to the Financial Performance and Contracts Committee.

4.2 The performance of TarmacKier is reviewed at the regular Contract Management Meetings held between Re and Council officers. Re are developing a dashboard with TarmacKier which will show trends against the reactive service.

4.3 The performance of TarmacKier will be shared with this Committee and will in the future be included as context in the Highways element of the Re report to the Financial Performance and Contracts Committee.

5 IMPLICATIONS OF DECISION

5.1 Corporate Performance

5.1.1 Performance monitoring is essential to ensure that there are adequate and appropriately directed resources to support delivery and achievement of corporate priorities as set out in the Corporate Plan (Barnet 2024) and our strategic contracts.

5.1.2 Relevant council strategies and policies include the following:

- Medium Term Financial Strategy
- Corporate Plan (Barnet 2024)
- Performance and Risk Management Frameworks.

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

5.2.1 While there is no budget forecast based on failed KPIs, any service credits received under the contract contribute to the financial position. Budgetary information is part of the Chief Finance Officer report to the FPCC.

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. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders. As set out in the council's Contract Procedure Rules, commissioners should use the Procurement Toolkit, which includes Social Value guidance. The Contract Management Toolkit should also be used to help ensure that contracts deliver the expected services to the expected quality for the agreed cost. Requirements for a contractor to deliver activities in line with Social Value will be monitored through the contract management process.

6. Legal and Constitutional References

- 6.1 Section 151 of the Local Government Act 1972 states that: “without prejudice to section 111, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs”. Section 111 of the Local Government Act 1972 relates to the subsidiary powers of local authorities to take actions which are calculated to facilitate, or are conducive or incidental to, the discharge of any of their functions.
- 6.2 The Council’s Constitution, under Article 7 (Committees, Forums, Working Groups and Partnerships), sets out the functions and responsibilities of the Environment Committee and these include: (1) Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health and (4) To receive reports on relevant performance information and risk on the services under the remit of the Committee.

7. Risk Management

- 7.1 The council has an established approach to risk management, which is set out in the Risk Management Framework. Risks are reviewed quarterly (as a minimum) and any high (15 to 25) level risks are reported to Policy and Resources Committee.

8. Equalities and Diversity

- 8.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to equalities in:
- Elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
 - Advancement of equality of opportunity between people from different groups.
 - Fostering of good relations between people from different groups.
- 8.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex and sexual orientation; marriage and civil partnership.
- 8.3 In order to assist in meeting the duty the council will:
- Try to understand the diversity of our customers to improve our services.
 - Consider the impact of our decisions on different groups to ensure they are fair.
 - Mainstream equalities into business and financial planning and integrating equalities into everything we do.
 - Learn more about Barnet’s diverse communities by engaging with them.

This is also what we expect of our partners.

- 8.4 This is set out in the council’s Equalities Policy, which can be found on the website

at:<https://www.barnet.gov.uk/your-council/policies-plans-and-performance/equality-and-diversity>

9. Corporate Parenting

- 9.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no implications for Corporate Parenting in relation to this report.

10. Consultation and Engagement

- 10.1 Obtaining customer feedback is part of the contract management process to inform service delivery, service development and service improvement.

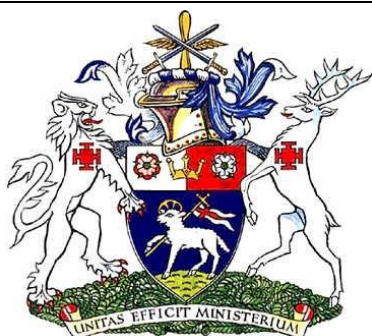
11. Insight

- 11.1 The report identifies revised performance information in relation to the council's contracted services. The report covers delivery from Regional Enterprise (RE) (Capita).

12. BACKGROUND PAPERS

- 12.1 Review of Re Highways KPI Suite, Environment Committee 2nd June 2021: <https://barnet.moderngov.co.uk/documents/s65047/Review%20of%20Re%20Highways%20KPI%20Suite.pdf>

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Environment Committee

15 November 2021

Title	Public Rights of Way Public Path Orders Policy
Report of	Chairman of Environment Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	<i>Appendix 1 – Public Rights of Way Guidance Appendix 2 – Draft Public Path Order Policy Appendix 3 – Proposed Fees and Charges</i>
Officer Contact Details	Geoff Mee, Executive Director, Environment Geoff.Mee@barnet.gov.uk

Summary

Public rights of way are types of public highway that are legally recognised and protected. They allow members of the public to pass and re-pass along them without permission, interruption, or obstruction at any time within the constraints of the route's status.

There are over 73 kilometres of recorded formal public access in Barnet that run through both countryside and urban areas of the Borough. In addition to these there are also many kilometres of footways and cycleways that provide non-motorised public access.

Public Rights of Way are subject to a range of acts including, but not limited to Highways Act 1980, Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000, the Town and Country Planning Act 1990 and the Deregulation Act 2015.

In response to the requirements set out in these acts the Council has commenced a review of its policies, guidance, and application forms for Public Rights of Way to ensure the service is

reflective of the applicable legislative requirements.

The first policy that is being brought forward to the Environment Committee is that for Public Path Orders. This policy is seen as a high priority to respond to several applications received in relation to diversion, extinguishment, and creation of paths.

Future policies will be brought to the Committee as they are developed.

It is proposed that applicants are required to reimburse the Council for reasonable costs relating to the administration of the application, any legal or other professional fees or services, any costs incurred by advertising any orders made, any costs associated with bringing the new route up to a suitable standard, and any costs associated with claims for compensation under section 28 of the Highways Act 1980.

The proposed fees and charges are set out in a separate report to the 15 November 2021 Environment Committee.

Officers Recommendations

- 1. That the Committee notes the progress with the development of the Public Rights of Way service and associated policy framework.**
- 2. That the Committee approves the draft Public Path Order policy set out in Appendix 2 for consultation.**
- 3. That the Committee delegate authority to the Executive Director for Environment to amend (if necessary) the draft Public Path Order Policy to incorporate any changes necessitated by the result of the public consultation and to implement the policy.**
- 4. That the Committee notes the introduction of fees and charges aligned to the Public Path Order policy which is the subject of a separate report to the Committee.**

1. WHY THIS REPORT IS NEEDED

1.1 Public rights of way are types of public highway that are legally recognised and protected. They allow members of the public to pass and re-pass along them without permission, interruption, or obstruction at any time within the constraints of the route's status. They can have one of four statuses:

- Public footpaths – for walkers only. A person may take a pushchair or dog with them. It is normally a civil wrong to push or ride a bicycle or a lead or ride a horse on a footpath; legal action could be taken by the landowner for trespass or nuisance caused by the user.
- Public bridleways – for walkers, horse riders and pedal cyclists. Cyclists must give way to walkers and horse riders.
- Restricted byways – these may be used by walkers, cyclists, horse riders and carriage drivers. There is no public right of way for cars or motorcycles.

- Byways open to all traffic (*BOATs*) – these routes are available for use by walkers, horse riders, pedal cyclists, horse drawn carriages, motorcyclists, and motor vehicles. Traffic Regulation or Prohibition Orders can restrict the level of use by motorised users on some byways – either permanently or seasonally. There are currently no recorded *BOATs* within Barnet.
- 1.2 Cycle tracks are another type of minor highway for cyclists with, or without, pedestrian access. These cannot be recorded on the Definitive Map under the current legislation. Some of Barnet’s cycleways are defined as footpaths with permissive cycle access.
 - 1.3 We keep an official map that shows all the footpaths, bridleways, restricted byways that we know about. This is called the Definitive Map and is accompanied by a written description of each path, called the Definitive Statement. In the rest of this guide, we will refer to the Definitive Map and accompanying Statement simply as “the map”. We have a duty to keep the map up to date. It must show the exact route of each public right of way in London Borough of Barnet.
 - 1.4 Where the map shows a footpath, anyone has a legal right to walk along it. Where the map shows a bridleway, anyone has a legal right to walk, ride a horse or ride a bicycle along it. Where the map shows a restricted byway, anyone can walk, ride a horse or bicycle, or drive a non-mechanically propelled vehicle such as a horse-drawn cart.
 - 1.5 There are over 73 kilometres of recorded formal public access in Barnet that run through both countryside and urban areas of the Borough. The public rights of way network consist of approximately 30 kilometres of footpaths, 7 kilometres of bridleways and restricted byways and 36 kilometres of urban footpaths included within the list of streets. In addition to these there are also many kilometres of footways and cycleways that provide non-motorised public access.
 - 1.6 Additionally, there are paths through parks and open spaces that are usually available to the public, at least during park opening hours. A few of these are definitive footpaths or are included within the list of streets, but otherwise they form part of the park and are governed by the park bylaws. Several permissive routes also exist, mainly on Council owned land. Many form parts of regional or local promoted walks, including the London LOOP, Capital Ring, Dollis Valley Green Walk, Pymmes Trail, and local circular walks. Some also permit horse riding. Pedestrians also have right of access over common land (except excluded areas) in the borough and may also walk in many areas within parks where there are not defined footpaths
 - 1.7 Public Rights of Way are subject to a range of acts including, but not limited to Highways Act 1980, Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000, the Town and Country Planning Act 1990 and the Deregulation Act 2015.
 - 1.8 In response to the requirements set out in these acts the Council has commenced a review of its policies, guidance, and application forms to ensure the service is reflective of the legislative requirements. Appendix 1 sets out the proposed policy, guidance and application framework and associated delivery timeline for the Environment Committee’s information.
 - 1.9 The first policy that is being brought forward to the Environment Committee is that for Public Path Orders and associated fees and charges. This policy is seen as a high

priority to respond to several applications received in relation to diversion, extinguishment, and creation of paths.

- 1.10 Public Path Orders seek to change the existing PRow network by extinguishing or diverting existing paths or by creating new paths. The legislation used to do this is contained within the Highways Act 1980 specifically:
- Highways Act Section 26 - the creation of a new footpath, bridleway or restricted byway.
 - Highways Act Section 118 - the extinguishment of an existing footpath, bridleway or restricted byway.
 - Highways Act Section 119 – the diversion of an existing footpath, bridleway or restricted byway.
- 1.11 For the Environment Committee information, there are also powers under the Town and Country Planning Act 1990 which affect public rights of way in relation to stopping up or diversion for development (Section 257); and temporary orders relating to mineral workings (Section 261) these matters are within the delegation of the Councils Planning Committees, therefore this report deals specifically with the power vested in the Council under the Highways Act 1980.
- 1.12 The Council has the discretion as to whether to make a Public Path Order following an application to do so by a member of the public, organisation, or landowner. For a Public Path Order application to be successful the proposal must meet all legislative tests and be considered appropriate by the Council and not place an undue burden on any third party. If the Council decides not to make an order, there is no right of appeal. The legislation gives the power but not the obligation to make such orders.
- 1.13 A draft of the proposed Public Path Order policy is set out in Appendix 2 for the Environment Committee information. This policy covers:
- Legislative framework
 - Definitions
 - Fees and Charges
 - Types of Public Path Orders
 - Application Process
 - Consultation
 - Path Widths & physically restricted widths
 - Council Generated Schemes
 - Fencing of new routes
 - Surfacing of new routes
 - Open paths
 - Public path changes
 - Order of processing
 - Determination of application
 - Order Making
 - Appeals Process

- 1.14 In addition, it is proposed that applicants are required to reimburse the Council for reasonable costs relating to the administration of the application, any legal or other professional fees or services, any costs incurred by advertising any orders made, any costs associated with bringing the new route up to a suitable standard, and any costs associated with claims for compensation under section 28 of the Highways Act 1980.
- 1.15 The power for local authorities to charge applicants for Public Path Orders is given by the Local Authorities (Recovery of Costs for Public Path Orders) Regulation 1993 (as amended).
- 1.16 The proposed fees and charges are set out in Appendix 3 for the Environment Committee's information, these proposed fees have been benchmarked against 11 other Authorities who offer Public Rights of Way Public Path Order application processes. The proposed fees and charges are set out in a separate report to the 15 November 2021 Environment Committee.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Council has a statutory duty to provide a Public Rights of Way function as defined under a range of acts including, but not limited to Highways Act 1980, Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000, the Town and Country Planning Act 1990 and the Deregulation Act 2015.
- 2.2 The recent appointment of a dedicated Public Rights of Way Officer has enabled the Council to review and refresh its approach to the management of Public Rights of Way service, with focus on delivering an updated suite of policies, guidance and application forms as set out in Appendix 1 of this report.
- 2.3 The first policy that is being brought forward to the Environment Committee is that for Public Path Orders and associated fees and charges. This policy is seen as a high priority by Officers to respond to several applications received in relation to diversion, extinguishment, and creation of paths within the Borough.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Due to the legal complexity of Public Rights of Way matters there is no alternative option to the application and implementation of a structured policy, guidance and application framework.

4. POST DECISION IMPLEMENTATION

- 4.1 Once the Committee approves the recommendations, the Public Path Order policy will be subject to twelve weeks consultation with residents, businesses, and appropriate stakeholders from January 2021, in conjunction with the communication team. A consultation plan will be developed and implemented. This policy be delegated to the Executive Director for Environment for finalisation of any changes as a result of the consultation and implementation. This timetable is proposed so that the Public Path Order policy can be in place from early April 2022 aligned to the introduction of the new fees and charges.

- 4.2 Officers will continue to review and refresh its approach to the management of Public Rights of Way service, with focus on delivering an updated suite of policies, guidance and application forms as set out in Appendix 1 of this report.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan - Barnet 2024, states in its strategic objectives that it will work with partners to achieve a pleasant, well-maintained borough that we protect and invest in.

- 5.1.2 In particular, the proposed policy will improve the highway network, which in turn will contribute to improving the local environment and the quality of life for the residents and help create conditions for a vibrant economy.

- 5.1.3 The proposed policy will contribute to the Council's Health and Wellbeing Strategy by making Barnet a great place to live and enable the residents to keep well and independent.

- 5.1.4 The Highway network is the Council's most valuable asset and is vital to the economic, social and environmental wellbeing of the Borough as well as the general image perception. The Highways provide access for business and communities, as well as contribute to the area's local character and the resident's quality of life. Highways, of which Public Rights of Way for am part, really do matter to people and often public opinion surveys continually highlight dissatisfaction with the condition of local roads and the way they are managed. Public pressure can often result in short term fixes, rather than properly planned and implemented longer term solutions within a robust policy framework. The proposed policy aims to improve the quality and safety of the network ensuring the Councils legal and statutory obligations are discharged.

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

5.2.1 Finance & Value for Money

- 5.2.1.1 The proposed Public Path Order policy will ensure the effective financial management of the highways network through the implementation of a clear policy framework, optimising resources deployed.

- 5.2.1.2 The fees and charges set out in Appendix 3 will ensure that the Council recovers reasonable costs where those costs have been incurred.

- 5.2.1.3 The proposed fees and charges have been benchmarked against 11 other Authorities who offer Public Rights of Way Public Path Order application processes.

- 5.2.2 Procurement – None as a result of this report.

- 5.2.3 Staffing – None as a result of this report.

5.2.4 IT – None as a result of this report.

5.2.5 Property – None as a result of this report.

5.2.6 Sustainability – This report and the associated policies, guidance and application forms will promote the effective management and utilisation of the Public Rights of Way network across the borough.

5.3 **Legal and Constitutional References**

5.3.1 The Council has a variety of powers under which it can make a Public Path Order but the most common are those set out in the Highways Act outlined in the draft Public Path Order Policy appended to this report.

5.3.2 Each of the powers set out in the Highways Act 1980 is discretionary and as such it is for the local authority to decide if it wishes to make or not to make a Public Path Order under any of the sections. If, it decides to make an order, it must be satisfied that the tests relevant to the particular type of order have been satisfied.

5.3.3 The Council also has power to charge applicants for the making and confirmation of Public Path Orders under Regulation 3 of the Local Authorities (Recovery of Costs for Public Path Orders) Regulation 1993 (as amended). The amount of the charge is at the local authority's discretion subject to the test of reasonableness.

5.3.4 Article 7 of the Council Constitution (Responsibility for Functions) states that the Environment Committee is responsible for all borough-wide or cross-constituency matters relating to the street scene. The subject matter of this report falls within the terms of reference of the Environment Committee.

5.4 **Insight**

5.4.1 Not applicable to this report, however the management of the Public Right of Way network will be informed by strategic insight data provided by the Council's insight team and other sources in due course.

5.5 **Social Value**

5.5.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

This is not applicable in the context of this report.

5.6 **Risk Management**

5.6.1 Effective management of risk is an integral part of highways asset management, of which the Public Rights of Way network forms an integral part. The Council's Risk Management Framework has established strategic and departmental risk registers.

5.7 Equalities and Diversity

5.7.1 Good roads and pavements have benefits to all sectors of the community in removing barriers and assisting quick, efficient and safe movement to schools, work and leisure. This is particularly important for older people, people caring for children and pushing buggies, those with mobility difficulties and sight impairments. The state of roads and pavements are amongst the top resident concerns and the Council is listening and responding to those concerns through the management of an effective Public Rights of Way network.

5.7.2 The physical appearance and the condition of the roads and pavements have a significant impact on people's quality of life. A poor-quality street environment will give a negative impression of an area, impact on people's perceptions and attitudes as well as increasing feelings of insecurity. The Council's policy is focused on improving the overall street scene across the borough to a higher level and is consistent with creating an outcome where all communities are thriving and harmonious places where people are happy to live.

5.7.3 There are on-going assessments carried out on the conditions of the roads and pavements, including Public Rights of Way, in the borough. These ongoing assessments incorporate Public Rights of Way on which there were requests by letter, email, and phone-calls from users.

5.7.4 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- 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.

5.7.5 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 policies and the delivery of services. There is an on-going process of regularisation and de-clutter of street furniture and an updating of highway features to meet the latest statutory or technical expectations.

5.8 Corporate Parenting

5.8.1 No direct or indirect impacts on looked after children or care leavers identified beyond those applicable to the population.

5.9 Consultation and Engagement

5.9.1 Public consultation was undertaken in relation to development of the Public Path Order policy.

5.9.2 Once the Committee approves the recommendations, the Public Path Order policy will be subject to twelve weeks consultation with residents, businesses, and appropriate

stakeholders from January 2021, in conjunction with the communication team. A consultation plan will be developed and implemented. This policy be delegated to the Executive Director for Environment for finalisation of any changes as a result of the consultation and implementation. This timetable is proposed so that the Public Path Order policy can be in place from early April 2022 aligned to the introduction of the new fees and charges.

6. Environmental Impact

- 6.1 There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

7. BACKGROUND PAPERS

- 7.1 None.

Appendix 1

Public Rights of Way (PRoW) Policies, Guidance and Application Forms prioritisation and estimated delivery dates

A. Public Rights of Way (PRoW) Policies

Policy	Priority	Estimated Delivery Date
Public Path Order	High	April 2022
Modification Applications and Path Widths	High	Summer 2022
Least Restrictive Access	Medium	Summer 2022
Maintenance	Medium	Summer 2022
PRoW Outdoor Access Improvement Plan	High	Autumn 2022
Enforcement	Medium	2023
Ploughing and Cropping	Low	2024

B. PRoW Guidance/Orders/Applications

Type	Priority	Estimated Delivery Date
Public Path Orders Application Form	High	April 2022
Definitive Map Modification Order (DMMO) Application Forms	High	Spring 2022
Highways Act Emergency Closure Notice	High	Spring 2022
Structure Authorisation Forms	High	Spring 2022
Sign Posting, Waymarking & Promotion of PRoW Guidance	Medium	Spring 2022
PRoW - A Guide for Developments and Utility Companies	High	2023
PRoW and Livestock Guidance	Low	2024
PRoW and Windfarms	Low	2024

The above lists are not exhaustive and will be under constant review.

Appendix 2

Draft Public Path Order Policy

Draft Public Path Order Policy

Introduction

The Council's Highways Team looks after the public rights of way network in Barnet London Borough Council¹. The public have a legal right to use this network of paths even though they cross private property. We refer to all these routes as "paths", but the network consists of footpaths, bridleways and restricted byways. All these paths are public highways and share many of the same rules and legal protection afforded to the roads we drive our cars on.

We keep an official map that shows all the footpaths, bridleways, restricted byways that we know about. This is called the Definitive Map and is accompanied by a written description of each path, called the Definitive Statement. In the rest of this guide, we will refer to the Definitive Map and accompanying Statement simply as "the map". We have a duty to keep the map up to date. It must show the exact route of each public right of way in Barnet London Borough.

Where the map shows a footpath, anyone has a legal right to walk along it. Where the map shows a bridleway, anyone has a legal right to walk, ride a horse or ride a bicycle along it. Where the map shows a restricted byway, anyone can walk, ride a horse or bicycle, or drive a non-mechanically propelled vehicle such as a horse-drawn cart.

A person is legally entitled to take a dog² or a pushchair or mobility scooter on any type of path.

Definition of Public Rights of Way (PRoW)

Public rights of way are types of public highway that are legally recognised and protected. They allow members of the public to pass and re-pass along them without permission, interruption, or obstruction at any time within the constraints of the route's status. They can have one of four statuses:

- Public footpaths – for walkers only. A person may take a pushchair or dog with them. It is normally a civil wrong to push or ride a bicycle or a lead or ride a horse on a footpath; legal action could be taken by the landowner for trespass or nuisance caused by the user.
- Public bridleways – for walkers, horse riders and pedal cyclists. Cyclists must give way to walkers and horse riders.
- Restricted byways – these may be used by walkers, cyclists, horse riders and carriage drivers. There is no public right of way for cars or motorcycles.

¹ Barnet London Borough Council is the local authority for the London Borough of Barnet in Greater London, one of 32 within London. Barnet is divided into 21 wards.

² Dogs should be kept under control and not allowed to wander off the path or to foul land or the highway.

Public Path Orders

If you would like us to move a public right of way or to close one permanently, you can apply for a Public Path Order. The Highways Act 1980 says we have “powers” but not a “duty” to deal with applications to move, close or create paths. This means that we can decide whether or not to process your application and how quickly it should be dealt with. If we decide not to deal with your application, or we decide that we will not make the order you have asked for there is currently no right of appeal against our decision.

A Public Path Order can move a path, this is called a diversion, or it can close a path, this is called an extinguishment. A Public Path Order can also create a new path. The law has strict requirements that need to be met for us to carry out diversions, extinguishments, and creations of public rights of way. Before you apply for a Public Path Order it is worth talking to us so that we can advise you on any proposal and explain the law relating to such orders and tell you if we can do what you want us to do.

Please note this policy relates only to Public Path Orders made under the Highways Act 1980. Regarding Public Path Orders made under Section 257 or 261 of the Town and Country Planning Act 1990 please contact the Councils Planning department for further information relating to these orders.

Types of Public Path Orders covered by this Policy

Public Path Orders (“PPOs”) – Highways Act 1980

Public path orders are made under a variety of different sections of the Highways Act 1980 depending on what the required outcome is. Each section of the Act has its own tests:

- **Section 26 – Creation of public path.** The Council can create a footpath, bridleway, or restricted byway by order if it is satisfied it is expedient to do so to satisfy a need for a path, having had regard to the extent to which the path would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, as well as the effect which the creation of the path or way would have on the rights of those interested in the land over which the path would pass.
- **Section 118 – Extinguishment of a public path.** The Council can extinguish a footpath, bridleway, or restricted byway by order if it is satisfied it is expedient to do so on the ground that it is not needed for public use. Before confirming an order, the Council must have considered the extent that the path would be used by the public if not extinguished. Any temporary obstructions preventing or diminishing public use must be disregarded. The Council also needs to consider the effect of the extinguishment on the lands served by the path.
- **Section 116 – Stopping up or diverting a public path or BOAT.** The Council can also apply to the Magistrates’ Court for a court order to either stop up (extinguish) a public right of way on the ground that it is unnecessary or to divert a public right of way to provide a nearer or more commodious route. National guidance and Council policy generally restricts this use to BOATs as it is accepted that Section 118 is a more acceptable mechanism for extinguishing public paths.
- **Section 119 – Diverting public paths.** The Council can divert a footpath, bridleway, or restricted byway by order if it is satisfied it is expedient to do so in the interests of the owner, occupier, or the public. The termination points must be substantially as convenient and connected to the same or a connected highway. (A dead-end path must instead be extinguished and re-created). Before confirming the order, the Council must

be satisfied that the diversion route will not be substantially less convenient to the public and it is expedient to do so having regard to the effect on the public's enjoyment of the route and the effect on the lands served by the path and the diversion.

- **Sections 118A and 119A – Rail crossing extinguishment and diversion orders.** The Council can extinguish or divert a public path over a level crossing and any paths connecting to it if it considers it expedient to do so in the interest of the safety of members of the public using the crossing. The Council will not confirm such an order unless it is satisfied that it is expedient to do so having had regard to all circumstances – whether it is reasonably practicable to make the crossing safe for the public or for the provision of a bridge or tunnel. An application by Network Rail or its agents must be made in the proper form and the applicants can be required to pay for and maintain any alternative route.
- **Sections 118B and 119B – Special extinguishment and diversion orders for crime prevention.** The Council can make an order to extinguish or divert a public path within any area designated an area of high or persistent crime by the Secretary of State if the Council is satisfied that the existence of the path is facilitating the persistent commission of criminal offences to the properties adjoining or adjacent to the path. Before confirming an extinguishment order the Council must be satisfied that the path is being used for the commissioning of crime and having regard to all circumstances – in particular whether there is an alternative route or whether the path could be diverted.
- **Sections 118C and 119C – Special Schools extinguishment and diversion orders.** The proprietor of a school can apply under Sections 118B or 119B for a special extinguishment or diversion order. The Council can make an order where it considers it expedient for the purposes of protecting pupils or staff from violence, harassment, alarm, or distress arising from unlawful activity, or any other risk to their health or safety from that activity. Before confirming an order, it must have regard as to whether any other measures could have been taken to improve/maintain the school's security, whether the order is likely to result in a substantial improvement in that security, and the effect the order would have on other land served by the path.
- **Section 119D & E – SSSI Diversion order.** Natural England can apply to the Council for an order to divert a public path which runs over a Site of Special Scientific Interest (SSSI). Where it appears to the Council that public use of the path is causing or will cause significant damage to flora, fauna, or geological or physiological features it may make such an order. The Council must have regard to the same tests as set out in Section 119 above.

How we deal with your application for a Public Path Order

When we receive your application, we begin by checking to see if the Highways Act 1980 will allow us to do what you have applied for. If it doesn't, we will contact you and explain what the problem is and suggest changes that you could make. We cannot make you change your application but if an order cannot legally be made the application will be refused. If we accept your application, we will add it to a public register of similar applications. We deal with applications in order of receipt unless taking them out of turn would enable us to resolve a nearby issue at the same time.

Once we have agreed with you what you want and have discussed the issues involved, we will write to any other landowner or occupier who would be affected by your application, as well as

to local and national user-groups, such as the Ramblers and British Horse Society. We will also write to the local councillor and to the utility companies. You will be charged for this and any following work unless we have told you that your application will be processed at no cost to yourself.

Once we have received responses from those people we have written to, we will write a report to be considered by the Executive Director. The report will discuss the legal aspects of your application and the comments made by the people and organisations we have written to. The Executive Director will decide if the order you have asked for should be made.

If we decide to make an order, we will tell you this. When we make the order, we advertise this in the local paper and erect notices on the path. An order does not take effect until it has been confirmed. People have four-six weeks from the date the order is made to object to it if they disagree with it. If we do not receive any objections, we can confirm the order and the map is changed. If we receive objections to the order, we will consider whether the order should be sent to the Secretary of State for Environment, Food and Rural Affairs to confirm in the same manner as for Definitive Map Modification Orders. We may decide not to ask for the order to be confirmed if there are good reasons not to. If we decide not to send the order for confirmation, there is no appeal against this decision.

If we decide not to make an order, we will inform you appropriately. There is no appeal against this decision. You can ask the Secretary of State for Environment, Food and Rural Affairs to make an order for you.

Widths of new routes

The following applies to **applications** received by the Council.

New routes of diverted paths and newly created paths must have a width recorded within the order to comply with legislation (Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993) and government guidance (DEFRA Circular 1/09). The position of the stated width should be identifiable on the ground, where possible by reference to landmarks on the ground which are likely to endure. Where the new route runs along an existing track, or between other features, such as parallel hedgerows, fences or walls, the normal presumption will be that the recorded width is equal to the width physically available on the ground.

The width of the section(s) of new path will be as per the table below, this is irrespective of whether a diverted route had previously had a narrower or no recorded width. If there is no recorded width, the width to be used will be the width available for use by the public. The widths recorded below are minimum widths. Where appropriate the Council will seek to secure agreement for a width in excess of the stated minimum.

The following table gives minimum widths for new or diverted paths:

Path status	Width
Footpath	2.0 m
Bridleway	4.0 m
Restricted byway	5.0 m

Physically restricted routes

A new route may be physically restricted where part or all of it uses a pre-existing alleyway, or where there are other significant features or structures which physically prevent the allocation of a greater width. Paths should conform to the general policy where possible. However, where a new path would unavoidably be physically restricted, the following minima will apply for as short

as length as possible.

Path status	Physically restricted minimum width
Footpath	1.0 m
Bridleway	2.0 m
Restricted byway	3.0 m

Council-generated orders.

The Council may decide to make a Public Path Order without receiving an application to fulfil one or more of its objectives. Such objectives may include:

- Making an order to provide a useable alternative route where enforcement action is considered unreasonable or not practicable by the Council.
- For the effective management of the rights of way network;
- To enhance public access where a need has been identified;
- For reasons of safety, crime, and animal & environmental welfare;
- To rectify an acknowledged error of this or another authority.

Such an order is described within this policy as a “Council-generated order”.

Council-generated orders are likely to be made to resolve issues relating to long-standing obstructions or gaps in the network. As such the widths and routes available to remedy the situation are likely to be limited by existing buildings and structures and using the land over which a new route may be placed. Moreover, the nature of a Council-generated proposal is likely to require some degree of compromise between landowner and Council to secure a mutually satisfactory agreement. Such compromises may include the provision of paths with widths less than the minima required for applications as stipulated above.

Any width decrease below the application minimum will be considered on a case-by-case basis by the Case Officer and only sanctioned if the detriment to the users is compensated by some other factor or can be considered reasonable considering all the circumstances - including the needs and expectations of the public and the aims of the scheme.

Fencing of new routes

Where the applicant notifies the Council of their intention to fence the route the Council will seek to secure a width in excess of the minimum width unless satisfied that the style of fencing to be used is unlikely to intimidate or deter users of the path.

Where a new path will run alongside an existing hedge, the position of the path will be set out from the hedge by a distance appropriate for the growth style of the vegetation to reduce any future maintenance liability of the landowner or Council. This distance will be measured from the centre line of the hedge.

Where a path is enclosed by hedging or fencing without the consent of the Highway Authority, the maintenance of the surface of the path and clearance of vegetation will, under common law, become the responsibility of the owner/occupier of the land.

Surfacing of new routes

The surface required for a new path will be determined by the Case Officer who will take into consideration the path's location, environment, and proposed potential level and type of use. This may require that the surface of the new path be improved beyond the condition of the path being replaced or what is present on the line of the new path. Further information regarding surfacing will be covered within the PRow Maintenance Policy.

Structures on new routes

Any structures required on the new route must comply with the Council's policy on structures – Structures Policy: Achieving Least Restrictive Access on Barnet London Borough Councils Rights of Way and with its Rights of Way Enforcement Policy. Further information regarding structures will be covered within the PRow Maintenance Policy.

Open paths

The requirement that public rights of way are available for public use is a general duty of both the landowner and the Council. The execution of the Council's duty, however, must be reasonable and proportionate.

The presumption shall be that all paths that are the subject of an application will be open and available for public use until such time as an extinguishment or diversion order is made and confirmed (and where necessary, certified). Certification is the process by which the Council inspects and accepts that the works on a newly laid out path complies with the requirements of a public right of way. The extinguishment part of many diversion orders only has legal effect once the new alternative route has been certified.

Where the legal line of a path is obstructed, the applicant will have to make a case in writing why the legal line of a path cannot be made open and available for public use. The Case Officer may, if satisfied by the reasons given, temporarily waive the requirement to have an open path where its deemed appropriate, having regard to all the circumstances of the case.

Where an application seeks to extinguish a path, the Case Officer may require that the path be monitored for a period to assess whether it is used by the public and to what extent. This will be determined on a case-by-case basis. Where the application relates to a route that has been unavailable for public use because of obstructions that cannot be removed, the Case Officer may require that a suitable alternative route be provided so that a comparable level of use may be ascertained.

A suitable alternative route means one on an existing right of way or permissive path of equal or higher status, or on land in the same ownership as the application path along a route that does not impede the passage of the public entitled to use the application path, and which is substantially as convenient for members of the public to use. Where an alternative route is proposed on land in a different ownership the applicant would have to reach agreement with, and compensate, the affected landowner.

The duration of the assessment period will be determined by the Case Officer on a case-by-case basis and will generally be between one month and one year. The applicant will be

required to pay any reasonable costs expended by the Council in ascertaining the level of use of the route. The Case Officer has discretion to waive these requirements if a suitable alternative right of way of equal or higher status exists nearby.

Keeping paths open and available for public use is a general and on-going duty of the Council. Whilst we will positively encourage applicants to make a route available for public use, we would not refuse to process an application, or refuse to make an order, solely on the basis that the applicant has not made the existing path(s) available for public use.

The decision as to whether enforcement action is appropriate, and whether an application to divert or to extinguish is appropriate, should be made on the merits of each individual case. Where an application to divert or extinguish a path is received after enforcement proceedings have begun, the Case Officer has discretion as to whether to continue with the enforcement process or to allow the application to be processed on the condition that a suitable alternative route is provided in the interim.

Public Path Order Charges

We will charge you for the cost of any administration, advertising, and works in relation to your application. Charges will include:

- any site visits
- the drafting of any maps or plans
- writing letters to landowners, parish councils, user-groups and utility companies
- writing and presenting a report on your application
- drafting any legal orders and the costs of advertising any order, and
- the costs of any structures or work required to make a new path suitable for use by the public
- You would also be required to pay any compensation claimed by somebody whose legal interest in the land is affected by the confirmed Public Path Order

More guidance on the costs involved can be found in the application pack.

If the application would provide an enhancement to the local public rights of way network, for example, by creating a new link in a path; or would help to sort out an obvious problem, such as moving a path around a long-standing issue; or would help us to manage a path more efficiently, for example, by moving a path so that a new footbridge would not be required we will consider processing your application out of turn and at a lower cost to yourself.

Order of processing

Applications received from members of the public, landowners, and organisations will be dealt with in strict chronological order of receipt unless they meet one or more of the following criteria, when it will be at the discretion of the Case Officer as to whether the application will be processed out of sequence:

- Where the proposal would rectify an acknowledged error of this or another local authority;
- Where the proposal is in the interests of the efficient management of the public rights of way network;

- Where the proposal would contribute to the implementation of the Outdoor Access Improvement Plan;
- An application would resolve issues relating to demonstrable criminal or anti-social behaviour of a persistent nature;
- An application is in close proximity to another application - in which case both applications will be processed simultaneously to reduce Council administration;
- Where determination of a public path order application is deemed to be a necessary pre-requisite to enforcement action being taken against the applicant;
- Where an application is associated with development for which planning consent has been given. This relates to applications made under the Town and Country Planning Act or Highways Act;
- Where an application is received from Network Rail or the Highways Agency, or one of their agents.

An application to extinguish a path will be deferred until the end of the monitoring period in cases where the Case Officer has required that the level of use of a path be assessed prior to the application being determined.

Council-generated proposals are not subject to the requirement to be processed in chronological order.

Determination of applications

When an application is received the Case Officer will examine the application to assess whether the proposed network changes meet the relevant tests in light of current case law, Government Guidance and Council policy. If the application is likely to meet these criteria, then the Officer will write to the applicant to notify them that the application is suitable and will be put in the queue to be dealt with either as a standard application or as a potential Council-generated scheme depending on the circumstances.

The acceptance of an order for processing does not guarantee that an order will ultimately be made or confirmed either by the Council or by an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs.

Where an application is considered by the Officer to fail the relevant legislative tests in light of current case law, Government Guidance, or Council policy, the Officer will consult with the Rights of Way Manager and produce a report detailing the reasons why the application fails. The report will be presented to the Director of Service with a recommendation that the application be immediately refused and returned to the applicant. If the Director of Service accepts the recommendation, the application will be returned forthwith with a copy of the refusal report. If the Director of Service considers that the application should be accepted, the officer will inform the applicant.

Members of the public may apply for a public right of way to be created, diverted or extinguished - the precise details of the proposal being dependent on the applicant's particular needs and wants. Subject to the initial approval of the application, the Case Officer will prepare and present a report either to the Director of Service acting under delegated powers, who will determine whether or not to make an order. Applications for public path orders will be determined according to the following criteria:

- The scheme must meet the relevant tests of the Act for an order to be made;
- The scheme should provide an overall positive benefit or enhancement to the local public rights of way network.

The presumption shall be that if the application meets the tests of the Act and does not negatively impact on the local public rights of way network, then the Council shall agree to make the order requested, unless there are coherent and reasonable grounds for refusing the application. Such grounds may include, but are not limited to, the following:

- Where the circumstances of the order would be such that the Council would be required to take on a disproportionately greater maintenance liability in consequence of making and confirming the order than had previously been the case;
- Where the detrimental effect of the proposal on other landowners/ occupiers is disproportionate to the benefit gained by the applicant when all factors are taken into consideration;
- Where the order requested would conflict with other objectives or duties of the Council, and it is felt that these objectives and/or duties outweigh the benefits to the applicant.

Contact us

You can find out more about rights of way by contacting us at:

**Public Rights of Way
Highways Service
2 Bristol Avenue
Colindale
NW9 4EW**

Website: www.barnet.gov.uk

Appendix 3

Proposed Fees and Charges for Public Path Order applications

Fee/Charge Title	Area	Description	Unit of Measure	Charges 2022/23	Change from prior year (%)
HW 83 - Highways	Highways PUBLIC PATH ORDERS	Stage 1 Process Application. Check application, site visit, map preparation, initial consultation, correspondence and prepare committee report. Legal advice if required will be charged at £150 per hour (an estimate of costs will be provided before works start). Additional time dealing with consultee responses will be charged at £40 per hour (an estimate of costs to be provided before works start)	per path	up to £955	NEW
HW 84 - Highways	Highways PUBLIC PATH ORDERS	Stage 2 – Order Making. Prepare Order, Notice, and statement. Sign and seal Order. Distribute Order to all consultees and advertise (28 days consultation period) and advertise on Barnet website. Post, check and remove notices. Respond to queries and seek to overcome objections charged at £40 per hour. Additional site meetings if required charged at £110 per visit. Forward to Secretary of State if objections upheld and follow due process with possible Public Inquiry (non-chargeable work)	per order	up to £685	NEW
HW 85 - Highways	Highways PUBLIC PATH ORDERS	Stage 3 & 4 – Confirmation of Order/Legal Event Order Confirm works completed to agreed standard, Sign confirmed Order, draft confirmation notice. Quality control check. Distribute Order. Post notices on site, check and remove. Advertise notice of confirmation of order (cost not included, advertising cost will be charged at the prevailing rate). Send copies to prescribed organisations. Amend Definitive Map and Statement. Produce Legal event Order (LEO) and sign and seal 2 copies	per order	up to £550	NEW

Fee/Charge Title	Area	Description	Unit of Measure	Charges 2022/23	Change from prior year (%)
HW 86 - Highways	Highways PUBLIC PATH ORDERS	Stage 5 Certification. Confirm works completed to agreed standard as detailed in Certificate of Works plus any additional agreements. Draft certificate, advertise (advertising cost not included, advertising cost will be charged at the prevailing rate) and send to all on consultation list including applicant, landowners and Ordnance Survey.	per certificate	up to £245	NEW

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London Borough of Barnet
Environment Committee Work Programme
November 2021 – May 2022

Title of Report	Overview of decision	Report Of	Issue Type (Non key/Key/Urgent)
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15 November 2021

Business Planning and Fees and Charges	Committee to approve the business planning report and the Fees and Charges	Chairman of the Environment Committee	Non-key
Revised KPI suite	Committee to receive a further report on the revised KPI suite.	Chairman of the Environment Committee	Non-Key
Public Rights of Way Policy Framework	Committee to receive a report on the Public Rights of Way service and key policy documents for approval	Chairman of the Environment Committee	Key
Community Infrastructure Levy (CiL) Transport	Committee to receive a report on the outline CiL Transport fund and proposed governance arrangements	Chairman of the Environment Committee	Key
Chargeable Garden Waste Update	The report provides an update on the progress of the chargeable garden waste collection service, since its launch on 9 May 2020.	Chairman of the Environment Committee	Key

13 January 2022

Community Infrastructure Levy (CiL) Transport	Committee to receive a follow up report on the CiL Transport fund proposed delivery plan for 22/23 financial year	Chairman of the Environment Committee	Key
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Title of Report	Overview of decision	Report Of	Issue Type (Non key/Key/Urgent)
Controlled Parking Zone policy	Committee to review recommendations for policy changes in relation to Controlled Parking Zones	Chairman of the Environment Committee	Controlled Parking Zone policy
Update on the Parking Programme	Committee to receive an update on progress with the Parking Programme	Chairman of the Environment Committee	Non-Key
Highways Planned Maintenance Programme	Seeking the Committee's approval for the finalised 2022/23 Highway Network Recovery Plan (NRP) Work Programme following consultation to be funded from the agreed NRP Capital allocation for 2022/23.	Chairman of the Environment Committee	Key
TfL's new STIC framework contract	Committee to consider access to the new STIC contract for more complex or high value highway projects. TfL have recently awarded a contract to supplement the existing Term Maintenance & Projects framework. This new contract is available to all London boroughs. The STIC Framework will provide a new delivery route with the necessary capacity and resilience to deliver medium to high complexity enhancements and renewal capital projects and programmes.	Chairman of the Environment Committee	Key

Title of Report	Overview of decision	Report Of	Issue Type (Non key/Key/Urgent)
Community Infrastructure Levy (CiL) Transport	Committee to receive a follow up report on the CiL Transport fund proposed delivery plan for 22/23 financial year	Chairman of the Environment Committee	Key
Social Distancing Measures	Committee to consider the outcome of data collected and measures put in place over the past year and consider if the Social Distancing measures introduced under experimental traffic orders should continue in the longer term.	Chairman of the Environment Committee	Non-Key
Welsh Harp	A progress report at a future meeting to include an executive summary of the work of roles and responsibility of the various groups and what they do	Chairman of the Environment Committee	Welsh Harp
08 March – 2022			