

	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</p> <p>18 December 2015</p>
<p style="text-align: center;">Title</p>	<p>Barnet Council Fees and Charges for Services provided by Regional Enterprise</p>
<p style="text-align: center;">Report of</p>	<p>Commissioning Director - Growth and Development Commissioning Director - Environment</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix A; Barnet Council Fees and Charges for services provided by Re</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Paula O'Dumody; paula.o'dumody@barnet.gov.uk; 020 8359 4368</p>

Summary

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

Decisions

- 1. That the fees and charges listed be increased by inflation or below and be approved for implementation from 1st April 2016.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Increases to Fees and charges are considered annually to comply with legislative changes and to take into account the impact of inflation (where applicable). This report seeks approval for the proposed fees and charges for the coming year to be increased at or below inflation (2%).

2. REASONS FOR DECISIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 An alternative would be to not review or adjust fees and charges annually; however this is not good practice and could result in a failure to recover the full costs of provision of the service or indeed over recover where the charge is set at a cost recovery level. There are also a number of charges that have been set at a level for the service concerned to be competitive, as well as others that have taken into account benchmarking results. All are considered proper, as allowed for by legislation, and are appropriate in the circumstances.

4. POST DECISION IMPLEMENTATION

- 4.1 The new fees and charges will be implemented on the 1st April 2016 or as soon as practicable thereafter. They will be published on the Council's website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The revision of fees and charges contributes to the core principals of Fairness, Responsibility and Opportunity
- 5.1.2 The proposed fees and charges schedule will help the Council to meet the financial challenges that it is facing, contributing to the medium term financial strategy, which will in turn benefit the residents of the Borough.

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

- 5.2.1 Reviewing fees and charges ensures that they are being charged at a correct rate and without a subsidy or excess charge being applied incorrectly. This is good practice and ensures the costs of the services provided are reviewed and accurately charged for on a regular basis.
- 5.2.2 The Fees and Charges contained within this report will contribute to managing the financial challenges faced by the Council. They have been reviewed for

VAT implications to comply with appropriate VAT legislation.

- 5.2.3 The estimated impact of raising the fees and charges within the Re remit will generate income of c£0.240m. The total of this increase will contribute towards the income guarantee which is adjusted annually in line with CPI. At present the anticipated 2016/17 income guarantee is estimated to be £15.6m.

5.3 **Legal and Constitutional References**

- 5.3.1 Local authorities have a variety of powers to charge for specific statutory services. The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services, the latter on a costs recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service, if there is a specific power to charge for it or if there is a prohibition on charging.
- 5.3.2 Where authorities have a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard; however delivery beyond that point may constitute a discretionary service for which a charge could be made.
- 5.3.3 There is a range of legislation permitting charging for different services, some which set prescribed fees and charges for a given service and others which allow discretion based on the costs of providing the service.
- 5.3.4 Paragraph 4.3.9 of the Council's Financial Regulations (Part 21 of the Council's Constitution) states, 'Chief Officers may approve changes to fees and charges annually where the change is broadly in line with inflation. The date for annual increases need not be 1 April.'
- 5.3.5 Paragraph 1.5 of Annex B to Responsibility for Functions Scheme of Delegated Authority to Officers (Part 15 of the Council's Constitution) states, 'Before any delegated powers report is signed by a Chief Officer he or she must consider whether the issues involved are likely to raise significant levels of public concern or comment or give rise to policy considerations. The views of the Chairman of the relevant Committee should be sought as to whether or not it is appropriate to use the delegation. All delegated power reports must indicate that this process has been undertaken'. The Chief Executive took appropriate action to ensure delegation was appropriate for the approval of inflation and below charges.
- 5.3.6 Paragraph 1.6 of Annex B to Responsibility for Functions of Delegated Authority to Officers (Part 15 of the Council's Constitution) states, 'Formal reporting of officer decisions will take place if actions or decisions involve... (amongst other things)... the fixing of fees and charges to be levied by the Council.'

5.4 **Risk Management**

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

5.5 **Equalities and Diversity**

- 5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.
- 5.5.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.
- 5.5.3 The outcomes and impact of these changes will be monitored and measured against current information to ensure that different groups are not adversely affected, as well as being compared against those of different boroughs.

5.6 Consultation and Engagement

- 5.6.1 As in previous years, all fees and charges will be published on Engage Barnet, Barnet's Citizen Space for public consultation for a period of one month.
- 5.6.2 The consultation

6. BACKGROUND PAPERS

- 6.1 None

7. DECISION TAKER'S STATEMENT

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

8. OFFICER'S DECISION

I authorise the following action

- 8.1 Approve the proposed fees and charges for implementation on April 1st 2016.

Signed Commissioning Director - Growth and Development
 Commissioning Director - Environment

Date 18 December 2015
