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|  | <h2>Environment Committee</h2> <h3>08 November 2016</h3>   |
| <p style="text-align: right;"><b>Title</b></p>                                    | <p><b>Fees and Charges - 2017/18</b></p>   |
| <p style="text-align: right;"><b>Report of</b></p>                                | <p>Commissioning Director for Environment</p>  |
| <p style="text-align: right;"><b>Wards</b></p>                                    | <p>All</p>   |
| <p style="text-align: right;"><b>Urgent</b></p>                                   | <p>No</p>  |
| <p style="text-align: right;"><b>Status</b></p>                                   | <p>Public</p>  |
| <p style="text-align: right;"><b>Key</b></p>                                      | <p>Yes</p>   |
| <p style="text-align: right;"><b>Enclosures</b></p>                               | <p>Appendix A – Proposed Fees and Charges 2017/18</p>  |
| <p style="text-align: right;"><b>Officer Contact Details</b></p>                  | <p>Kitran Eastman – Strategic Lead – Clean &amp; Green<br/> <a href="mailto:Kitran.eastman@barnet.gov.uk">Kitran.eastman@barnet.gov.uk</a> 020 8359 2803</p> |

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| <h2>Summary</h2>  |
| <p>This report seeks to obtain approval for the proposed new and above inflation fees and charges for 2017/18 to support the Commissioning Business Plan, and delivery of front line service within the Environment Directorate</p> |

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| <h2>Recommendations</h2>  |
| <p><b>1. That the Environment Committee consider and approve the proposed fees and charges for 2017/18 as set out in Appendix A</b></p> |

## 1. **WHY THIS REPORT IS NEEDED**

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

## 2. **REASONS FOR RECOMMENDATIONS**

- 2.1 **Recommendation 1** – It is recommended that the Environment Committee consider and approve the propose fees and charges for 2017/18, as it is considered good practice to review fees and charges annually to ensure that the costs of providing the services are recouped and identified income targets for commercial waste are achieved.

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

- 3.1 The alternative approach is not to review the fees and charges, or adjust the current fees and charges, or not to add new ones where appropriate. This, however, is not considered good practice and will potentially expose the Council to the risk of not recovering the costs of the provision of the service, or potentially, over recovery, where the charge is set at a cost recovery level.
- 3.2 Given the financial pressures currently faced by the Council the only viable option for continuing to provide services is to levy an appropriate fee or charge

## 4. **POST DECISION IMPLEMENTATION**

- 4.1 If the Committee is so minded to approve the recommendation then the fees and charges will be noted by the Policy & Resources Committee as part of the Council wide budget setting . Once the budget is approved by full Council the fees and charges will be posted on the Council's website and, where a statutory duty requires it, advertised in the approved publication and appropriate location. The new fees and charges will be implemented from 1 April 2017.

## 5. **IMPLICATIONS OF DECISION**

### 5.1 **Corporate Priorities and Performance**

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

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

5.1.2 The Council's priorities include:

- Maintaining the green and pleasant nature of the borough by reducing the amount of litter and detritus to the lowest level in London.
- Using encouragement, behaviour change and, where necessary, enforcement to persuade litterers to not drop litter in the Borough, including chewing gum and dog fouling.
- High quality services maintained whilst reducing unit costs to the lowest amongst Barnet's statistical neighbours.

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

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

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

5.2.2 The fees and charges proposals will contribute to the cost recovery/savings targets included in the commissioning plan submitted to the November 2015 Environment Committee and will help the committee to meet its £10.6m savings target approved by Policy and Resources committee in December 2015.

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

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

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

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

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

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

5.2.9 **Sustainability:** The expansion of charges for recycling reflects an expansion of recycling services offered to help businesses manage their waste more sustainably.

## 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.

## 5.4 Legal and Constitutional References

- 5.4.1 Local authorities have a variety of powers to charge for specific statutory services set out in statute. The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services, the latter on a cost recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.
- 5.4.2 Additionally, the Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services but again these are subject to conditions/limitations similar to those noted above.
- 5.4.3 Where a local authority has a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard. Should a request be made, however, for delivery above and beyond that standard, this may constitute a discretionary service for which a charge could be made.
- 5.4.4 There is a variety of legislation permitting charging for different services, some of which set prescribed fees and charges (or the range of charges for a given service), and others which allow discretion based on costs of providing the service.
- 5.4.5 With regard to the designation of parking places and the permit banding and supplemental charges, consideration of the requirements of section 45 of the Road Traffic Regulation Act 1984 need to be borne in mind. In using the powers under the Road Traffic Regulation Act 1984, the authority has a duty, amongst other considerations, to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities both on and off the highway. This is pursuant to section 122 of the Road Traffic Regulation Act 1984 which states:

### **122 Exercise of functions by local authorities**

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

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

- (a) the desirability of securing and maintaining reasonable access to premises;
  - (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
  - [(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);]
  - (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
  - (d) any other matters appearing to . . . the local authority . . . to be relevant.
- [(3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.]

5.4.6 Pursuant to the End-of-Life Vehicles Regulations 2003, the authority proposes to offer a discretionary service whereby unwanted vehicles can be collected and delivered to an authorised disposal facility for their appropriate dismantling and disposal.

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

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

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

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

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

## **5.5 Risk Management**

5.5.1 The fees and charges proposed within this report are for a various discretionary services and are based on recovery of costs incurred by the Council. Efforts have been made to limit the charge increases and consideration has been given to the charges adversely affecting demand for the services as well the need to recoup the cost of providing the service. There will nonetheless remain an element of reputational risk and challenge.

## **5.6 Equalities and Diversity**

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

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

- eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not
  - foster good relations between persons who share a relevant protected characteristic and persons who do not

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

5.6.4 The proposed fees and charges have been reviewed against the protective characteristics and for Streetscene, Environmental Health, Crematory and Crematorium and Highways it is considered that there will not be any specific adverse impact on any of the groups. The EQIA for Parking it was highlighted that there may have be a cost impact on disabled residents, however, this is mitigated by the process which allows disabled badge holders to have a special bay put in near their residence free of charge and therefore the cost increases for parking permits does not impact this group.

## **5.7 Consultation and Engagement**

5.7.1 There was no specific consultation on the fees and charges in this report, a number of which are small increases on previous charges and others which are supplemental to existing services/fees and charges. As noted above, the fees and charges will be noted by

Policy & Resources Committee and will be included within the Council wide budget consultation.

## **6. BACKGROUND PAPERS**

- 6.1 [Environment Committee January 2016 Papers](#) – 2016/17 Fees and charges report
- 6.2 [Environment Committee November 2015 Papers](#) – Environment Committee Commission Plan