



Environment Committee

20 January 2020

Title	Fees and Charges – 2020/21
Report of	Chairman of Environment Committee
Wards	All
Urgent	No
Status	Public
Key	Yes
Enclosures	Appendix A – Proposed Fees and Charges 2020/21
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Summary

This report seeks to obtain approval for the proposed new, and above inflation by 2% or more, fees and charges for 2020/21 to support the Environment Business Plan, and delivery of front line services within the Environment Directorate.

Recommendations

1. That the Environment Committee consider and approve the proposed fees and charges for 2020/21 as set out in Appendix A.

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 increases above inflation (the Council uses the CPI figure of 1.8%) plus 2% (3.8% and above), as well as new fees and charges for services within the Environment Directorate. Any fees and charges which are being increased by less than 3.8% are not included in this report as their approval is delegated to Chief Officers.

2. **REASONS FOR RECOMMENDATIONS**

- 2.1 **Recommendation** – It is recommended that the Environment Committee consider and approve the proposed fees and charges for 2020/21, as it is considered good practice to review fees and charges annually to ensure that the costs of providing the services are recouped.
- 2.2 In addition, a number of new fees and charges are proposed which require approval from Environment Committee. For example, within the Streetscene services there is a new cost recovery option for bin supply and maintenance, as an alternative to the existing bin supply and repair charges; and within Environmental Health there are several new charges for online training. Additionally, within the Cemeteries and Crematoriums service there are several new fees and charges for extending the length of existing leases.
- 2.3 All fees and charges currently charged at Hendon Cemetery & Crematorium will be replicated at Milesplit New Cemetery (when it opens) as applicable. This will give parity across the LBB owned cemetery service.

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

- 3.1 The alternative approach is to not review the fees and charges, or 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.
- 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 minded to approve the Recommendation then the fees and charges will be noted by the Policy and Resources Committee as part of the Council wide budget setting. Once the budget is approved by full Council the fees and charges will be posted on the Council's website and, where a statutory duty requires it, advertised in the approved publication and appropriate location. The new fees and charges will be implemented from April 2020.

5. **IMPLICATIONS OF DECISION**

- 5.1 **Corporate Priorities and Performance**

5.1.1 The Corporate Plan, Barnet 2024, is focused on three main outcomes:

- 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.

5.1.2 The Council's key areas of focus include:

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

5.1.3 Fees and charges need to be reviewed to ensure value for money and cost recovery.

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

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

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

5.2.2 The fees and charges proposals will contribute to the cost recovery/savings target of £8.430m included in the Business Plan 2019/20 – 2020/21 submitted to the 28 November 2018 Environment Committee, which was approved at Policy and Resources Committee on 11 December 2018.

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

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

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

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

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

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

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

5.3 **Social Value**

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

5.4 Legal and Constitutional References

5.4.1 Local authorities have a variety of powers to charge for specific statutory services set out in statute. The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services, the latter on a cost recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.

5.4.2 Additionally, the Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services but again these are subject to conditions/limitations similar to those noted above.

5.4.3 Where a local authority has a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard. Should a request be made, however, for delivery above and beyond that standard, this may constitute a discretionary service for which a charge could be made.

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

5.4.5 The Council's Constitution sets out the terms of reference of the Environment Committee. This includes

- *(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.*
- *(2) 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.*
- *(5) To recommend for approval fees and charges for those areas under the remit of the Committee*

5.4.6 In addition, the Council's Constitution (Clause 17, Financial Regulations) also states:

2.3.7 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 CPI inflation by 2% or more, the

introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.

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

5.5 Risk Management

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

5.6 Equalities and Diversity

5.6.1 Section 149 of 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.

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

5.6.3 The proposed fees and charges have been reviewed against the requirements above and the protected characteristics, and it is considered that there would not be any specific adverse impact on any of the protected groups.

5.7 Corporate Parenting

5.7.1 Not applicable.

5.8 Consultation and Engagement

5.8.1 There was no specific consultation on the fees and charges in this report.

5.9 Insight

5.9.1 Research on legislation and guidance has been undertaken along with discussions with key stakeholders. This has been used to inform the fees and charges and this report.

6. BACKGROUND PAPERS

6.1 [Environment Committee November 2018 Fees and Charges 2019/20 Papers](#)

6.2 [Environment Committee November 2018 Business Planning 2019-2024 Papers](#)