

	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 11/09/2020</p>
<p>Title</p>	<p>Barnet Council Fees and Charges for Services provided by Regional Enterprise</p>
<p>Report of</p>	<p>Chief Executive</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A; Barnet Council Fees and Charges for services provided by Re</p>
<p>Officer Contact Details</p>	<p>Cath Shaw, Deputy Chief Executive Geoff Mee, Executive Director for Environment</p>

Summary

The report seeks approval for named charges to be increased by no more than the combined total of inflation (1.8%) plus 2.0% (totalling 3.8%). 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 in Appendix A be approved for increase by no more than the combined total of inflation (1.8%) plus 2.0% (3.8%), for implementation from 1st April 2020**

1. WHY THIS REPORT IS NEEDED

- 1.1 Changes to fees and charges are considered annually to comply with legislative changes, to reflect cost changes and to consider the impact of inflation (where applicable). This report seeks approval for fees and charges for the coming financial year to be increased/amended. Some fees are proposed to be reduced. Increases in this report are limited to below the combined total of

inflation (1.8%) plus 2.0% (3.8%); increases more than this amount have been referred to the relevant theme committees, Planning Committee or Licensing Committee.

- 1.2 Some fees in the Appendix are not proposed to be increased as they are prescribed through central Government departments. These are included for information only in the Appendix.

2. REASONS FOR RECOMMENDATIONS

- 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.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative is to not approve the fees and charges, but this would result in the Council not recovering the full cost of service provision for many services.

4. POST DECISION IMPLEMENTATION

- 4.1 If the new fees and charges are approved they will be implemented on the 1st April 2020 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 principles of Fairness, Responsibility and Opportunity in line with the Council's Corporate Plan, Barnet 2024.

- 5.1.2 The proposed fees and charges will help the Council to meet the financial challenges that it is facing ensuring cost recovery, and 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 The schedule of proposed charges are included in Appendix 1. The Financial Regulations (in the Council's Constitution) require that increases in fees and charges above the combined total of inflation (1.8%) plus 2% be approved at

the applicable Theme Committees, and increases below this are to be approved by DPR. This report concerns increases below the combined total of 3.8%, and largely reflects inflationary increases. A full list of fees and charges was submitted to February 2020 Policy & Resource committee, and updated fees and charges went to the June 2020 Policy & Resources committee for noting

- 5.2.2 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.
- 5.2.3 The Fees and Charges contained within this report have been reviewed for VAT implications to comply with appropriate VAT legislation.
- 5.2.4 Fees and charges provided by RE, are collected on behalf of the council. These contribute towards the guaranteed income, which is LBB income with an agreed income target which RE are contractually obliged to achieve. Increasing these fees and charges will therefore ultimately result in increased income to the council.

5.3 **Social Value**

- 5.3.1 Not applicable

5.4 **Legal and Constitutional References**

- 5.4.1 Local authorities have a variety of powers to charge for specific services. The Local Government Act 2003 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 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 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 In relation to fees and charges, the Council's Constitution states in the Financial Regulations section:

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.

2.3.9 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.

5.5 Risk Management

5.5.1 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; however, some element of reputational risk will remain.

5.6 Equalities and Diversity

5.6.1 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 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.

5.6.2 The broad purpose of this duty is to integrate considerations of equality in to day to day business and keep them under review in decision making and the design delivery of services. It is not considered that the changes to fees and charges subject of this report will have an adverse impact on any of the protected groups, but the outcomes and impact of these charges will be monitored and measured against current information to ensure that different

groups are not adversely affected.

5.7 Corporate Parenting

5.7.1 Not applicable

5.8 Consultation and Engagement

5.8.1 No consultation has taken place for the fee changes proposed in this report.

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 Not applicable

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. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

Chief Officer: Chief Executive

Signed: Chief Executive

Dated: 11/09/2020