

	<p align="center">Children, Education and Safeguarding Committee</p> <p align="center">12th September 2022</p>
<p align="center">Title</p>	<p align="center">Fees and Charges 2023/24</p>
<p align="center">Report of</p>	<p>Chair of the Children, Education & Safeguarding Committee</p>
<p align="center">Wards</p>	<p>All</p>
<p align="center">Status</p>	<p>Public</p>
<p align="center">Urgent</p>	<p>No</p>
<p align="center">Key</p>	<p>Yes</p>
<p align="center">Enclosures</p>	<p>Appendix A – Fees & Charges January 2023: Family Resource Centre (FRC) Proposed Charges Early Help 0-19 Children’s Centres Early Help 0-19 Traded Services</p>
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Summary

A Business Planning Report was received by Policy and Resources Committee on 19 July 2022 outlining the council's updated Medium-Term Financial Strategy (MTFS) to 2026/27 and the future financial risks and challenges facing the council.

In line with the Administration's priorities, the 19 July report outlined a project to maximise cost recovery for the council, through administration of fees and charges, where revised fees and charges will be effective from January 2023.

All revised fees and charges should be at full cost recovery, where consideration is given for those driven by inflation, or statute.

This report asks the Committee to approve the Fees and Charges for services reporting to this Committee, for onward referral and approval.

The outcomes of all Theme Committee discussions will go forward as recommendations to Policy and Resources Committee in September 2022 and Full Council in November 2022.

Officers Recommendations

That the Committee approve the proposed fees and charges for 2023/24 set out in Appendix A that will be included in the budget proposals submitted to Policy and Resources Committee for consideration and recommendation to Full Council in January 2023.

1. WHY THIS REPORT IS NEEDED

- 1.1 This report is required as part of the council's annual business planning process, to discuss and approve priorities for the Children, Education and Safeguarding Committee for 2023/24.
- 1.2 The Committee's approval is requested for:
 - 1.2.1 Proposed Fees and Charges which will be included in the budget proposals submitted to Policy and Resources Committee.

2. STRATEGIC CONTEXT

2.1 Fees & Charges for 2023-24

- 2.1.1 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. Appendix A sets out the proposed new and changed fees and charges for 2023-

24 for services within the Children, Education and Safeguarding Committee portfolio.

2.1.2 Theme Committees and other committees refer all fees and charges to the Policy and Resources Committee. The Policy and Resources Committee reviews all fees and charges which then form part of the budget that is subject to public consultation. Subject to public consultation outcomes, the Policy and Resources Committee recommends all fees and charges to Full Council for approval as part of the council's overall budget.

2.1.3 All fees and charges should be full cost recovery.

2.1.3.1 Consideration should be given to how the fees and charges increases will be prioritised:

2.1.3.2 some are driven by inflation so should be increased by the August inflation rate (Consumer Price Index (CPI) at around 10.1%,

2.1.3.3 others are driven by demand, statutory prescription, and other factors.

2.1.3.4 Consideration must be given to consultation and any Equalities Impact Assessment (EQIA) requirements with consultation to take place over Summer 2022.

2.1.4 The budget recommended by Policy and Resources Committee to Full Council will incorporate the latest projection of income from fees and charges. Full Council will be asked to approve all fees and charges at November Council for application on 1 January 2023.

2.1.5 All fees and charges that fall under the remit of this committee are listed in Appendix A. These include:

Family Resource Centre

2.1.6 These are fees that would be charged to external clients who need a supervised contact service, i.e., other local authorities with CIC placed in our area, and families going through private law proceedings. A project which concluded in January 2020 noted that the average staff cost of providing a contact was £85. The proposal is to charge £100, which covers this staff cost plus indirect costs associated with the service. The other charges also reflect staff time, which is the main cost of providing the service. These charges will mean income from external clients that is greater than full cost recovery.

Early Help 0-19 Children's Centres

2.1.7 Whilst CPI is acknowledged at 10.1%, the proposed change to fees is 6% uplift. This is to ensure that the provision remains affordable and additional costs are not passed onto vulnerable families. There is a holiday activity fund in place to support service delivery.

Early Help 0-19 Traded Services

2.1.8 The proposed change to fees is 6% uplift. This is to ensure that the provision remains affordable.

3. REASONS FOR RECOMMENDATIONS

- 3.1 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.
- 3.2 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.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 4.1 The alternative options are not to propose changes to fees and charges, This, however, is not considered to be good practice and may expose the council to the risk of not achieving a balanced budget, and under recovery on costs of providing services. There is a statutory requirement to set a balanced budget, so increases to fees and charges are in the council's best interests.

5. POST DECISION IMPLEMENTATION

- 5.1 If the Committee approves the recommendations made by this report, the Fees and Charges will be referred to Policy and Resources Committee on 29th September 2022. They will then be presented at Policy and Resources Committee with the whole council budget papers in December 2022 and considered for final approval at Full Council and implemented in January 2023.

6. IMPLICATIONS OF DECISION

6.1 Corporate Priorities and Performance

- 6.1.1 This report supports the administration's priorities. 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.

6.1.2 All measures outlined in this report align with council strategy and priorities.

- 6.1.3 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.

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

- 6.2.1 In line with the Administration's priorities, the 19 July Policy and Resources Committee report outlined the council's focus on maximising income from Fees and Charges.

- 6.2.2 Council officers have revised fees and charges through the application of a full cost recovery model, the indexation of fees and charges to the level of inflation at around 10.1%, statutory prescription, or other means by which officers have benchmarked with other authorities to ensure the council is maximising cost recovery.
- 6.2.3 The outcomes of all Theme Committee discussions will go forward as recommendations to Policy and Resources Committee in September 2022 and Full council in November 2022.
- 6.2.4 Revised fees and charges will be effective from January 2023 at the earliest
- 6.2.5 The council is required by law to set a balanced budget for each financial year. It is also good financial management to set a Medium-Term Financial Strategy (MTFS) for a further 3-5 year period. The proposals in this report will support the council in its legal obligations in setting a balanced budget through increasing income receipts to finance revenue expenditure.
- 6.2.6 Where income levels generated do not meet expected and planned resources, officers will seek to constrain these within the overall financial envelope within the remit of this Committee through appropriate mitigation plans. The Financial Regulations, part of the council's Constitution, are clear *Chief Officers have no authority to overspend revenue budgets, or under-recover income budgets under their control.*

6.3 Social Value

- 6.3.1 None are applicable to this report; however, the council must consider 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.

6.4 Legal and Constitutional References

- 6.4.1 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.
- 6.4.2 Local authorities owe a fiduciary duty to council taxpayers, which means it must consider the prudent use of resources, including control of expenditure, financial prudence in the short and long term, the need to strike a fair balance between the interests of council taxpayers and ratepayers and the community's interest in adequate and efficient services and the need to act in good faith in relation to compliance with statutory duties and exercising statutory powers.

- 6.4.3 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 for the service.
- 6.4.4 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, like those noted above.
- 6.4.5 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.
- 6.4.6 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.
- 6.4.7 A link to the council's Financial Regulations can be found at (see section 2.3.6): [4 \(moderngov.co.uk\)](http://4.moderngov.co.uk), in which the following is stated:
- 6.4.8 Changes to fees and charges should be included in the budget proposals submitted by theme Committees or the relevant committee as part of the budget setting process. Theme Committees and other committees refer all fees and charges to the Policy and Resources Committee. The Policy and Resources Committee reviews all fees and charges which then form part of the budget that is subject to public consultation. Subject to public consultation outcomes, the Policy and Resources Committee recommends all fees and charges to Full Council for approval as part of the council's overall budget.
- 6.4.9 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)
- 6.4.10 Under Article 7 of the Council's Constitution, (Committees, Forums and Partnerships) the terms of reference of the Children, Education and Safeguarding Committee includes
- (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.'

6.5 Risk Management

- 6.5.1 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.
- 6.5.2 The allocation of budgets from contingency seeks to mitigate financial risks which have materialised.

6.6 Equalities and Diversity

- 6.6.1 Equality and diversity issues are a mandatory consideration in the decision making of the council.
- 6.6.2 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 public sector equality duty can be found at section 149 of the Equality Act 2010 as follows:
- 6.6.3 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.
- 6.6.4 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.

- 6.6.5 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.
- 6.6.6 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.
- 6.6.7 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
- 6.6.8 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.
- 6.6.9 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
- 6.6.10 Where there are changes to service delivery or changes to staff, 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. The fees and charges proposed are not anticipated to have an impact on service delivery or customer satisfaction. Where necessary, proposals will not be implemented or agreed until members have fully considered the equality impacts and responses to any consultation.
- 6.6.11 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.
- 6.6.12 The proposed fees and charges have been reviewed against the protected characteristics and it is considered that there will not be any specific adverse impact on any of the groups.

6.6.13 It is considered that HMO licensing and housing enforcement action requiring the improvement of accommodation has an overall positive impact for landlords, tenants, residents, and businesses by virtue of the potential improvement to the quality and management of accommodation in the borough.

6.6.14 In addition, there are potential benefits arising from the increased choice of high quality, well-managed affordable housing.

6.7 Corporate Parenting

6.7.1 In line with the Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in all relevant decision-making. Promoting independence is priority of the council. Barnet Homes work closely with relevant council departments to ensure that care leavers make a successful transition to independent living.

6.7.2 The Council, in setting its budget, has considered the Corporate Parenting Principles both in terms of fees and charges. 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.

6.8 Consultation and Engagement

6.8.1 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.

6.8.2 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.

6.8.3 The council will perform a consultation for Fees and Charges during October to November 2022.

6.8.4 In terms of service specific consultations, the council has a duty to consult with residents and service users in several 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.

6.8.5 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.

6.8.6 Fees and Charges will be referred to Policy and Resources Committee. Policy and Resources Committee reviews all fees and charges which then form part of the budget that is subject to public consultation between October and November 2022. Subject to public consultation outcomes, the Policy and Resources Committee recommends all fees and charges to Full Council for approval from January 2022.

6.9 **Insight**

6.9.1 None in the context of this report

6.10 **Environmental Impact**

6.10.1 None in the context of this report

7. **BACKGROUND PAPERS**

7.1 Policy and Resources Committee 19th July - [Revised budget 2022/23 and Business Planning 2023-2027](#)