



## Environment and Climate Change Committee 6 September 2022

<b>Title</b>	<b>Fees &amp; Charges for 2023/24</b>
<b>Report of</b>	Chairman of the Environment Committee
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix A – Environment Fees & Charges 2023/24
<b>Officer Contact Details</b>	

### Summary

This report asks the Committee to note the changes to the fees and charges for 2023-24 to support the Environment and Climate Change Business Plan, and the delivery of front line services.

The outcomes of all theme committee discussions will go forward as recommendations to Policy and Resources Committee in December 2022. The budget will be formally agreed each year, after appropriate consultation and equality impact assessments, as part of Council budget setting, and therefore could be subject to change.

### Officers Recommendations

1. That the Environment Committee notes the changes to the fees and charges for 2022-23 as set out in Appendix A, which will be included in the budget proposals submitted to the Policy and Resources Committee.

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

- 1.1 This report is required as part of the Council's annual business planning process. It includes proposed changes to Fees and Charges for 2023-24, which will be included in the 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 new and changed fees and charges for 2023-24 for services within the Environment and Climate Change portfolio.
- 2.1.2 In July 2022, CPI reported 12 months rolling inflation at 10.1%. The proposed fee increases for highways, environmental health, cemetery & crematorium as well as trading standards & licensing have all been increased by this rate (subject to rounding). The proposed increase for street scene and green spaces generally are at within a 3.5% - 4% range (subject to rounding). This is primarily due to market forces, for example pricing commercial services to maximise cost recovery whilst seeking to mitigate the risk of losing market share or compromising the services ability to compete for new custom.
- 2.1.3 The decision to use the same annualised inflationary figure, 10.1%, used by other parts of the Council for parking fees and charges reflects the desire to maintain the effective impact of parking charges balanced with cost-of-living pressures. Parking tariffs were last changed and set at September 2020 levels with no revision since. An uplift of circa 17% would be required to realise actual present value from the previous increase.
- 2.1.4 Environment Committee approval is required for all new charges introduced in this proposal where applicable.
- 2.1.5 The general principles that have been applied to the fees and charges for 2023-24 is as per the table below:

<b>Service</b>	<b>Fees and Charges - brief description of changes</b>
Parking	An overall 10.1% inflation increase across parking fees and charges.

Greenspaces	The average proposed fee increase is 3.65% with an outlier increase of 23.7% for Sports Markings to meet the cost recovery model requirements.
Street Scene	Average increase in proposed fees for street scene is 4%. The fee for commercial garden waste is proposed to be halved for next year in line with legislative requirements. Other fees such as skip charges and garden waste remain unchanged.
Street Lighting, DLO & EV Charging	Electric vehicle charging is proposed to increase by 28% in keeping with the rising cost of energy. It is expected that additional increases might be required in March 2023. All other fees in this area remain unchanged.
Cemetery and Crematorium	General proposed fee increases in line with inflation at 10.1%. It is recommended that C&C 75(see appendix) is deleted as the cost of this service is now covered by central government. Updated benchmarking information has led to the proposal for a reduction in the fees for community mausoleum and burial vaults for both residents and non-residents. This means an overall blended increase of 9% for cemetery and crematorium.
Highways	There is proposed new fee for construction cost of residential crossovers (see appendix). All other instances of proposed fee increases are at 10.1% of the FY22-23 fees. Fees for Section 38, 278 and 106 highway works as well as charges for damage to highway recharges remain unchanged.
Trading Standards and Licensing	All existing Fees and Charges are increased in line with inflation at 10.1%, other than those which are statutory and as such is not subject to inflation
Environmental Health	All existing Fees and Charges are in increased in line with inflation (10.1%), other than where it is due to either (a) the charge being statutory and as such is not subject to inflation, (b) benchmarked against market rate such as with certificate courses (c) increased higher than inflation to meet cost recovery objective.

### 3. REASONS FOR RECOMMENDATIONS

- 3.1 **Recommendation 1:** It is recommended that the Environment Committee notes the proposed fees and charges for 2023-24, as it is considered good practice to review fees and charges annually to ensure that the costs of providing the services are recouped. Committee will also be required to

approved the proposal of any new fees and charges.

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

- 4.1 The alternative approach is to not review the fees and charges, not to 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. 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.

#### **5. POST DECISION IMPLEMENTATION**

- 5.1 If the Committee is minded to approve Recommendation 1, then the fees and charges will be considered for agreement 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 1<sup>st</sup> January 2023 with any delayed implementations announced in consultations.

#### **6. IMPLICATIONS OF DECISION**

##### **6.1 Corporate Priorities and Performance**

- 6.1.1 This report supports the council's corporate priorities as expressed through the Corporate Plan for 2019-24 which sets out our vision and strategy for the next 5 years. 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 Our 3 outcomes for the borough focus on place, people and communities:

- 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

- 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 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. The Constitution requires that all changes to fees and charges should be included in the budget proposals submitted by theme Committees to the Policy & Resources Committee.

### **6.3 Social Value**

- 6.3.1 Nonapplicable to this report, however the council must take into account 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 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 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 specific power to charge for it or if there is a prohibition on charging for the service.
- 6.4.2 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.
- 6.4.3 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.
- 6.4.4 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.
- 6.4.5 The Council's Constitution (Document 8, Article 7 – Committees, Forums, Working Groups and Partnerships) sets out the responsibilities of all council Committees. Responsibilities for Environment Committee include:
- 1) Responsibility for all borough-wide or cross-area matters relating to the local environment including, air quality, cycling, walking and healthy streets,

biodiversity, transport and public transport, grounds maintenance, highways, on-street and off-street parking, road safety, lighting, street cleaning, environmental crime (including littering, fly-tipping, flyposting and graffiti), The Council's fleet, waste and recycling, waterways, parks and open spaces (including allotments and trees), cemeteries, crematoria and mortuary, trading standards and environmental health (except environmental health functions relating to housing and fire safety).

- 2) Responsibility for the council's response to the climate emergency including:
  - a. Setting and overseeing implementation of carbon reduction targets, both in relation to the council as an organisation and Barnet as a place
  - b. Developing strategies to meet those carbon reduction targets
  - c. Developing strategies for the mitigation of the impacts of climate change, both on the council as an organisation and Barnet as a place
  - d. Implementing the elements of those strategies that relate to functions listed in (1) above.
- 3) 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.
- 4) 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.
- 5) To receive reports on relevant performance information and risk on the services under the remit of the Committee.

6.4.6 The Council's finance regulations as contained in the council constitution notes that changes to fees and charges should be included in the budget proposals submitted by theme Committees or the relevant committee to the Policy & Resources Committee. The budget recommended by Policy and Resources Financial Committee to Full Council will incorporate the latest projection of income from fees and charges. Full Council will approve all fees and charges as part of the budget report.

## **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 within it expects that 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 objectives of the public sector equality duty are found at section 149 of the Equality Act 2010 and are 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 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.

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 (to a limited extent)

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 Where there are changes to service delivery or changes to staff, these will impact on individuals in different ways. However, at each stage of the process, the council will conduct an equalities impact assessment (EqIA) where appropriate to ensure that where persons are impacted, proper measures are considered to mitigate the effect as far as possible. Those affected by any changes resulting from any of the proposals will be engaged, as set out in Appendix A under 'Consultation'. Where necessary, proposals will not be implemented or agreed until members have fully considered the equality impacts and responses to any consultation.

6.6.10 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.

## **6.7 Corporate Parenting**

6.7.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. The outcomes and priorities in the refreshed Corporate Plan, Barnet 2024, reflect the council's commitment to the Corporate Parenting duty to ensure the most vulnerable are protected and the needs of children are considered in everything that the council does. To this end, great attention has been paid to the needs of children in care and care leavers when approaching business planning, to ensure decisions are made through the lens of what a reasonable parent would do for their own child.

6.7.2 The Council, in setting its budget, has considered the Corporate Parenting Principles both in terms of savings and investment proposals. 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 In terms of service specific consultations, the council has a duty to consult with residents and service users in a number of 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.

6.8.4 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.

6.8.5 Where appropriate, separate service specific consultations have already taken place for some of the savings and a link to the report presenting findings of the consultation is provided within the MTFS spreadsheet (Appendix A). In addition, it has been noted in the appendix that for a number of savings proposals the requirement for a consultation will be considered as the proposals are developed.

## 6.9 **Insight**

6.9.1 None in the context of this report

## 7. **BACKGROUND PAPERS**

Fees and Charges Report - 2022/2023 to Environment Committee on 15/11/2021

[Business Planning Fees and Charges.pdf \(moderngov.co.uk\)](#)