



Adults and Safeguarding Committee

13 October 2022

Title	Fees and Charges
Report of	Chair of the Adults and Safeguarding Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Adult Social Care Fees and Charges Appendix B – Leisure Fees and Charges
Officer Contact Details	Dawn Wakeling, Executive Director – Communities, Adults and Health Dawn.Wakeling@barnet.gov.uk

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 the majority of revised fees and charges will be effective from January 2023. Previously fees and charges were effective from April each year. Moving the uplift, for the majority of revised fees and charges, forward to January will support the council's financial need to maximise cost recovery. The general principle outlined in that report was that all revised fees and charges should be at full cost recovery, however consideration is to be given for those driven by inflation, or statute. It should be noted that adult social care charges are governed by national statutory guidance which determine both the levels of contributions that individuals make and the timing of uplifts to charges.

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 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 Adults and Safeguarding Committee notes the changes to Fees and Charges for 2022-23 and 2023-24 as set out in Appendices A and B, which were included in the budget proposals submitted to the Policy and Resources Committee on 29 September 2022.

1. Why this report is needed

- 1.1 This report is required as part of the council's annual business planning process. Following the approval of council Fees and Charges at Policy and Resources Committee on 29 September 2022, this report asks the Committee to note the changes to Fees and Charges within its remit for implementation from 1 January 2023. However, some fees and charges must be implemented from 1 April 2023 as they are governed by national guidance. These are the core fees and charges for Adult Social Care Services which are reviewed by the Department for Health and Social Care (DHSC) each year, at the same time as changes to Department of Work and Pension (DWP) benefits / allowances. These are normally published around January / February each year.

Adult Social Care

- 1.2 Core Adult Social Care fees and charges are set annually, around January/February, by the Department of Health and Social Care (DHSC). This includes the minimum income guarantee (in effect, the minimum amount of money DHSC determines an individual or a couple need to live in the community) and details of benefits and disability related expenditure which Councils should take into account in determining how much residents should contribute to care. In response to the cost of living crisis, additional announcements have been made regarding cost of living, energy payments, pensioner and disability costs. These are disregarded in the financial assessment process. The council reviews a person's ability to meet the cost of any charges annually, or sooner if requested by the individual or if a change in circumstances becomes known to us.
- 1.3 From April 2023, the Council will increase the Fairer Contributions Charge Rate for homecare by 2.6%. This is to reflect the increase in the average hourly rate the council pays for homecare, from £18.76 to £19.25. If an individual were to receive a homecare service which cost the Council less than £19.25, they will only be charged the actual cost the Council pays for care. It should be noted that the council commissions over forty home care providers, each of which sets the rate they charge the council for homecare. Council contracts with homecare providers include uplifts each year.

Leisure

- 1.4 From 01 January 2023, the fees and charges associated with casual swimming will increase by 10.1%, in line with other council fees and charges uplifts. The rationale for this is a result of increased energy prices and subsequent operational costs to operate pools across the borough's leisure portfolio. Racket sports and hire of a sports hall, pitch and multi-use

games area are also increased up to 10.1%. These facilities are typically used by two to fourteen players (activity dependant), therefore an increase of up to 10.1% will subsequently result in a share of any price inflation, thus keeping access to leisure services affordable.

- 1.5 The proposed fees and charges have been carefully assessed and a 6.6% increase has been applied across all other leisure services fees and charges. However, it has been agreed with GLL that there may be some pricing points that will be reduced beneath this percentage in order to ensure that groups (particularly those with protected characteristics) can continue to access leisure services. Fees and charges have been benchmarked across neighbouring boroughs, and in some instances across other facilities and operators in borough. The proposed fees and charges remain in alignment with market values. The Fit & Active Barnet Card (free for Barnet residents) provides further subsidy to promote access to leisure services.
- 1.6 The introduction of car park charges is proposed for all Barnet leisure facilities, excluding Finchley Lido which falls under a separate parking management operation. The fees proposed have been assessed in partnership with GLL alongside the completion of benchmarking exercise. An equalities impact assessment has been completed in consideration of the charging model.

2. Reasons for recommendations

- 2.1 All changes to fees and charges for clients who receive or access a chargeable service are to be approved by Theme Committee and Council, regardless of the level of any change to the fee. All relevant fees and charges are included in Appendices A and B to this paper, and those where a change is proposed have been marked as such.

3. Alternative options considered and not recommended

- 3.1 The alternative option is not to endorse the fees and charges increase. By law, the council is required to set a balanced budget. These fees and charges proposals meet financial requirements, while delivering the council's outcomes and ambitions for Barnet residents.

4. Post decision implementation

- 4.1 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. New fees and charges will be implemented from 1 January 2023, or from 1 April 2023, where national guidance requires it.

5. Implications of decision

5.1 Corporate Priorities and Performance

5.1.1 Uplifts to fees and charges, alongside central government funding, council tax and business rates income, enable the council to continue to provide essential services to the residents of the borough. The approach outlined in this report supports the council's priorities of promoting independent living and healthier lifestyles.

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

- 5.2.1 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.
- 5.2.2 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.
- 5.2.3 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.
- 5.2.4 The outcomes of all Theme Committee discussions will go forward as recommendations to Full council in November 2022.
- 5.2.5 Revised fees and charges will be effective from January 2023, with further implementation to take effect from 1 April 2023
- 5.2.6 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.
- 5.2.7 Where costs recovered do not meet expected and planned resources, officers will seek to align with 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.

5.5 Legal and Constitutional References

- 5.3.1 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.
- 5.3.2 Local authorities owe a fiduciary duty to council-tax payers, 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 tax payers 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.
- 5.3.3 The Council's Constitution (Article 7, Article 7 – Committees, Forums, Working Groups and Partnerships) sets out the responsibilities of all council Committees. The responsibilities of the Adults and Safeguarding Committee can be found here: <https://barnet.moderngov.co.uk/mgCommitteeDetails.aspx?ID=698> Responsibilities

include:

- (1) Responsibility for all matters relating to vulnerable adults, adult social care and leisure services.
- (2) Work with partners on the Health and Well Being Board to ensure that social care interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Wellbeing Strategy and its associated sub strategies.
- (3) 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.
- (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.

5.3.4 A link to the council's Financial Regulations can be found at (see section 2.3.6): [4 \(moderngov.co.uk\)](http://moderngov.co.uk), in which the following is stated:

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.

5.3.5 The legal basis for each fee and charge is set out in the appendices of this report.

5.6 Insight

5.4.1 Insight data has been used to inform decisions about future use and demand for services across Communities, Adults and Health.

5.7 Social Value

5.7.1 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.

5.7.2 A report by the Sport Industry Research at Sheffield Hallam University concluded that every £1 spent on community sport and physical activity generates nearly £4 for the English economy. The report concluded that investment into physical activity creates a return across health and social care, improves wellbeing, builds stronger communities, and develops skills in the economy¹

5.7.3 GLL utilise a social value calculator (developed by 4Global, Experian & Sheffield Hallam University) to measure social value based on regular participation within leisure facilities.

¹ <https://www.sportengland.org/news/why-investing-physical-activity-great-our-health-and-our-nation>

Between April 2021 – March 2022, Barnet's leisure management contract indicated a social value of £6,443,604 (averaging £103 per participant). This is measured across a range of outcomes including improved health, improved subjective wellbeing, increased educational attainment, and reduced crime.

5.8 Risk Management

- 5.8.1 If the council did not review its fees and charges annually, then there is a risk that services could become unsustainable and/or the services received by residents could become poorer in their quality.

5.9 Equalities and Diversity

- 5.9.1 Decision makers should have due regard to the public sector equality duty in making decisions. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows: A public authority must, in the exercise of its functions, have due regard to the need to: a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.9.2 Local authorities are permitted under section 14 of the Care Act 2014 (the Act) to charge for the cost they incur in meeting social care and support needs under the Act. The fairer contribution rate for community services is applied objectively based on people's ability to pay and following a financial assessment and therefore will only impact on those with the ability to pay. It also sets out when not to make a charge and that a financial assessment of the person's resources must be undertaken to determine what they can afford to contribute towards the cost of their care. Client contributions will be reviewed on an annual basis and will be uplifted in line with the cost of care paid by the Council. The Council's approach to charging for care and support needs is underpinned by the following key principles, these principles are also set out in the statutory guidance: It is fair and equitable to all residents by ensuring there is a consistent approach to financial assessments; eligibility determinations and charging so those with similar needs or services are treated the same and anomalies between different care settings are minimised; and it ensures that people are not charged more than is reasonably practicable for them to pay.
- 5.9.3 An Equality Impact Assessment has been completed in relation to leisure fees and charges. The assessment demonstrates that the application of hybrid approach (6.6% up to 10.1%) to increasing fees and charges in consideration of operational costs (e.g., swimming) and the demographic profile of the borough (e.g., residents with protected characteristics) will safeguard continued use of leisure centres and activities. Any negative impact is minimised by the Fit & Active Barnet Card which offers subsidised prices.

5.10 Corporate Parenting

- 5.10.1 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 Barnet Plan 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. Services referenced in this report are relevant to care experienced adults with care and support needs including eligible needs under the Care

Act 2014. This includes those with special educational needs and disabilities, those with caring responsibilities and those requiring access to mental health services.

5.10.2 The Fit & Active Barnet Card offers carers (including foster carers), children and young people that are looked after, and those that are care experienced enhanced benefits, including free swimming at any time across the borough's pools operated by GLL.

5.11 Consultation and Engagement

5.11.1 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.

5.11.2 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.

5.12 Environmental Impact

5.12.1 There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

6 Background papers

6.1 None.