



## Council 17 October 2023

<b>Title</b>	Fees and Charges 2024/25
<b>Date of meeting</b>	17 <sup>th</sup> October 2023
<b>Report of</b>	Executive Director of Resources (S151) Officer
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Appendices</b>	Appendix A – Fees and Charges 2024/25
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### Summary

A Business Planning Report was received by Cabinet on 18 July 2023 outlining the council's updated Medium-Term Financial Strategy (MTFS) to 2029/30 and the future financial risks and challenges facing the council.

The Chief Finance Officer report was received by Cabinet on 5 September 2023, outlining the review of fees and charges. The council will review fees and charges on an annual basis, and subject to consultation and consideration of equality impact assessments, 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 Council to approve the proposed for non-executive fees and charges as set out in Appendix A, for implementation from 1 January 2024. Executive fees and charges will be submitted to Cabinet on 14<sup>th</sup> November 2023.

### Recommendations

1. That Council approve the proposed non-executive fees and charges for 2024/25 set out in Appendix A considering any consultation responses and equality impact assessments.

## **1. Reasons for the Recommendations**

- 1.1 Local Government continues to face significant reductions in funding and increased demand for services, as set out in the council's Medium-Term Financial Strategy (MTFS) to 2029/30 presented to Cabinet 18 July 2023. These challenges require longer term, robust financial and strategic planning and the recommendations in this report support this.
- 1.2 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.

## **2. Alternative Options Considered and Not Recommended**

- 2.1 The alternative options are not to propose changes to fees and charges, or to increase the fees and charges by a lower percentage. 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.

## **3. Post Decision Implementation**

- 3.1 Following approval of these recommendations the proposed fees and charges set out in Appendix A will be implemented from 1 January 2024.

## **4. Corporate Priorities, Performance and Other Considerations**

### **Corporate Plan**

- 4.1 Our Plan for Barnet (the corporate plan 2023 -2026) was adopted in March 2023.
- 4.2 This decision is aligned with the Council's objectives set out in the Corporate Plan 2023-2026, supporting the delivery of those objectives by ensuring the Council achieves a balanced budget.

### **Corporate Performance / Outcome Measures**

- 4.3 None in the context of this decision.

### **Sustainability**

- 4.4 None in the context of this decision.

### **Corporate Parenting**

- 4.5 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.
- 4.6 The Council has considered the Corporate Parenting Principles in the setting 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.

### **Risk Management**

4.7 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.

4.8 The allocation of budgets from contingency seeks to mitigate financial risks which have materialised.

#### **Insight**

4.9 None in the context of this decision.

#### **Social Value**

4.10 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.

### **5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)**

5.1 In line with the Administration's priorities, the council is to focus on maximising income from Fees and Charges.

5.2 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 6.8%, statutory prescription, or other means by which officers have benchmarked with other authorities to ensure the council is maximising cost recovery.

5.3 Revised fees and charges will be effective from January 2024.

### **6. Legal Implications and Constitution References**

6.1 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.

6.2 A link to the council's Financial Regulations can be found [here](#) (see section 2.5); in which the following is stated:

6.3 - *Changes to fees and charges should be included in the budget proposals. Executive side fees and charges and changes to fees and charges that impact on residents will be subject to public consultation and equality impact assessments and form part of the budget. Subject to public consultation outcomes and equality impact assessments, the Full Council will approve fees and charges to take effect from January every year. The relevant committee (for example, Licensing and General Purposes Committee) or Cabinet can approve in-year changes to fees and charges subject to them being reported to Council and any requirements relating to public consultation and equality impact assessments being undertaken.*

6.4 Each fee or charge has its own legislative framework which determines whether it is based on cost recovery or gives guidance to how the fee or charges may be set.

### **7. Consultation**

- 7.1 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.
- 7.2 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.
- 7.3 The council performed a consultation on the proposed Fees and Charges from 6<sup>th</sup> September to 3<sup>rd</sup> October 2023.
- 7.4 The consultation was published on Engage Barnet.
- 7.5 The consultation asked for views on all the proposed fees and charges set out in Appendix A.
- 7.6 Respondent's views were gathered via an online questionnaire. Paper copies and other alternative formats of the consultation were made available on request.
- 7.7 The consultation was promoted via the council's residents e-newsletter, Communities Together Network Newsletter and on Twitter.
- 7.8 Due to the timing of the consultation the responses and key findings to the consultation will be reported back at Full Council on 17<sup>th</sup> October.

## **8. Equalities and Diversity**

- 8.1 Equality and diversity issues are a mandatory consideration in the decision making of the council.
- 8.2 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:

- 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.

8.3 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.

8.4 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.

8.5 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.

8.6 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

8.7 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.

8.8 Where there are changes to service delivery or changes to staff, 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. 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.

- 8.9 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.

## **9. Background Papers**

- 9.1 Cabinet 5<sup>th</sup> September 2023 - [Chief Finance Officer Report – 2023/24 Quarter 1 Financial Forecast and 2023/24 Budget Management](#)
- 9.2 Cabinet 18<sup>th</sup> July 2023 – [Business Planning 2024-2030, Transformation Programme, and In-Year Budget Management 2023/24](#)