



## Action Taken - Cabinet Member Delegated Decision

<b>Title</b>	<b>Authorisation for the proposed Fees and Charges for 2024</b>
<b>Date of Decision</b>	20 <sup>th</sup> November 2023
<b>Report of</b>	Councillor Barry Rawlings, Leader and Cabinet Member for Resources & Effective Council
<b>Wards</b>	All
<b>Key</b>	No
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Subject to call-in</b>	No
<b>Appendices</b>	Appendix A – Executive Fees & Charges 2024/25 Appendix B – EqIA Parking Appendix C – EqIA Greenspaces Appendix D – EqIA Leisure Appendix E – EqIA HCC Appendix F – Fees and Charges Consultation Report
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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. One of the recommendations was to delegate the approval of the executive side fees and charges to the Cabinet Member (Portfolio Holder) for Resources & Effective Council once they have been subject to consultation and EQIA, which was agreed at Cabinet.

The report also stated 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 requests authorisation for the proposed executive fees and charges as set out in Appendix A, for implementation from 1 January 2024. Non-executive fees and charges were submitted to Council on 17<sup>th</sup> October 2023 and approved.

## Decisions

- 1. To authorise the proposed executive fees and charges for 2024/25 set out in Appendix A having considered the 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 authorisation 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% (July 2023), 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 Under the Council's Constitution, Part 4A Financial Regulations, section 2.5 states that - 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.
- 6.5 Part 3B (Executive Procedure Rules) section 2.2 of the Council Constitution states that a key decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive or it is a Key Decision on an urgent matter and is taken in accordance with Rule 2.1.3 of the Appendix to the Executive Procedure Rules.
- 6.6 Cabinet at its meeting on 5 September 2023 under item 12 Chief Financial Officer report resolved to delegate the approval of the executive side fees and charges to the Cabinet Member (portfolio holder) for Resources & Effective Council subject to consultation and EqlA. As such this delegated Cabinet Member decision report has been submitted for sign off.

## **7. Consultation**

- 7.1 The council performed a consultation on the proposed Fees and Charges from 6<sup>th</sup> September 2023 to 3<sup>rd</sup> October 2023.
- 7.2 The consultation was published on Engage Barnet, asking for views on all the proposed fees and charges set out in Appendix A. The consultation was promoted via the council's residents e-newsletter, Communities Together Network Newsletter and on Twitter.
- 7.3 Respondent's views were gathered via an online questionnaire, which included questions on protected characteristics to help inform the EqlAs. Paper copies and other alternative formats of the consultation were made available on request.
- 7.4 A total of fourteen (14) questionnaires were completed, all of which were submitted online, of which all were Barnet residents.
- 7.5 Appendix F is the consultation report, which highlights the results from consultation, including all twelve written views on the proposed fees and charges. The consultation response was too small to draw out any significant conclusions.
- 7.6 It is necessary to highlight that there is no increase in fees for Children's Family Services, Local Authority Nurseries. It was proposed to uplift by inflation (which was consulted upon), but the service decided on keeping the fees the same as in previous years.

## **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 have conducted 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.
- 8.9 Four individual EqIAs have been completed by the relevant service areas; appendices B, C, D and E contain the detailed analysis. The fees and charges proposed are not anticipated to have an impact on service delivery or customer. The key findings conclude:
- **Appendix B – EqIA Parking** – Of the nine protected characteristics, seven have no impact and two have a minor negative impact under disability and pregnancy & maternity. Overall, the outcome is to proceed with no changes as the EqIA has not identified any potential for a disproportionate impact and all opportunities to advance equality of opportunity are being addressed.
  - **Appendix C – EqIA Greenspaces** – Of the nine protected characteristics, eight have no impact and one has a minor negative impact under age. Overall, the outcome is to proceed with no changes as the EqIA has not identified any potential for a disproportionate impact and all opportunities to advance equality of opportunity are being addressed.
  - **Appendix D – EqIA Leisure** – Of the nine protected characteristics, five have no impact and four have a minor negative impact under age, disability, pregnancy & maternity and Race / Ethnicity. Overall, the outcome is to proceed with no changes as the EqIA has not identified any potential for a disproportionate impact and all opportunities to advance equality of opportunity are being addressed.
  - **Appendix E – HCC** – Of the nine protected characteristics, eight have no impact and one has a minor negative impact under religion & belief. Overall, the outcome highlighted a negative impact but the decision to proceed. This EqIA has identified negative impacts that are not possible to mitigate. However, it is still reasonable to continue with the activity.

## 9. Background Papers

- 9.1 Council 17<sup>th</sup> October 2023 – [Report of the Director of Resources \(S151\) Officer – Fees & Charges 2024/25](#)
- 9.2 Cabinet 5th September 2023 - [Chief Finance Officer Report – 2023/24 Quarter 1 Financial Forecast and 2023/24 Budget Management](#)
- 9.3 Cabinet 18th July 2023 – [Business Planning 2024-2030, Transformation Programme, and In-Year Budget Management 2023/24](#)