

11th December 2018

Planning and Licensing Committee

Planning Fees and Charges Review

Report of: *Nick Howard/Caroline McCaffrey - Team Leader Development Management (Planning)*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1. This report sets out the Council's Planning and Building Control non-statutory fees and charges. Planning fees are set by central government and building fees continue to be led by market conditions.
- 1.2. Planning pre-application charging schedule is reviewed on a quarterly basis and fees are adjusted where appropriate, to reflect the quality of service and resources provided. Building control fees and other non-statutory fees will be reviewed on an annual basis.
- 1.3. There is no proposed fee increase to any of the charges for 2019/20.

2. Recommendation

- 2.1. For members to note the Fees & Charges in Appendix A and B are to remain at 2018/19 charges for 2019/20; and that the Appendix A and B are referred to Policy, Project and Resources Committee as part of the Budget setting process.**

3. Introduction and Background

- 3.1. Local authorities charge for the Planning and Building Control services they provide. Certain fees and charges such as planning application fees are set by Government and so cannot be changed at the local level.

- 3.2. Fees and charges such as pre-planning application advice to developers is not a statutory function and so can be charged at a local level. It is the choice of the developer/applicant whether to utilise such services. Rates set by the Council need to be reasonable and broadly reflect the cost of providing the service.
- 3.3. The Council's Planning and Building Control non-statutory fees and charges were reviewed in 2017. Building Control fees were increased by 10% this was to reflect the increase in resources acquired to reflect the demand of work.
- 3.4. Last year, the 2018-19 Funding Settlement announced on 19th December 2017 that Local Authorities can increase their statutory Planning fees by 20%.
- 3.5. The Council adopted this increase, with the condition the increase in funds raised, would be reinvested into the Planning service.
- 3.6. Fees and charges for non-statutory services are currently considered to be at a level that addresses the level of resource required to provide the demands of the service.
- 3.7. As the Local Development Plan moves closer to full adoption it is anticipated that the requirement from the development industry to engage in complex pre-application discussions will increase, placing additional resource requirements on the Council. Therefore, the Council regularly reviews the charges for this service in order to meet the costs of delivering an effective service without making charges prohibitive for applicants.
- 3.8. The principal regulations governing the Local Land Charges Register, maintenance access and the charging of fees are set in local Land Charges Act 1975 and Rules of 1977. Fees and charges should normally be set to recover full cost of the service, which should usually be the total cost of all resources used in providing the service. This includes direct and indirect costs, including a full proportional share of overhead costs, distribution costs, insurance, depreciation and costs of capital.

4. Issues, Options and Analysis of Options

- 4.1. The Borough's current fees and charges are set out on the Council's website so that those preparing a planning application or undertaking a Local Land Charges search are informed of rates in advance.
- 4.2. Appendix A of this report sets out the fees and charges for Building Control, planning applications, pre-application advice, and Local Land Charges.

- 4.3. Costs of pre-application advice is monitored monthly. Any increase in costs will be reflected in fees on a quarterly basis. This is to ensure the service currently provided is maintained, as more complex developments from the development industry come forward.

5. Reasons for Recommendation

- 5.1. Ongoing budget pressures facing the public sector continue to be a factor in Council services seeking to generate income wherever possible to contribute to the provision of a high-quality service to residents and businesses.
- 5.2. Currently, it is not considered that any increase is required to the current fees and charges. However, this should be reviewed on a regular basis and adjusted to reflect both the level of demand from the development industry and the Council's resources to provide a high standard of service.
- 5.3. Local Land Charges fees, having regard to the 1975 Act, are considered to be at a level that addresses the level of resources required to provide the demands of the service at cost. The fees have been reviewed in order to ensure that a cost recovery service is maintained and will be reviewed in line with any future legislative changes.

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6. Consultation

- 6.1. Discussions with staff, planning agents and the managed service provider for Development Management have assisted in the preparation of this report.

7. References to Vision for Brentwood 2016-19

- 7.1. Proposals in this report support a range of themes in the Council's corporate plan Vision for Brentwood 2016-19. These include providing services that deliver sustainable development and supporting the Transformation agenda to ensure modern and efficient service delivery whilst considering resources and income generation.

8. Implications

Financial Implications

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- 8.1. The review of the Council's fees and charges is an essential part of setting the budget for 2019/20. Although there are no proposed increases to the fees and

charges at present, the Council needs to ensure regular review is undertaken to accurately reflect a balance between income generation and resource management. This is informed by market demand and so income cannot be guaranteed due to reliance on the development industry coming forward with proposals and agreeing to pay non-statutory fees and charges proposed. However, maintaining a quality service that is competitively priced will ensure a significant contribution is made towards the council's budget.

- 8.2. Building Control fees & Charges are monitored along with the costs of providing the service to ensure a cost neutral effect is maintained over a three-year period as statutory guidance suggests.

Legal Implications

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- 8.3. The Local Government Act 1999 provides that the Council is under a general duty to "make arrangements to secure continuous improvement in the way its functions are exercised, having regard to combination of economy, efficiency and effectiveness". Statutory Guidance revised in March 2015 emphasises that authorities should engage service users and the wider community in consultation on options for the future and reshaping of the service.
- 8.4. Charges for discretionary services such as pre-application advice and planning performance agreements are. In principle allowed by Local Government Act 2003.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.5. No other implications are identified.

9. Background Papers

- 9.1. The Town and Country Planning (Fees for Applications, Deemed Applications, Request and Site Visits) (England) (Amendment) Regulations 2017.

10. Appendices to this report

Appendix A - Proposed 19/20 Planning & Land Charges Fees and Charges
Appendix B – Proposed 19/20 Building Control Fees and Charges

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