

PLANNING: REVISED CHARGING FOR PRE-APPLICATION ENQUIRIES

ENVIRONMENT SELECT COMMITTEE – 20 MARCH 2012

Report of the: Deputy Chief Executive and
Director of Community and Planning Services

Status: For Decision

Also considered by: Cabinet 12th April 2012

Key Decision: Yes.

- a) Be significant in terms of its effects on the communities living or working in an area comprising two or more Wards in the District.

Executive Summary

This report proposes to increase charges for pre-application enquiries and to extend the scope of pre-application enquiries that are offered and charged for. It is recommended that fees be charged in accordance with the schedule at Appendix A.

This report supports the Key Aim of efficient use of resources.

Portfolio Holder Cllr. Mrs Davison

Head of Service Jim Kehoe, Head of Development Services

Recommendation: the Committee recommend to Cabinet:-

- (a) That the increased charges for Planning pre-application enquiries and extended scope of pre-application enquiries that are charged for, as set out at Appendix A, be approved until further notice; and
- (b) That the Director of Community and Planning in consultation with Portfolio Holder be authorised to apply and publicise the Council's approved charges; to agree individual charges in particular where Appendix A indicates that these are 'negotiable'; and to prepare or revise procedures and guidance to ensure that the charges are applied effectively.

Reason for recommendation: To attract a fee income that is consistent with the Council's agreed spending plans.

Introduction

- (1) Charges for pre-application enquiries were introduced in June 2008 and have remained unchanged since then. The Council's current charges are shown at Appendix B.
- (2) Charging was introduced to recover the sometimes significant costs associated with dealing with these types of enquiries, but the Planning Service as a whole is not intended to make a profit.
- (3) Raising charges should result in increased income and contribute to covering the service's overall costs.
- (4) Since 1st April 2011 over 900 pre-application enquiries have been received. Pre-applications are registered and categorised based on the corresponding planning application e.g. Major, Minor and Other. Fees are levied accordingly. Enquiries should be answered within 28 days for Major proposals and 21 days for all others. Of the 900 applications for advice over 550 were for those enquiries which are exempt from charging e.g. Householder enquiries.
- (5) Seeking pre-application advice is encouraged by the Council and a significant amount of Officer time is spent on registering and dealing with enquiries.
- (6) Fee comparisons have been made with other Councils. Details of these are attached at Appendix C. The main conclusion is that there are substantial variations in the level of charges and the method of calculation. Where charges exist they are generally higher than our current charges particularly for Major and Minor applications. Charging is less widespread for householder applications.
- (7) It is intended to extend the scope of fee charging to include some of those we currently do not charge for and increase the existing fees. A summary of the existing and proposed charges is set out below in Table One:

TABLE ONE

Type	Existing charge (+ VAT)	Proposed charge (+ VAT)
Large Major	Negotiable	Negotiable (including £375 per hour for meetings).
Major	£250	Negotiable (including £375 per hour for meetings).
Minor	£100	£150
Other	£50	£75
Householder meeting	Not Available (Nil)	£50

Householder advice	written	Free	Free (first letter)
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- (8) One significant change would be the introduction of the facility for 'householders' to book an appointment with a Planning Officer to obtain pre-application advice. This would incur a fee of £50. This facility is commonly requested by householders, especially those with little or no experience of the Planning system and is not currently available. It is in the best interests of the Council that discussions take place prior to submission of a formal planning application. This will help avoid delays in the determination process and the necessity to submit amendments or a revised application.

Implementing and Monitoring

- (9) It is proposed that the new charges will be effective early in 2012/2013, probably by 1st June 2012. Publicity will be carried out and Staff, Members and Parish/Town Councils will be informed in advance of this, aimed at giving at least two weeks notice of the actual date.

Other Options Considered and/or Rejected

- (10) One alternative option would be to leave charges unchanged which would not deliver increased income and would not offer additional contributions to the cost of the service. Other options would be to set the change in fees at a different overall level, or to set a revised 'mix' of fee increases within the same overall total.

Key Implications

Financial

- (11) This report seeks to ensure that the Council's budgeted income is met.
- (12) In 2011/2012, the income from Pre-Applications charged is budgeted at around £42,152 and the actual forecast for 2011/2012 is around £30,000.
- (13) The Council's spending plans for 2012/2013 do include an increase in these Pre-Application fees. If Pre-Application charges are introduced as proposed, it is estimated that the income from them will rise to a total of around £65,000 to £70,000 per year.

Community Impact and Outcomes

Community Outcomes and Sustainability Implications

- (14) Neutral as there is no change in planning policy.
- (15) Registered Social Landlords and Parish/Town Councils will continue to receive free advice.

Legal, Human Rights etc.

- (16) The Local Government Act 2003 (and subsequent legislation) allows District Councils to charge for discretionary services.

The key points for consideration on charging are as follows:-

- Authorities are under a **duty** to secure that taking one year with another the income from charges do not exceed the cost of provision.
- Authorities must already have the power to provide the service. This includes discretionary services provided under the wellbeing powers in the Local Government Act 2000.
- The recipient of the discretionary service must have agreed to its provision and to pay for it.
- This does not apply to services that are mandatory or has a duty to provide.
- Does not override any (existing or future) provisions in primary or secondary legislation which (a) expressly prohibits an authority for charging for a discretionary service; or (b) confers a power to charge for a discretionary service.

Resource (non-financial)

- (17) This will be an increase in staff time, due to likely increased customer expectations and in administering the system.

Value For Money and Asset Management

- (18) This proposal will lead to increased income.

Equality Impact

- (19) The screening shows that a full Equality Assessment is not needed.
- (20) Householders wishing to alter or extend a dwelling for a disabled person living there will continue to be exempt from charges.

Sustainability Checklist

- (21) No impact.

Conclusions

- (22) One alternative option would be to leave charges unchanged which would not deliver increased income and would not offer additional contributions to the cost of the service. Other options would be to set the change in fees at a different overall level, or to set a revised 'mix' of fee increases within the same overall total.

- (23) It is recommended that pre-application fees be increased to the amounts set out in Appendix A.

Risk Assessment Statement

- (24) The main risk is that increasing and widening the fees may reduce take up and anticipated income. We will respond by publicising the benefits of the service at the launch and monitoring impact on take up.

Appendices

Appendix A - Proposed Charges;

Appendix B – Current Charges;

Appendix C – Pre-Application Charges made by other Councils.

Background Papers:

Cabinet Pre-Application advice and charging 20th December 2008.

Contact Officer(s):

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Deputy Chief Executive and
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APPENDIX A

PRE-APPLICATION CHARGES – PROPOSED

	FEE
PRE-APPLICATION – VERY LARGE MAJORS	Negotiable (including £375 per hour for meetings) + vat
PRE-APPLICATION ADVICE - MAJORS	Negotiable (including £375 per hour for meetings) + vat
PRE-APPLICATION ADVICE - MINORS	£150 + vat
PRE-APPLICATION – OTHERS EXC. HOUSEHOLDERS AND LISTED BUILDINGS	£75 + vat
PRE-APPLICATION HOUSHOLDERS	Meeting - £50 + vat Written – Free (first letter)
PRE-APPLICATION – LISTED BUILDING	Free

APPENDIX B

PRE-APPLICATION CHARGES – EXISTING

	FEE	AUTHORITY FOR CHARGING	FEE BASIS
PRE-APPLICATION – VERY LARGE MAJORS	Actual cost calculated on each proposal	Discretionary charging – local government act 2003	Cost recovery (to be reviewed after 12 months)
PRE-APPLICATION MEETINGS/MAJOR	£250 + vat	Discretionary charging – local government act 2003	Cost recovery (to be reviewed after 12 months)
PRE-APPLICATION LETTERS MINORS	£100 + vat	Discretionary charging – local government act 2003	Cost recovery (to be reviewed after 12 months)
PRE-APPLICATION – OTHERS EXC. HOUSEHOLDERS AND LISTED BUILDINGS	Free	Discretionary charging – local government act 2003	Cost recovery (to be reviewed after 12 months)
PRE-APPLICATION HOUSHOLDERS	Free	Discretionary charging – local government act 2003	
PRE-APPLICATION – LISTED BUILDING	Free	Discretionary charging	
CERTIFICATE OF LAWFUL DEVELOPMENT (EXISTING)		Town and Country Planning (Fees for applications and deemed applications) Regulations 1989	National fees regime
CERTIFICATE OF LAWFUL DEVELOPMENT (PROPOSED)		Town and Country Planning (Fees for applications and deemed applications) Regulations 1989	National fees regime

Kent Districts – Current Pre-Application Charges

Charges Per Hour: Districts in Kent (sample based on Districts that charge).

	Large Major	Major	Minor	Householder
	£	£	£	£
Low Charge	250.00	250.00	120.00	60.00
High Charge	600.00	500.00	335.00	60.00
Typical Charge	411.00	342.00	235.00	60.00
Current Sevenoaks District Council	250.00	250.00	250.00	0.00

Note:- Data is indicative only due to differences in definitions, most include vat except Sevenoaks DC which excludes vat.