

	<p style="text-align: center;">Planning Committee 25th February 2015</p>
<p style="text-align: right;">Title</p>	<p>Fees and Charges: Building Control</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director – Growth & Development</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A – Fees and Charges</p>
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Summary

This report recommends, in accordance with the current constitution the fees and charges under this Committee's remit to be considered by the Committee prior to being presented to the Policy and Resources Committee for approval.

Recommendations

- 1. That the Planning Committee consider and recommend the fees and charges set out in this report to be presented to Policy and Resources Committee for approval.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Fees and charges are considered annually to comply with legislative changes, to take into account inflation (where applicable), the cost of service provision and any new opportunities to improve the service offered to residents and service users. This report presents the proposed fees and

charges for the coming year for those that fall within the remit of this committee. Any fees and charges which are not being increased by more than the rate of inflation are not included within this report as these are approved via the delegated powers process instead.

- 1.2 All the fees and charges that require the committee's recommendation are attached as Appendix A. These fees and charges are in relation to the Building Control Service which is delivered by Re (the council's joint venture company with Capita).

2. REASONS FOR RECOMMENDATIONS

- 2.1 The review of fees and charges is good practice and is undertaken annually, to ensure that costs of providing services are being recovered where appropriate. For those fees and charges that will be levied on the Authority's services provided by Re, the Council and Re have undertaken an audit of the fees and charges proposed and have updated, deleted or added fees as appropriate.
- 2.2 Building Control – Building Regulation fees were not increased last year, so the changes included in the appendix reflect two years of inflationary increases.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative is to not review the fees and charges and adjust them (or add new ones if appropriate) but this is not good practice and could result in a failure to recover costs of provision of the service or indeed over recover where the charge is set at a cost recovery level.

4. POST DECISION IMPLEMENTATION

- 4.1 If the fees and charges recommended are agreed then these will be submitted with a report to the Policy and Resources Committee for approval, in accordance with constitutional requirements.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet Council will work with local partners to create the right environment to improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.
- 5.1.2 The three priority outcomes set out in the 2013/16 Corporate Plan are:
 - Promote responsible growth, development and success across the borough.
 - Support families and individuals that need it- promoting independence, learning and well-being.
 - Improve the satisfaction of residents and businesses with the London

Borough of Barnet as a place to live, work and study.

- 5.1.3 The proposed fees and charges schedule will help to meet the financial challenges that the Council is facing which will in turn benefits the residents of the Borough.

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

- 5.2.1 Reviewing fees and charges ensures that they are being charged at a correct rate and without a subsidy or excess charge being applied incorrectly. This is good practice and ensures the costs of the services provided are reviewed and accurately charged for on a regular basis.
- 5.2.2 The fees and charges contained within this report will contribute to managing the financial challenges faced by the Council. They have been reviewed for VAT implications, and appear to comply with appropriate VAT legislation.

5.3 Legal and Constitutional References

- 5.3.1 Local authorities have a variety of powers to charge for specific statutory services set out in statute. The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services, the latter on a costs recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.
- 5.3.2 Additionally the Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services but again subject to conditions/limitations similar to those noted above.
- 5.3.3 Where authorities have a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard, however delivery beyond that point may constitute a discretionary service for which a charge could be made.
- 5.3.4 There is a variety of legislation permitting charging for different services, some which set prescribed fees and charges (or the range of charges for a given service), and others which allow discretion based on costs of providing the service.
- 5.3.5 In relation to the proposed fees for “Dangerous Structures” set out in Appendix A, The London Building Acts (Amendment) Act 1939 allows for such fees to be set by local authorities on a cost recovery basis. The proposed fees in Appendix A set out for “Demolition” are also set on a cost recovery basis by local authorities in accordance with the Building Act 1984. The fee for “Certificate of building regulation exemption” is for a discretionary service that

local authorities can set under the Local Government Act 2003.

- 5.3.6 In relation to other Building Control charges, the Building (Local Authority Charges) Regulations 2010 allows local authorities to set charges for this service through a charging scheme. The regulations state that local authorities should set charges on a cost recovery basis of providing the service. Whenever new and/or revised charges are proposed by officers, the council is required under the regulations to publish a new charging scheme including the proposed charges 7 days before the charging scheme comes into effect. Publication of a new charging scheme can only take place once the council approves the proposed charges in accordance with its constitution.

5.4 Risk Management

- 5.4.1 The increases in fees and charges proposed are necessary to offset rising costs.
- 5.4.2 Increasing fees and charges always poses an element of risk around the proportionate level of increase, when compared to the resident's ability to pay. Every effort has been made to manage the increase to an appropriate level; however some element of reputational risk will remain.
- 5.4.3 The increase in regularisation fees (a regularisation is an application made after a building is built) reflects the additional work required to identify contraventions to building regulations.

5.5 Equalities and Diversity

- 5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the 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
- The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.
- 5.5.2 The broad purpose of this duty is to integrate considerations of equality in to day to day business and keep them under review in decision making and the design delivery of services.
- 5.5.3 Some charges will be the subject of public notice such as the Building Control charging scheme, which enables all residents to be made aware of the increase in charges and their applicable date of change.
- 5.5.4 The outcomes and impact of these changes will be monitored and measured against current information to ensure that different groups are not adversely affected, as well as being compared against those charged by other boroughs.
- 5.5.5 Building Control does not charge for building regulations approval for a

disabled person in the circumstances detailed in the model charging scheme:
http://www.barnet.gov.uk/download/downloads/id/1495/building_control_charging

5.6 Consultation and Engagement

- 5.6.1 As in previous years, all fees and charges are published on Engage Barnet, Barnet's Citizen Space for public consultation; between January 26th and February 20th. The results of that consultation will be included in the Policy & Resources committee paper for fees and charges.

6. BACKGROUND PAPERS

None