

	<p>Planning Committee 15 December 2016</p>
<p style="text-align: center;">Title</p>	<p style="text-align: center;">Fees and Charges: Planning</p>
<p style="text-align: center;">Report of</p>	<p>Commissioning Director – Growth & Development</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>No</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix A – Planning Fees and Charges</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Paula O’Dumody, Business Performance & Development Manager, 020 8359 4368 paula.o’dumody@barnet.gov.uk</p>

<p>Summary</p>
<p>In accordance with the Council’s Constitution, this report seeks approval for the fees and charges under this Committee’s remit.</p>

<p>Recommendations</p>
<p>1. That the Planning Committee approve the fees and charges set out in Appendix A to this report to be implemented from 1st April 2017.</p>

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 new services that fall within the remit of this committee. Only new fees and charges are included in this report, any which are not being increased by more than the rate of inflation plus 2% are approved via the delegated powers process instead.
- 1.2 All the fees and charges that require the committee's approval are attached as Appendix A. These fees and charges are in relation to the Planning 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 set for the Authority's services provided by Re, the Council and Re have undertaken an audit of them.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative is to not approve the new fees and charges but this would mean that we would not be able to offer customer access to new services offered by the proposals in Appendix A.

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 noting, in accordance with constitutional requirements.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The revision of fees and charges contributes to the core principals of Fairness, Responsibility and Opportunity
- 5.1.2 The proposed fees and charges will help the Council to meet the financial challenges that it is facing ensuring cost recovery, contributing to the medium term financial strategy, which will in turn benefit 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 Financial Regulations in the Council's Constitution requires that all new fees and charges within their remit must be approved by the relevant theme committee. The fees and charges contained within this report are all new charges. They have been reviewed for VAT implications, and comply with appropriate VAT legislation. These new charges, if approved, will also be reported to Policy & Resources Committee for noting.

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 cost 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 these are subject to conditions/limitations similar to those noted above.
- 5.3.3 Where a local authority has 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 a request for delivery above and beyond that standard 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 of 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 Planning charges set out in Appendix A, the cost of pre-application advice or services are not prescribed by legislation and the council has discretion to charge for this service under the Local Government Act 2003, but this must be limited to cost recovery.
- 5.3.7 The Council's Constitution (21, Financial Regulations) states:

4.3.8 For the fees and charges within their remit, theme Committees, Planning Committee and Licensing Committee must approve changes

to fees and charges that are above inflation by 2% or more, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.

4.3.9 Changes to fees and charges approved by theme Committees, Planning Committee and Licensing Committee must be reported to Policy and Resources Committee for noting.

5.4 Risk Management

5.4.1 Introducing new fees and charges always poses an element of risk around the proportionate level of charge when compared to residents' ability to pay. Every effort has been made to manage the charge to an appropriate level and to reflect cost recovery; however some element of reputational risk will remain.

5.5 Equalities and Diversity

5.5.1 The Equality Act 2010 sets out the Public Sector Equality Duty which requires public bodies to have due regard to the need to:

- eliminate 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. It is not considered that the fees and charges subject of this report will have an adverse impact on any of the protected groups but the outcomes and impact of these charges will be monitored and measured against current information to ensure that different groups are not adversely affected.

5.6 Consultation and Engagement

5.6.1 None

6. BACKGROUND PAPERS

None