

	<p style="text-align: center;"><b>Planning Committee</b> <b>14th December 2017</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Fees and Charges: Planning</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Commissioning Director – Growth &amp; Environment</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Key</b></p>	<p>Yes</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Appendix A – Fees and Charges for Planning</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Paula O'Dumody, Business Performance &amp; Development Manager, 020 8359 4368 <a href="mailto:paula.o'dumody@barnet.gov.uk">paula.o'dumody@barnet.gov.uk</a></p>

## Summary

In accordance with the Council's Constitution, this report seeks approval for the fees and charges under this Committee's remit.

## Recommendations

1. That the Planning Committee approve the fees and charges set out in Appendix A to this report to be implemented from 1<sup>st</sup> April 2018.

### 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 which is delivered by Re (the council's joint venture company with Capita).
- 1.3 The charges ensure the services remain responsive to customer needs and continue to meet the high standards of performance expected to be delivered by the service.
- 1.4 The statutory planning application fees are expected to be increased in 2018. The statutory fees set by government are separate to the fees listed in Appendix A and have no influence on the provision or cost of these non-statutory services.

## **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. The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 2.2 A new set of planning enforcement fees have been introduced because increased action in the team has brought about demands from customers that we are unable to charge for under the existing regime.
- 2.3 Pre-application and Fast Track fees have been reduced for householders and small businesses, whereas for larger, more complex applications the fees are being increased above the rate of inflation due to the additional time required to interpret the proposal and provide advice.
- 2.4 Other Pre-application and Fast Track fees have been introduced to meet customer demand, for example new charges to enable the provision of fast track services for tree applications.

## **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.
- 5.3.3 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.
- 5.3.6 The Council's constitution Article 7 Committees, Forums, Working Groups and Partnerships details the functions of the Planning Committee which include to consider for approval fees and charges for those areas under the remit of the Committee'
- 5.3.7 The Financial Regulations (Article 17) section of the Constitution sets out that:

*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 A forum with planning agents was held on 29<sup>th</sup> November 2017 where the services provided by the Planning team were discussed, the agents had the opportunity to comment on the charges. The feedback on the services provided and proposed new services was excellent, one agent who regularly uses the pre application and fast track services said the following:  
“Thanks a lot for hosting us at Planning Forum. I have to repeat Barnet’s Planning Team is one of the best planning departments in London, this is real pleasure to work with them.”

## 6. **BACKGROUND PAPERS**

None