

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**06 January 2009**

**Report of the Director of Planning Transport and Leisure**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Key Decision**

**1 REVIEW OF FEES AND CHARGES 2009/10**

**Summary**

**This report brings forward for consideration as part of the budget setting process for 2009/10 proposals in respect of those fees and charges that fall within the remit of this Board.**

**1.1 Introduction**

- 1.1.1 The purpose of this report is to set out proposals for fees and charges for 2009/10 which fall within the remit of this Board.
- 1.1.2 The budgetary guidance issued to Chief Officers for the 2009/10 budget cycle, and approved by Cabinet, reiterated the objective to maximise income subject to market conditions, opportunities and comparable charges elsewhere.
- 1.1.3 The proposals regarding fees and charges outlined in this report are incorporated within the Revenue Estimates reported to the Finance and Property Advisory Board. Any changes required following this meeting will be incorporated before the Estimates are presented to Cabinet on 3 February 2009.
- 1.1.4 The proposed charges for 2009/10 have also taken into account the set of guiding principles for the setting of fees and charges approved at Finance and Property Advisory Board on 1 October 2008 and reproduced below for the benefit of the Board:
- 1) Fees and charges should reflect the Council's key priorities and other corporate aims and priorities recognising there may be trade-offs as these are not mutually exclusive.
  - 2) Fees and charges should have due regard to the Council's Medium Term Financial Strategy.
  - 3) If there is to be a subsidy from the council tax payer to the service user this should be a conscious choice.

- 4) The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its key priorities and other corporate aims and priorities.
- 5) Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body).
- 6) Fees and charges should not be used to provide a subsidy from the council tax payer to commercial operators.
- 7) There should be consistency between charges for similar services.
- 8) Concessions for services should follow a logical pattern so as not to preclude, where appropriate, access to Council services on the grounds of ability to pay.

## **1.2 Incidental Fees and Charges**

1.2.1 In order to comply with Freedom of Information requirements, charges for copying of documents have been set at:

- 10p per sheet for A4 or A3 black and white
- 15p per sheet for A4 or A3 colour
- 25p per sheet for A2 or larger black and white or colour

Plus postage where appropriate

1.2.2 The Ordnance Survey has revised the way in which we are allowed to provide OS extracts for planning and building regulations applications. We no longer provide them “over the counter” but rather provide online access to a reseller (either via the PCs in reception or direct from the website). As a result we no longer levy an administration charge for providing these copies.

1.2.3 As mentioned at paragraph 1.1.3 the impact of these changes are reflected in the draft revenue estimates.

## **1.3 Building Control Fees**

1.3.1 I have reviewed the Building Control application fee scales in the light of projected costs of providing a competitive and good quality service and the objective of maximising income at the point of service delivery. The judgement on fee setting also has to be balanced with Government guidance that local authorities should manage building control budgets to ensure that fees raised cover the costs incurred in providing the fee-earning aspects of the service and that no surplus in income is generated, calculated over a three-year rolling period.

1.3.2 For 2009/10 a fee increase of 3½% is proposed to both Table 1 (New dwellings) and Table 2 (Extensions, loft conversions etc). An adjustment has been made at the lower end of Table 3 by removing the lowest band (£75.00 for works up to

£1,000) and having the first band of up to £2,000 where a charge of £120.00 is made. This is a more accurate reflection of cost and is in line with many other districts in Kent. **Annex 1.**

- 1.3.3 Members will also recall that an additional income stream was introduced in January 2005 when electrical installations were brought within the scope of the Building Regulations. We decided to make use of consultants to deal with this area of work as our staff are not qualified in electrical safety and our insurers recommended that inspection and testing of electricians should be carried out by specialists. The charge for this service is now £130.00 plus VAT which is then claimed back by our contractors. Again this is in line with the other Kent authorities and no change is proposed. However, I would propose to retain the previously delegated authority in consultation with the Cabinet Member for Planning and Transportation to amend the charge to respond to market conditions during the year if necessary.
- 1.3.4 Fees for all other developments are based on building costs. In this respect the income from this source reflects the current construction cost inflation. However for works over £1m there is a sound case for the Council to continue the flexible approach to enable the negotiation of fees on a case by case basis. This approach enables the flexibility to respond to competition for Building Control services in the market. Examples of schemes secured utilising this approach last year include such projects as West Kent College, the River Centre and Judd School, where we had to provide quotes in competition with the private sector and made successful bids. In this way the risk of losing work to the private sector can be minimised. It is therefore proposed that fees for work of this scale continue to be negotiable but based on the hourly rate charged for professional advice.

## 1.4 Planning Policy Documents

- 1.4.1 A radical overhaul of the price of Planning Policy Documents was undertaken last year to reflect the progress with the adoption of the Local Development Framework (LDF) and the progressive replacement of most of the Tonbridge and Malling Borough Local Plan by the LDF documents as they became adopted during the early part of this year. Since then there have been a few further publications relating to the preparation of the Managing Development and the Environment DPD (MDE DPD) as well as the adoption in July of the Affordable Housing SPD. The recommended prices of all documents that are now for sale, or will be early next financial year (eg. pre-submission version of the MDE DPD), under the Planning Policy banner are set out under **Annex 2.**
- 1.4.2 The impact of the changes made last year to the price of Planning Policy documents on the Council's overall budget has been marginal. Much more significant has been the fact that total sales have continued to decrease as a result of most Planning Policy documents now being available on the website which means that there is now little demand for printed hard copies other than occasionally for planning inquiries.

## 1.5 Planning Fee and Related Income

- 1.5.1 Unlike Building Control fees, planning application fees are prescribed nationally by Government. The Government has indicated previously that it would review the effect of the most recent increase in fees, during 2009. The Killian – Pretty review (reported elsewhere on this Agenda) encourages the Government to carry-out this review and to consider incentivising successful Authorities with the opportunity to levy higher fee rates. These are, at present, merely a set of proposals and these have not, and cannot, form part of any budgetary assessment for 2009/10.
- 1.5.2 At this stage last year the Board endorsed the principle of the introduction of charges for pre-application advice. This was subsequently adopted by Council and an estimated income of some £20,000 was budgeted-for in 2008/9. Partially due to the economic downturn this process is unlikely to achieve the level of income that we had hoped for (based on the experience of other Authorities around the County). We have therefore reduced our expectations both generally and more specifically in light of the economic situation. For this reason I propose no increase in the charging rate for this service (full details of which may be found on the website).

## 1.6 Legal Implications

- 1.6.1 The Council's Constitution requires an annual review of fees and charges and that review must ensure as far as possible that income generated meets the costs of the service.

## 1.7 Financial and Value for Money Considerations

- 1.7.1 The recommendations in this report make an appropriate balance between providing reasonable charges for services and information provided whilst as far as possible meeting the costs of provision in accordance with the principles set out in this report.

## 1.8 Recommendations

- 1.8.1 It is recommended that Cabinet be recommended to:

- 1) Agree the Building Control application fees for dwellings and domestic extensions set out in **Annex 1**.
- 2) Agree that the Director of Planning, Transport and Leisure retains the delegated authority in consultation with the Cabinet Member for Planning and Transportation to amend the charge in respect of Approved Document P (Electrical Installations) to respond to market conditions.
- 3) Continue to authorise the Chief Building Control Officer to continue to **NEGOTIATE** Building Control application fees for other building works with a value exceeding £1million.

Background papers:

Nil

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