

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

21 March 2017

Report of the Management Team

Executive Non Key Decisions

1 PLANNING APPLICATION FEES: THE GOVERNMENT'S OFFER

A report advising Members of a proposal from government regarding planning fees and seeking retrospective approval for a decision taken on behalf of the Council in liaison with the Leader, Cabinet Member for Finance Innovation & Property and the Cabinet Member for Strategic Planning and Infrastructure to accept the offer.

1.1 Introduction

- 1.1.1 On 21 February, the Chief Executive received an emailed letter from the Director of Planning at the Department for Communities and Local Government (DCLG) regarding planning fees (**Annex 1**).
- 1.1.2 This followed the recent publication of the Housing White Paper: '*Fixing our broken housing market*' which amongst a wide range of initiatives designed to increase housing delivery, includes proposals for improving the efficiency and performance of planning departments. The White Paper has been reported to the Planning and Transportation Advisory Board and also referenced in a report to the Communities and Housing Advisory Board at the last meetings. The document can be found at :
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf
- 1.1.3 In order to boost local authority capacity and capability to deliver, the Government is offering to increase nationally set planning fees.
- 1.1.4 The letter states that (quote) "local authorities will be able to increase fees from 20% from July 2017 if they commit to invest the additional income in their planning department".
- 1.1.5 It also appears from the letter that there may be an opportunity to increase fees by a further 20% linked to performance, although the detail of this is unclear.
- 1.1.6 In accepting the offer, the S151 Officer (Director of Finance & Transformation) is required to certify that Tonbridge and Malling Borough Council has determined to

accept the proposed increase as well as confirming that the funds received through these higher fees will be spent entirely on planning functions.

1.1.7 The response date is Monday 13 March (2 weeks after the letter was received).

1.2 Response

1.2.1 As Members will appreciate, the extremely short deadline has given us little opportunity to consult with Members or indeed bring together any proposals.

1.2.2 The Director of Planning, Housing and Environmental Health has commenced a review of the planning service with a view to ensuring that we have the right mix of resources and skills to meet the increasing and significant challenges over the coming years. This will need to reflect the agenda set out in the White Paper, but in any event will focus on the continuing delivery of good quality development with an eye on the increasing scale and complexity of schemes that are likely to come forward, not least as a result of our emerging local plan work. In short it will seek to ensure our planning service stays fit for purpose and moves and improves with the changes in the business that we are currently seeing.

1.2.3 That said, this review has not been completed and at this point it is not possible to say what the outcome will be. It is clear though that there will be further resource pressures and the proposal to raise fees is opportune.

1.2.4 Members are aware that planning fees have not increased for more than four years and with the impact of inflation over this time, are covering less and less of the costs of processing planning applications. At the same time the complexity of the planning system has increased which has undoubtedly had an impact on the use of resources. Members will note from the budget book for 2017/18, that the net cost to the council taxpayer of the Development Control function is some £1.158m.

1.2.5 Urgent discussions have therefore taken place with the Leader, Cabinet Member for Finance Innovation & Property and the Cabinet Member for Strategic Planning and Infrastructure to determine whether the Council should accept the offer in the very short timescale available.

1.2.6 The three Cabinet Members all agreed that it would be appropriate, on behalf of the Council, to accept the DCLG's offer to increase planning fees by 20% in the first instance.

1.2.7 The Director of Finance and Transformation therefore certified the required template and returned this to the DCLG prior to the deadline of 13 March.

1.3 Legal Implications

- 1.3.1 Fees for planning applications are currently prescribed nationally in England by Regulation and it is assumed that amendments to those Regulations will be required before any such fee increase can be implemented.

1.4 Financial and Value for Money Considerations

- 1.4.1 The impact of a 20% increase in fees in a full year would be circa £132k, depending on how any changes to the Fees Regulations are actually structured.
- 1.4.2 The Director of Finance and Transformation will be required to provide information, as requested, to demonstrate that the additional funding is being spent on development management.

1.5 Risk Assessment

- 1.5.1 If the offer is not taken at this stage, it is unclear how or when the Council would be able to increase its fees given that they are nationally set. The existing fee structure would remain in place.
- 1.5.2 If the Council does not comply with the assurances it has provided, the Secretary of State will consider reducing the fee level for that authority back to the original level.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Policy Considerations

- 1.7.1 Community

- 1.7.2 Cabinet is **RECOMMENDED** to:

- 1) retrospectively **APPROVE** the urgent decision taken by the Management Team in liaison with the Leader, Cabinet Member for Finance Innovation & Property and the Cabinet Member for Strategic Planning and Infrastructure to accept the offer from DCLG to increase planning fees by 20% from July 2017; and
- 2) **NOTE** that the Director of Finance & Transformation submitted the required certified return to the DCLG prior to the deadline of 13 March.

Background papers:

Housing White Paper: Fixing Our Broken Housing Market , DCLG February 2017
Letter from Director of Planning DCLG 21 February 2017

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