



REPORT TO: Policy & Resources Committee

DATE: 4th December 2008

REPORTING OFFICER: Head of Planning
Gary Housden

SUBJECT: Non-Statutory Fees and Charges 2009/10 Summary

WARDS AFFECTED: All

1.0 PURPOSE OF REPORT

1.1 To seek Members support for proposed fees and charges for Land Charges and to agree charges for discretionary services in Development Management from the 1st April 2009.

2.0 RECOMMENDATIONS

2.1 That Full Council be recommended to approve the proposed fees and charges for the year 2009/2010.

3.0 REASONS SUPPORTING DECISION

3.1 Budget strategy requires income to be maximised wherever possible.

4.0 BACKGROUND

4.1 Through the current budget review process the Council has identified potential additional income sources. The Local Government Act 2003, which came into force in November 2003, enables best value authorities to charge for discretionary services.

5.0 POLICY CONTEXT

5.1 The proposed fee charges for Development Management have been proposed in accordance with the budget strategy for 2009/10.

6.0 REPORT

6.1 Discretionary Charges – Pre-Application Advice

The Development Management Unit receives an estimated 500+ pre-application enquires per annum which require advice, professional opinion and often a site visit before a written response can be given. Many of the enquiries come from professional agents or landowners contemplating a variety of proposed developments.

6.2 Suggested fee levels for such charges are open to some debate. The Council has not previously charged for such advice although a number of authorities nationally have established charging regimes for pre- application advice.

There are currently no other authorities charging for pre-application advice in North Yorkshire.

- 6.3 The Planning Advisory Service (PAS) carried out a case study into a small number of Planning Authorities in 2007 (A Material World) and the attached Annex B shows for comparison purposes the current fees charged by those District Councils which participated in the case study.
- 6.4 Previously in consideration of the Planning Delivery Grant award 2007/08 Members agreed in principle to charge for pre-application advice (P&R 6th December 2007). It is noted that Members did not resolve at that time to charge for development enquiry forms from householders (see paragraph 6.8 below). The purpose of this report is to seek Members authority for the level of charges to be set.
- 6.5 Staff within the unit estimate most of these enquires take between ½ - 1 hours of officer time to respond to, depending upon the complexity of the request and also whether or not a site visit is necessary in order to respond
- 6.6 Initially it is recommended that a system of flat rate charges is introduced in order to keep the collection of this income simple and effective.

The following charges are recommended:

1. Letter requiring history investigation, professional opinion - £50
2. As above but additional site inspection - £70

If the number of such letter requests is maintained at or near to historical levels income from this service is estimated to range between £25,000 & £30,000 per annum.

- 6.7 The risks of such actions are difficult to quantify. Individuals and agents alike could be deterred from writing or making enquires to the Council and proceed without advice or submit inadequate proposals for planning permission. The setting of reasonable charges levels could mitigate this potential effect.
- 6.8 **Development Enquiry form (Do I need planning permission).**
These amount to around 400 enquiries per annum. A nominal flat rate charge of £25 is recommended in order to cover time cost taken by the Development Management Officers and Technical Assistants carrying out such work. Assuming the number of enquiry forms continue at or near to historical levels up to £10,000 of additional income would be generated.
- 6.9 The risk of taking such action could again centre on the deterrent effect of such charges. Individuals could choose to proceed without the necessary advice resulting in an increased likelihood of unauthorised development within the District. Whilst information on permitted development is available in leaflet form, on the website and on the Planning Portal, this general information will not be as thorough as a detailed site inquiry with the risk that vital site specific information could be overlooked.

- 6.10 York City Council operate a similar service and also currently charge £25 for responding to development enquiry forms. Recent analysis show that the level of their enquires has dropped by around 40% - suggesting that a fee of £25 could be too high.
- 6.11 The recent changes to the Town & Country Planning General Permitted Development Order has however resulted in additional work within the unit and whilst the imposition of a charge for this advice could impact on the number of enquiries is too early to say whether a charge of £25.00 will have an adverse affect on this service.
- 6.12 **Land Charge Fees**
- 6.13 The recommended fees for Land Charges are attached as Annex C.
- 6.14 It is of note that the current projected fee income for 2008/9 is approximately £45,000 down for the full year estimate due primarily to economic down turn and the associated reduction in activity associated with the sale and purchase of property. This service is also subject to competition from external service providers in the form of personal search companies.
- 6.15 The unit has recently introduced an electronic Total Land Charge (T.L.C) system in order to improve its performance and response time to search requests. Members will note that optional questions can be made of the authority. These optional questions have in the past attracted variable fee rates although the basis for this variation is unclear. Most adjacent authorities charge a single flat rate fee for optional questions and it is also of note the new T.L.C system is set up to charge for optional questions on a single flat rate basis. It is therefore recommended that from the first of April 2009 that optional questions are charged at a flat rate of £17 per question.
- 6.16 This rate would be subject to any further increases sought by North Yorkshire County Council and the North Yorkshire National Park Authority (NYM) responding to highway matters and NYM planning decisions.
- 6.17 The Council's policy is to increase charges by at least 4%, however, in the light of current market conditions it is recommended that there is no increase in other fees previously set in 2008/9. The application of further increases to Land Charge fees in 2009/10 would further undermine the competitiveness of the Council's in house service in relation to that provided by personal search companies. It is noted that in 2006/07 there were 376 personal searches carried out and this is anticipated to exceed 800 personal searches by the end of 2008/09.
- 6.18 Members should note that the Land charges system is currently under review nationally and if there is any fundamental change in circumstances between now and the start of the financial year 2009/10 this will be subject of a further report to Members.
- 7.0 FINANCIAL IMPLICATIONS**
Additional income from pre-application advice £25,000 to £30,000 per annum.
Additional income from development enquiry forms up to £10,000 per annum
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8.0 RISK ASSESSMENT

- 8.1 As identified in body of report – see sections 6.7, 6.9 and 6.17 - charging for pre-application advice could lead to a reduced demand for the service and/or poorer quality applications which might then require more officer time to negotiate satisfactory outcomes.
- 8.2 Charging for development enquiry forms could lead to a reduced demand for the service and a risk that homeowners proceed without the proper advice. There could be an increase in enforcement activity arising from complaints.
- 8.3 Changes to the Land Charges fee structure – possible loss of income arising from a standardised optional question of £17 and a risk of loss of income by not applying 4% increase to fees overall.

9.0 CONCLUSION

- 9.1 Members are requested to approve the proposed new charges for the year 2009/10.

OFFICER CONTACT:

Please contact Gary Housden, Head of Planning, if you require any further information on the contents of this report. The officer can be contacted at Ryedale House, 01653 600666 Extension 307.

CORPORATE POLICY APPRAISAL FORM *(One for each Option)*

Annex A

Policy Context	Impact Assessment	Impact +ve -ve Neutral
Community Plan Themes <i>(Identify any/all that apply)</i>	Ensuring efficient & effective provision of services	+ve
Corporate Objectives/Priorities <i>(Identify any/all that apply)</i>	Efficient & effective high quality services	+ve
Service Priorities	To ensure cost are covered through pricing	+ve
Financial	To meet the budget strategy requirements	+ve
Procurement Policies	N/A	
Asset Management Policies	N/A	
LA21 & Environment Charter	N/A	
Community Safety	N/A	
Equalities	N/A	
E-Government	N/A	
Risk Assessment	See report	
Estimated Timescale for achievement	2009/10	