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**Report to:** Planning Committee  
Cabinet

**Date of Meeting:** 8 February 2012  
1 March 2012

**Subject:** Planning Services - Fees and Charges 2012/13

**Report of:** Director of Built Environment

**Wards Affected:** All

**Is this a Key Decision?** Yes

**Is it included in the Forward Plan?** Yes

**Exempt/Confidential** No

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### **Purpose/Summary**

To seek approval of the Planning Committee to increase fees and charges levied within the Planning Portfolio. The Building (Local Authority Charges) Regulations 2010 requires the Council to annually review its Scheme of Building Regulation Charges. The aim of the Scheme is to ensure that, taking one financial year with another, the income derived from performing the chargeable Building Control functions, as near as possible, equates to the costs incurred in performing these functions i.e a break-even position.

### **Recommendation(s)**

1. That Planning Committee note the content of the report and recommend to Cabinet the proposed increases in fees and charges for 2012/13, and the revised financial contributions to be set out in Supplementary Planning Guidance.
2. That the Planning Committee be given delegated authority to approve the implementation of the proposed scale of fees for applications as soon as it becomes available and that the fees, together with any proposed subsequent amendments, be ratified by Cabinet before its mandatory implementation.
3. That Cabinet agree the proposed charges for 2012-13.

### **How does the decision contribute to the Council's Corporate Objectives?**

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity		✓	
3	Environmental Sustainability		✓	
4	Health and Well-Being		✓	
5	Children and Young People		✓	
6	Creating Safe Communities		✓	
7	Creating Inclusive Communities		✓	
8	Improving the Quality of Council Services and Strengthening Local Democracy		✓	

## Reasons for the Recommendation:

At the meeting of 26<sup>th</sup> February 2004, Cabinet requested that any other amendment to fees and charges be referred for approval prior to implementation.

## What will it cost and how will it be financed?

**(A) Revenue Costs** – the amount of income generated by the Service may be reduced slightly due to the impact of complying with guidance from the Information Commissioner in respect of charges under the Environmental Information Regulations. Members should note that the setting of fees and charges falls outside of the main budget setting process.

**(B) Capital Costs – None**

## Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b>	
<b>Human Resources</b>	
<b>Equality</b>	
1. No Equality Implication	✓
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

## Impact on Service Delivery:

Services will continue to be delivered but cost recovery will be reduced

## What consultations have taken place on the proposals and when?

The Head of Corporate Finance & ICT (FD1270/11) and Head of Corporate Legal Services (LD657/12) have been consulted and any comments have been incorporated into the report.

## Are there any other options available for consideration?

Fees remain the same as previous approved

## Implementation Date for the Decision

1 April 2012

**Contact Officer:** Debbie Robinson  
**Tel:** 0151 934 3588  
**Email:** debbie.robinson@sefton.gov.uk

## **Background Papers:**

The following papers are available for inspection by contacting the above officer(s).

- Proposed Increase in Fees and Charges 2011-12, report to Cabinet 3 March 2011
- Buildings and Buildings, England and Wales. SI 2010 No. 404. The Building (Local Authority Charges) Regulations 2010.
- Department for Communities and Local Government – General Guidance on the Implementation of the Building (Local Authority Charges) Regulations 2010.
- The Chartered Institute of Public Finance & Accountancy – local authority building control accounting – Guidance for England and Wales, Fully Revised Second Edition 2010. ISBN 978 1 84508 226 0
- Consumer Price Index

## **1. Introduction/Background**

- 1.1 The Committee will be aware that each year fees and charges levied by individual departments are reviewed and increased (where appropriate) to reflect current service delivery costs, national guidelines and/or inflation.
- 1.2 At the meeting of 26<sup>th</sup> February 2004, Cabinet requested that any other amendment to fees and charges be referred for approval prior to implementation.

## **2. General fees and charges for the Planning Service**

- 2.1 Attached at Annex A is a summary of those fees and charges included within the Planning Portfolio, together with proposed increases in charges. Changes made to the list include:
  - The service charge has been removed and photocopying charges have been reviewed in line with recommendations from the Information Commissioner's Office
  - Inflationary increases of 5.2% based on the Consumer Price Index (rounded as appropriate)

## **3. Building Control Charges**

- 3.1 In 1998 responsibility for setting Building Regulation Charges was devolved to the Council with the aim of ensuring that over any three year rolling period, income received covered the costs incurred. New legislation in the form of The Building (Local Authority Charges) Regulations 2010, led to the Authority amending its Building Regulation Charges in October 2010.
- 3.2 The overriding objective of the 2010 Regulations is that the Council must ensure that, taking one financial year with another, the income derived from performing chargeable functions and providing chargeable advice as near as possible equates to the costs incurred by the authority in performing those functions i.e that a break-even position is achieved.
- 3.3 In practice, the Regulations require the Council to adopt a new Scheme of Building Regulations Charges for its Building Regulation function. This Scheme should seek to arrive at appropriate charging schedules, reflecting the typical work input of Building Control staff, and be reviewed annually with the aim of addressing any deficits or surpluses arising.
- 3.4 Statutory Guidance issued to accompany the Regulations recognises that inevitably there will be variations over time in the level of building activity and the fluctuating demands on the Building Control Service. As such it is suggested that Councils may wish to balance income and costs over a 'reasonable period' of between 3 & 5 years.
- 3.5 Over the last three financial years, activity in the construction sector has been badly affected by the economic downturn and as a result, income generated by Building control charges has significantly reduced. In 2008/09, the Building Control trading account showed a small deficit of £9k, but in 2009/10 this rose significantly to a deficit of £202k. Then, in 2010/11, following a rationalization of the Building Control Team and an increase in the level of Building Regulation charges, a surplus of £55k was generated. Whilst final a out-turn for financial year

2011/12 is not available at the time of writing this report, it is envisaged that Building Regulation charges will again realise a surplus of approximately £10k.

- 3.6 Given the nature of the current economy, it is envisaged that over the next 12 months, activity in the construction sector, will remain weak and given that a surplus will have been generated over the previous two financial years, it is proposed to maintain the Building Regulation Charges at their current levels for 2012/13 and then to carry out a further review in January 2013.
- 3.7 It should be noted that Sefton MBC's Building Control charges are broadly in line with those of the other Merseyside authorities.
- 3.8 It is proposed to increase the level of charge relating to Building Regulation 'Regularisation' applications. This type of Building Regulation application relates to building work which has already been carried out and the applicant is making a 'retrospective' application. Currently, Regularisation applications are set at 120% of the associated Building Notice Charge, and they are not subject to VAT. Other types of Building Regulation applications are subject to VAT at 20% and one of the principles behind the Building (Local Authority Charges) Regulations 2010 is that Regularisation applications should be set at such a level as to not disadvantage applicants who correctly make application prior to work commencing.
- 3.9 It is proposed, therefore, to increase the level of Regularisation applications to 125% of the associated Building Notice Charge.

#### *Financial Impact Of The Proposed Scheme*

- 3.10 Modelling of the proposed new Scheme and Charges has revealed that, subject to the in-house service retaining its market share and levels of economic activity remaining similar to that in 2001/12, an additional £1,000 of income could be generated in 2012/13.

#### *Other Procedural Matters*

- 3.11 The Regulations require the Council to publish a notice 7 days prior to the Scheme coming into effect advising that it has made a new Scheme. For clarity and accountability it will also be necessary, at the on-set of a building project, to advise applicants what the Building Regulation charge will be and the standard of service they can expect. This will ensure transparency of the revised charging mechanism.
- 3.12 As required under Regulation 6 of The Building (Local Authority Charges) Regulations 2010, the Authority will be required, within 6 months of this review to publish the chargeable costs, income and details of any surplus (or deficit) in relation to its Building Control charges. This statement will require the approval of the Authorities Head of Financial Services.

#### *Demolition notices*

- 3.13 In the Autumn of 2011, a review was undertaken of Building Regulation charges and that review was extended to fees charged for other associated matters. The review noted that unlike Sefton Council, a number of other Authorities in the Merseyside region charge a fee for processing the notification of demolition works

and for the issuing of the ensuing 'counter notice', as set out in Sections 80-83 in the Building Act 1984.

- 3.14 Under Section 93 of The Local Government Act 2003, local authorities have the power to recover the reasonable costs of processing such notices and the costs of any subsequent site inspections etc.
- 3.15 It is proposed that a standard fee of £100 for the processing of demolition notices be introduced. The fee will cover the costs incurred for issuing any counter notices and undertaking site visits to monitor the progress of demolition works. Such fees are not subject to VAT.
- 3.16 From historical records, it is expected that such a fee will generate approximately £4,000 in financial year 2012/13.

#### **4. Planning Fees for Applications**

- 4.1 Members may recall a report to 15<sup>th</sup> December 2010 Planning Committee detailing CLG proposals for changing planning fees. The preferred option in the consultation paper details the proposed devolution of fee setting to local authorities. The consultation suggested that authorities can set their own fees from April and that fees must be reviewed and implemented by October 2011. The Planning Service has been collecting baseline data to be able to put together a comprehensive scheme of charging once the CLG has clarified what costs should be taken into account when setting fees. Sefton have also been part of a benchmarking project organised by the Planning Advisory Service. To date no legislation has been actioned in respect of fee setting.
- 4.2 Charges were introduced in September 2011 for a range of pre application enquiries. The charge made for advertisement enquiries has proved to be inappropriate as the cost of a full application is less than the pre application charge. It is proposed that the charge be reduced from £100 (plus VAT) to £50 (plus VAT) with an additional £50 (plus VAT) if a meeting is requested. A comprehensive schedule of pre-application charges is included at Annex B.

#### **5. Land Charges Fees**

- 5.1 The Environmental Information Regulations provide for the information given in land searches to be made available for inspection free of charge. Facilities have been put in place for personal searchers to access the land charges and highways registers at Sefton Plus and building regulation registers, environmental protection notices and highways information at Magdalen House, and planning information is available on Sefton's website.
- 5.2 Charges for land charge searches are in line with the Environmental Information Regulations and colleagues in the Finance Department have reviewed the appropriate level of charge. It is proposed that no change is made to the current level of charging.

## Annex A

<b>Details</b>	2011/12 charges (£)	Proposed charge 2012/13
Service charge only (Associated fee based on 15 mins time & staff costs taken to answer questions)	12.50	No charge
<b>Supply of OS Map Extracts for Planning Applications</b>		
(Charge includes standard rate VAT)		
1:1250 or 1:2500	22.00	£27.80
1:200 or 1:500	11.00	£14.00
<b>Photocopies</b>		
<b>Planning Documents</b>		
(Charge includes standard rate VAT)		
A3 & A4 size Photocopies -		
Service charge	12.50	No charge
per page	0.25	A4 B & W 10p
		A3 B & W 25p
		A4 Colour 50p
		A3 Colour £1.00
Plan Prints -		
Service charge	12.50	No charge
per page	1.30	£1.50
<b>Supply of Environmental Information</b>		
Hourly rate (normal working hours)	50.00	No charge
Hourly rate (outside normal working hours)	61.50	No charge
<b>Request for Service</b>		
Hourly rate (normal working hours)	-	£50.00
Hourly rate (outside normal working hours)	-	£61.50
<b>Charges related to Section 106 Town and Country Planning Act 1990 (as amended)</b>		
Provision of trees, per tree	481.50	£506.50

Public green space provision or enhancement (including a maintenance contribution):		
- for hotels and other Use Class C1 uses: for each 20m2 of bedroom floorspace:	1814.30	£1908.50
- for other commercial development and leisure development for each 100 m2 of floorspace:	1814.30	£1908.50
- for industrial development for each 500 m2 of floorspace.	1814.30	£1908.50
<b>Publications</b>		
<i>For all documents in this section please contact the Assistant Planners, Local Plans (Ian Loughlin 0151 934 3558 or David Robinson on 0151 934 3598)</i>		
Unitary Development Plan (2006)	5.00	£5.00
<b>Local Development Scheme</b>		
Annual Monitoring Report		
<b>Supplementary Planning Guidance Notes</b>		
New Housing Development	Free	Free
Design	Free	Free
Ensuring Choice of Travel	Free	Free
Greenspace, Trees and Development	Free	Free
Landscape Character	Free	Free
Development in the Green Belt	Free	Free
Archaeology	Free	Free
House Extensions	Free	Free
Shop Fronts, Security and Signage	Free	Free
Southport Seafront	Free	Free
Bootle Town Centre	Free	Free
South Sefton Housing Market Renewal: Bedford Road/Queens Road	Free	Free
South Sefton Housing Market Renewal: Bedford Road/Queens Road Development Brief	Free	Free
South Sefton Housing Market Renewal: Klondyke and Canal Corridor	Free	Free
South Sefton Housing Market Renewal: Klondyke and Canal Corridor Development Brief	Free	Free
<b>Flood Risk</b>		
Sefton Strategic Flood Risk Assessment (SFRA) 2009 Main Report – WS Atkins (electronic version available <a href="http://www.sefton.gov.uk/sfra">www.sefton.gov.uk/sfra</a> )	Free	Free
Sefton Strategic Flood Risk Assessment (SFRA) 2009 Appendices – WS Atkins (electronic version available <a href="http://www.sefton.gov.uk/sfra">www.sefton.gov.uk/sfra</a> )		



<b>Green Space and Recreation</b>		
Sefton Green Space and Recreation Study 2009 Main Report (electronic version available <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	Free
Sefton Green Space and Recreation Study 2009 Main Report (electronic version available <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )		
<b>Retail</b>		
<i>For all documents in this section please contact the Strategic Planning Officer (Tom Hatfield 0151 934 3555)</i>		
District Centres, Local Centres and Shopping Parades Study & Appendices – March 2004	Free	Free
<b>Sefton Retail Strategy Review 2005</b>		
Volume one: Retail Capacity Analysis, Prepared by White Young Green Planning, for Sefton Council. February 2006. (Available to view on Sefton Website at <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	Free
Volume Two: Vitality & Viability Study of Southport Town Centre and Bootle Town Centre Prepared by White Young Green Planning, for Sefton Council. March 2006 (Available to view on Sefton Website)	Free	Free
Volume Three: Technical Appendices - February 2006 CD-rom (Note: Not available on Sefton Website)	12.50	£13.15
Sefton Retail Strategy Review Update 2009 – Incorporating town centre health checks for Bootle and Southport (Available to view on Sefton Website <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	Free
Sefton Retail Strategy Review Update 2009 – Appendices (Available to view on Sefton Website <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	Free
<b>Housing</b>		
<i>For all documents in this section please contact the Strategic Planning Officer (Tom Hatfield 0151 934 3555)</i>		
Sefton's Strategic Housing Market Assessment (SHMA)		
Sefton Strategic Housing Market Assessment 2009. Appendices, Fordham Research (electronic version available <a href="http://www.sefton.gov.uk/shma">www.sefton.gov.uk/shma</a> )	Free	Free
Housing Need in Sefton - Further details on the figures in the SHMA 2008, Fordham Research (electronic version available <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	Free

Housing Search and Expectations Study 2010, Fordham Research (electronic version available <a href="http://www.sefton.gov.uk/planningstudies">www.sefton.gov.uk/planningstudies</a> )	Free	Free
Sefton's Urban Housing Capacity Assessment (SHLAA)		
Strategic Housing Land Availability Assessment Study 2010 Update - (electronic version available <a href="http://www.sefton.gov.uk/shlaa">www.sefton.gov.uk/shlaa</a> )	Free	Free
Strategic Housing Land Availability Assessment 2008 Study – WYG (electronic version available <a href="http://www.sefton.gov.uk/shlaa">www.sefton.gov.uk/shlaa</a> )	Free	Free
<b>Economy</b>		
<i>For all documents in this section please contact the Strategic Planning Officer (Tom Hatfield 0151 934 3555)</i>		
Merseyside Employment Land Study, White Young Green, 2004 (electronic version available)	Free	Free
Joint Employment Land and Premises Study – BE Group (Final document available electronically February 2010) <a href="http://www.sefton.gov.uk/elps">www.sefton.gov.uk/elps</a>	Free	Free
Joint Employment Land and Premises Study – BE Group (Appendices available electronically February 2010) <a href="http://www.sefton.gov.uk/elps">www.sefton.gov.uk/elps</a>	Free	Free
<b>Conservation Area Advisory Leaflets</b>		
Conservation Area Advisory Leaflet: Birkdale Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Birkdale Park	Free	Free
Conservation Area Advisory Leaflet: Blundellsands Park, 1984	Free	Free
Conservation Area Advisory Leaflet: Carr Houses, 2001	Free	Free
Conservation Area Advisory Leaflet: Churchtown and North Meols	Free	Free
Conservation Area Advisory Leaflet: Crosby Hall and Little Crosby	Free	Free
Conservation Area Advisory Leaflet: Damfield Lane, Maghull	Free	Free
Conservation Area Advisory Leaflet: Derby Park	Free	Free
Conservation Area Advisory Leaflet: Gloucester Road, 2001	Free	Free
Conservation Area Advisory Leaflet: Green Lane, Formby, 1989	Free	Free
Conservation Area Advisory Leaflet: Hesketh Road, 2001	Free	Free
Conservation Area Advisory Leaflet: Homer Green, 2001	Free	Free
Conservation Area Advisory Leaflet: Lunt Village, 2001	Free	Free

Conservation Area Advisory Leaflet: Promenade, Southport	Free	Free
Conservation Area Advisory Leaflet: Sefton Village, 2001	Free	Free
Conservation Area Advisory Leaflet: Waterloo	Free	Free
Conservation Area Advisory Leaflet: Waterloo Park, 2001	Free	Free
Conservation Area Advisory Leaflet: West Birkdale, 2001	Free	Free
Churchtown Village Trail. A Guide to this Historic Village (Also, can be viewed on North Meols Civic Society Web site)	Free	Free
Listed Buildings Advisory Leaflet 2006	Free	Free
Lydiate Hall and Chapel Conservation Area 1993	Free	Free
Moor Park Conservation Area Leaflet	Free	Free
Protected Trees. A Guide to Tree Preservation Procedures, DoE 2002	Free	Free
Notes on Waterloo (Reference only)		
<b>Planning Information</b>		
Listed Buildings and Conservation Areas. Sefton MBC	Free	Free
Lord Street Conservation Area Appraisal. Planning Guidance for owners, occupiers and developers. Sefton MBC	Free	Free
<b>Environmental Advisory Services Charges</b> (subject to standard rate VAT)		
Access to material per hour (min 1 hour)	£50 +VAT	No charge
Support services for external users per hour	£120	£120
<ul style="list-style-type: none"> <li>• for the first hour for our standard search for 1km square;</li> </ul>	£60	£60
<ul style="list-style-type: none"> <li>• per hour thereafter to more extensive searches;</li> </ul>	£60	£60
<ul style="list-style-type: none"> <li>• per hour for single species searches within a 1km square.</li> </ul>		
Photocopying (per A4 sheet)		A4 B & W 10p A3 B & W 25p A4 Colour 50p A3 Colour £1.00

## Local Land Charges

(contact us on 934 2019 or 2199)

### Standard Search Fee CON29R/LLC1

CON29R form only	48.00	£48.00
CON29O enquiries: each box ticked	36.00	£36.00
CON29 form only - each box	5.00	£5.00
LLC1 only	5.00 + 5.00 admin fee	£5.00 + £5.00 admin fee
LLC1 additional parcel fee (maximum 16 parcels)	12.00	£12.00
Requests for service:	1.00 each	£1.00 each
Expedited Fee:	50.00 per hour	£50.00 per hour
Additional parcels:	20.00	£20.00
	10.00	£10.00

Planning Services

**Pre-Application Advice Charges**

(effective 1 April 2012)

All charges are subject to Standard Rate VAT @ 20%

	Charge
<b>Site history requests</b>	£30 (£36 inc VAT) per hour or part thereof
<b>Householder development</b>	No fee  £50 (£60 inc VAT) if meeting requested
<b>Advertisements</b>	£50 (£60 inc VAT)  £100 (£120 inc VAT) if meeting requested
<b>Minor development</b>  <ul style="list-style-type: none"> <li>❖ Less than 3 dwellings</li> <li>❖ All non-residential schemes with a floorspace less than 500 sq m or sites less than 0.5 ha</li> <li>❖ Change of use of building(s) with a floorspace less than 500 sq m or sites less than 0.5 ha</li> <li>❖ Single wind turbines/telecoms mast under 17m high</li> </ul>	£100 (£120 inc VAT) to cover one unaccompanied site visit and one letter or  £150 (£180 inc VAT) if meeting requested;  Hourly rate* thereafter
<b>Intermediate development</b>  <ul style="list-style-type: none"> <li>❖ 3 to 25 dwellings</li> <li>❖ All non-residential schemes with a floorspace between 500 sq m and 2,000 sq m or on sites between 0.5 ha and 2 ha</li> <li>❖ Change of use of building(s) with a floorspace between 500 sq m and 2,000 sq m or sites between 0.5 ha and 2 ha</li> </ul>	£200 (£240 inc VAT) to cover one site visit and one letter or  £250 (£300 inc VAT) if meeting requested;  Hourly rate* thereafter
<b>Significant development</b>  <ul style="list-style-type: none"> <li>❖ 26 or more dwellings</li> <li>❖ All non-residential schemes with a floorspace over 2,000 sq m or on sites over 2 ha</li> <li>❖ Change of use of building(s) with a floorspace over 2,000 sq m or sites over 2 ha</li> <li>❖ Any scheme requiring an Environmental Impact Assessment</li> </ul>	£750 (£900 inc VAT) to cover up to one site visit and two meetings;  Hourly rate* thereafter

No charge will be made for pre-application enquiries which relate to applications for which there is no fee payable

\*Current hourly rate is £50 (£60 inc VAT) (as at 1 September 2011)