

**INFRASTRUCTURE, HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE -
19 NOVEMBER 2019**

PART I – NOT DELEGATED

6. DEVELOPMENT MANAGEMENT (PLANNING), LOCAL LAND CHARGES SEARCHES, STREET NAMING AND NUMBERING AND PARKING SERVICES FEES AND CHARGES (DCES)

1 Summary

1.1 This report provides an overview of all discretionary charges for Development Management, Local Land Charges Searches, Street Naming and Numbering and Parking.

2 Details

2.1 Development Management

2.1.1 Responding to development proposals, in the form of pre-application advice, is a service offered and encouraged by the Development Management Section. Whilst there is no legal requirement for Local Planning Authorities (LPAs) to undertake pre-application discussions it is widely accepted that offering pre-application advice is good practice. It allows for the early identification of issues and contributes towards both quality outcomes and the avoidance of delays in the formal submission process. It is a fundamental part of the Development Management Section's role specifically in terms of customer service. The National Planning Policy Framework (NPPF) recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.

2.1.2 Planning pre-application fees were introduced by TRDC in 2011. An increase in fees was made in 2013, a further increase of 10% was made to the fees in 2013/14 and further increases were made to some of the categories, as agreed by Members at the Sustainable Development, Planning and Transport Committee in November 2015. The most recent increase was a 20% increase to all pre-application fee categories in January 2018 which coincided with a 20% increase nationally to statutory planning application fees. A 'follow-up' fee was also introduced to cover situations where applicants/agents wish to submit amended plans for comment having had regard to initial pre-application advice. **Appendix A** details the existing scale of pre-application charges.

2.1.3 A comparison table of planning fees and pre-application fees is provided in **Appendix B** (note that the development categories are not all directly comparable). The table demonstrates that the majority of pre-application fees are not significantly lower than the equivalent planning application fee. Whilst the Council wishes to encourage and promote the formal pre-application route and fees need to cover the cost of providing the service, consideration has to be had to the equivalent planning application fee in order to ensure that take up of the formal pre-application service remains.

2.1.4 Whilst the gap between the pre-application and application fee for householder applications is greater, this is to ensure that the formal pre-application service remains a viable option for residents of the District and to encourage residents to take this route over the free duty planner service that is also provided. The benefit of the formal approach being the completion of a site visit and the preparation of a detailed written response. The householder fee was increased by 20% in January 2018.

- 2.1.5 A free Duty Planner Service for householders remains, although householders are required to go through the formal fee paying route if they wish to submit plans for written comment or wish a site visit to be undertaken. The Duty Planner service is regularly monitored to further Officers understanding on how this service is used.
- 2.1.6 It is also relevant that other Statutory Consultees have introduced their own charges for pre-application advice. Currently Hertfordshire County Council Highways Authority, the Environment Agency and HCC Lead Local Flood Authority all have their own pre-application charging. These fees are in addition to the pre-application fees of TRDC. In considering pre-application fees, Officers are mindful that, with additional pre-application charges to pay, applicants may seek to avoid pre-application if the costs become too high.
- 2.1.7 It is however noted that there is currently no option for a householder pre-application meeting, unless the property is a Listed Building. It is considered that the introduction of a fee for such meetings, when considered appropriate by officers, would introduce an additional income stream (£174.24 per meeting).
- 2.1.8 Having regard to the detail above, with the exception of the introduction of an additional meeting category for householder proposals, it is not recommended that pre-application fees be increased, however, this should continue to be reviewed annually.
- 2.1.9 The proposed pre-application fees, including householder meeting fee are set out in **Appendix C**.
- 2.2 Local Land Charges
- 2.2.1 LLC fees are charged on a cost recovery basis under the LLC Act 1975 (as amended) and the LLC Rules 1977.
- 2.2.2 In Three Rivers DC there has been an increase in Personal Searches carried out by an agent which result in nil income to the Council, as opposed to official Search requests to the local authority. Whilst this has currently not had a major impact on income, Officers will continue to monitor. Personal Searches are free of charge under the Local Authorities (England) (Charging for Property Searches) 2008 Act and the Environmental Information Regulations.
- 2.2.3 Official Search fees have not been increased at this authority since 2016. A 4% inflationary increase is proposed to cover service costs, however any increase may impact on the local authority's ability to remain competitive.
- 2.2.4 In July 2016 additional questions relating to Highways matters were introduced in official Searches necessitating the majority, if not all, of the Search enquiries to be sent to Hertfordshire County Council. Hertfordshire County Council has increased their charges for answering associated highways enquiries. This increase also needs to be incorporated into any new fee. The existing and proposed new fees are attached at **Appendix D**.
- 2.2.5 In January 2017 new fees were introduced for street naming and numbering applications. Whilst it is not possible to charge for the allocation of an initial address, as this is not a discretionary function, new fees were introduced under Section 93 of the Local Government Act 2003 to cover the administration of notifying statutory undertakers of new addresses and the amendment to existing addresses, as these services are both discretionary. The fees were set at a level considered compatible

with cost recovery. Fees were increased by inflation at 2.5% from April 2019. A further 4% inflationary increase is proposed to cover service costs. The existing and proposed fees are attached at **Appendix E**.

2.3 Parking Services

- 2.3.1 Whilst a number of Parking Services fees/charges are discretionary, the review of the Parking Service continues. Since April 2016 a number of the discretionary charges have been increased and Members and Officers are continuing to investigate the service provision. It is not considered appropriate to individually increase fees/charges further at this time. Further parking reports including a report on a Parking Strategy are expected to be brought to Committee over the coming year.

3 Options and Reasons for Recommendations

3.1 Development Management

- 3.1.1 It is recommended that pre-application fees are not increased at this time, however, the use of this service will continue to be monitored. It is recommended a fee for householder application meetings should be introduced.

3.2 Local Land Charges

- 3.2.1 It is recommended both Land Search fees and street naming and numbering fees are increased by 4%. These services are provided on a cost recovery basis.

3.3 Parking Services

- 3.3.1 It is recommended that parking fees are not increased at this time considering the ongoing review of parking services.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5 Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

- 5.1 None specific.

6 Financial Implications

- 6.1 As part of the Council's strategic, service and financial planning process for 2020/21, the Policy & Resources Committee approved (Minute No PR 31/19 refers) the assumption for services to factor into their forecasts a 4% increase in all fees and charges that are not set by statute. However, Heads of Service would need to take account of demand, affordability and vulnerability.

- 6.2 Whilst there is no proposed increase in pre-application fees, the current demand for the existing pre-application service is expected to balance the income budget.

- 6.3 Street naming and numbering fees and Land Charges fees are to be increased by 4%. These services are provided on a cost recovery basis. The service costs have been reviewed as part of this proposed increase.

6.4 The Parking Services budgets including fees and charges are being continually reviewed as a separate exercise.

6.5 Budget Variances for the additional income from fees and charges are detailed below:

Service	£
Search Fees	(4800)
Property Naming	(40)
Total	(4840)

6.6 If approved, these increases will be factored into the Medium-Term Financial Plan as part of the Council's budget setting report for approval by the Policy and Resources Committee in January 2020.

7 Legal Implications

7.1 The Council has the power to charge for discretionary services under Section 93 Local Government Act 2003 but the income received must not exceed the costs of providing the service.

7.2 In accordance with Statutory Guidance, the Council are not able to increase charges for parking to create a surplus and parking income targets should not be set. Any surplus arising from parking charges and income can be used to meet a deficit or be spent on parking services with off-street income used more widely to balance the parking account (for example inclusive of aspects such as car park maintenance costs, Officer salaries). Surplus income can also be used to balance previous deficits in the parking service.

8 Equal Opportunities Implications

8.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	N/A

9 Risk and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Regulatory Services Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Any fee increase could result in the public and their representatives (ie solicitors) choosing not to use the Local Authority for undertaking Local Land Charges Searches	Reduced use of service and resulting reduction in income	Monitoring service use	Tolerate	4
Any fee increase could result in applicants choosing to not use the discretionary part of the street naming and numbering service.	Reduced use of service and resulting reduction in income	Monitoring service use	Tolerate	4
If pre application fees are increased applicants may choose not to use the pre-application service, giving officers less input at an early stage in the planning process.	This could impact on both income and service performance including national PIs	Monitoring service use	Treat	9
Additional increases in parking fees and charges could result in customers not utilising the Council's Parking Services	This could result in unmanaged and displacement parking. This will impact on income and result in poor management of parking provision with potential highway safety concerns.	Monitor service use	Treat	9

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
Low	Low	Medium	High	
2	4	6	8	
Low	Low	Low	Low	
1	2	3	4	
Impact				
Low -----► Unacceptable				

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

9.4 In the officers’ opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

10 Recommendation

10.1 That the Committee agree the recommend the following:

- i) There is no change to the fees and charges associated with the Development Management pre-application service with the exception of the introduction of a householder meeting fee. The existing fees and charges are accepted into the Committee’s budgets, which are recommended to the Policy and Resources Committee.

- ii) There is no change to the fees and charges associated with the Parking Service. The existing fees and charges are accepted into the Committee's budgets, which are recommended to the Policy and Resources Committee.
- iii) Fees and charges for Local Land Charges and street naming and numbering are increased in line with inflation at 4%.

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Data Rating:

1	Poor	
2	Sufficient	X
3	High	

APPENDICES / ATTACHMENTS

- Appendix A – Existing and proposed Pre Application Service fees
- Appendix B – Full Planning Application and Pre-Application Fee Comparison Table
- Appendix C – Proposed Pre-Application Fee (with householder meeting fee)
- Appendix D – Current and Proposed Local Land Charges fees
- Appendix E – Current and Proposed Street Naming and Numbering fees