

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	PRE-APPLICATION CHARGING		
DATE OF DECISION:	16 MARCH 2010		
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY		
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STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

Following the Local Government Act 2003 and Circular Guidance many local authorities have introduced fee charges for pre-application planning advice. This is usually coupled with the introduction of a more formalised service and protocols, backed by written reports of any meeting(s) and advice provided.

At Full Council in July 2009, the concept of introducing charges to recover costs for planning pre-application advice from the City Council was agreed. In November 2009, Cabinet agreed to the introduction of an improved, chargeable pre-application advice scheme for the Southampton City Council Planning Authority.

The report outlines the scheme and explains that its implementation will commence on 6th April 2010. Further training will be given to the Panel in the Summer following the scheme's implementation.

RECOMMENDATIONS:

- (i) The Panel note the content of the report.

REASONS FOR REPORT RECOMMENDATIONS

- 1 To provide information to the Planning and Rights of Way Panel of the changes to how the City Council will provide pre-application planning advice.

CONSULTATION

- 2 Individual meetings have been held with internal consultees, including the Development Control Team and Economy and Regeneration Team.
- 3 Individual meetings have been held with two major Planning Consultancy companies who confirmed that a fixed rate chargeable pre-application scheme would be preferable to a percentage fee scheme.
- 4 The Overview and Scrutiny Management Committee considered the Cabinet report proposals at its meeting in November 2009.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**5 Not to implement a chargeable pre-application advice scheme**

The option to continue with the current pre-application advice service, free of charge, was considered and rejected. National guidance advocates that an improved and more consistent, formal approach to the early stages of

engagement and negotiation should be implemented. This would involve additional resources and a more formal pre-application advice service, requiring additional staff time, which can be recovered through the introduction of fees.

6 To apply a percentage charge based on the planning application fee

Alternative options to a fixed charge, including a percentage fee, were considered and rejected, in favour of a more clearly understood and easily applied system.

7 To agree wider exemptions from pre-application charging

8 The option to exempt a wider range of categories of applications, including householder extensions, was rejected in favour of a small charge to cover costs.

9 The option to provide a wider range of exemptions for various types of organisations/categories, such as Registered charities, Registered Social Landlords, community organisations and developments put forward that relate to Council-owned land was also rejected. This would be complex to administer and could, in the longer term, make it difficult to resource an appropriate advice service to these organisations.

DETAIL

10 It is proposed that the Council introduce charges for pre-application planning advice in conjunction with the introduction of a more formalised service and protocols, backed by written reports of the meeting and advice provided. Charges will need to be easy to understand and administer, as well as being proportional. Payment would normally be made at the time of supply of the completed pre-application advice request form and supporting documentation.

11 The proposed fee rates are presented in Appendix 1. Proposed exemptions are for:

- Advice in relation to Listed Building Consent;
- Advice in relation to consents within Conservation Areas;
- Proposals relating to domestic improvements to address access requirements of a disabled person; and
- Proposals relating to non-profit making community facilities.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

12 None

Revenue

13 The current level of resource for the provision of free pre-application advice is £40,000 per annum. The total resource cost of providing the pre-application advice, under the enhanced scheme, will depend on the level of demand for the service. However, based on the assumed demand in the total cost is estimated at £74,000.

- 14 As far as possible, the additional resources for an enhanced service would be redirected from work on planning applications, allowing costs to be met from existing budgets. However, there may be a need to increase overall Development Control resources to deal with the additional service requests.
- 15 The estimates are subject to the uncertainties of current market conditions. Cabinet have given delegated authority to allow adjustments to fees annually, for any deficit or surplus, within a period of up to 3 years.

Other

- 16 None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 17 Best Value authorities have the power to charge for discretionary services. Under section 111 (1) of the Local Government Act 1972, the Council has the power to do anything reasonably incidental to its express powers. Thus the provision of pre application advice will be incidental to the statutory duty to provide planning services.
- 18 Section 93 of the Local Government Act 2003 allows an authority, relying on subsidiary powers, to charge but the recipient of the discretionary service must have agreed to its provision and to pay for it.
- 19 Circular guidance entitled 'General power for best value authorities to charge for discretionary services – guidance on the power in the Local Government Act 2003' makes it clear that Authorities when exercising this power are under a duty to secure that, taking one year with another, the income from charges do not exceed the costs of provision of the service. The circular advises that charges may be set differentially, so that different people are charged different amounts. Further Authorities are not required to charge for discretionary service and may provide them for free if they so decide.

Other Legal Implications:

- 20 None

POLICY FRAMEWORK IMPLICATIONS

- 21 The proposal to charge for pre-application advice, whilst improving the level of service provided, is set out within the broad business plan objective to 'Improve Development Control Performance' as set out in the Corporate Improvement Plan 2009/10.

SUPPORTING DOCUMENTATION

Appendices

1.	Proposed Fee Schedule
2.	Pre-Application Advice on Planning Proposals

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

1.	None	
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Background documents available for inspection at: N/A

FORWARD PLAN No: N/A **KEY DECISION?** N/A

WARDS/COMMUNITIES AFFECTED:	All
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