

Report to Cabinet Member for Planning and Environment

Decision to be taken on or after 30 April 2019

**Decision can normally be implemented at least
3 working days after decision has been signed.**

Cabinet Member Report No. PE04.19

Title: Buckinghamshire and Milton Keynes Environmental
Records Centre - proposed new Fee rates for data
searches

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Local members affected: All

For press enquiries concerning this report, please contact the media office on 01296 382444

Summary

This paper sets out the (already approved) new and improved data searches service to be launched by the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC). It explains the rationale for increases to Fees for data searches using the new system and for the standard rates for officer time and seeks approval of the proposed Fees.

Recommendation

To ENDORSE the proposed increases to Fees as set out in paragraphs [2.4](#) and [2.5](#) with a commencement date of 1 June 2019 (allowing one month's notice to clients).

A Narrative setting out the reasons for the decision

1. Context and background

- 1.1. BMERC provides a service to commercial clients performing environmental data searches. The data provided is used to inform planning and development decisions. 450-500 searches per year are requested and this provides a major source of funding (c£45K) for BMERC. BMERC also provides data to members of the public where the data is not for commercial purposes (i.e. it is for personal use and edification, scientific study etc) and there is no charge for this.
- 1.2. BMERC cannot afford to continue to operate this service in house. A business case to let a contract to run the service was approved in late 2018. The rationale for doing this is as follows:
 - 1.2.1. Processing Data Searches is currently a very labour intensive process. BMERC's ability to process Data Searches is limited by staff time and although there are opportunities to increase revenue obtained from Data Searches, this has had to be stifled because there is no staff time available to deal with the additional workload.
 - 1.2.2. From the client's perspective:
 - 1.2.2.1. the service is slow, up to 10 days turnaround for standard Data Searches and up to 5 days for priority Data Searches
 - 1.2.2.2. the outputs are limited to one pdf containing maps, species records, and site descriptions etc.
 - 1.2.2.3. the process is cumbersome to use.
- 1.3. The new service will offer the following major advantages:
 - 1.3.1. Includes a web-based client interface (self-service)
 - 1.3.2. Allows spatial searches of sites, habitats and species records and returns the results within 24 hours, often within 2 hours (the current turnaround is 10 working days).
 - 1.3.3. Enables BMERC to increase revenue, by increasing transaction volumes, demand currently constrained by staff time required to provide service.
 - 1.3.4. Allows restructuring of our offerings and Fees.
 - 1.3.5. Improves BMERC productivity to free staff time for other essential work not currently being done.
 - 1.3.6. Allows automated invoicing and includes collection of Fees
- 1.4. A contract to operate the service had been signed with Cofnod, the Environmental Records Centre in North Wales, and implementation is currently underway. The service will operate on their Orca product, which is currently being used by Leicester and Rutland Environmental Records Centre.

2. Changes to BMERC Data Search Fees

- 1.1 Following a key decision process, BMERC hourly rates and Fees for Data Searches were increased in November 2018. This was the first increase since 1st April 2013.
- 1.2 BMERC also re-structured the service to offer fixed Fee packages and additional optional extras making the ordering process much more stream-lined.

1.3 The new service is a significant improvement on the existing service though similar packages will be retained, the self-service access and delivery on the same or the following working day delivers much higher value and therefore a modest increase in Fees is proposed. In addition, increases to the existing daily and hourly rates are proposed.

1.4 The current and proposed daily and hourly rates for BMERC officer time are shown in the table below

Description	Current	Proposed	% change
Hourly rate	£105.00	£110.00	4.76%
Daily rate	£450.00	£470.00	4.44%

1.5 The Data Search packages will be restructured as follows:

Main Packages		Current Fee	Current % of searches	New Fee from
1	1km Notable species, Statutory Sites, Local Non-statutory Sites, Priority Habitats (10 day turnaround)	£105.00	50.0%	£130.00
	1km Notable species, Statutory Sites, Local Non-statutory Sites, Priority Habitats (5 day turnaround)	£150.00	3.8%	
2	2km Notable species, Statutory Sites, Local Non-statutory Sites, Priority Habitats (10 day turnaround)	£150.00	39.7%	£180.00
	2km Notable species, Statutory Sites, Local Non-statutory Sites, Priority Habitats (5 day turnaround)	£225.00	6.4%	
Optional extras (when added to a main package)				
	Species records in Excel	£25.00	46.2%	N/A
4	2km bat records (option on 1km search)	£25.00	5.1%	£30.00
5	5km bat records (option on 2km search)	£30.00		£35.00
6	6km bat records (required in known Barbastelle bat area)	£35.00	1.3%	£40.00
Average Fee per transaction based on current %s		£145.43		£153.43
Increase in average transaction Fee				5.5%

Notes:

2.1.1. The current service offers 2 versions of the same package with different turnaround times, with a higher Fee for the faster delivery. The new packages will all be available within 24 hours or less, obviating the need for different versions of the same package.

2.1.2. The Fees have been set at the mid-point between the existing packages giving clients who currently use the normal service something much quicker for a modest increase, and for those who use the priority service a quicker service for a lower Fee.

2.1.3. The option in red is available in the current service as an extra. This is not relevant in the new service as all outputs are available as standard in Excel.

2.1.4. The search % splits are based on 78 searches 11 November 2018 – 28 Feb 2019

2.1.5. Explanation of “Fees from”. The Fee charged for the new service will be

based on the actual search area. The figures shown are for a point with the specified 1km or 2km buffer. The service also allows clients to draw a shape on the map and add the buffer to that. The Fees will then scale proportionately such the Fee for a drawn area with a 1km buffer that is the same area as point plus 2km buffer will be charged the same Fee.

- 1.6 The increases in Fees meet the Council's objective to ensure that, where the Council is legally entitled to recover its costs of providing a service, it does so.
- 1.7 A comparison of Fees with neighbouring Environmental Records Centres and Environmental Records Centres providing a service from the same supplier as follows:

Neighbours	1km search	2km search	Turnaround
BMERC - New service	£130.00	£180.00	within 24hrs
Hertfordshire	£105.00		10 working days
Greenspace Information for Greater London	£250.00	£325.00	Within 24hrs
Bedfordshire and Luton	£110.00		10 working days
Cambridgeshire and Peterborough	£110.00		5 working days
Northamptonshire	£120.00		10 working days
Thames Valley (Berks & Oxon)	£155.00	£200.00	10 working days

Record Centres using Orca	1km search	2km search	Turnaround
BMERC - New service	£130.00	£180.00	Within 24 hours
Leicestershire and Rutland Environmental Records Centre	£205.00	£375.00	Within 24 hours
Cofnod	£150.00	£210.00	Within 24 hours

Notes:

- 2.1.6. Neighbouring services are very different from each other, the Fees reflect; the quality of the output, the time taken to deliver, the costs of operation.
 - 2.1.7. The other Orca users provide different data to BMERC and we believe that there is scope to improve the quality of our data and to reflect that in increased Fees in the future.
- 1.8 The new service offers scope for discounts for volume commitments, but these will be implemented at a later stage.

B. Other options available, and their pros and cons

1. Fee Increases

- a. The other option is to do nothing and leave Fees as they are.

Pro: This will have the benefit of continuing to offer rock-bottom Fees for a market-leading service.

Con: Without a Fee increase to compensate for the loss of income for our priority services our cost recovery will be cut significantly.

Con: A flat Fee would be counter to the Council's objective of recovering costs as the costs of the new service will be higher.

C. Resource implications

1. There are no resource implications for the Fee changes.
2. There are resource savings arising from implementation of the new service, these were covered as part of the business approval for the project and placing the service with a supplier. .

D. Value for Money (VfM) Self Assessment

1. Data searches provide good value for money when compared to neighbouring Environmental Records Centres, particularly when the significant improvement in service is included, see 1.5 above 1.7 above.

E. Legal implications

1. Under the Environmental Information Regulations 2004, subject to some restrictions, public authorities may charge an applicant for providing environmental information. This charge is a reasonable amount which should not exceed the cost of making the information available but, as confirmed by the Information Commissioner's Office guidance on charging for environmental information, in respect of a public authority:
2. *'A market-based charge is considered to be reasonable where the information is made available on a commercial basis and the charge is necessary to ensure such information continues to be collected and published. This comes from the Directive (Recital 18) and is also referred to in guidance issued by DEFRA, which states that a "reasonable amount" will include a rate of return such as that achieved by comparable businesses who face a similar level of risk.'*
3. The Directive referred to above is the EC Directive 2003/4/EC of the European Parliament (on public access to environmental information), which was implemented into domestic law by the Environmental Information Regulations 2004.

F. Property implications

There are no property implications

G. Other implications/issues

Some clients may be upset by Fee increases, but the increases are largely consistent with inflation. However, the service will be significantly improved and we will give notice of the changes and the rationale.

H. Feedback from consultation, Local Area Forums and Local Member views

This is a Corporate Decision only.

I. Communication issues

Current clients will be given one month's notice of the increase, with an explanation of the reasons for the increases and the benefits to them.

J. Progress Monitoring

Existing client communication mechanism will be used to address individual feedback.

Data searches are tracked and measured in our management system, and the impact of changes will be visible via the existing management reporting, no addition progress monitoring will be necessary.

K. Review

Not applicable.

Background Information: BMERC

The Buckinghamshire & Milton Keynes Environmental Records Centre (BMERC) is part of a small team in Transport Economy Environment (TEE). The 2.4 BMERC staff work alongside the Heritage (archaeology) team and the County Ecologist.

BMERC's purpose is the collection, management and interpretation of wildlife data to support the conservation, understanding and enjoyment of local biodiversity and geodiversity.

BMERC works closely with district partners, statutory agencies such as the Environment Agency and Natural England and with local data providers to provide a 'one-stop-shop' for information on sites, habitats and species in the region. The services BMERC provides are essential for underpinning policies and decision making in both the public and private sector, and ensure compliance with national and international legislation.

Because of their capacity to engage and support local volunteers with expertise in ecological and geological survey, species identification and data management, BMERC delivers valuable services in a highly cost-effective way while helping to achieve Big Society objectives.

Buckinghamshire is a very green county but under massive pressure from major infrastructure and development. BMERC holds an up-to-date database of over 2.4 million wildlife records and other site and habitat data which is used by commercial clients to inform planning and development decisions. BCC staff and management rely on up to date and inclusive information on the environment to make good decisions be they floods, strategic planning, highways, minerals and waste and others.

Buckinghamshire has a great tradition of expert and amateur naturalists and it is still a thriving community. These volunteers provide c200,000 records to BMERC every year free of charge. These records would otherwise cost £250k - £500k a year to source professionally.

BMERC recently hosted another highly successful annual Recorders' Seminar, a one day conference at Green Park. Over 90 people attended, a record number. This long standing and popular event in volunteers' calendars is designed as a reward for all their hard work collecting information on the wildlife of Bucks and as a networking opportunity for professionals and amateurs alike. There was a mix of expert talks with updates from county experts and BMERC staff who all work towards better understanding why Buckinghamshire's environment is so special.

BMERC generates income (last year c£45k) from commercial data searches which covers a substantial portion of its costs and the proposals in this report, if approved, will go towards covering these.

Your questions and views

If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.

If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on 29 April 2019. This can be done by telephone (to 01296 382343), or e-mail to democracy@buckscc.gov.uk