

PLANNING AND SUSTAINABILITY FEES AND CHARGES

Cabinet Member: Councillor David Johncock

Wards Affected: All

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PROPOSED DECISION

That Cabinet:

Approves the principle of the provision of additional discretionary planning services,
and

To the extent that delegated power may be required delegates authority to the Head of Planning and Sustainability, in consultation with the Cabinet Member for Planning and Sustainability, the Head of Finance and Commercial and the District Solicitor:

- (i) to modify existing and introduce new discretionary planning services, within available legal powers;
- (ii) to introduce pilot fees and charges to cover the Council's costs, until the setting of final fees and charges is included into the decision making process by Cabinet as part of the annual budget cycle.

Reason for Decision

On 5 June 2017 Cabinet approved (amongst other things) a change programme for Planning and Sustainability. Known as "Fit for Competition", its purpose is to decrease the level of public subsidy to the service to the minimum achievable without compromising quality standards. An overhaul of the services provided, and the fees charged for them is being carried out. It is proposed to deliver additional discretionary services on a cost recovery basis.

The programme is now in a position to begin to introduce the new services, and modify existing ones. To allow the smooth running of the programme, and to give flexibility to adapt pricing to respond to client's feedback, it is proposed to delegate to the Head of Planning and Sustainability the power on a pilot basis to modify existing services and introduce new ones, and to set, and modify as necessary, the associated fees and charges to the Head of Service in consultation as set out above.

Corporate Implications

1. WDC must continue to innovate to reduce calls on the revenue budget. Fit for Competition is part of this programme, with a target to deliver substantial net revenue benefits.
2. Advice on the relevant legal powers is contained in Appendix B. The Best Value duty contained in Section 3 the Local Government Act 1999 which obliges the council to secure continuous improvement in the way in which its functions are

exercised, having regard to a combination of economy, efficiency and effectiveness is also applicable, as is the duty to consult.

3. An Equalities Impact Assessment has been completed and there are no equalities impacts that need to be mitigated in relation to this programme

Executive Summary

4. Planning and Sustainability is going through a change programme, called Fit for Competition, the framework for which was approved by Cabinet in June 2017. The purpose of the programme is to move the service as close as possible to full cost recovery, and thereby minimise the level of taxpayer subsidy.
5. In order to achieve this, new services are proposed to be introduced, and existing services, and their pricing structure, are being reviewed. New prices need to be set relative to one another, but importantly to maximise the revenue that the Council can achieve for those services, within the overall legal framework governing cost recovery.
6. In order to do this, it is necessary to keep prices under review, and to adjust them on a 'needs' basis, as an alternative to bringing all fees and charges to Cabinet for decisions, on a periodic basis. This will considerably speed up the service's ability to respond to the market and to take advantage of opportunities as they arise.
7. To achieve this, it is proposed to delegate the power to set and vary fees and charges to the Head of Service in consultation as set out above.

Sustainable Community Strategy/Council Priorities - Implications

8. Fit for Competition fits within the "progress" priority of the Corporate Plan, as it will achieve greater value for money for the taxpayer through efficiencies and competitive pricing structures.

Background and Issues

9. The planning service has over the years brought in discretionary charges, such as the pre-application service. The fees, however, have not been set to recover costs, and the service has recently been reviewed to correct this, with the changes made under existing delegated powers. Further services are proposed, and the powers sought in this report will allow for these to be brought in flexibly and to respond to feedback from the market.
10. The legal framework for the provision of fees and charges for discretionary services is provided in Appendix B.
11. The proposed delegation does not extend to statutory services. The fees for statutory services are set by Government, there is a statutory duty to deliver these services to statutory time limits, and there is no discretionary power to alter the charges for these services.
12. Cost recovery can include the full costs of service provision, including on costs and overheads, including corporate overheads. Service provision is broader than the provision of an individual activity – and it is on the service that the requirement of cost recovery is placed.
13. Within this cost envelope, fees and charges need to be set at a level that the market is willing to pay, and that maximises the income to the Council, but that

stops short of operating for a commercial purpose, for which a trading company would be required.

14. The Head of Planning and Sustainability already possesses a range of delegated powers which are designed to support optimisation of the service. The proposed powers are designed to complement these and ensure fuller power to respond quickly to financial requirements and market forces, within the parameters of legal powers.

Consultation

15. It is not considered that under the public sector duty to consult it is necessary to consult on this proposal. There is no requirement for anyone to purchase any of the discretionary services offered by the Council. The statutory services remain available, and these ensure that everyone can access the basic level of planning services. The fees and charges will be piloted to allow the level to be altered in response to market feedback, and then those fees and charges will be confirmed (or modified) by Cabinet once a year through the budget cycle.

Options

16. There are three options, of which (a) is recommended.
 - a. Option 1: to agree to the principle of new discretionary planning services and delegate the types of services and the fees and charges as set out in the recommendation within the legal parameters. This is recommended.
 - b. Option 2: to approve the principle of new discretionary services, but not to delegate these power to the Head of Planning and Sustainability, beyond those already in place. This will have an adverse impact on the flexibility of fee setting, and the ability to modify fees to test the extent to which they are bringing in maximum revenue. Accordingly this is not recommended.
 - c. Option 3: Not to agree to the proposals. This is not recommended as it will not meet the financial objectives of reduction of subsidy for discretionary services.

Conclusions

17. Achieving the right level of fees and charges is crucial to the success of the Fit for Competition programme and the Council's financial strategies, and delegation to the Head of Service in consultation as proposed provides greatest scope, through testing, at setting them at the rate that maximises the income to the Council, within the overall cost recovery envelope.

Next Steps

18. The Head of Planning and Sustainability will review the services, fees and charges within her service area and is intending to implement a number of new and amended charges subject to the Cabinet's approval of the recommendations in this report.

Background Papers

Attached Appendix A - Planning Resources, Cabinet 5 June 2017, Agenda Item 7