

Amber Valley Borough Council		Status	Final	Agenda Item No	12(d)
Report To	Council	Date	22 July 2009		
Report By	Assistant Director (Planning & Regeneration)				
Report Title	Charging for Pre-application Planning Advice				
Portfolio	Regeneration (Place Shaping)				

1. Purpose of Report

- 1.1 To review the operation of the Council's charging scheme for pre-application planning advice and to recommend changes to the scheme.
- 1.2 The suggested revised scheme is set out at Appendix A.

2. Recommendations

- 2.1 That the Council continues with the existing charging scheme for pre-application planning advice, subject to detailed changes to the charging structure.
- 2.2 That prior to the next review in 2010, any minor amendments to the charging scheme be delegated to the Chief Executive, in consultation with the Chairman of the Planning Board.

3. Reason for Recommendations

- 3.1 To maintain the recovery of some of the staff costs involved in providing pre-application and other planning advice.

4. Consultation

- 4.1 Management Team – meeting held 8 July 2009.
- 4.2 Chairman of the Planning Board – meeting held 9 July 2009.
- 4.3 Deputy Leader/Cabinet Member for Regeneration (Place Shaping) – e-mail 13 July 2009.

5. Strategic

- 5.1 The Council's Strategic Objectives demonstrate the Council's commitment to Vibrant Local Governance through improved public participation, improved customer service and decision making of the highest standard. The planning process also has an input into the Council's Strategic Objectives through the negotiation of added value and community benefits.

6. Background Information and Options

- 6.1 On 5 November 2008, the Council resolved to introduce a charging scheme for the provision of pre-application planning advice in Amber Valley. The scheme was introduced from 1 January 2009, to be reviewed after an initial period of 6 months and thereafter annually.
- 6.2 The charging scheme has generally been well received, with no formal complaints being made in respect of the scheme since its introduction. It has secured around

£8,600 of additional income to the Council over the period 1 January to 30 June 2009 in respect of pre-application planning advice.

- 6.3 There is no clear evidence at this early stage as to whether the charging scheme has had a positive impact in terms of improving the overall quality of planning applications and whether this in turn has helped to improve both the speed of determination of applications and the quality of decision making. However, future reviews of the scheme on an annual basis will provide the opportunity to assess whether these potential wider benefits have been realised.
- 6.4 It is proposed to make a number of detailed amendments to the charging scheme, to:-
- Reduce and combine the number of different charging categories to simplify the scheme and make it easier for officers, members and customers to understand – this is not expected to have any material impact on the level of income received
 - set out more clearly the types of pre-application enquiry and the range of groups and organisations that should be exempt from any charges
- 6.5 It is not proposed to make any changes to the current arrangements for providing pre-application advice, free of charge, in respect of householder applications.

7. Implications

7.1 Legal

- 7.1.1 Section 93(1) of Part 8 of the Local Government Act 2003 enables the Council to charge for discretionary services provided that the Council is authorised, but not required, by an enactment to provide the service and that the person requesting the service agreed to its provision.
- 7.1.2 Section 93(3) stipulates that the power under 93(1) is subject to a duty to secure that, taking one financial year with another, the income from charges under that subsection does not exceed the costs of provision.

7.2 Resources

- 7.2.1 Personnel – none arising from the report.
- 7.2.2 Financial - £50,800 was included in the 2009/10 Revenue Budget as a target income from pre-application planning advice and householder questionnaires. £7,800 has been received in the first quarter of 2009/10. Provision will be made in the Draft 2009/10 Revised Budget and future years Draft Budgets for a revised projected income amount to be quantified later on in the financial year.

7.3 Human Rights

- 7.3.1 None arising from this report.

7.4 Risk Identification and Management

7.4.1 The risk is assessed as high:

Strategic Risk	Risk Detail	Action	Rating
Strategic	None	None	Low
Operational	Pre application advice	Adopt recommendations but monitor	High
Regulatory	None		Low
Financial	Income projection		High
Reputation	None	None	Low
Information	None	None	Low
People and Management	Raised expectations	Monitor	Low

References

Author / Ext	Derek Stafford Assistant Director (Planning & Regeneration)	Ext	1581
Email Details	derek.stafford@ambervalley.gov.uk		
Documents used in Preparing this Report			
Members' Services Officer	Joan Jones, Civic Links & FOI Officer	Ext	1601
Index of Appendices	Appendix A Charges for Pre-application Planning Advice		
Forward Plan Reference	Ref No:	Contact:	
Forward Plan Description			