

NOTICE OF MEETING

CABINET MEMBER SIGNING

Thursday, 30th November, 2017, 10.00 am - Civic Centre, High Road, Wood Green, N22 8LE

Members: Councillor Alan Strickland

Quorum: 1

1. FILMING AT MEETINGS

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

2. URGENT BUSINESS

The Leader/Cabinet Member will advise of any items they have decided to take as urgent business.

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

4. ACCEPTANCE OF INCREASED PLANNING FEES (PAGES 1 - 6)

The Government has published draft regulations to be laid before Parliament shortly to allow Local Planning Authorities to charge increased planning fees- 20% more than the current fees. This report proposes that the Council charges the increased fees immediately once the regulations have been made and come into force.

5. ANY OTHER BUSINESS

To consider any items of urgent business as identified in item 2.

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Bernie Ryan
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Wednesday 22 November 2017

Report for: Cabinet Member Signing- 30 November

Title: Acceptance of increased planning fees

Report

authorised by : Lyn Garner, Strategic Director for Regeneration, Planning and Development

Lead Officer: Emma Williamson, Assistant Director Planning x 5507

Ward(s) affected: All

Report for Key/

Non Key Decision: Key

1. Describe the issue under consideration

The Government has published draft regulations to be laid before Parliament shortly to allow Local Planning Authorities to charge increased planning fees- 20% more than the current fees. This report proposes that the Council charges the increased fees immediately once the regulations have been made and come into force.

2. Cabinet Member Introduction

The proper resourcing of planning departments is key to maintaining good performance and the Government's offer of increased planning fees is welcomed. This funding will be used to bring additional capacity to, and drive further efficiencies in, Haringey's already excellent service through a combination of additional staffing and IT improvements.

3. Recommendations

That, subject to regulations being made in substantially the same form as the draft Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits)(England) (Amendment) Regulations 2017 ("the Draft Regulations") to:

- a) increase all planning fees by up to 20%; and
- b) amend and introduce all planning fees as proposed in the Draft Regulations;

in accordance with and immediately on any such regulations coming into force.

4. Reasons for decision

The acceptance of the 20% increase in planning fees and introduction of new fees will allow the Planning Service to increase its capacity and drive further efficiencies in the Planning Service and ensure compliance with statutory requirements.

5. Alternative options considered

To reject the offer of a 20% increase in planning fees and the option to charge fees for permission in principle applications and application where permitted development rights have been removed.

This option was rejected as the Council does not have discretion under the 2012 Regulations to vary or waive the fees.. Further, it would only represent a modest rise in planning fees and would be unlikely to discourage development given that planning fees are a very small proportion of the overall cost of a building/development project.

6. Background information

In February 2017 the 'Fixing our broken housing market/ White Paper' set out in paragraph 2.13 that the Government will increase nationally set planning fees. This was proposed in response to developers raising that the lack of capability and capacity in planning departments is restricting their ability to get on site and build. In addition local authorities have reported difficulties in recruiting and retaining planners and others with specialist skills. In order to accept the 20% rise in fees local authorities were asked to confirm that they commit to invest the additional fee income in their planning department. It is intended that existing baseline and income assumptions will not be revised down as a result.

To that end the Council's Section 151 Officer, under s230 of the Local Government Act 1972, was asked to provide a commitment and submit information of the 2017/18 budget that demonstrates the additional fee income being spent on planning services. Haringey, alongside all other local planning authorities, returned this form in March 2017. At that time it was envisaged that the fee raise would be in place in July 2017.

This is the information that was submitted:

	2016/17	2017/18
Estimated Expenditure on development management	£2,355,124	£2,700,000
Estimated income from planning application fees	£1,358,000	£1,314,000
Estimated additional income generated from higher planning fees	N/A	£159,000

This information was based on the fee raise taking place in July 2017. Unfortunately this was delayed because of the General Election.

The Government has recently published the Draft Regulations to be laid before Parliament. We do not yet know exactly when the fee raise will be effective from.

Assuming the raise is effective from January 1 2018 an additional income of approximately £53,000 in this financial year is expected. For 2018/19 the additional income is estimated to be in the region of £250,000.

It is likely that the Council will be asked to make further returns relating to the use of the income. There is also the potential that the right to charge the raised

fees may be withdrawn should performance of the Local Planning Authority be deemed to be poor in accordance with the standards set by the Government.

The Draft Regulations also propose further changes as outlined in the Legal comments section below.

7. Contribution to strategic outcomes

The increase in fees will increase the capacity of the Planning Service to deliver regeneration and growth in housing and employment in line with Priority 4 and 5.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

This report seeks prior authorisation from the Cabinet Member to enable the Council to immediately increase its fees, and make other changes in accordance with the Draft Regulations, on the date the Draft Regulations take effect, should they be approved by Parliament.

The planning fee and any increase in fee is governed by the Town and Country Planning Regulation 2012; so any increase proposed must be in line with any amendment in this regulation.

The Council's budget income from planning fees (applications and pre-applications) for 2017/18 was budgeted at £1.3m. However, the current full year income forecast for Planning Application fees alone is £2.5m. It is estimated that a 20% increase in planning application fees will generate an additional £300k if the current income levels remain the same for next year.

The exact financial impact in this current year will not be known until such a time when the Draft Regulations come into force.

It is expected that the potential additional income will be used to increase efficiency and reduce planning application processing times.

Legal

The Assistant Director of Corporate Governance has been consulted on the preparation of this report and comments as follows.

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended) ("2012 Regulations") govern the amount that the Council must charge when exercising its statutory functions to consider and determine planning applications, pursuant to sections 303 and 333 of the Town and Country Planning Act 1990 (as amended). The 2012 Regulations set planning application fees nationally and there is no provision within them for the Council to vary or waive fees payable under these Regulations.

The Secretary of State recently published the Draft Regulations, which proposes to amend the 2012 Regulations to increase planning fees by 20%.

The Draft Regulations propose other changes to the 2012 Regulations, including introducing fees to be charged for applications where permitted development rights have been removed by an article 4 direction made pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") or condition.

The Draft Regulations also propose to introduce fees for applications for permission in principle, as well as making other changes to the 2012 Regulation by introducing fees for prior approvals of new classes of permitted development right under the GPDO. Other minor amendments are made to 2012 Regulations and other legislation.

At the date of this report, the Draft Regulations have not been approved by both Houses of Parliament and it is therefore unknown if and when the Draft Regulations will be implemented. The Council will not be able to increase its planning fees by 20% unless and until the Draft Regulations come into force, which will be on the twenty-eighth day after the day which the Draft Regulations are made. However, this report seeks prior authorisation from the Cabinet Member to enable the Council to immediately increase its fees, and make other changes in accordance with the Draft Regulations, on the date the Draft Regulations take effect, should they be approved by Parliament.

Equality

The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. It is not anticipated that this decision will disproportionately impact any of these characteristics.

This change will primarily impacts the small number of residents and businesses who are looking to physically expand their residence or premises, for which planning permission is required. The planning application fee is typically less than 1% of overall development costs contained in each application. This change is intended by the Government to finance a better service for residents and businesses accessing planning services.

Further to this current exemptions for certain types of planning permissions will be maintained. This includes:

Exemptions for disabled access to buildings for public use and alterations to dwellings for disabled access and alterations.

These exemptions support the Council's commitments under the Public Sector Equality Duty.

9. Use of Appendices

None

10. Local Government (Access to Information) Act 1985

- a. Draft statutory instrument- 2017 Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits)(England) (Amendment) Regulations 2017

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