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West Devon
Borough
Council

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Date:

Dear Councillor

WEST DEVON PLANNING & LICENSING COMMITTEE - TUESDAY, 10TH JANUARY, 2017

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No	Item
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7.	<u>Planning Performance Indicators</u> (Pages 1 - 6)
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8.	<u>Fees and Charges for 2017/18</u> (Pages 7 - 20)
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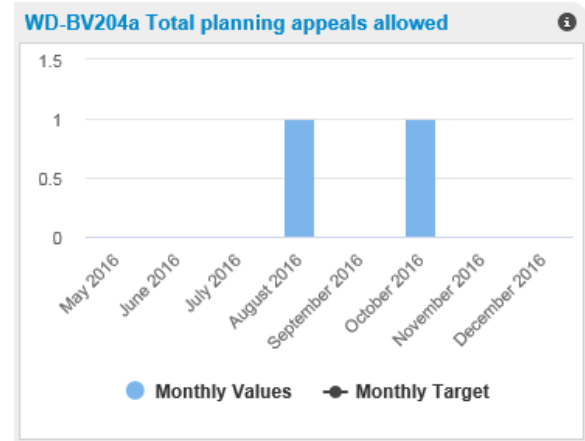
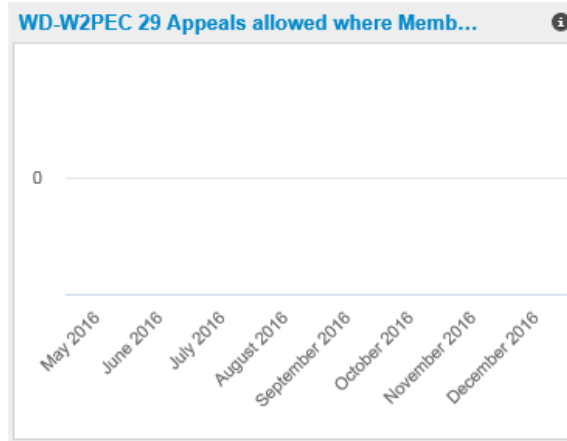
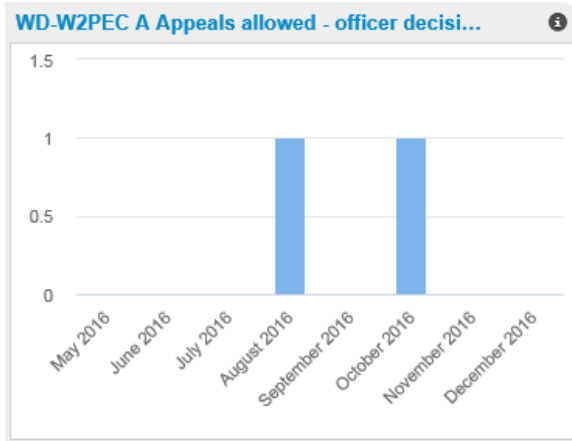
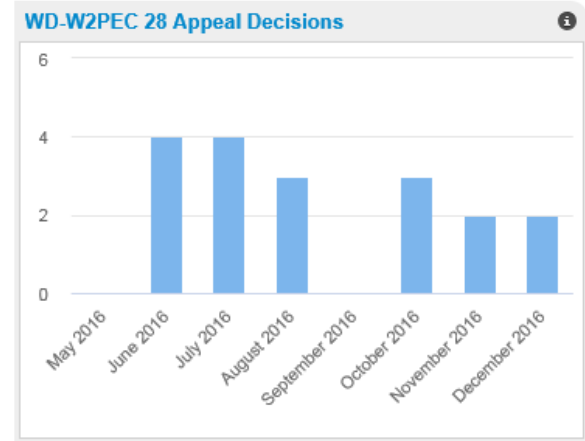
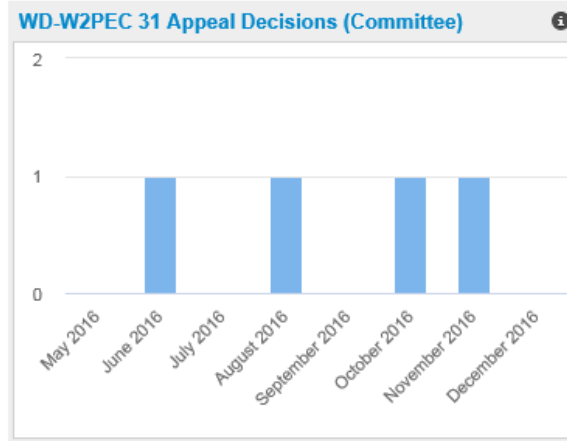
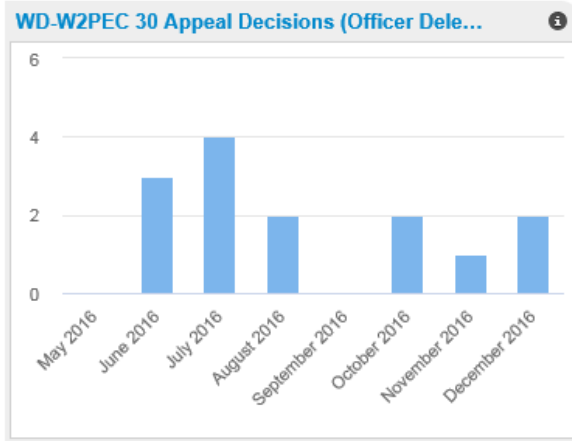
Yours sincerely

Darryl White
Senior Specialist – Democratic Services

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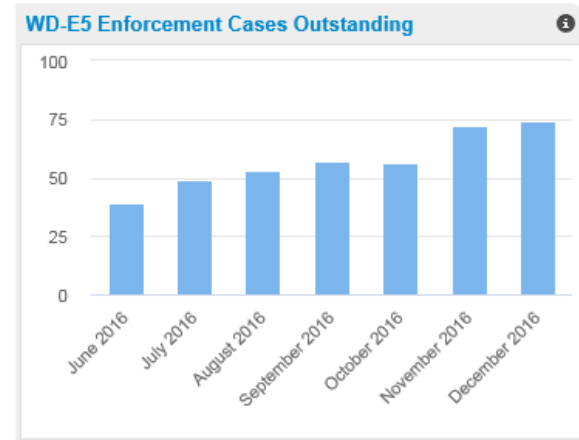
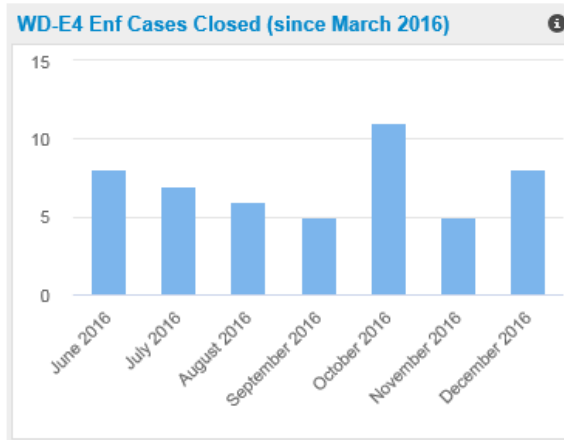
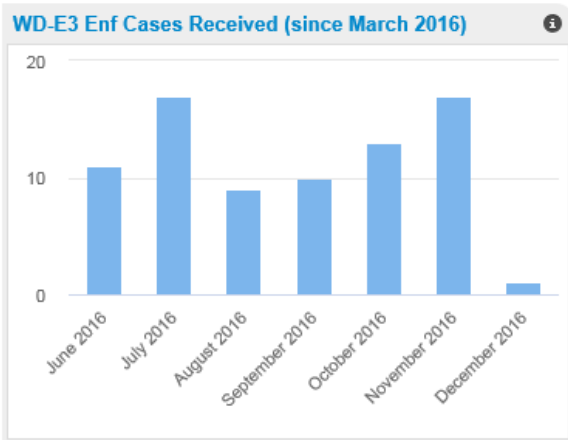
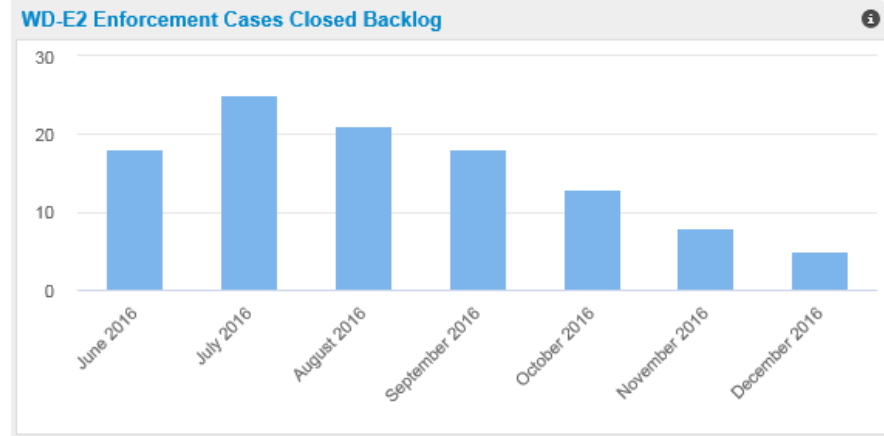
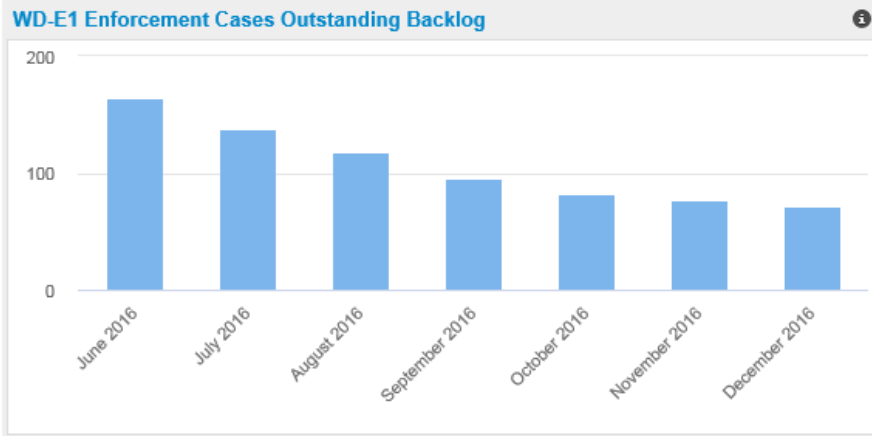
WD Planning appeal performance NEW-



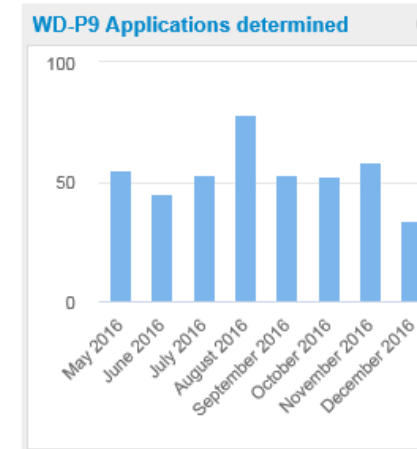
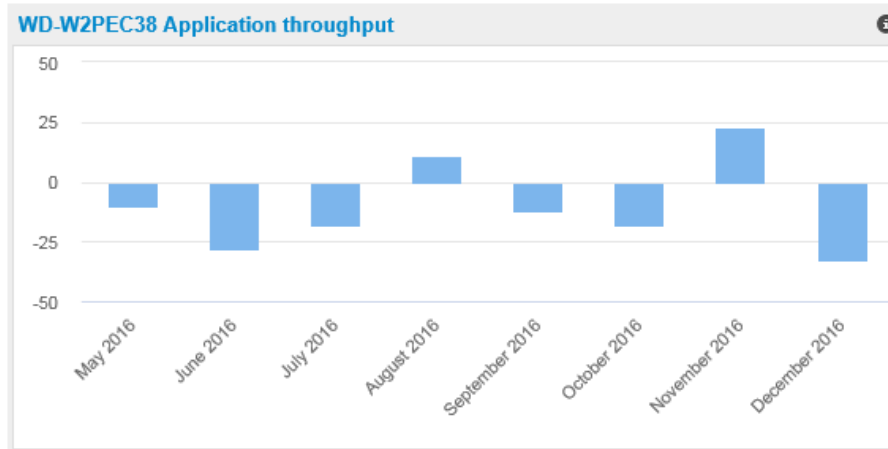
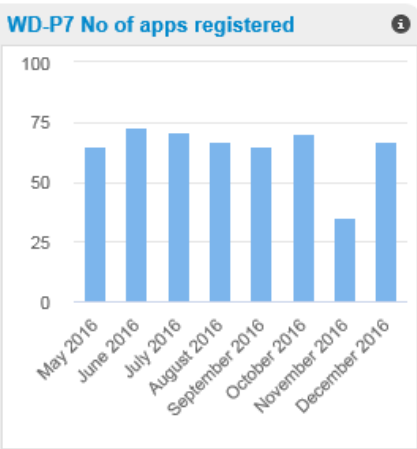
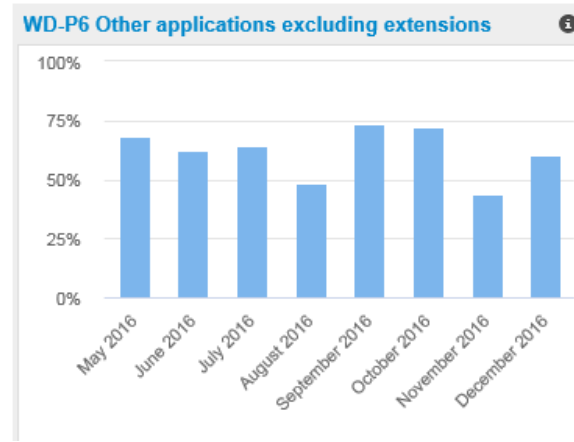
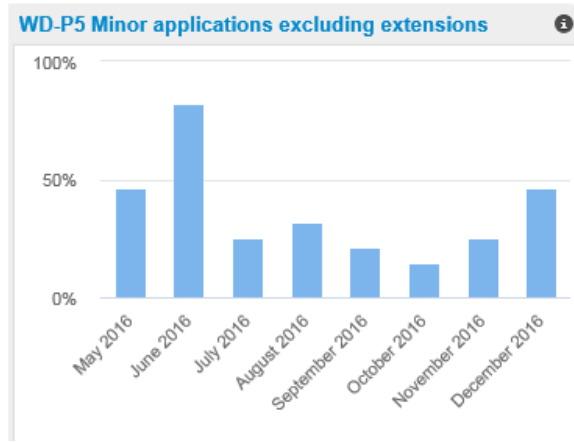
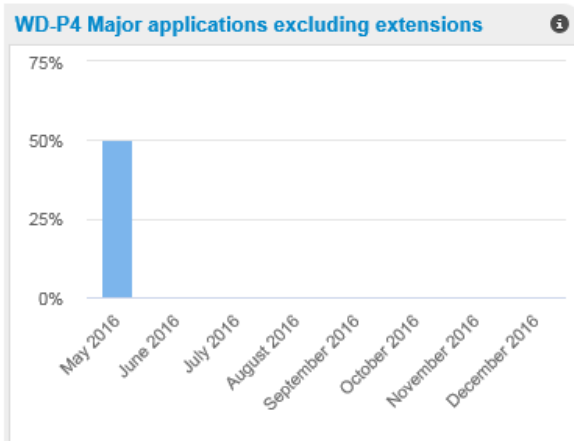
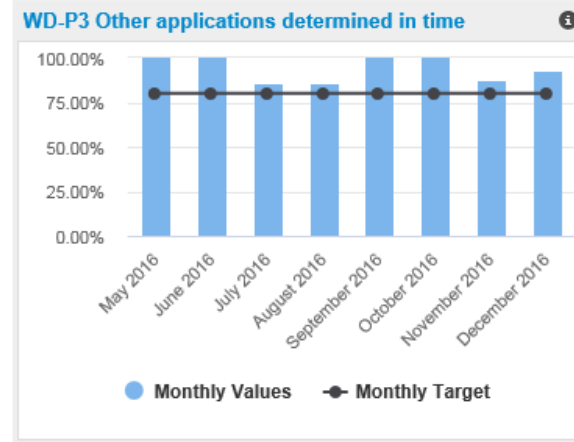
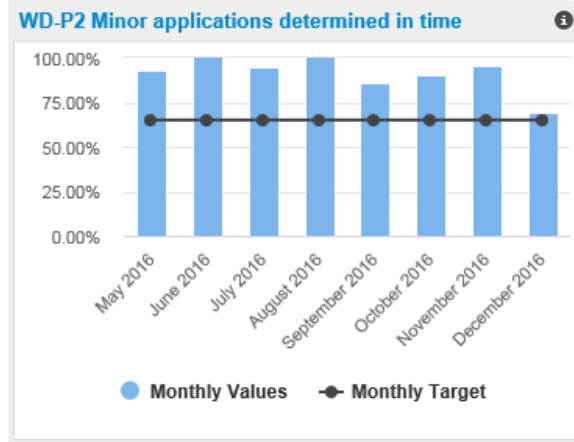
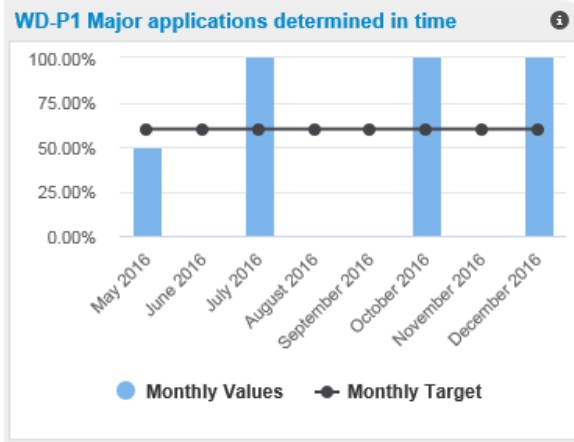
For charts above: WD-W2PEC A are officer delegated decisions, WD-W2PEC 29 are appeals where member decision went against officer recommendation, WD-BV204a are all appeals allowed.

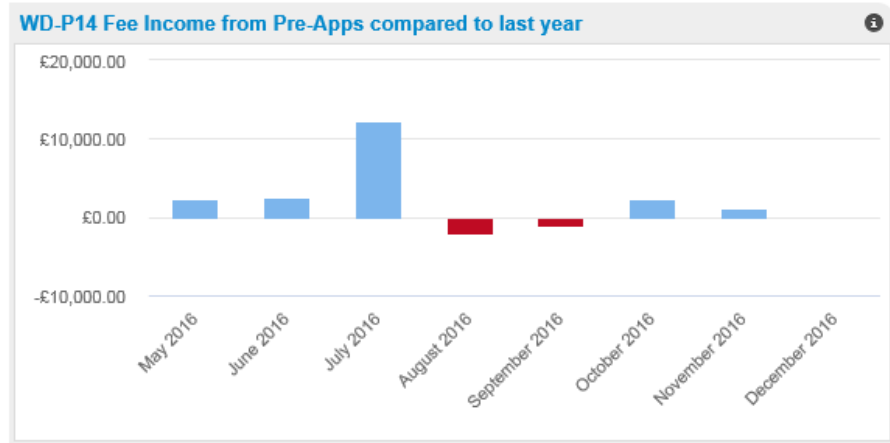
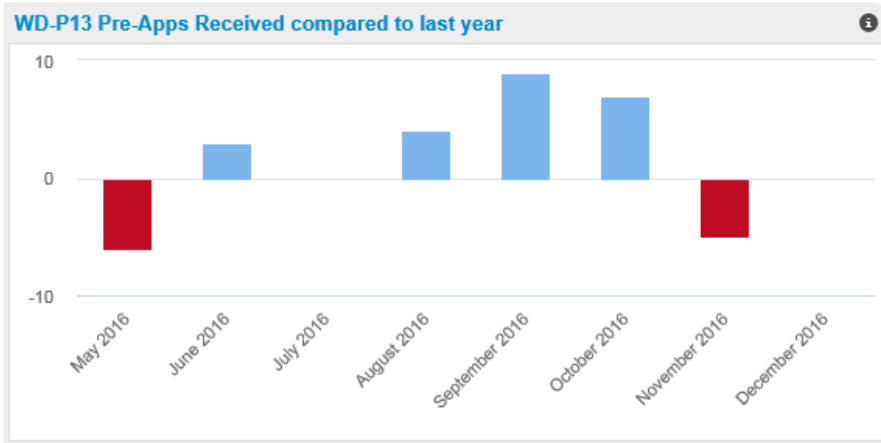
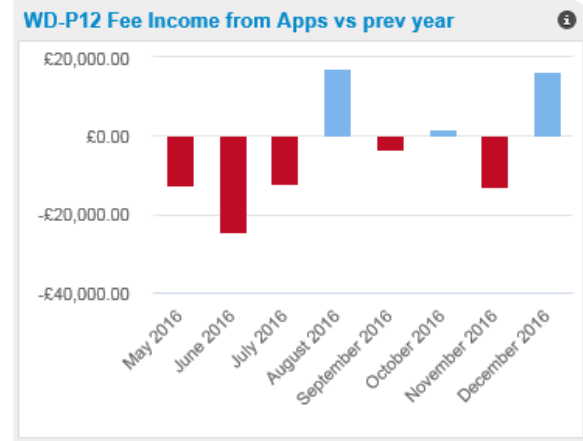
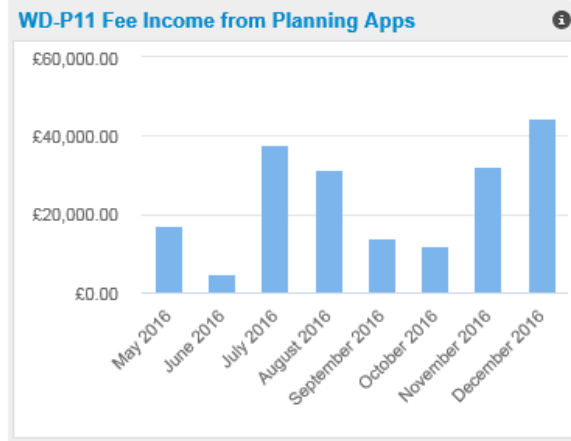
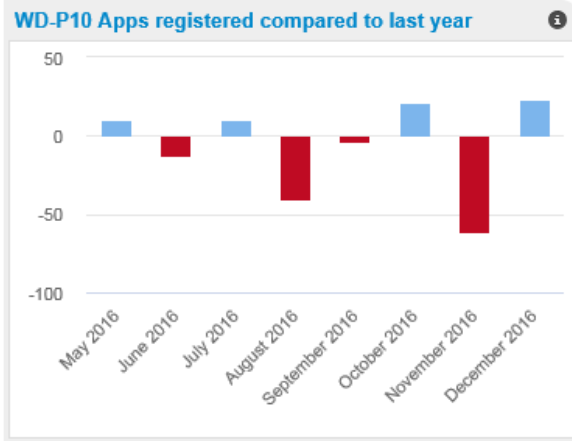
Any difference in these figures would be where decisions went to Committee and Members agreed with Officer recommendation.

WD Planning Enforcement-



WD Planning Performance





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Agenda Item 8

Report to: **Planning and Licensing Committee**
Date: **10th January 2017**
Title: **Fees and Charges for 2017/18**
Portfolio Area: **Customer First**
Wards Affected: **All**
Relevant Scrutiny Committee: **Internal**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Author: **Lisa Buckle** Role: **S151 Officer**
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Recommendations:

- 1) That the Planning and Licensing Committee approves the proposed fees and charges set out in Appendix A for the period 1st April 2017 to 31st March 2018.

1. Executive summary

1.1 This report sets out proposals for fees and charges for 2017/18. It is recommended to keep the fees and charges for 2017/18 at the same level as 2016/17.

2. Background

2.1 The Council has the power to levy fees and charges for various services and functions it undertakes.

3. Proposals for Charges 2017/18

3.1 Environmental Health Charges

It is recommended that there are no increases to fees and charges for Environmental Health Services. Appendix A sets out proposals for Environmental Health Charges for 2017/18.

Environmental Health charges were reviewed for 2016/17 to ensure that the Council charges were consistent across West Devon Borough Council and South Hams District Council and complied with the legislation in terms of the maximum charge being full cost recovery. The charges were changed to reflect this requirement. It is recommended to keep the fees and charges for 2017/18 at the same level as 2016/17.

A wider review will be required this year of all licensing functions to ensure compliance with the European Services Directive and the implications of the new guidance produced by the Local Government Association covering the implications of the European Court of Justice ruling on the Hemming vs Westminster case.

3.2 Planning

A review of the pre-application service (including the fee structure) is to be undertaken in the next six months, as a result of the recommendations arising from the Planning Peer Challenge undertaken in 2016.

The review, which will also cover Planning Performance Agreements and the Duty Planning service, has been subject to a short delay whilst resources have been focussed on performance with regard to determining planning applications and delivery of the Joint Local Plan. In view of this, any changes to charges or projected income cannot be confirmed at this stage.

4. Proposed Way Forward

1) The level of fees and charges will continue to be monitored during the year.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/ Governance	Y	<p>The Council has the power to introduce, maintain and increase charges under S.19 of the Local Government (Miscellaneous Provisions) Act 1976 or as set out in specific pieces of relevant information.</p> <p>The Constitution states under the Terms of Reference for the Planning and Licensing Committee:-</p> <p>To keep under review the fees and charges for the Committee's services where statutory authority exists for the levying of such charges and to levy the same where, in the opinion of the Chief Finance Officer, the levying of such charges will not give rise to a material adverse impact on the overall budget of the Council. In all other circumstances, the Committee to recommend the levying of fees and charges to the Hub Committee.</p>
Financial	Y	There will be no financial impact as the recommendation is to keep the fees and charges for 2017/18 the same as for 2016/17.
Risk	Y	Achieving anticipated income targets in the current financial climate – regular monitoring of corporate income streams and revenue budgets ensures early identification of variances.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	Compliance with Human Rights Act 1998
Safeguarding	Y	None
Community Safety, Crime and Disorder	Y	None.

Health, Safety and Wellbeing	Y	None.
Other implications	N	None directly arising from this report.

Supporting Information

Appendix A – 2017/18 Proposed Charges for Environmental Health

Background Papers:

Medium Term Financial Strategy – Hub Committee 20 September 2016

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	N/A

Appendix A

Licence Type	Current Fee (2016/17)	Proposed Fee (2017/18)	Comments
Acupuncture, Tattooing, Ear-piercing & Electrolysis			<p>The Local Government (Miscellaneous Provisions) Act 1982 Part VIII requires businesses which carry out the following types of skin piercing to be registered with the Council.</p> <ul style="list-style-type: none"> – acupuncture – tattooing – cosmetic body piercing (including ear piercing) – semi-permanent skin colouring – electrolysis <p>The Act requires registration to cover both the person carrying on the practice and the premises used for that purpose. Once an application has been made and a fee paid, an inspector will undertake an inspection of the premises. If the inspector considers the applicant's procedures and the premises to be suitable, then registration will be approved. The fees are only payable once. Once registered there is no need to reapply on an annual basis. Premises will be checked before registration is completed and on a regular basis to ensure that hygienic standards are being maintained.</p>
Register of Persons	£112.00	£112.00	
Register of Premises	£112.00	£112.00	
Changes to Premises registration particulars	£40	£40	

<p>Animal Boarding Establishment (All to 31 December each year)</p> <p>Licence (per animal)</p> <p>Minimum</p> <p>Maximum</p> <p>Home Boarding (maximum fee charged)</p>	<p>£5.00</p> <p>£129.00</p> <p>£187.00</p> <p>£120.00</p>	<p>£5.00</p> <p>£129.00</p> <p>£187.00</p> <p>£120.00</p>	<p>Animal Boarding establishments are essentially kennels and catteries.</p> <p>The fees are based on a 'per animal' basis with a minimum fee of £123.00 being proposed. Premises are regulated under the Animal Boarding Establishments Act 1963. A visit will normally be made to the establishment to check that licence conditions are being complied with. Checks will include ensuring that the accommodation is suitable in construction, size, numbers and facilities such as heating, lighting and ventilation are adequate. Checks are also made to ensure the correct welfare and management of the animals, fire precautions and emergency arrangements.</p> <p>Revisits to premises may be required where minimum standards are not achieved. Visits may also be required on receipt of complaints.</p> <p>Regular checks will also be required.</p>
<p>Dangerous Wild Animal Licence</p> <p>Plus Vets fees and expenses</p>	<p>£394.00</p> <p>Act. Cost</p>	<p>£394.00</p> <p>Act. Cost</p>	<p>Animals which are classified as "dangerous wild animals" and can be anything from an Aadvark to a Zebra, are identified in a schedule to the Dangerous Wild Animals Act. Anyone wishing to keep one of these animals requires a Licence issued by the local authority.</p> <p>Checks will be made on application to ensure that the person is suitable for the keeping of dangerous animals. A visit will then be made to the premises to ensure that the animals can be kept in an environment that protects their welfare and also that of public safety. Licence conditions often are specific to the type or property and animal being kept, so can require a significant amount of officer time to develop.</p>

			The service of a specialist vet is often required (for which a separate recharge is made). A number of visits may often have to be made to ensure that licence conditions can be met. Visits may also have to be made on a regular basis to ensure welfare and safety standards are maintained. Public nuisance issues may also have to be addressed.
Dog Breeding Establishment			
Licence Fee (Initial & Renewal)	£167.00	£167.00	A breeding establishment is where five or more litters are born, to one or more bitches, for the purpose of sale, in the period of one year. A licence is necessary for the interests of animal welfare and consumer protection relating to the facilities in which the animals are kept and the extent to which they are bred.
Plus Vets fees and expenses (initial applications only)	Act. Cost	Act. Cost	A visit will be made to the premises to ensure that welfare conditions are suitable. For initial applications a visit by a vet will also be required. Conditions may also be attached to the licence. Regular inspections will also be required to ensure compliance with conditions and to ensure that adequate records are kept.

<p>Hypnotism</p>	<p>£56.00</p>	<p>£56.00</p>	<p>The control of hypnotism is via the Hypnotism Act (as amended). Anyone giving an exhibition, demonstration or performance of Hypnotism on any person or in connection with entertainment to which the public are admitted whether by payment or otherwise is required to obtain authorisation from the Council by way of consent. Hypnotism includes hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.</p> <p>Once a completed application form is received and the information has been checked, liaison with a number of</p>
			<p>agencies such as the Police may take place. Checks will be made to ensure that the proposed event does not offend public decency and that vulnerable people will not be put at harm. Conditions will normally be attached to the licence to protect the public physical safety and mental health.</p> <p>Discussions may have to be held with the event organiser.</p>

<p>Pet Animal Auctions</p>	<p>£202.00</p>	<p>£202.00</p>	<p>Pet Animal Auctions require to be licensed. The licence will specify conditions concerning the welfare of animals that are to be sold. Other checks will ensure that:</p> <ul style="list-style-type: none"> - animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness; - animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals; - animals, being mammals, will not be sold at too early an age; - that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases; - that appropriate steps will be taken in case of fire or other emergency; <p>As the auctions are transient, the potential for animal neglect is higher. More stringent controls and inspection regimes will be required.</p>
<p>Pet Shop Licences (Non-Statutory Annual Fee) Plus Vets fees and expenses</p>	<p>£120.00 Act. Cost</p>	<p>£120.00 Act. Cost</p>	<p>Pet shops will require licensing on an annual basis. As with Pet Animal Auctions checks and visits will be required to ensure that:</p> <ul style="list-style-type: none"> - animals will at all times be kept in accommodation

			<p>suitable as respects size, temperature, lighting, ventilation and cleanliness;</p> <ul style="list-style-type: none"> – animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals; – animals, being mammals, will not be sold at too early an age; – that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases; – that appropriate steps will be taken in case of fire or other emergency <p>Visits will also need to be made to follow up on complaints.</p>
Riding Establishment Licences			The Riding Establishments Act 1964 requires persons to obtain a licence from the local authority if they wish to operate a riding establishment. A 'riding establishment' means the carrying on of a business of keeping horses to let them out on hire for riding, or for use in providing instruction in riding for payment, or both'.
Up to 10 horses	£168.00	£168.00	The Act is concerned with ensuring the suitability of the licence holder and the welfare and suitability of the horses and in particular:
Plus for each horse	£8.00	£8.00	<ul style="list-style-type: none"> – whether the person has suitable qualification or experience – the condition of the horses – the condition of feet – suitable accommodation – where appropriate, the condition of pasture
Plus for Vets fees and expenses	Act. Cost	Act. Cost	
Maximum Fee	£304.00	£304.00	

			<ul style="list-style-type: none"> – suitable food, drink, bedding and exercise facilities – suitable disease control – suitable precautions in event of fire – provision of adequate accommodation for forage, bedding and equipment. <p>Adequate insurance cover will also have to be provided. The local authority will have to authorise a vet to inspect the establishment and to consider the report of their visit before issuing the licence.</p> <p>Checks will be made to ensure that the premises continue to operate in a satisfactory manner.</p>
Scrap Metal Dealers (2013 Act)			
Site Licence (New Application valid 3 yrs)	£180.00	£180.00	The 2013 Act replaces the Scrap Metal Dealers Act 1964 and combines scrap metal dealers and motor salvage operators under one licence. We will continue to act as the main regulator but the new Act gives us more powers, including the power to refuse a license and powers to revoke licences if the dealer is considered unsuitable. Both we and the Police have been given powers to enter and inspect premises.
Site Licence (Renewal)	£130.00	£130.00	
Transfer of Site Licence to Mobile Collector	£75.00	£75.00	
Mobile Collector Licence (New application valid 3 yrs)	£130.00	£130.00	
	£85.00	£85.00	
Mobile Collector (Renewal)	£80.00	£80.00	
Transfer of a Mobile Collector Licence to a Site Licence			
Change of licence holder details	£15.00	£15.00	
Change of licensed site	£80.00	£80.00	
Change of site manager	£43.00	£43.00	

Sex Establishments (Shops & Encounter Venues)			The Local Government (Miscellaneous Provisions) Act 1982 requires the licensing of sex establishments (shops or cinemas) and also the licensing of sexual entertainment venues, by virtue of s27 of the Police and Crime Act 2009.
Per application (Inclusive of first year	£4,600	£4,600	
annual licence) Annual Fee/Renewal Transfer Plus Premises Licence / Club Premises Certificate if applicable – Licensing Act 2003	£450.00 £1,300 Statutory Fee	£450.00 £1,300 Statutory Fee	A sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or acts of force or restraint associated with such activity. A sex cinema has a similar meaning but for the showing of films. A sexual entertainment venue would cover establishments such as a lap-dancing clubs. The price of a sex establishment (there are none in West Devon) has been reduced so to be mindful of an EU Directive that an applicant isn't required to contribute towards appeal or enforcement costs. Also, the fee level set should not be used to act as a deterrent against applying. Annual renewal fees are set considerably lower to reflect the decreased workload associated.

Zoo Licensing Act			
Grant of Licence (Valid 4 years)	£818.00	£818.00	<p>Zoos are required to be licensed by the local authority under the Zoo Licensing Act 1981. A zoo is defined in the Act as being 'an establishment where wild animals are kept for exhibition ... to which members of the public have access, with or without charge for admission, seven or more days in any period of twelve consecutive months'. The Act aims to ensure that, where animals are kept in enclosures, they are provided with a suitable environment to provide an opportunity to express most normal behaviour.</p> <p>The process for licensing a zoo is complex and time consuming. The process will involve liaison with a Secretary of State appointed vet, and inspections will be made to ensure that the zoo can operate in a manner that ensures public safety while maintaining a rich and rewarding environment for the animals. Checks will also have to be made to ensure that the zoo is actively involved in conservation measures.</p> <p>The level of specialist knowledge required is very high as is the amount of work required to effectively liaise with the zoo and Government vets. Inspections to ensure compliance can take several days to complete. Regular visits to ensure continued compliance are also required.</p> <p>The costs of arranging an inspection of the zoo by a Secretary of State appointed vet are met by the licence holder.</p> <p>The consequences of having a poorly-run zoo are great. Dispensation can be made for smaller zoos that do not require such a high level of input.</p>
Renewal of Licence (Valid for 6 years)	£717.00	£717.00	
Transfer of Licence	£370.00	£370.00	
Partially exempt premises	70% of above fees	70% of above fees	
Inspection	Actual Cost	Actual Cost	

Food Export Certificates			
Export Certificate initial set up	£145	£145	This is due to the time taken to create the certificate with new addresses, products and time taken with the exporter to verify the importing country will accept the certificate.
Export Certificate	£54	£54	this is for non EU countries ie China.
Housing Act Enforcement Notice fee	£38.50 per hour	£38.50 per hour	The 2013 Act introduced the ability of the Councils to charge for the service of enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1 st April 2014. The fee for Housing Act 2004 enforcement notices is based on the hourly rate plus on-costs of the relevant enforcing office, due to the similarity of the two pieces of legislation the two fees will be comparable, as such the fee is £38.50/hour. The Councils have set a fee for depositing caravan site rules with the local authorities, this was set in 2014 and will remain the same at £75.
Depositing site rules with Local Authority	£75	£75	
House in Multiple Occupation (HMO) Licence	£350	£350	