

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Tim Ball, Cabinet Member for Planning & Licensing	
MEETING/ DECISION DATE:	On or after 5 th March 2022	EXECUTIVE FORWARD PLAN REFERENCE:
		E3344
TITLE:	Revised Fees & Charges for Building Control & Public Protection Service for 2022/23	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – Building Control & Public Protection Fees and Charges 2022-23		

1 THE ISSUE

- 1.1 The purpose of this report is to obtain Cabinet Member agreement to the fees and charges for specified services provided within the Building Control & Public Protection Service for 2022/23.

2 RECOMMENDATION

The Cabinet Member is asked to approve;

- 2.1 Formal adoption of the new fees and charges for Building Control & Public Protection (BC&PP), as proposed.
- 2.2 That these are to be implemented on 1 April 2022 to minimise the loss of potential income to the Authority.
- 2.3 That delegated authority be given to the Head of BC&PP to agree fees and charges (where in accordance with the financial plan) which vary from the standard inflation clause if the cost base changes, or new services are introduced and that this can be done throughout the year if external factors influence the cost base significantly throughout the financial year.

3 THE REPORT

- 3.1 The BC&PP Service provides a range of statutory services to different customers to allow them to access the services, along with a range of non-statutory services delivered for the benefit of residents, businesses and visitors.

- 3.2 The fees for several the services delivered by the BC&PP Service are set by statute. Other fees and charges for regulatory services have been set on a cost recovery basis
- 3.3 Others are discretionary and are set at commercial levels. These include advice to new businesses, Licensing pre-application advice and application assistance, training, mentoring and development and pest control services.

4 STATUTORY CONSIDERATIONS

4.1 The BC&PP Service teams have statutory duties to protect public health & safety which it delivers through its routine inspection, licensing and statutory enforcement regimes. There are a range of statutory and regulatory powers which enable local authorities to set fees relating to specific functions – for example Building Control, Land Charges, Licencing, Environmental Monitoring. These fees and charges will be kept under review with surpluses and deficits being carried forward and ring fenced to ensure that BC&PP do not make a profit as is required by law.

4.2 Charges for the statutory services are enabled through various items of legislation such as:-

- i. Building Control – The Building (Local Authority Charges) Regulations 2010
- ii. Land Charges - The Local Authorities (England) (Charges for Property Searches) Regulations 2008
- iii. Environmental Monitoring - The Private Water Supplies (England) Regulations 2016
- iv. Environmental Permitting - The Environmental Permitting (England and Wales) Regulations 2016 – Environmental Permitting
- v. Licensing – Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1976
- vi. Safety at Sports Grounds - The Safety at Sports Grounds Act 1975

4.3 The Localism Act 2011 – the general power of competence enables local authorities to charge for discretionary services such as Pest Control. Section 3 of the Localism Act permits the Local Authority to recover the costs of provision subject to a duty to secure that, taking one financial year with another, the income from charges allowed does not exceed the costs of provision.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 This is an update to current charges for existing services; no additional resources are required to implement the recommendations
- 5.2 Communications with existing customers, where required, will be undertaken within existing resources.

5.3 Changes to charges are either to increase in line with inflation or to ensure full cost recovery for the service.

5.4 These charges also include statutory fees which cannot be varied by the Council.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 An Equalities Impact Assessment has been undertaken in relation to the BC&PP service plan for 22/23 and the proposed revised charges were not found to have a negative effect on any groups with protected characteristics.

8 CLIMATE CHANGE

8.1 The various statutory instruments which enable local authorities to charge for services do not directly take into account the affect of climate change at this time. We look forward to changes in legislation which will allow the Council to take this into consideration in the future. In the meantime, individual applicants for services are encouraged to consider climate change issues in the operation of their businesses and homes. Some of the services which BC&PP provide to have a direct benefit to improve the climate and the environment such as building regulations, environmental protection and environmental monitoring.

9 OTHER OPTIONS CONSIDERED

9.1 None.

10 CONSULTATION

10.1 The Council's Head of BC&PP, Cabinet Member for Planning & Licensing, Monitoring Officer and Section 151 Officer have had the opportunity to review and input into this report.

Contact person	Philip Mansfield 01225 477541
Background papers	
Please contact the report author if you need to access this report in an alternative format	