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**DUDLEY METROPOLITAN BOROUGH COUNCIL**

**Development Control Committee - 16<sup>th</sup> March 2009**

**Report of the Director of the Urban Environment**

**Building Control Fees 2009/2010**

**Development Control Non-Statutory Fees 2009/2010**

**Purpose of Report**

1. To seek agreement to amend the Council's Building Regulation Fee Scale to accommodate an increase in charges for 2009/2010 equivalent to 2.5%.  
See Appendix A.
2. To seek agreement to a scale of charges for the non-statutory supply of services provided by Development Control.  
See appendix B.

**Background**

**Building Regulation Fee Scale.**

3. Building Control exists to ensure the health and safety of users of buildings, to assist in providing an energy efficient built environment and to ensure reasonable access for all. Under the provisions of the Building Act 1984 it is the duty of Local Authorities to enforce the regulations through determining applications and carrying out site inspections.
4. Since 1985 legislation has been in place to enable the service to be provided by the private sector in competition with Local Authorities. To enable a competitive service the Building (Local Authority Charges) Regulations 1998 requires that fees be charged for relevant Building Control work and that the resulting income makes that part of the service self financing when measured over a three year rolling programme.
5. In setting the fee scales consideration needs to be given to the financial constraints of the legislation and for the scale to be competitive against the ever growing competition from the private sector.
6. Since the introduction of private sector competition the service has been successful in maintaining market share and by keeping operating costs to a minimum and with a fee scale to reflect that, has ensured that the Council has complied to the provisions of The Building ( Local Authority Charges )

Regulations 1998. With the current downturn in the national economy fee income is under severe pressure but any proposed increase needs to reflect the competitive element of the fee scale and the need to not put added burden onto an already depressed building industry. It is therefore proposed for the period 2009/2010 to introduce an increase to the fee scale to those areas which will bear an increase and which will result in an overall adjustment of 2.5%. Given the current economic climate this value will maximise income to the Council without adding significant burden to applicants for the service or affecting the competitive nature of the fee scale.

### **Development Control. Non Statutory Fee Scale.**

7. Development control carry out a small number of non statutory functions including providing written permitted development advice and supply of scale plans to members of the public. Whilst non essential it is generally considered that they add value to the planning service by enhancing the statutory function provided.
8. When setting the fees for the non-statutory services the increase is reflective of the supporting administration and technical costs.
9. During 2005 a case was presented to the Information Commissioner regarding excessive charging for copies of planning information known as the Markinson ruling. The outcome determined that Local Authorities may not exceed the cost of providing the information (costs include paper, photocopy charge and postage) and it should not include the cost of staff time. The ruling suggested Public Authorities should generally adopt 10p per sheet for the cost of photocopying. This ruling does not affect the right to exceed this charge for information supplied on a commercial basis.
10. All monies received are receipted and banked inline with Council policy, as a result of the Markinson ruling it has become uneconomical to collect, receipt and bank fees for small amounts received from members of the public.

### **Finance**

11. The proposal is considered to accord to the provisions of the Building (Local Authority Charges) Regulations 1998 and has been designed to maximise income to the Council but reflect the current national economic climate.

The Development Control fees included within this report are non-statutory and the increase is to cover administrative and technical costs of providing the service.

As a result of the Markinson ruling the removal of fees to members of the public for general printing/photocopying is recommended, with the exception of Freedom of Information requests.

### **Law**

12. Building Control charges are made under the Building (Local Authority Charges) Regulations 1998, the controlling legislation being the Building Act 1984. Development Control charges are non-statutory.

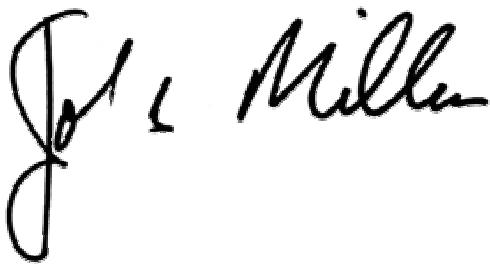
## **Equality Impact**

13. This report complies fully with the Council's policy on equal opportunities.

## **Recommendation**

14. That the Committee endorse the increases in Building Regulation Fee Charges as detailed in Appendix A.

15. That the Committee endorse the table of non-statutory fees for Development Control as detailed in Appendix B.



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**J. B. MILLAR**  
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## **List of Background Papers**

1. The Building Act 1984
2. The Building ( Local Authority Charges) Regulations 1998
3. The Markinson Ruling FOI Policy