

ANGUS COUNCIL**DEVELOPMENT CONTROL COMMITTEE****20 FEBRUARY 1997****SUBJECT: COSLA SURVEY
DEVOLVEMENT OF BUILDING CONTROL FEES TO LOCAL AUTHORITIES****REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT**

Abstract: The Government is reviewing the basis for the setting of fees for Building Warrants. This report outlines a proposed response to a questionnaire issued by COSLA in respect of the devolvement of the setting of fees to Local Authorities. COSLA will then represent the consensus view of the Local Authorities to the Secretary of State.

1 RECOMMENDATION

It is recommended that the Committee agrees to the principle that Local Authorities be given powers to set their own fees in respect of Building Warrants (Option VI) and that a response to this effect be given to the COSLA questionnaire. It is further recommended that discretion be sought to charge fees for relaxation applications, pre-warrant consultations etc. and to refund fees where appropriate.

2 BACKGROUND INFORMATION

2.1 Last year the Scottish Office undertook preliminary consultation on the devolvement of Building Control fee setting to Local Authorities. Reflecting the majority view of Councils responding and the principles of Authorities having greater powers over their affairs, COSLA have supported the idea on the basis of further consideration of the exact details.

2.2 The Secretary of State has decided that the issue should be taken further and at the first meeting of the reconstituted Scottish Building Control Organisation on 23 October 1996 it was agreed, due to some divergence of views of those attending, to canvas all 32 Councils on the matter. A questionnaire has now been received from COSLA seeking the views of the Council. The questionnaire gives various options on how fees could be set. The options are noted below:-

- (I) Use the existing fee table (based on estimated cost of the works) but with an element of flexibility (plus or minus a certain per-cent) depending on the complexity etc. (decided locally);
- (II) As (I) above but instead of percentages being used, the actual range of fees be specified;
- (III) Introduce a fee scale simplified to reduce the current complexity, for example by reducing the number of estimated cost stages, and then apply either of the two concepts above to give flexibility;

- (IV) Use the existing fee table, but grant specific freedoms to Local Authorities, such as the power to take a larger fee for particular types of development that are more expensive to process;
- (V) Use a variation of the English system, where work on houses attracts a limited range of fees and all other building types have fees based on construction costs, and then apply the flexibility of a plus and/or minus percentage. The reason for considering this type of split is that there would be consistency across the country for the housing fees and only variation for other building types;
- (VI) Retain the existing fee table as a guide, but give Councils the ability to set different fee scales, linked to published local standards of service.

2.3 The questionnaire goes on to ask whether Local Authorities require discretion to charge for relaxation applications, refund fees, change fees for pre-warrant consultations, and whether the exemption from fees for work relating to the adaptations for disabled people should continue.

3 FINANCIAL IMPLICATIONS

3.1 At the present time, the Building Control Section are self-sufficient in that the fee income exceeds expenditure and therefore there are no adverse financial implications at present. However, if devolvement of fee setting was introduced it would allow Authorities to, if desired: seek fees for additional services, set higher or lower fees for time consuming and onerous projects or lower fees for simple ones, charge fees for services where currently no fee can be sought e.g. applications for relaxations; etc. This could be achieved at no financial penalty and indeed there could be scope for increasing income within reason.

4 CONSULTATION

4.1 The Chief Executive, Director of Law and Administration and Director of Finance have been consulted in the preparation of this report.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/LM/KW
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