

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE and PROPERTY ADVISORY BOARD

4 January 2012

Joint Report of Central Services Director, Director of Finance and Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF FEES AND CHARGES 2012/13

This report brings forward for consideration as part of the budget setting process for 2012/13 proposals in respect of those fees and charges that are the responsibility of the Cabinet Member for Finance, and also those fees and charges where there is no appropriate Advisory Board.

1.1 Introduction

1.1.1 The purpose of this report is to set out for 2012/13 the proposals for those fees and charges which fall within the remit of this Board and also those fees and charges where there is no appropriate Committee or Advisory Board.

1.1.2 The budgetary guidance issued to Chief Officers for the 2012/13 budget cycle, and approved by Cabinet, reiterated the objective to maximise income subject to market conditions, opportunities and comparable charges elsewhere. In bringing forward proposals officers have paid due regard to the guiding principles for the setting of fees and charges previously approved by this Board and endorsed by Cabinet.

1.1.3 The proposals regarding fees and charges outlined in this report are incorporated within the Revenue Estimates to be found elsewhere on this agenda. Any changes required following this meeting will be incorporated before the Estimates are presented to Cabinet on 7 February 2012. The proposals are set out on a Service by Service basis with the recommendations at the end of each section.

ADMINISTRATIVE SERVICES

1.2 Photocopying Charges

1.2.1 A photocopying service is offered for members of the public calling at the council's main offices or requiring copies of Council documents sent by post. The current charges are :-

- 1.2.2 10p for each page of the same document or additional copies of the same page plus postage as appropriate.
- 1.2.3 These charges are intended to cover the costs of the photocopy meter charge (including toner), paper, and an allowance towards the staff time in looking out documents and postage where appropriate.
- 1.2.4 The level of charge was reduced in 2007/08 after remaining static for a number of years to comply with Freedom of Information requirements. The marginal cost per copy (including paper) is still approximately 1p per copy. The income to the Authority for 2011/12 is £8.38 to date (December). Comparative charges in neighbouring authorities have been somewhat difficult to ascertain and appear to vary considerably. It is, however, considered appropriate to retain a charge in cases where copies of documents cannot be provided by email or fax but it is suggested that the current charge be maintained.

It is **RECOMMENDED** that Cabinet be recommended to retain the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate.

1.3 Charges for Agendas and Reports

- 1.3.1 Agendas and reports are made available free of charge to the public where single copies are requested. Some private individuals and commercial organisations have requested posted copies of particular agendas and reports on an annual basis and for these a charge (to cover production costs and postage) is made. The current charge for one municipal year's supply is £45 (inclusive of VAT) for Area Planning Committees and £32 (inclusive of VAT) for all other meetings. **[Annex 1]** shows comparative charges for neighbouring authorities.
- 1.3.2 Demand for pre-purchased supplies of agendas has been gradually decreasing as more people access them via the Council's website and is now limited to the supply of Area Planning Committee agendas to one business. The income to this Authority for such sales in 2011/12 is estimated at £135. The cost of production and postage of an average agenda remains similar to last year but it is suggested that it may now be appropriate to discontinue this service.
- 1.3.3 It is, therefore, **RECOMMENDED** that Cabinet be recommended to discontinue the supply of pre-purchased agendas.

LEGAL SERVICES

1.4 Legal Fees Payable by Third Parties

- 1.4.1 From time to time it happens that the Council's legal fees can be recovered from third parties, for example costs in connection with section 106 agreements. Our level of fees follows the rates published by the Ministry of Justice which are reviewed regularly and are currently as follows:

Solicitors with over 8 years post qualification experience including at least 8 years relevant experience	£217
Solicitors and legal executives with over 4 years post qualification experience including at least 4 years relevant experience	£192
Other solicitors and legal executives and fee earners of equivalent experience	£161
Trainee solicitors, paralegals and fee earners of equivalent experience	£118

1.4.2 It is **RECOMMENDED** that the Council's charges continue to follow the rates published by the Secretary of State.

1.5 Land Charges

1.5.1 The Local Authorities (England) (Charges for Property Searches) Regulations 2008 enable local authorities to charge for their property search services – charging for access to property records or responding to official search requests.

1.5.2 With effect from 17 August 2010, the fee for personal searches of the local land charges register (previously £22) was revoked, as the government considered that the fee was incompatible with the Environmental Information Regulations 2004 and the underlying 2003 EU Directive.

1.5.3 This is a volatile area of activity where income can fall, or alternatively increase, quickly. The prolongation of the recession, together with the revocation of the personal search fee, has of course had an impact upon our activity, with a consequent reduction in income.

1.5.4 For the 2012/ 13 financial year, it is estimated that the deficit for trading purposes of the Land Charges function will be £64,250.

1.5.5 In bringing this report forward market considerations have been taken into account where permissible within the appropriate legislation and we will of course operate a competitive charging policy where we are able to do so. In reality, save for unrefined data fees (which were introduced in 2009), the current charges have not increased since 2008. This reflects the challenging market conditions faced by this service.

1.5.6 Furthermore, the size of the land charges team has reduced significantly over recent years, with only 2 FTE staff now employed within this team. The turnaround time for dealing with official searches is currently 7-10 days, however we are moving towards greater automation of electronic data, which we expect will see a reduction in the turnaround time.

1.5.7 For Members' information, the current fees levied by the other Kent Authorities are set out at **Annex 2**.

1.5.8 The following table shows the proposed fees for local land charges searches and enquiries proposed to be effective from 1 April 2012.

	Current Charge £	Proposed Charge £
LLC1 (the Official Certificate of Search and the search of the Land Charges Register).	35	35
Con29 R (the enquiries of Local Authority's form, comprising of a list of questions including matters relating to highways, building control, environmental health and housing).	135 (Residential) 293 (Commercial)	135 (Residential) 293 (Commercial)
Combined LLC1 & Con29R (full search on domestic property)	148	148
Commercial Search	299	299
Standard optional enquiry	15	15
Non-standard optional enquiry	18	18
Unrefined Con29 data for questions 3.1, 3.7, 3.8, 3.9, 3.10, 3.11 and 3.12. [This is a flat fee for all 7 questions]	5.50	nil
Providing refined Con29 data for questions 3.1, 3.7, 3.8, 3.9, 3.10, 3.11 and 3.12 only.	49 or 8 per each question	49 or 8 per each question
Expedition charge	49	49
Additional parcel fee	10	10
Cancellation fee	31	31

1.5.10 It is **RECOMMENDED** that the proposed scale of fees for local land charges searches and enquiries set out in this report be adopted with effect from the 1 April 2012.

1.6 Licensing and Registration Fees

- 1.6.1 Following a recent benchmarking exercise of a number of our licensing and registration fees with other Kent authorities, it is apparent that a number of our fee levels are above the local average. This disparity has led to recent complaints from prospective applicants, who have challenged the Council to justify the level of fee for the services in question.
- 1.6.2 Whilst the fee payable for any licence or registration cannot be considered in isolation or be readily compared to the fee charged for a similar function by another local authority, the revised staffing arrangements within Licensing Services brought about both by our joint working with Gravesham and the appointment of a new Licensing Manager lead us to consider that a full review of our licensing and registration fees should be undertaken to ensure that the costs of providing the service (including administration and enforcement) are fully recoverable through our fee structure.
- 1.6.3 It is therefore **RECOMMENDED** that the fees for the licensing function remain unchanged from the present level, pending a full review of all fees relating to this service, save for those which are set by regulation e.g. Licensing Act 2003. This review will be undertaken in February 2012, once the new Licensing Manager is in post.

CENTRAL & EXECUTIVE SERVICES

1.7 Administrative Charges for Postal Addresses (Street Naming and Numbering)

- 1.7.1 A review of the Street Naming & Numbering function is currently underway, which includes consideration of how the function is delivered and the resources required to do so. This will involve expanding the use of IT throughout the Street Naming & Numbering processes.
- 1.7.2 As reported previously, we are continuing to find considerable resistance to the level of our fees for this service, the more so as our fees are currently about three times the local average. This has led to a reduction in the number of requests and, in consequence, our fee income.
- 1.7.3 Given the on-going review we are recommending that the fees remain unchanged from their current level. Upon completion of the review, an accurate assessment of the resource requirements will be possible to inform the basis of future fee reviews. The current fees are set out below.

1.7.4

	Current
For new developments, to name new street/s and allocate numbers and addresses to new properties:	
Up to 30 new properties	320.00
31 - 65 properties	475.00
Over 65 properties	635.00
To name/number new properties on existing streets:	
New commercial developments for sale or rent	165.00
Rename/number existing residential property	47.00
Rename/number existing commercial property	125.00
To issue a duplicate statutory certificate of (re-) naming and/or numbering	80.00

1.7.5 It is **RECOMMENDED** that Cabinet be recommended to retain the existing charges set out above effect from 1 April 2012.

1.8 Legal Implications

1.8.1 As set out above.

1.9 Financial and Value for Money Considerations

1.9.1 As set out above.

1.10 Risk Assessment

1.10.1 As part of the review of fees and charges Chief Officers will consider the risks associated with any proposals.

Background papers:

Nil

contact: Claire Fox
Adrian Stanfield
Richard Beesley

Julie Beilby
Central Services Director

Sharon Shelton
Director of Finance

David Hughes
Chief Executive

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The charges detailed in this report are payable by all members of the community.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	As above.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable.

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.