

TONBRIDGE & MALLING BOROUGH COUNCIL
FINANCE and PROPERTY ADVISORY BOARD

9 January 2013

Joint Report of Central Services Director and Director of Finance

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF FEES AND CHARGES 2013/14

This report brings forward for consideration as part of the budget setting process for 2013/14 proposals in respect of those fees and charges that are the responsibility of the Cabinet Member for Finance and those where there is no appropriate Advisory Board.

1.1 Introduction

1.1.1 The purpose of this report is to set out for 2013/14 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 2013/14 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 5 February 2013. The proposals are set out on a Service by Service basis with the recommendations at the end of each section.

LEGAL SERVICES

1.2 Legal Fees Payable by Third Parties

1.2.1 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

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

1.3 Land Charges

1.3.1 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.

1.3.2 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.

1.3.3 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.

1.3.4 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 continue to move towards greater automation of electronic data, which we expect will see a reduction in the turnaround time.

1.3.5 The following table shows the proposed fees for local land charges searches and enquiries proposed to be effective from 1 April 2013. No changes are proposed to the current fee levels.

	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
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 2013.

1.4 Licensing and Registration Fees

1.4.1 At the previous meeting of the Cabinet dated 7 February 2012 it was agreed to make no changes to the licensing fee structure, pending a full review of all fees relating to this service by the new Licensing Manager. That review has now been completed, and forms the basis of a separate report to this Board.

ADMINISTRATIVE SERVICES

1.5 Photocopying Charges

- 1.5.1 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 10p for each page of the same document or additional copies of the same page plus postage as appropriate.
- 1.5.2 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.
- 1.5.3 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 2012/13 is £19 to date (December). Comparative charges in neighbouring authorities have been somewhat difficult to ascertain and many appear not to charge for photocopying. However, it is considered appropriate to retain a charge to avoid requests for multiple copies of pages and to cover cases where documents cannot be provided by email or fax. It is suggested that the current charge be maintained.
- 1.5.4 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.

1.6 Legal Implications

- 1.6.1 As set out above.

1.7 Financial and Value for Money Considerations

- 1.7.1 As set out above.

1.8 Risk Assessment

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

1.9 Equality Impact Assessment

- 1.9.1 See 'Screening for equality impacts' table at end of report

Background papers:

contact: Adrian Stanfield

Nil

Julie Beilby
Central Services Director

Sharon Shelton
Director of Finance

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?		

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.