

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**27 May 2009**

**Report of the Director of Planning Transport and Leisure**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision**

**1 REINTRODUCTION OF CHARGES FOR BUILDING CONTROL INFORMATION**

**Summary**

**This report brings forward proposals to reintroduce a charging regime to private search companies for the provision of Building Control information.**

**1.1 Introduction**

- 1.1.1 With the introduction of The Local Authorities (England)(Charge for Property Searches) Regulations 2008 Council Services who provide information in response to Local Land Charge Searches have had to review the cost of providing that service.
- 1.1.2 Recently there has been a change in the law and practice relating to the gathering of information by the private search companies who visit the offices wanting this type of information. Up until the beginning of April they could rely on their Public Indemnity insurance to safeguard their interests in the event that they failed to ask the relevant questions at the time of carrying out a search. This safeguard has now been removed and if they now fail to do the research on the full background of the property, they can no longer rely on this protection.
- 1.1.3 This change offers the Council to consider the need for reintroducing a charging regime for providing the service of providing data which is not held in public registers or other public form to these companies. Along with recognised principles the charges made should only reflect the costs in providing this information and so I am proposing that a charge of £8.00 is made for dealing with the relevant queries in Land Charge Searches. The vast majority of this information will be retrievable from the existing computerised records held and so this seems to be a reasonable and realistic figure given the amount of work involved and is consistent with the fees levied through our own Land Charges section in dealing with similar enquiries.
- 1.1.4 Whilst it is difficult to be precise as to how much income this will generate, particularly in the current economic climate, I would still estimate that an income of between £8/10K per annum could result.

## **1.2 Legal Implications**

1.2.1 The new provisions enable the Council to raise reasonable charges in this regard

## **1.3 Financial and Value for Money Considerations**

1.3.1 The charges recommend represent a fair and reasonable charge for private search cases in view of the work involved in providing the information.

## **1.4 Risk Assessment**

1.4.1 As part of this process a review of the risks involved has been carried out and the Building Control Risk Register updated accordingly.

## **1.5 Recommendations**

1.5.1 I therefore **RECOMMEND** that a charge is introduced with effect from 1 April 2009 in line with the figures set out above.

Background papers:

contact: Mike Ingram

Nil

Steve Humphrey  
Director of Planning Transport and Leisure