

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**FINANCE, INNOVATION and PROPERTY ADVISORY BOARD**

**07 January 2015**

**Report of the Management Team**

**Part 1- Public**

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

**1 REVIEW OF FEES AND CHARGES 2015/16**

**This report brings forward for consideration as part of the budget setting process for 2015/16 proposals in respect of those fees and charges that are the responsibility of the Cabinet Member for Finance, Innovation and Property or not reported elsewhere.**

**1.1 Introduction**

- 1.1.1 The purpose of this report is to set out for 2015/16 the proposals for those fees and charges which fall within the remit of this Board or which have not been reported elsewhere.
- 1.1.2 The budgetary guidance issued to Chief Officers for the 2015/16 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 12 February 2015. 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 the Council's legal fees can be recovered from third parties, for example costs in connection with section 106 agreements. Our level of fees have historically followed the Supreme Court guideline hourly rates, which 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** to Cabinet that the Council's charges follow the rates set out above with effect from 1 April 2015.

### 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, although we are currently experiencing an upturn in the number of searches.

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 remains at only 2 FTE staff now and the turnaround time for dealing with official searches is currently 6-7 days. This remains unchanged from last year. Our continued move towards automation of electronic data e.g. all searches are now returned via e-mail, should also see a corresponding reduction in 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 2015. 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
Expedition charge	49	49
Additional parcel fee	10	10
Cancellation fee	31	31

- 1.3.6 It is **RECOMMENDED** to Cabinet that the proposed scale of fees for local land charges searches and enquiries set out in this report be adopted with effect from 1 April 2015.
- 1.3.7 Members should note that during the next financial year a new form for enquiries of local authority Con29 is likely to be introduced. This may result in a need to change the level of fees due to new information being provided by external bodies such as KCC Highway PROW and Access Service, who provide public rights of way and common land and village green information (for which we have to recover the fees they charge TMBC) or to deal with fees for additional information requirements which may be set. When the new form is finalised any fee changes required will be reported to the Council for approval.

## ADMINISTRATIVE SERVICES

### 1.4 Photocopying Charges

- 1.4.1 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.
- 1.4.2 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.
- 1.4.3 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 £0.10 per copy. 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. It is therefore suggested that the current charge be maintained.
- 1.4.4 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.

## TONBRIDGE CASTLE

### 1.5 Tonbridge Castle Gatehouse Charges

- 1.5.1 As Members may be aware, the charges for Tonbridge Castle Gatehouse are reviewed at this time for implementation in the next financial year. This allows the revised prices to be incorporated in tourism marketing material, much of which is published during the winter months.
- 1.5.2 Visitors to the Gatehouse continue to be very positive about the experience and the value for money offered. The schools market has shown growth this year, but it is essential to remain competitive in this market.
- 1.5.3 A feedback form has been introduced for monitoring school groups. To date all elements of the service provided at the Gatehouse have been rated as either "very good" or "excellent".

The current 2014/15 charges for a number of neighbouring attractions, along with the current charges for Tonbridge Castle Gatehouse are shown at **[Annex 1]**. Members will be aware that when reviewing charges, the general approach is to consider not only the prevailing inflation figures, but also to take account of

competitor charges and local market conditions. The following table shows the proposed charges:

	Existing Charge 2014/15 (£)	Proposed Charge 2015/16 (£)
Adult	7.70	8.00
Concessions (Jun/OAP/Student/Leisure Pass)	4.40	4.70
Family ticket	21.00	22.00
Education Facilities (1 teacher free per 10 children. For special needs groups, carers admitted free as required)	65.00	65.00
Season ticket (adult)	20.00	20.00
Season ticket (concession)	15.00	15.00

1.5.4 It is estimated that the proposed increases will provide approximately £1,800 of additional income.

1.5.5 It is, therefore, **RECOMMENDED** to Cabinet that:

- 1) the proposed charges for Tonbridge Castle Gatehouse as outlined above be agreed for implementation from 1 April 2015; and
- 2) these charges be reflected in the appropriate tourism marketing material.

## 1.6 Tonbridge Castle Hire Charges

1.6.1 The Council Chamber is used for a number of purposes, including Member and Officer meetings, weddings, private hire and concessionary use by a number of local organisations.

1.6.2 Several years ago a minimal charge was introduced for concessionary users. It is recognised that this concessionary charge is greatly valued by these organisations. It is proposed that a concessionary user charge be retained to reflect ongoing support for local organisations.

1.6.3 The list of concessionary users was agreed by Cabinet on 4 February 2014 (D140011CAB) and some amendments are proposed as shown in bold [see **Annex 2**]. Concessionary use is subject to a number of restrictions as shown in **[Annex 3]**.

1.6.4 The Director of Central Services has brought forward proposed charges for all users of the Chamber, which are set out at **[Annex 4]**. Annual income from the hire of the Chamber is approximately £2500, and it is estimated that the proposed charges will generate additional income of £80.

## 1.7 Tonbridge Castle Wedding Charges

- 1.7.1 Current wedding charges were agreed by Cabinet on 4 February 2014 (Decision D140011CAB). Members agreed a charge of £735 for weddings in the Chamber and £1100 for weddings in the Gatehouse for 2014/15. Charges of £770 and £1150 respectively were also agreed for 2015/16
- 1.7.2 The current charges at a number of premises licensed for Civil Marriages are shown in [Annex 5]
- 1.7.3 Weddings are often booked more than one year in advance and applications are now being received for 2016/17. It is, therefore, necessary to consider a charge for implementation from 1 April 2016, as Members have already agreed the charges for 2015/16. The Director of Central Services has proposed an increase of around 4% for the following charges in 2016/17, which will generate additional net income of approximately £800:

	Current Charge 2014/15 (£)	Agreed Charge 2015/16 (£)	Proposed Charge 2016/17 (£)
<b>Weddings</b>			
• Chamber	735	770	800
• Gatehouse	1100	1150	1200
<b>Renewal of Vows/Baby Naming</b>			
• Chamber	540	560	560
• Gatehouse	875	900	900

- 1.7.4 NB: Non-returnable deposit - £100
- 1.7.5 To aid Members, all proposed charges are inclusive of VAT where applicable.
- 1.7.6 There is a risk that excessive increases in charges could deter our customers and lead to a fall in overall income. Dialogue with customers and comparison with other attractions has been taken into consideration in bringing these charges forward.
- 1.7.1 It is, therefore, **RECOMMENDED** to Cabinet that:
- 1) the proposed charges for Tonbridge Castle Chamber as set out in Annex 4 be agreed for implementation from 1 April 2015; and
  - 2) the proposed charges for Weddings as outlined in paragraph 1.7.3 above be agreed for implementation from 1 April 2016.

## 1.8 CAR PARKING

- 1.8.1 A comprehensive review of parking charges was undertaken towards the end of 2013 which resulted in a number of changes which came into effect in April 2014. We have reviewed the level of our current charges against the prevailing picture in

nearby areas and generally against the current economic climate and have come to the general conclusion that no changes are appropriate currently. Moreover, most of the car parks where we currently charge are located in central Tonbridge and in view of KCC's significant enhancement works for Tonbridge High Street programmed for 2015 we consider the next review of parking charges should be undertaken following these works in about 12 months' time.

- 1.8.2 It is **RECOMMENDED** to Cabinet that no changes are made to parking charges this year and that these should be reviewed again in 12 months' time.

## 1.9 BUILDING CONTROL

- 1.9.1 Our Building Control fee structure was aligned to Sevenoaks in 2012, that alignment has eased the transition to the shared Building Control Partnership, which went live on 1 October 2014.
- 1.9.2 The shared service has resulted in savings in the region of £100,000 across the two Councils. Given the level of saving and the requirement to ensure that the customer pays for the cost of the service delivered, but no more and no less, it is **RECOMMENDED** that the fees are held at the same level as last year for a further 12 months, when they will be reviewed again. It should be noted that the current level of fees remain competitive with the private sector.

## ENVIRONMENTAL HEALTH AND STREET SCENE SERVICES

### 1.10 Condemned Food Certificates

- 1.10.1 This is a service available to food businesses in the borough which properly controls the safe surrender and disposal of food deemed by environmental health staff as unfit for human consumption. The service continues to reflect legislative requirements for stricter controls and is based on total cost recovery. The proposed charges, as set out below, continue to reflect this approach and to reflect the Council's Budget Strategy.
- 1.10.2 Recent years have seen a significant decline in the number of certificates requested. The lower income rate is reflected in the revised and estimated revenue budgets.

Service	Current Charge	Recommended Charge 15/16	Income Full Year
For each Condemned Food Certificate issued	£135 for first hour plus £135 for each additional hour plus VAT	£138 for first hour plus £138 for each additional hour plus VAT	£138

The proposed total charge of £138 + VAT is within the range of those Kent authorities that provided information. Dartford & Sevenoaks Environmental Health Partnership charge £165 + VAT minimum charge for up to 2 hours and £65 for

every hour or part thereof. Gravesham charge £100 plus £25 per hour for every hour or part thereof. Maidstone charge £73.50 plus officer time at £78.75 per hour.

## 1.11 Exported Food Certificates

- 1.11.1 This is a service provided by the Council for a food exporter who exports food outside the European Union. In this instance, authorising officers of the Borough Council certify that the food products being exported have been manufactured and held under hygienic conditions in accordance with the requirements of Regulation (EC) 852/2004 and The Food Safety & Hygiene (England) Regulations 2013. The premises are subject to regular inspection by Food and Safety Officers.
- 1.11.2 The proposed charges, as set out below, continue to reflect this approach and to reflect the Council's Budget Strategy. As with condemned food certificates this service reflects legislative requirements and is based on total cost recovery.
- 1.11.3 The number of certificates required has remained high for several years and it is anticipated this higher level will be maintained.

Service	Current Charge	Recommended Charge 15/16	Income Full Year
For each Exported Food Certificate issued	£135 plus VAT per certificate	£138 plus VAT per certificate.	£1900

- 1.11.4 The proposed total charge of £138 + VAT is within the range of those Kent authorities that provided information. Dartford & Sevenoaks Environmental Health Partnership charge are not currently charging for these as they only have 2 or 3 requests per year. Maidstone charge 121.80 + VAT. Gravesham Borough Council have not been required to issue any for a number of years but would charge as per Condemned Food Certificates.

## 1.12 Contaminated Land

- 1.12.1 The Environmental Protection Act 1990 Part 2A requires local authorities to implement a system for the identification and remediation of land where contamination is causing a risk to human health or the wider environment because of historic or current uses.
- 1.12.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £50 per hour in responding to these requests for information
- 1.12.3 Guidance from the Information Commissioner advises that local authorities can make a reasonable charge. We have assumed that a reasonable charge includes the hourly rate of the officer responsible for providing information, on-costs and an administration charge.

- 1.12.4 The fee has been derived based upon comparison with other Kent local authorities. Sevenoaks charge £50, Tunbridge Wells £150, Maidstone BC charge £63; Medway a one off charge of £150. Thanet DC, Swale BC and Gravesham BC currently charge between £36 and £75 per hour. There is no maximum fee under the legislation.
- 1.12.5 The revised income estimates for this year and next have risen from £1,000 to £2,500 (based on the current year) and it is assumed the number of requests for information will remain high.

The officer in charge of providing this information is in a shared post arrangement with Gravesham Borough Council. We propose to maintain the charge at £50 per hour in responding to these requests for information.

<b>Service</b>	<b>Current Charge</b>	<b>Recommended Charge</b>	<b>Income Full Year</b>
Responding to requests for information relating to contaminated land	£50 per hour (1 hour minimum charge)	£50 per hour (1 hour minimum charge)	£2,500

### **1.13 Private Water Supplies**

- 1.13.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 1.13.2 In a report to the Local Environmental Management Advisory Board on 28 February, 2011 it was agreed to introduce a charge to recover the cost of officers' time. In addition, owners of private water supplies and private distribution networks will be charged for the cost of sample analysis.
- 1.13.3 We have reviewed the cost of providing this service and propose to maintain the charge at £45 per hour, plus the cost of sample analysis.
- 1.13.4 The fee has been derived based upon comparison with other Kent local authorities. Maidstone BC £105 one off Tunbridge Wells BC (£40 per hour), Sevenoaks DC (£35 per hour), Medway (£41.50), Dartford (NA) and Gravesham BC currently charge between £35 and £60 per hour. These charges are subject to a maximum limit which is set out under the Private Water Supplies (PWS) Regulations 2009.
- 1.13.5 As each private water supply is very different, the officer time for each visit/ risk assessment is difficult to quantify. The projected income for the year is based upon the officer's projected workload for the year.

<b>Service</b>	<b>Current Charge</b>	<b>Recommended Charge</b>	<b>Income Full Year</b>
Carrying out sampling and risk assessment of private water supplies	£45 per hour (1 hour minimum charge) plus VAT	£45 per hour (1 hour minimum charge) plus VAT	£1,550

#### **1.14 Stray Dog Redemption Fees**

1.14.1 The Environmental Protection Act 1990 prescribes that a person claiming to be the owner of a dog seized as a stray by the Council shall not be entitled to the return of the dog unless all the expenses incurred by reason of its detention, and such further amount as is for the time being prescribed, are met. The Environmental Protection (Stray Dogs) Regulations 1992 set down a prescribed redemption fee of £25 and provides for local authorities to recover their other reasonable expenses, in addition to any other expenses incurred, such as kennelling costs.

1.14.2 Where a dog is taken to kennels we charge the owner for the other reasonable expenses, associated with the costs of providing our Dog Warden contract and admin costs. This is presently set at £53. The total fee charged by the Council is £78. We recommend that the administration fee be increased this year to £54 with no formal waiver or discount, but we will continue to exercise discretion to allow payment by instalments. The proposed total charge of £79 is still within the range of those of neighbouring councils as below.

<b>Maidstone B.C.</b>	<b>Sevenoaks D.C.</b>	<b>Tun. Wells B.C.</b>	<b>Dartford B.C</b>
£60 including statutory fee. Not including Kennelling fees.	£80 including statutory fee. Not including Kennelling fees.	£55 including statutory fee. Not including Kennelling fees.	£55 including statutory fee. Not including Kennelling fees.

1.14.3 This year has seen a significant increase in the number of stray dogs reported and collected out of hours. The increased cost to our contractor Ward Security is offset by the increased income.

1.14.4 At present, where the Dog Warden returns a stray dog to the owner without the need for kennelling, a charge is made at the prescribed fee of £25. This rate was introduced, after agreement by the Local Environmental Management Advisory Board, in July 2009. We do not propose increasing this fee as the low fee encourages owners to identify their dog by microchipping their pet.

<b>Service</b>	<b>Current Charge</b>	<b>Recommended Charge</b>	<b>Income Full Year</b>
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£1500
Stray Dog Redemption Fee - Kennelling required	£78 plus detention (kennelling) expenses Includes statutory fee.	£79 plus detention (kennelling) expenses. Includes statutory fee.	£7600

### 1.15 Household Bulky Refuse Collection Service

1.15.1 This service provides for the collection of up to six items of household waste which will not otherwise fit within the wheeled bin. The current charge is £47. The contractor charges the Council for each collection. The Council may then pass on our costs to the householder including our handling costs.

1.15.2 The Council's policy is to waive recharge of the costs where the person requesting the service is in receipt of Council tax reduction benefit. In order to encourage residents to look at more sustainable disposal options the free service is limited to one every three months.

1.15.3 We have reviewed the administration costs and feel that from April 2015, a charge of £48.20 should apply for each service request which allows for the collection of up to six items.

<b>Service</b>	<b>Current Charge</b>	<b>Recommended Charge</b>	<b>Income Full Year</b>
Household Bulky Refuse Collection	£47	£48.20	£41,750

1.15.4 The proposed total charge of £48.20 for six items is within the range of those of neighbouring councils who tend to charge per item:

<b>Maidstone B.C.</b>	<b>Sevenoaks D.C.</b>	<b>Tun. Wells B.C.</b>
1-4 Items : £22.50 5-8 Items- £32.50. No concessions.	£17 per item No Concessions	£30 per item. Concessions at one item per month.

1.15.5 This service does not include fridge and freezer collections which are free of charge to all residents due to the potential damage from CFCs.

## 1.16 Refuse collection

- 1.16.1 On occasion the waste services team receive requests from customers to empty wheeled bins where the customer has not placed the bin out for collection. In general, where it is the resident's fault the contractor is not obliged to return. On these occasions the team are often asked by the customer if they can pay for a collection.
- 1.16.2 We propose introducing a collection charge of £15 to cover these circumstances. This charge covers the contractor cost, £13.41 rising by RPI annually and a small administration fee.
- 1.16.3 We propose that this service is introduced for a trial period of 6 months starting February 2015. We will then review and report back to the Local Environmental Management Advisory Board following the trial.
- 1.16.4 Cabinet is **RECOMMENDED** to:
- 1) approve the scale of charges for condemned food certificates, exported food certificates, contaminated land monitoring, sampling private water supplies, stray dog redemption fees, household bulky refuse collection with effect from 1 April 2015 as detailed in the above report; and
  - 2) approve the introduction of a charge for emptying wheeled bins, where the contractor is not at fault and the customer requests paying for the service, with effect from 1 February 2015 for a trial period of 6 months.

## STREET NAMING & NUMBERING SERVICES

### 1.17 Street Naming & Numbering - Introduction

- 1.17.1 The requirement to provide a Street Naming & Numbering service is derived from the Towns Improvement Clauses act 1847, the Public Health Acts Amendment Act 1907 and the County of Kent Act 1981. The TMBC Street Naming & Numbering Policy sets out the framework under which the service is delivered in this authority.
- 1.17.2 IT Services GIS section have been responsible for delivery of this service for just over a year. During this time the actual cost of service delivery has been calculated by recording staff processing time, software costs and postage costs.
- 1.17.3 In line with the previous fee schedule the following priorities have been accounted for in the latest review:

- There should be no overall reduction of income to the Council through the SNN function;
- The cost of SNN to the Council should, where possible, be recovered through fees and charges (noting that this is not always possible, and not always desirable);
- Ensure there are no 'perverse incentives' to apply for alternative naming schemes to minimise costs;
- Ensure there is clarity in the fee schedule to avoid confusion and the need for officer discretion in charging fees.; and
- Where workloads are sufficient to justify such, additional new fees should be considered.

1.17.4 The changes introduced in the fee structure last year continue to address the five principles set out above. For the purposes of this year's review I have concentrated on principles 1 and 2 ensuring that the cost of SNN to the Council is recovered where possible through fees and charges.

### 1.18 Proposed Fee scale for Street Naming and Numbering

1.18.1 A development is considered to be separate if they are received on separate applications and/or they do not share a common road which is also being named for the first time as part of the application.

1.18.2 Individual flats are considered as individual plots.

#### 1.18.3 New Properties

Up to three in-fill properties on an existing street	Current Fee 2014/15	Proposed Fee 2015/16
Addressing one new in-fill property	£169	£175
Addressing two to three in-fill properties	£87 per property	£90
Where four or more properties are to be named or numbered, the fee for new developments (below) will be levied.		

Four or more in-fill properties on an existing street, or new properties on a new street		
Fee for naming of a street, other than in relation to new property addressing	£205	£210
Fee for addressing plots, including street naming if Required 1- 4 Units	£205 +£31 per unit	£210 +£35
5 – 10 Units	£205 +£26 per unit	£210 +£30
11 or more units	£410 +£11 per unit	£415 +£15

#### 1.18.4 Existing Properties

Renumbering an existing property	£51	£60
Renaming an existing property, not in a current numbering scheme	£51	£60
Registering the addition or change or an alias to a numbered property	£51	£60
Removing an existing alias from a numbered property	No charge	No charge
Rename an existing street	£1,540	£1,640
Rename a block of flats	£1,540	£1,640
Fee for addressing units (flats) when splitting an existing property	£87 per unit	£90
Fee for addressing a single property when merging separate units	£169	£170

1.18.5 It is **RECOMMENDED** to Cabinet that the above fee Schedule for Street Naming and Numbering be adopted from 1 April 2015.

#### 1.19 Legal Implications

1.19.1 The Council's financial rules require that all fees and charges must be reviewed at least once a year and be reported to Members.

#### 1.20 Financial and Value for Money Considerations

1.20.1 As set out above in relation to individual fees and charges.

#### 1.21 Risk Assessment

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

#### 1.22 Equality Impact Assessment

1.23 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

#### 1.24 Recommendations

1.24.1 Recommendations are set out at the end of each section.

Background papers:

contact: Adrian Stanfield  
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Nil

Mike O'Brien  
Jane Heeley  
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David Partridge

Sharon Shelton  
Director of Finance & Transformation on behalf of Management Team