

REPORT TO CABINET

REPORT OF: Economic Development Portfolio Holder

REPORT NO: PLA905

DATE: 1st August 2011

TITLE:	Land Charges Revision of Fees	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright Economic Development Portfolio Holder	
CONTACT OFFICER:	Mark Williets Head of Development & Growth m.williets@southkesteven.gov.uk 01476 406481	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity	N/A	No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	<ul style="list-style-type: none"> - Local Authorities (England)(Charges for Property Searches) Regulations 2008 [S.I. 2008/3248] - DCLG: Local Authority Property Search Services – Costing and Charging Guidance - Environmental Information Regulations 2004 	

1. RECOMMENDATIONS

That Cabinet approves the revised schedule of charges set out in the financial statement produced in accordance with Regulation 9 of the Local Authorities (England)(Charges for Property Searches) Regulations 2008 reproduced at Appendix A to come in to effect on 1st September 2011.

2. PURPOSE OF THE REPORT

- 2.1 To enable Cabinet to consider the revised scheme of charges for requests for access to property records held by the Authority.

3. DETAILS OF REPORT

- 3.1 The Local Authorities (England)(Charges for Property Searches) Regulations 2008 requires a local authority to publish a financial statement each year setting out the estimated unit charge and basis for the charge for the costs of updating, maintaining and accessing unrefined data held by the Authority. The approach adopted in seeking to only charge for the unrefined data held by the authority complies with the Environmental Information Regulations which gives rights of public access to environmental information held by public authorities.
- 3.2 Set out as Appendix A is the statement for 2011/12 financial year and the proposed unit charge. Appendix B sets out the Questions under CON29R for which the proposed unit charge applies.
- 3.3 The explanatory notes forming part of the statement sets out the background to the principles relevant to the charges, specifically: that they are calculated on a cost recovery basis of granting access to the data set whilst providing equal access to all parties and that no charge can be made for free statutory information. By way of illustration, the local authority is statutorily required to maintain a planning register of all of its decisions and no charge can be applied to requests for this data.

4. OTHER OPTIONS CONSIDERED

- 4.1 Required by statute.

5. RESOURCE IMPLICATIONS

- 5.1 The basis of the unit charge is to ensure that the local authority can meet the costs of delivering the service and equally makes a contribution to the costs of the service. The aim is to seek to achieve a situation where any loss or profit from previous years is reconciled in the estimates and any deficit or profit rolled forward in to the calculation of the next years' unit cost.

6. RISK AND MITIGATION

- 6.1 The main risk lies in not reconciling the deficit or profit year on year such that should the charges continually fail to collect the costs necessary to update and allow access to the data sets, or conversely any profit not be recycled, then the local authority would be failing to meet its statutory duty.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

- 7.1 None.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 None

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 The proposed charges have been calculated based on an assessment of the costs incurred in providing those defined elements of the service. This is based on an analysis of the workload activity under each heading. Any variances identified will be incorporated into the future fees structure.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 The Local Authorities (Charges for Property Searches) Regulations 2008 (S.I. 2008/3248) established a new approach to calculating fees for the provision of 'unrefined' property data and set out the principles for charging based on historic cost recovery. They require that, over a period of three consecutive years, a local authority must ensure that the total income from these charges does not exceed their total costs.
- 10.2 For each financial year a local authority must publish a summary of the total costs of providing unrefined data, the number of requests and the total income from charges made. It must also publish a statement setting out the estimates of total costs and numbers of requests for unrefined data for the next financial year (and the basis for it) together with the proposed charges in relation to both refined and unrefined data.
- 10.3 Local authorities may charge for providing refined data i.e. the cost of answering CON29 enquiries, having 'regard to the costs'. The 2008 Regulations do not apply to the provision of free statutory information. Consequently, where the Local Land Charges Amendment Rules 2010 (S.I. 2010/1812) abolished the fee for a personal search of the Register of Local Land Charges with effect from August 2010, as it was considered that the fee contravenes the Environmental Information Regulations 2005, this fee is no longer recoverable.

11. COMMENTS OF OTHER RELEVANT SERVICES

- 11.1 None

12. APPENDICES:

Statement in accordance with Regulation 9 of the Local Authorities (England)(Charges for Property Searches) Regulations 2008