

AGENDA ITEM: 10

Page nos. 123 – 132

Meeting	Cabinet Resources Committee
Date	25 November 2004
Subject	Law & Probity Service: Proposed Fees and Charges 2005
Report of	Cabinet Member for Resources
Summary	To approve an increase in fees and charges for the Law & Probity Service

Officer Contributors	Jeff Lustig, Borough Solicitor
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix – Fees and Charges Schedule
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	N/A

Contact for further information: Jeff Lustig, Borough Solicitor

020 8359 2008

1. RECOMMENDATIONS

- 1.1 That the fees and charges detailed in the attached Appendix be approved.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet Resources 23 September 2004 Decision no 6.1 that increases in fees and charges in line with the Financial Forward Plan be approved by Heads of Service in consultation with the Cabinet Member for Resources, and that these increases be implemented from 1 January each year, with only limited exceptions to those being increased from 1 April.
- 2.2 Cabinet Resources 23 September 2004 Decision no 6.1- that increases in fees and charges above the rate assumed in the Financial Forward Plan be approved by Cabinet Resources Committee, and that these increases be implemented from 1 January each year, with only limited exceptions to those being increased from 1 April.
- 2.3 Council 2 March 2004 – Approval of Law & Probity Service Performance Management Plan including current level of fees and charges

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 An increase in fees and charges is necessary to ensure resources to support the priorities set out in the Corporate Plan 2004/5-2007/8

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to increase fees and charges adequately will create pressures on Council budgets.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 The impact of increased fees and charges will be taken into account in the 2004/2005 - revenue monitor and the 2005/2006 forward plan process.

6. COMMENTS, IF ANY, OF THE COUNCIL'S STATUTORY OFFICERS (HEAD OF PAID SERVICE, CHIEF FINANCE OFFICER, MONITORING OFFICER)

- 6.1 None.

7. BACKGROUND INFORMATION

- 7.1 Fees and charges are normally increased annually and it is proposed that they will be increased from 1 January 2005. The level of increase would normally be delegated to Heads of Service in consultation with Cabinet Member for Resources but where increase exceeds the rate of inflation this needs to be reported to Cabinet Resources Committee. Fees within the Legal Practice have been reviewed and set against market rates and the costs involved in doing the work. In the majority of cases the proposed level of increase is in excess of the rate of inflation, but are, nevertheless, considered to be appropriate. Similarly, others fees within the Service have been increased to what are considered to

be appropriate levels. This includes the fees for a standard local land charges search with enquiries. In common with all other fees, the annual review date is being moved from 1 April to 1 January and, thereafter, all future reviews will take place on 1 January in each year.

7.2 The existing and proposed new fees and charges are set out in the Appendix.

8. LIST OF BACKGROUND PAPERS

8.1 None

APPENDIX

LAW AND PROBITY

SCHEDULE OF FEES & CHARGES – 2005

Service	VAT	Existing	Proposed from 1st January 2005
Legal Practice			
Mortgages	N	£450	£540
HAA Redemptions (1 st Charge) (2 nd Charge at same time)	N	£110 per charge	£132
Mortgage Questionnaire	N	£75	£90
Mortgage Status Enquiry/Arrears	N	£75	£90
Further Advances under £15,000 over £15,000	N	£250	£300
Postponement of Discount	N	£80	£96
Notices of Assignment and Charge	N	£55	£66
Transfer of Equity	N	£250	£300
Transfer of Equity with Guarantee	N	£300	£360
Sale of Garden Extension Land	N	£500	£600
Garden Licences	N	£410	£500
Deed of Variation (Repairs RTB)	N	£410	£500
Deed of Variation (Repairs VOL)	N	£410	£500
Sundry Transactions e.g. Deed of Variation, Release, Surrender	N	£410	£500
Easements	N	£410	£500
Licence to Assign, Change Use, Sub-Let	N	£410	£500
Licence to Carry Out Works	N	£410	£500
Statutory Undertakers Rights	N	£550	£660
Enfranchisement 1967 Act 1993 Act	N	£410	£500
Occupational Licences, Grants of User Rights	N	£410	£500
Section 17 Declaration	N	£410	£500
Highways Licence	N	£600 for first 4 hours and then £150 per hour	£1100 Between 1-4 hrs £180 per hour thereafter
Section 106 Agreement, Revocation Order, Section 38 Agreement, Section 104 Agreement or combined Agreement	N	£900 for first 6 hours then £150 per hour	Education S106 Agreements Flat Fee of £1100. Others -£1500 between 1-6 hours £180 per hour thereafter
Stopping Up/Diversion of Highway Order Section 117 or Section 119 Highways Act 1980	N	£900 for first 6 hours then £150 per hour	£1500 between 1-6 hours £180 per hour thereafter

Service	VAT	Existing	Proposed from 1st January 2005
Development Schemes	N	Up to £5M, 1.5% of sale price (max. £50000) £5M and above 1% of sale price	No change
Freehold Disposal or leasehold assignment commercial property inc. agricultural land etc.	N	1.5% of sale price or £3000 whichever is the greater	1.8% of sale price or £3600 whichever is the greater
Non-residential leases	N	£3000 or 5% of premium or 10% of first year's rent whichever is the greater	£3600 or 6% premium or 12% of Year 1 rent whichever is the greater
Discharges on repayment of mortgage	N	£100	£150
Release of Discount	N	£50	£60
Deed of Covenant by Sub-lessee	N	£100	£120
Friern Barnet & Somercoastes Equity Share. Staircasings	N	Nil	No change
PHOTOCOPYING In all cases there will be an administration charge of £10.			
Photocopying A4	Y	£3 + 13p per single sheet	£10 + 20p per sheet
Photocopying A4 – double sided	Y	£3 + 18p per double sided sheet	£10 + 25p per double sided sheet
Photocopying A3	Y	£3 + 23p per sided sheet	£10 + 30p per sheet
Photocopying A3 – double sided	Y	£3 + 30p per double sided sheet	£10 + 40p per double sided sheet
Photocopying A4 Colour	Y	£3 + 65p per sided sheet	£10 + £1 per sheet
Photocopying A4 Colour – Double sided	Y	£3 + £1 per double sided sheet	£10 + £1.30p per double sided sheet
Photocopying A3 Colour	Y	£3 + £1 per sheet	£10 + £1.50 per sheet
Photocopying A3 Colour doublesided	Y	£3 + £1.50 per doublesided sheet	£10 + £2 per double sided sheet
Large items – maps, plans etc.	Y	These can involve a lot of work and therefore higher costs. Individual quotation.	Minimum charge £30

Service	VAT	Existing	Proposed From 1 st January 2005	Comments
Local Land Charges Searches and Enquiries				
PART I				
One parcel of domestic land	N	244.00 (250.00)	269.00 (275.00)	Figures in brackets include statutory official search fee
One parcel of commercial land	N	244.00 (250.00)	269.00 (275.00)	
Each additional parcel of land	N	32.00 (33.00)	35.00 (36.00)	
Personal Search	N	314.00 (325.00)	349.00 (360.00)	24 hour turn-round
PART II				
Each initial enquiry	N	15.00	20.00	
Each additional enquiry	N	30.00	35.00	
Electoral Registration				
Sale of name and address labels from register of electors	Incl.	30.00 per 1000 names	33.00 per 1000 names	
To check previous registers of electors from 1984 to date	Incl.	2.00 per year	2.50 per year	Pre-1984 registers held at library archives.
Letter of residence to confirm entry of a name on electoral register at given address	Incl.	17.00 one year	25.00 one year	
		22.00 2-5 years	30.00 2-5 years	
		28.00 over 5 years	35.00 over 5 years	

Letter of established use to show address has been converted from one to two or more properties	Incl.	17.00 one year 22.00 2-5 years 28.00 over 5 years	25.00 one year 30.00 2-5 years 35.00 over 5 years	
Sale of maps showing wards and polling districts in the borough	Incl.	15.00 each	18.50 each	
Registration of Births, Deaths and Marriages				
Attendance of Registrars at the Woodville Suite, Registrars Office, 29 Wood Street:-				
Monday to Friday	N	135.00	150.00	
Saturday	N	195.00	205.00	
Sunday and Bank Holiday	N	250.00	260.00	
Attendance of Registrars at The Oak Room (the decommissioned marriage room) at the Register Office, Burnt Oak Broadway:-				
Monday to Wednesday	N	34.00 (statutory fee)	34.00	So that the marriage room is available at the same cost as the statutory fee for those people for which this is important.
Thursday to Friday	N	80.00 100.00	90.00 110.00	
Saturday	N			

Sunday and Bank Holiday	N	250.00	260.00	
Attendance of Registrars at other Approved Premises Marriages:-				
Monday to Friday	N	240.00	250.00	
Saturday	N	295.00	310.00	
Sunday and Bank Holiday	N	350.00	375.00	
Approval of premises as a venue for civil weddings (other than Council owned or controlled premises for which there is no fee)	N	700.00	750.00	
Civil Ceremonies such as Naming and Renewal of Vows	Incl	180.00	160.00	Delivered in partnership with Civil Ceremonies Ltd. Charge reduced to encourage more.
Individual Citizenship ceremonies:-				
Monday to Friday	N	172.00 (240.00)	182.00 (250.00)	Figures in brackets include statutory fee which covers group ceremony only. We are offering personalised ceremonies for those who want them.
Saturday	N	227.00 (295.00)	242.00 (310.00)	
Sunday and Bank Holiday	N	282.00 (350.00)	307.00 (375.00)	