

Report to Cabinet

Report reference: C/015/2006-07.

Date of meeting: 10 July 2006.



**Epping Forest
District Council**

Portfolio: Planning and Economic Development.

Subject: Charges for Copy Documents in Planning and Building Control.

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Recommendations:

- (1) That, with effect from 1 September 2006, the charge for copying documents in Planning and Building Control be reduced to no more than 10p per A4 sheet; and**
- (2) That a threshold of £5.00, below which document requests will not be charged for, be agreed.**

Background:

1. Planning Services has historically had a charging structure for copies of plans, decision notices and other planning documents agreed by members. For example a decision notice was charged at £6.50. Additionally general copying is currently charged at £2 for the first sheet, then 20 pence for each additional sheet. Income for Planning Services in the final quarter of 2005/06 for document requests was approximately £3,500, suggesting a full year income over the calendar year of £14,000.
2. The level of fees is reviewed periodically, and was last agreed by the Finance and Performance Management Standing Panel on 8 November 2005.
3. The main users of this service for copy documents were Solicitors involved in the conveyancing process as the permissions relate to those identified in searches.
4. The present service is currently offering a response in two to three days in most cases.
5. The Information Commissioner in a ruling dated 28 March 2006 has ruled that the charges imposed by Kings Lynn and West Norfolk BC do not comply with the requirements of the Freedom of Information act.
6. The charging structure which had been in use by Kings Lynn and West Norfolk BC is similar to that in use at Epping Forest DC.
7. Kings Lynn and West Norfolk BC had until 2 May 2006 to review their charges for documents, the Information Commissioner holds that charges should not exceed 10 pence per sheet of photocopying unless the justification for a higher copy cost can be made clear. This cost cannot include any element to cover staff time.
8. Previously it had been assumed that as Planning information was available to the public under the Planning Acts it was exempt from the Freedom of Information act, this ruling has now proved otherwise.

9. The charging structure previously in use covered the costs of both staff time and copying, the ruling from the Information Commissioner means that only the cost of copying can be charged for.
10. The previous charging structure served as a deterrent to unreasonable requests for large numbers of documents.
11. Historically, document requests have been afforded a priority partly because of the income they earned. With this income removed it must be questioned whether they should continue to get priority ahead of other general correspondence or Freedom of Information requests.

Statement in Support of Recommended Action:

12. The recommendation to Cabinet is to agree the third option, but with a threshold of £5.00 for requests received by post as banking of cheques for lower amounts is likely to be uneconomical. Legal Advice is that meeting the May 2 deadline imposed on Kings Lynn and West Norfolk is not a requirement, but that a review of charges should be carried out urgently, and adopted as soon as it is practical to do so.
13. A threshold for charging is required to ensure that small value cheques do not cause costs in excess of income, for fairness the same thresholds should apply to cash payments. Such a threshold would enable Planning Reception to stop taking cash payments.
14. Advice from Legal suggests that the first option would leave us open to complaint and challenge, and as such should be ruled out.
15. The second option is premature, as time would need to be given to allow these changes to be agreed, and also to give time to prepare for the changes.
16. The final option, removal of all charges, would mean that charges could not be levied for large-scale requests; as such this option is possibly a step further than required or desirable.
17. The possibility of the creation of a premium service should be investigated, as this may allow the retention of some income that would otherwise be lost.
18. The possibility of tying the removal of charges for most copy documents into the ending of cash receipting at planning reception does offer benefits. However, co-ordination would be required with the Cashiers to ensure that payments in cash can be made at all times that Planning reception is open.
19. Once Anite@work and the linked internet application is rolled out, all documents held on the statutory Planning Register on paper in the planning files will be capable of being made available online for public to download. Upon completion of the scanning exercise within Planning Services, it is planned to make this information available.

Other Options for Action:

20. Continue charging for documents at the current rate, and await government guidance; this carries the risk of challenge.
21. Reduce charging for documents to the suggested level of 10p per A4 sheet with immediate effect.
22. Reduce charging for documents to the suggested level of 10p per A4 sheet with effect from 1 September 2006.

23. Remove all charges from document requests under the FOI act, which would require a separate report, as the FOI policy cannot be amended in a piecemeal manner.

Consultation undertaken:

24. Legal (implications of Information Commissioner ruling).

Resource implications:

Budget provision: The budgeted income for planning document requests in the year 2006/07 was £17,050. This income would be lost, as well as an amount for Building Control estimated at least as £3,000. This income was likely to reduce as more customers accessed information via the Internet and copied it themselves. The provision of information electronically by the Council should enable resources to be saved through not creating and printing so many documents, however these savings might not now be able to be claimed as Gershon efficiency savings. The Council might also have to consider certain requests of a research nature, and charge for these in order to recoup some of this lost income. The impact of this change will be monitored, although it needed to be considered along with other trends in income so that a complete picture was viewed. This could take place through the quarterly financial monitoring reports to the Finance and Performance Management Scrutiny Panel, with any necessary corrective actions forming part of those reports.

Personnel: If the effective removal of charges results in an increase of workload staffing will have to be reviewed.

Land: Nil.

Community Plan/BVPP reference: None.

Relevant statutory powers: Freedom of Information Act 2000.

Background papers: Decision of Information Commissioner, 28/3/2006

Environmental/Human Rights Act/Crime and Disorder Act Implications: None.

Key Decision reference: This is a key decision because of the major change to the way information is provided to our customers, and because of the impact on budgets.