

SPECIAL ANGUS COUNCIL

3 MARCH 2022

REVIEW OF CHARGES WITHIN LEGAL & DEMOCRATIC SERVICES

REPORT BY DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

ABSTRACT

This report sets out proposals for the charges to be levied by Legal & Democratic Services for the financial year 2022/23.

1. RECOMMENDATIONS

It is recommended that the Council:

- (i) Notes that this report has been prepared on the basis that the percentage increases for charges have, in the main, been applied at a rate of 2.5% rounded up where appropriate;
- (ii) Approves the pricing structures as contained within **Appendix 1**.
- (iii) Agrees that the charges are effective from 1 April 2022.

2. ALIGNMENT TO THE COUNCIL PLAN

The proposal contributes to the following local outcomes contained within the Council Plan:

- An inclusive and sustainable economy

3. BACKGROUND

- 3.1 The charges covered by this report are reviewed annually by Legal & Democratic Services and all amendments to charges are reported to Members on an annual basis as part of the budget setting process. The last annual review of charges was reported to Angus Council on 4 March 2021 (Report No. 64/21 refers).
- 3.2 The review of charges for 2022/23 has been carried out as part of the budget setting process and the percentage increase, has been standardised across the council to 2.5%, before accounting for VAT, where applicable. The charging structure attached at **Appendix 1** has been prepared on the basis of this percentage increase.
- 3.3 An increase in Licensing fees is not proposed as the Civic Licensing Committee on 31 October 2019 agreed that the fees charged by the Council in relation to Licensing shall be set annually in September each year starting from 1 September 2020. This will therefore be reported to Civic Licensing Committee prior to September this year.

4. PROPOSED CHARGES

- 4.1 The proposals summarised in the table below would come into force on 1 April 2022.

5. FINANCIAL IMPLICATIONS

- 5.1 It is estimated that the increased charges for Legal & Democratic Services, as detailed in **Appendix 1**, will generate additional income of £5,000 per annum, which will be reinvested in the service.

6. EQUALITY IMPACT ASSESSMENT

- 6.1 An Equality Impact Assessment has been completed for this report – see **Appendix 2**.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

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Conveyancing						
No		Nature of Transaction		Fees from 1/4/21*	Fees from 1/4/22*	BENCHMARKING/ RATIONALE
1		Discharge of Standard Security /Inhibition/Release of Charging Order/Discharge of Section 75 Agreement		£212.00	£217.00	No benchmarking information available/ Cost Recovery
2		Revising deed of Postponement of Standard Security		£212.00	£217.00	As above
3		Leases:				
	a	Landlord's fees (Economic Development Leases)				
		**Leases on standard terms and conditions:-				
			1. Properties up to and including 1,000 square feet	£228.00	£234.00	As above
			2. 1,000 square feet - 2,000 square feet	£304.00	£312.00	As above
			3. 2,001 square feet - 5,000 square feet	£379.00	£388.50	As above
			4. 5,001 square feet - 10,000 square feet	£530.00	£543.00	As above
			5. 10,000 square feet and over	Time & Line	Time & line	As above`
	b	Template lease on standard terms and conditions		£456.00	£467.50	As above
	c	Non-standard missives/lease		Time & Line	Time & Line	As above
	d	Rent Review/Variation of Lease				
			1. Standard Template - no extensions	£229.00	£235.00	As above
			2. Rent review plus variation of terms (including extension)	£304.00	£312.00	As above
	e	Termination of Lease/Renunciation		£304.00	£312.00	As above
	f	Consent to sub-lease				
			1. Minimal revisal required	£304.00	£312.00	As above
			2. Complex Transaction	Time & Line	Time & Line	As above

No		Nature of Transaction		Fees from 1/4/21*	Fees from 1/4/22*	BENCHMARKING/ RATIONALE
	g	Assignment of Lease (revising)		£228.00	£234.00	As above
4		Deed of Servitude/Wayleave		Time & Line	Time & Line	As above
	a	Utility Wayleaves		£266.00	£273.00	As above
5		Conveyance of Ground & Property				
			1. Small area of ground (Council houses - additional areas or less than 250 square metres)	£530.00	£543.00	As above
			2. All other areas	Time & Line	Time & Line	As above
6		Section 75 agreements				
			1. Standard Template (agricultural worker, commuted sum etc.)	£530.00	£543.00	As above
			2. All others (including affordable housing)	Time & Line	Time & Line	As above
7		Modification of Planning Obligation Agreement		£317.00	£325.00	As above
8		Ranking Agreement				
			1. Council House Sales (revising)	£212.00	£217.00	As above
			2. All others	Time & Line	Time & Line	As above
9		Restoration Bond Agreement		£432.00	£443.00	As above
10		Community Asset Transfers		£530.00	£543.00	As above
11		Lending Prior Titles				
			1. Without Inventory	£27.00	£28.00	As above
			2. With Inventory	£35.00	£36.00	As above
12		Licence to Occupy				
			1. Licence to Occupy (standard template used)	£206.00	£211.00	As above
			2. Licence to Occupy non standard	Time & Line	Time & Line	As above

No	Nature of Transaction		Fees from 1/4/21*	Fees from 1/4/22*	BENCHMARKING/ RATIONALE
13	Corrective Conveyancing				
		1. Prepare documentation	£361.00	£370.00	As above
		2. Revising documentation	£258.00	£264.50	As above
	New fee for 20/21				
14	Deferred Payment Agreement (including Standard Security)		£424.00	£435.00	As above
	Notes:				
	(1) Outlays are payable in addition				
	(2) Where Angus Council is preparing the deed plan, the outlay to Property is £80 (nil VAT)				
	(3) Time & Line Basis: The current hourly rate applied by Legal & Democratic Services for this purpose is £100.00.				
	(4) * rounded up/down				
	(5)** table indicates minimum recoverable amount for each fee option. Variation to fees (both increases and decreases) may be negotiated by Economic Development with prospective tenant and agreed after consultation with Legal & Democratic Services. The balance of any reduction in minimum fees will be recovered from Economic Development.				

Registration

	Nature of Transaction	Fees from 1/4/21*	Fees from 1/4/22*	BENCHMARKING/ RATIONALE
1.	Registrar to conduct a civil marriage ceremony, civil partnership or citizenship ceremony on a:-			No benchmarking information available/ Cost Recovery
	a. Saturday	£217.00	£224.00	As above
	b. Sunday	£296.00	£305.00	As above
	c. Public Holiday	£375.00	£386.00	As above
2.	Registrar to conduct a civil marriage ceremony, civil partnership registration or private citizenship ceremony at an Approved Place within normal hours	£217.00	£224.00	As above
	Accommodation Fee for the use of the ceremony rooms within Registration Offices on occasions where numbers exceed 10	£63.00	£65.00	As above
3.	Annual clothing allowance payable to staff	£281.00	£289.00	As above
4.	Naming Ceremonies/Renewal of Marriage Vows			
	a. Monday to Friday during office hours (under 10 people) - Forfar Registration Office	£65.00	£67.00	As above
	b. Monday to Friday during office hours (over 10 people) - Forfar Registration Office	£126.00	£130.00	As above
	c. Outwith normal office hours including Saturday - Forfar Registration Office or Agreed Venue	£277.00	£285.00	As above
	d. Sunday - Forfar Registration Office or Agreed Venue	£353.00	£364.00	As above
	e. Public Holiday - Forfar Registration Office or Agreed Venue	£428.00	£441.00	As above



Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

Step 1

REVIEW OF CHARGES WITHIN LEGAL & DEMOCRATIC SERVICES (includes e. g. budget savings, committee reports, strategies, policies, procedures, service reviews, functions):

Step 2

Is this only a **screening** Equality Impact Assessment

Yes/~~No~~

(A) If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people

~~Yes~~/No

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics
Yes/~~No~~

(iii) It is for information only

Yes/~~No~~

(iv) It is reflective e.g. of budget spend over a financial year

Yes/~~No~~

(v) It is technical

Yes/~~No~~

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

(B) If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment

Yes/No

Is this a Fairer Scotland Duty Assessment

Yes/No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

Step 3

(i) Lead Directorate/Service:

(ii) Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

(iii) What is the aim of the proposal? Please give full details.

(iv) Is it a new proposal? Yes/No Please indicate OR

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function? Yes/No Please indicate

Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees Yes/No

Job Applicants Yes/No

Service users Yes/No

Members of the public Yes/No

Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:

Internal data (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

Internal consultation (e.g. with staff, trade unions and any other services affected).

External data (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

External consultation (e.g. partner organisations, national organisations, community groups, other councils).

Other (general information as appropriate).

Step 6: Evidence Gaps.

Are there any gaps in the equality information you currently hold? Yes/No

If yes, please state what they are, and what measures you will take to obtain the evidence you need.

Step 7: Are there potential differential impacts on protected characteristic groups? Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.

Age

Impact

Disability

Impact

Gender reassignment

Impact

Marriage and Civil Partnership

Impact

Pregnancy/Maternity

Impact

Race - (includes Gypsy Travellers)

Impact

Religion or Belief

Impact

Sex

Impact

Sexual orientation

Impact

Step 8: Consultation with any of the groups potentially affected

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?

Step 10: If a potentially negative impact has been identified, please state below the justification.

Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?

Step 13: FAIRER SCOTLAND DUTY

This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.

Links to data sources, information etc which you may find useful are in the Guidance.

Step 13(A) What evidence do you have about any socio-economic disadvantage/inequalities of outcome in relation to this strategic issue?

Step 13(B) Please state if there are any gaps in socio-economic evidence for this strategy and how you will take measures to gather the evidence you need.

Step 13(C) Are there any potential impacts this strategy may have specifically on the undernoted groupings? Please remember to take into account any particular impact resulting from Covid-19.

Please state if there is a potentially positive, negative, neutral or unknown impact for each grouping.

Low and/or No Wealth (e.g. those with enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.

Impact

Material Deprivation (i.e. those unable to access basic goods and services e.g. repair/replace broken electrical goods, warm home, leisure and hobbies).

Impact

Area Deprivation (i.e. where people live (e.g. rural areas), or where they work (e.g. accessibility of transport).

Impact

Socio-economic Background i.e. social class including parents' education, people's employment and income.

Impact

Other – please indicate

Step 13(D) Please state below if there are measures which could be taken to reduce socio-economic disadvantage/inequalities of outcome.

Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?

Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?

Step 16: Sign off and Authorisation. Please state name, post, and date for each:

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Reviewed by:

Approved by: Jackie Buchanan, Director of Legal and Democratic Services, 19 January 2022