

Regulatory Committee

Meeting to be held on 14 May 2014

Electoral Division affected: All

Consideration of fees to be set in respect of applications under S31(6) Highways Act and S15A Commons Act 2006

Contact for further information:

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Executive Summary

Consideration of fees to be set in respect of applications under S31(6) Highways Act and S15A Commons Act 2006

Recommendation

That a fee of £300 be set in respect of a highways statement or highways declaration deposited under S31(6) Highways Act 1980 for a single parcel of land – additional parcels within the same application charged at £34.78 per hour.

That a fee of £300 be set in respect of a statement deposited by a landowner under S15A Commons Act 2006, as amended, for a single parcel of land – additional parcels within the same application charged at £34.78 per hour.

That a fee of £370 be set in respect of a landowner depositing at the same time both a highways statement or highways declaration under S31(6) Highways Act 1980 and a landowner statement under S15A Commons Act 2006, as amended, for a single parcel of land – additional parcels within the same application charged at £34.78 per hour.

That the fees be published on the authority's website and the Executive Director for Environment requested to keep the levels of fees under review and bring a further report to the Committee should the fees be considered to no longer be commensurate with the authority's costs.

Background and Advice

Applications by landowners have been able to be made under S31(6) Highways Act for many years but with no power for an authority to charge any fee in connection with dealing with same. By such an application a landowner acknowledges which ways across their land (if any) they admit to having been dedicated as highways. In

the absence of proof of a contrary intention, such a declaration will be sufficient evidence to negative the intention to dedicate.

Under recent legislative provisions landowners may now also make applications under S15A Commons Act 2006. By such an application a landowner brings to an end any period of recreational use "as of right" over the land to which the application relates.

Under the new provisions a form is now prescribed to make both types of application and a procedure set out as to the giving of Notices and recording the applications, and the authority is given power to charge a reasonable fee.

An authority's costs incurred on such activities are normally staff related. Accordingly it is suggested that a fee be set to reflect the work to be undertaken by the authority.

The work involved in processing an application consists of the following steps:

- Check that the form CA16 has been sent with the correct fee;
- Acknowledge receipt of the form;
- Allocate a reference number;
- Check information on form, in particular:
 - Capacity of applicant
 - At least one of Parts B (Statement under S31(6)), C (Declaration under S31(6)) or D (Statement under S15A) completed
 - Additional information in part E (optional but should be correct)
 - Appropriately signed
 - Map is at correct type and scale and parcel(s) of land are shown appropriately
- Prepare Form CA17 Notice
- Publish Notice on website
- Serve Notice (and plan) on anyone included in landowner's information
- Serve Notice (and plan) on other appropriate recipients
- Print site copy of Notice on waterproof/laminated paper
- Erect Notice(s) on site – at suitable points of access such that public will see them
- Record entry on online Register with outline drawn onto GIS
- File paper copy in paper Register

It is suggested that a fee of £300 be set in respect of a S31(6) application, a fee of £300 set in respect of a S15A application and a fee of £370 be set in respect of a joint S31(6) and 15A application. These being the fees for single parcels of land based on 5 hours administration plus a site visit to erect the Notice(s) (average 25 miles each way, 3 hours). Any additional parcels to be charged at £34.78 per hour if additional time is required.

It is suggested that fees be kept under review to ensure that the amounts are commensurate with the authority's costs

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Financial

The power to set a fee is discretionary but without fees being set the authority will need to deal with such applications, as prescribed by the new Regulations, by covering the costs itself.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Tel
N/A		

Reason for inclusion in Part II, if appropriate

N/A