

SUBJECT: COMMONS ACT 2006 (CORRECTION, NON-REGISTRATION OR MISTAKEN REGISTRATION) (WALES) REGULATIONS 2017 – APPLICATION FEES

MEETING: INDIVIDUAL CABINET MEMBER DECISION (Cllr Paul Jordan)

DATE: 13th FEBRUARY 2019

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 To seek approval for delegated authority to set full cost recovery application fees for applications under section 19 of, and Schedule 2, to the Commons Act 2006, to correct the registers of common land and town and village greens. Approval is also required to seek full reimbursement from applicants for any additional costs, for example, the holding of a public inquiry.
- 1.2 To seek approval for delegated authority to set full cost recovery application fees for all applicable applications, in accordance with any regulations introduced in the future by the Welsh Government, under the Commons Act 2006.

2. RECOMMENDATION:

- 2.1 That delegated authority be given to the Head of Law and Monitoring Officer to set full cost recovery application fees and seek full reimbursement from applicants for any additional costs associated with processing and determining an application.

3. KEY ISSUES:

- 3.1 The Correction, Non-Registration or Mistaken Registration (Wales) Regulations 2017 came into force on 5 May 2017.
- 3.2 The registers of common land and town and village greens were first established under the Commons Registration Act 1965. The Commons Act 2006 imposes a duty on registration authorities to continue to maintain the registers established under the 1965 Act.
- 3.3 Applicants may, depending on the application they are making, be required to pay an initial application fee and further instalments, to enable Monmouthshire County Council, as Commons Registration Authority, to recover the full cost of determining the application.
- 3.4 Applications made under section 19(2)(a) (correcting a mistake made by the registration authority) and 19(2)(c) (removal of a duplicate entry from the register) do not attract an application fee as these are viewed as mistakes having been made historically by the Commons Registration Authority. Similarly, applications under Schedule 2, paragraphs 2-5 (inclusive) are also free of charge as their determination is seen as being in the public interest and costs incurred by the Commons Registration Authority will be reimbursed by the Welsh Government.

4. OPTIONS APPRAISAL

- 4.1 The following options are available:

- Option 1 – Do not set the applications fees. Inconceivable that the Council would fail to set any application fees and hinder applications to correct the registers.
- Option 2 – Set application fees but not at full cost recovery. A significant impact on the Land Charges budget in respect of a loss of application fee income and the risk of a significant overspend if all additional Council expenses were not reimbursed by the applicant.
- Option 3 – Set full cost recovery application fees and recover all additional Council expenses. This will ensure full compliance with the regulations and Welsh Government guidance, and ensure that the Land Charges budget is not placed under additional avoidable pressure.

5. EVALUATION CRITERIA

5.1 An evaluation assessment is included in Appendix 1.

6. REASONS:

6.1 To set application fees in accordance with the regulations and Welsh Government guidance.

7. RESOURCE IMPLICATIONS:

7.1 The application fees will cover officer time spent processing and determining an application, and ensure the full reimbursement of all additional Council expenses.

8. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

8.1 Appendix 2

9. CONSULTEES:

Cabinet
Senior Leadership Team
Head of Law and Monitoring Officer

10. BACKGROUND PAPERS:

10.1 Application fees, Appendix 3.

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12. CONTACT DETAILS:

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Appendix 1

Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

Title of Report:	COMMONS ACT 2006 (CORRECTION, NON-REGISTRATION OR MISTAKEN REGISTRATION) (WALES) REGULATIONS 2017 – APPLICATION FEES
Date decision was made:	13th February 2019
Report Author:	Tudor Baldwin

What will happen as a result of this decision being approved by Cabinet or Council?

What is the desired outcome of the decision?
What effect will the decision have on the public/officers?

That delegated authority be given to the Head of Law and Monitoring Officer to set full cost recovery application fees and seek full reimbursement from applicants of any additional costs associated with processing and determining corrective, and other applications under the Commons Act 2006.

What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?

Think about what you will use to assess whether the decision has had a positive or negative effect:
Has there been an increase/decrease in the number of users
Has the level of service to the customer changed and how will you know
If decision is to restructure departments, has there been any effect on the team (e.g increase in sick leave)

Publication of the full cost recovery application fees and officers' hourly rates on the service's Common Land, Town and Village Greens webpage.

What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?

Give an overview of the planned costs associated with the project, which should already be included in the report, so that once the evaluation is completed there is a quick overview of whether it was delivered on budget or if the desired level of savings was achieved.

Neutral impact as the application fees are based on full cost recovery. The decision is not designed to save money, nor have a negative impact on the Land Charges budget.

