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| Item No. | Classification Open | Date: 17 June 2014 | Decision Taker: Cabinet Member for Finance, Strategy and Performance |
| Report title: | | Registrars and Citizenship Services Fees and Charges 2014/15 | |
| Ward(s) or groups affected: | | All | |
| Decision Taker: | | Strategic Director of Housing and Community Services | |

RECOMMENDATIONS

1. That the Cabinet Member for Finance, Strategy and Performance agrees to the proposed variation in charges for registrars and citizenship services (Table 1).
2. That the Cabinet Member for Finance, Strategy and Performance agrees to the implementation of the proposed discretionary fees and charges for 2014/15 from 7 July 2014.
3. That the Cabinet Member for Finance, Strategy and Performance agrees to an annual review of Registrars and Citizenship discretionary fees and charges.

BACKGROUND INFORMATION

4. This report sets out proposals for fees and charges within the registrars and coroners section of the housing and community services department to be set from July 2014. The section also covers citizenship ceremonies, whilst fees relating to the coroners service are not set by the council.
5. The Medium-Term Resources Strategy (MTRS) requires that:
 - Southwark increase discretionary fees and charges to a level, as a minimum, that is equal to the most appropriate London average (e.g. inner London, family, groupings etc.) except where this conflicts with council policy, would lead to adverse revenue implications or would impact adversely on vulnerable clients; and
 - To increase all fees and charges capped by statute to the maximum level permitted.
6. The council's constitution requires that all fees and charges increases are agreed by the relevant cabinet member through an IDM report. This report is also required where no changes are proposed.

KEY ISSUES FOR CONSIDERATION

7. Fees and charges are those charges where there is a schedule of rates for services provided. There are two types; mandatory and discretionary i.e. where the authority must charge or where there is a choice of charging. Whether mandatory or discretionary, the charges will be either:
 - Fixed – where the level of charges is set by statute and the authority has no discretion;
 - Capped – where a maximum level is set, generally by statute and so charges cannot be set in excess of this; or
 - Flexible – where there is full discretion on the level of charges to be set.
8. Simple marriage and civil partnership ceremonies are available at the register office for the statutory fee of £45.00.
9. The fee for attending a group citizenship ceremony is included in the application fee payable to the Home Office and is transferred to Southwark upon confirmation of a citizen's attendance at citizenship ceremony. The fee currently stands at £80.00 and is determined by the Home Office; it was reviewed in 2007 and is not expected to be reviewed again before 2015. The fee is based on cost recovery and a fee review may possibly result in a fee decrease. Individuals can request a private citizenship ceremony in addition to this, and this is what the fees quoted in Table 1 relate to. However, private citizenship ceremonies are not encouraged by the Government and relatively few of them take place.
10. Where the authority has a choice about charging, any decision not to charge must be agreed by the relevant cabinet member. This is reviewed annually.
11. In arriving at the proposed fees, consideration has been given to benchmarking data, market forces, volume assumptions and the sensitivity of demand to any price increases as well as the impact that increases will have on customers' ability to pay and the take-up of services.
12. The registrars and coroners service became part of the housing and community services department during 2012/13. Charges for this service were previously fixed for three years from October 2011 – June 2014.
13. The Southwark Registration and Nationality Service provides a range of services relating to births, deaths, marriages, civil partnerships, a nationality checking service (NCS), private citizenship ceremonies and immigration advice.
14. Many of the fees charged for these services are prescribed by statute and are updated periodically by the government. However fees for certain services are discretionary and the council can set its own level. The fees proposed to be charged for these services from July 2014 are shown in Table 1.
15. It is proposed that all fees and charges be increased by an average of 2.1%, being mid-way between the most recently published CPI and RPI levels. The calculated fees have been rounded up to the nearest £0.50 in the case of marriages and civil partnerships and the nearest £1 for all other fees after the appropriate percentage increase has been applied.

Table 1 – Proposed Increase for Registrars and Citizenship Services 2014/15 Fees and Charges

| Item | 2013/14 Fee | 2014/15 Fee | Increase |
|---|-------------|-------------|----------|
| Marriages and civil partnership ceremonies before 5pm | | | |
| Approved premises Monday – Thursday | £332.00 | £336.50 | 1.40% |
| Approved premises Friday – Saturday | £482.00 | £491.50 | 2.00% |
| Approved premises Sunday/Bank Holiday | £513.00 | £525.50 | 2.44% |
| Garden room enhanced ceremonies | £177.00 | £180.50 | 2.00% |
| Marriages and civil partnership ceremonies after 5pm | | | |
| Approved premises Monday – Thursday | £482.00 | £491.50 | 2.00% |
| Approved premises Friday – Saturday | £513.00 | £525.50 | 2.44% |
| Nationality checking service (NCS) and settlement checking service (SCS) | | | |
| NCS single | £61.00 | £63.00 | 3.30% |
| NCS couple | £96.00 | £99.00 | 3.10% |
| NCS couple (maximum 2 minors) | £110.00 | £112.00 | 1.80% |
| NCS additional minors | £26.00 | £26.00 | nil |
| SCS single | £91.00 | £93.00 | 2.20% |
| SCS couple (maximum 2 minors) | £135.00 | £138.00 | 2.20% |
| SCS additional minors | £41.00 | £41.00 | nil |

Table 1 (continued)

| Item | 2013/14 Fee | 2014/15 Fee | Increase |
|--|-------------|-------------|----------|
| Private Citizenship ceremonies | | | |
| Single individual family | £183.00 | £188.00 | 2.70% |
| 2 – 3 individuals family | £115.00 | £118.00 | 2.60% |
| 4 – 5 individuals family | £86.00 | £88.00 | 2.30% |
| Immigration advice | | | |
| Advice only/checking service | £78.00 | £80.00 | 2.60% |
| Indefinite leave to remain (single) | £130.00 | £135.00 | 3.80% |
| Indefinite leave to remain (additional dependants) | £45.00 | £46.00 | 2.20% |
| Further leave to remain (single) | £95.00 | £97.00 | 2.10% |
| Further leave to remain (additional dependants) | £41.00 | £41.00 | nil |
| Entry clearance | £150.00 | £155.00 | 3.30% |

16. All marriage and civil partnership ceremonies attract an additional statutory certificate fee of £3.50. The fees proposed in Table 1 reflect the discretionary component only and are rounded to the nearest £0.50 to allow for the addition of the £3.50 statutory fee. Customers may request more than one certificate, and each one will be charged at the rate of £3.50.
17. NCS and the Settlement Checking Service (SCS) are partnerships between the Border and Immigration Agency branch of the Home Office and local councils in England and Wales. It allows those people applying for British citizenship or settled status to make their applications in person, at their local council offices. For a small fee, which is set locally, participating councils will check that applications are completed correctly and have been submitted with all the necessary supporting documents and the correct fee.

18. Since 1 January 2004 all adults wishing to become British citizens in the United Kingdom have been required to attend a citizenship ceremony as the final stage in the process. Citizenship ceremonies usually take place at 34 Peckham Road, although other municipal buildings may be used. Normally, a group ceremony will be arranged for everyone in the local area who is becoming a British citizen at that time. However, some new citizens may wish to arrange a private citizenship ceremony, for which a fee is payable.
19. Immigration advice is a service provided by the Southwark registration and nationality service with the intention of providing affordable immigration advice. Currently the London Borough of Southwark is the only known local authority to provide this service and therefore no comparison figures are available.
20. Statutory fees are set by the Registrar General and have been reviewed in 2013. Proposals for variation have been submitted to HM Treasury but it is presently unknown if they have been agreed. Volumes are expected to remain constant.
21. Citizenship fees are set by the Home Office and a review of fees is not expected before 2015. Until more information is made available it will be assumed that there will be no change in fees in 2014/15.

Community impact statement

22. The council works in accordance with the single public sector equality duty contained within section 149 of the Equality Act 2010. This means the council must have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups; and foster good relations between different groups. Guidance on the implications of the Equality Act and the duties it imposes on the council has been issued to service departments and members.
23. In September 2010, cabinet agreed seven principles that will guide its decision-making on the budget. Council assembly added to this in July 2011 by agreeing the policy statement 'A Fairer Future for All'.
24. Consideration has been given to the reports relevance to equality issues in accordance with the public sector equality duty. This report is primarily to set fees and charges, which do not have a differential effect on any community or protected group. It is recognised however that increases in fees and charges may present particular difficulties for people on low incomes.

Consultation/Notification of Fee Increases

25. Consultation is not required on the above fees and charges. However, formal notification of a price increase may be in certain circumstances. Once approved, notification of fee increases will be published through the appropriate channels.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

26. This report recommends that the cabinet member for finance, resources and community safety agree to the proposed variation in charges for certain services administered by the registrars and coroner service to take effect from 7 July 2014. Under Part 3D of the council's constitution, agreement of changes to existing fees and charges is reserved to individual cabinet members for decision-making where the fees and charges are within their area of responsibility; the service referred to in this report is within the portfolio of the cabinet member.
27. Marriage/civil partnership ceremonies: the Marriage Act 1949 (as amended) and the Civil Partnership Act 2004 make provision for local authorities to approve premises for the purpose of marriage and civil partnership ceremonies. The Marriage and Civil Partnership (Approved Premises) Regulations 2005 enables the council to determine a fee to cover the costs of providing for the prescribed personnel to attend the formalities; such fee must reasonably represent the costs of provision. Under the regulations it is permissible for the authority to set different fees for different cases or circumstances.
28. Citizenship ceremonies: the British Nationality (General) Regulations 2003 made under the British Nationality Act 1981 as amended, require local authorities to make available or make arrangements for premises at which citizenship ceremonies may be conducted. The council must comply with this requirement although the secretary of state may make a payment to a local authority for carrying out this duty. However additionally, under schedule 1 of the Nationality, Immigration and Asylum Act 2002 a local authority is provided with power to provide facilities or make arrangements in addition to those which it is required to provide or make. When a local authority exercises its power under this provision it may also make a charge for the provision of the additional service provided the charge does not exceed the cost of its provision.
29. Nationality Checking Service and Immigration Advice Service: provision of these services are authorised by section 1 of the Localism Act 2011 which applies a general power of competence that gives the council the power to do anything that individuals generally may do. This is subject to any restrictions, prohibitions or limitations imposed by legislation; the director of legal services is not aware of any applicable to these services. As to charging for the services, section 93(1) of the Local Government Act 2003 enables the council to charge a person for providing a discretionary service to him if he has agreed to its provision. This power is subject to the proviso that the authority is not authorised to, or expressly prohibited from, charging for the service elsewhere in legislation. The power to charge under the 2003 Act is also subject to a duty to secure that, taking one financial year with another, the income from charges made for the service does not exceed the costs of provision.
30. All the charges referred to in the recommendation in this report may therefore be varied provided the charges do not contain a profit-making element. The report confirms that proposed fees are based on cost recovery.

Strategic Director of Finance and Corporate Services

31. This report seeks authority for approving the fees to be charged by the housing and community services department from July 2014 – relating to registrars, coroners and citizenship services. It is mostly concerned with fees and charges where the council has discretion over the level to be charged.
32. The Medium-Term Resources Strategy requires that fees and charges are set to a level equal to the most appropriate London average except where this conflicts with council policy, would lead to adverse revenue implications or would impact adversely on vulnerable clients.
33. The fees and charges within this report are a source of income for the council's general fund, as opposed to the Housing Revenue Account.

BACKGGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|-------------------------------------|--|
| Registration and Nationality Service Fees and Charges 2011/12 (IDM 13 October 2011) http://modern.gov.southwark.gov.uk/documents/s22874/Report%20Registration%20and%20Nationality%20Service%20Fees%20and%20Charges%2020112012.pdf | 160 Tooley Street London SE1 2QH | Paula Thornton Constitutional Team 020 7525 4395 |

APPENDICES

| No. | Title |
|------|-------|
| None | |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officers | Gerri Scott, Strategic Director of Housing and Community Services | |
| Report Author | Shaun Regan, Senior Finance Manager | |
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| Key Decision? | Yes | |
| CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments Included |
| Director of Legal Services | Yes | Yes |
| Strategic Director of Finance and Corporate Services | Yes | Yes |
| Cabinet Member | Yes | Yes |
| Date final report sent to Constitutional Team | 17 June 2014 | |