

Item No.	Classification Open	Date: 18 February 2016	Meeting Name: Cabinet Member for Finance, Modernisation and Performance
Report title:		Registrars and Citizenship Services Fees and Charges 2016/17	
Ward(s) or groups affected:		All	
From:		Strategic Director of Housing and Modernisation	

RECOMMENDATIONS

1. That the Cabinet Member for Finance, Modernisation and Performance agrees to the proposed variation in charges for registrars and citizenship services for 2016/17 (Table 1), and agrees to their implementation from 1 April 2016.

BACKGROUND INFORMATION

2. This report sets out proposals for fees and charges within the registrars and coroners service of the housing and modernisation department to be set from 1 April 2016, including citizenship ceremonies. Coroner's service fees are not set by the council.
3. The Medium-Term Resources Strategy 2014/15 – 2016/17 (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.
4. 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

5. 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 council must charge or where there is a choice with regards the amount to be charged. 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 the council has discretion on the level of charges to be set.
6. Where the council has a choice about charging, any decision not to charge must be agreed by the relevant cabinet member. This is reviewed annually.

7. 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.

Table 1 – Proposed Increase for Registrars and Citizenship Services 2016/17 Fees and Charges

	2015/16 Fees	2016/17 Fees	Increase	Mandatory*/Discretionary
Marriages and civil partnership ceremonies (before 5 pm)				
Approved premises Monday – Thursday	£350.00	£370.00	5.71%	Discretionary
Approved premises Friday – Saturday	£510.00	£540.00	5.88%	Discretionary
Approved premises Sunday/Bank Holiday	£550.00	£575.00	4.55%	Discretionary
Garden room enhanced ceremonies	£186.00	£200.00	7.53%	Discretionary
(after 5 pm)				
Approved premises Monday – Thursday	£510.00	£540.00	5.88%	Discretionary
Approved premises Friday – Saturday	£550.00	£575.00	4.55%	Discretionary
Nationality checking service (NCS) and settlement checking service (SCS)				
NCS single	£63.00	£67.00	6.35%	Discretionary
NCS couple	£100.00	£110.00	10.00%	Discretionary
NCS couple (maximum two minors)	£113.00	£120.00	6.19%	Discretionary
NCS additional minors	£26.00	£28.00	7.69%	Discretionary
SCS single	£95.00	£100.00	5.26%	Discretionary
SCS couple (maximum two minors)	£140.00	£150.00	7.14%	Discretionary
SCS additional minors	£41.00	£43.00	4.88%	Discretionary
Private Citizenship ceremonies				
Single individual family	£190.00	£195.00	2.63%	Discretionary
2 – 3 individuals family	£120.00	£125.00	4.17%	Discretionary
4 – 5 individuals family	£89.00	£90.00	1.12%	Discretionary
Immigration advice				
Advice only/checking service	£80.00	£85.00	6.25%	Discretionary
Indefinite leave to remain (single)	£136.00	£142.00	4.41%	Discretionary
Indefinite leave to remain (additional dependants)	£47.00	£50.00	6.38%	Discretionary
Further leave to remain (single)	£99.00	£105.00	6.06%	Discretionary
Further leave to remain (additional dependants)	£41.00	£42.00	2.44%	Discretionary
Entry clearance	£158.00	£162.00	2.53%	Discretionary

* For mandatory fees see Appendix A

8. The Southwark Registration and Nationality Service (SRNS) provides a range of services relating to births, deaths, marriages, civil partnerships, a nationality checking service (NCS), private citizenship ceremonies and immigration advice.
9. 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 April 2016 are shown in Table 1.
10. Discretionary services are not deemed to be price sensitive and basic marriage and civil partnership ceremonies are available at the statutory fee of £46. NCS and the Settlement Check Service (SCS) are not mandatory and alternative options are available including submitting applications directly to the Home Office.

11. Fees and charges are publicised on the relevant pages of the Southwark website.
12. It is proposed that all discretionary fees and charges be increased by an average of 5.3% overall. The calculated fees have been rounded up to the nearest £1 after the appropriate percentage increase has been applied.
13. All marriage and civil partnership ceremonies attract an additional statutory certificate fee of £4.00. The fees proposed in Table 1 reflect the discretionary component only and are rounded to the nearest £1 to allow for the addition of the £4.00 statutory fee. Customers may request more than one certificate, and each one will be charged at the rate of £4.00.
14. NCS and 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.
15. 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.
16. The Southwark registration service derives income from the provision of citizenship ceremonies to new British citizens. This fee is paid to Southwark by the Home Office per attendee and currently stands at £80.00. This fee is determined by the Home Office and was reviewed in 2007, but is not expected to be reviewed again before 2016. 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.
17. 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.
18. Statutory fees are set by the Registrar General and have been reviewed in 2014. It is unknown when the next fee review will take place. Volumes are expected to remain constant. A list is attached at Appendix A.
19. Citizenship fees are set by the Home Office and a review of fees is not expected before 2016. Until more information is made available it will be assumed that there will be no change in fees in 2016/17.
20. Demand for NCS, SCS and the subsequent citizenship ceremony is sensitive to changes in central government immigration policy, legislation and fees. Demand for these services usually increases before the implementation of a change and then decreases post implementation before reaching steady state. The Home

Office has announced proposed fees which are expected to be implemented in April 2016 but is presently unknown if any other changes are planned for 2016/17 that may influence demand for these services.

Community impact statement

21. 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.
22. In 2010, cabinet agreed seven principles that will guide its decision-making on the budget. Council assembly added to this in 2014 by agreeing ten promises supporting the policy statement 'A Fairer Future for All'.
23. 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

24. 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 Law and Democracy

25. This report recommends that the cabinet member for Finance, Modernisation and Performance agree to the proposed variation in charges for certain services administered by the registrars and coroner service to take effect from 1 April 2016. 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.
26. **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.
27. **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.

28. **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.
29. 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

30. This report seeks authority for approving the fees to be charged by the housing and modernisation department from April 2016 – relating to registrars and citizenship services. It is mostly concerned with fees and charges where the council has discretion over the level to be charged and is accordance with the provisions of the council's Medium-Term Resource Strategy.
31. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix A	Statutory Fees Payable

AUDIT TRAIL

Cabinet Member	Councillor Fiona Colley, Cabinet Member for Finance, Modernisation and Performance	
Lead Officer	Gerri Scott, Strategic Director of Housing and Modernisation	
Report Author	Paul Dumke, Registration Manager	
Version	Final	
Dated	19 February 2016	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Date final report sent to Constitutional Team		18 February 2016

APPENDIX A – STATUTORY FEES PAYABLE

PART 1 – SUMMARY OF FEES PAYABLE TO REGISTRATION OFFICERS FROM SEPT. 2014

Statutory power	Service	Fee
1. General Search		
Superintendent Registrar <i>S.31(2)(a), B&D Regn Act 1953;</i> <i>S.64(2)(a), Mge Act 1949</i>	A general search in indexes in his/her office not exceeding six successive hours	£18.00
2. Certificates		
Superintendent Registrar <i>S.31(2)(c), B&D Regn Act 1953;</i> <i>S.64(2)(c), Mge Act 1949</i> <i>S.33(1), B&D Regn Act 1953</i>	Issuing a standard certificate of birth, death or marriage	£10.00
	Issuing a certificate of birth, death or marriage for certain statutory purposes [#]	£10.00
	Issuing a short certificate of birth	£10.00
	Issuing a standard certificate of birth, death or marriage: <ul style="list-style-type: none"> At the time of registration After the time of registration 	£4.00 £7.00
Registrar <i>S.32(c), B&D Regn Act 1953;</i> <i>S.63(1)(b), Mge Act 1949</i> <i>S.33(1), B&D Regn Act 1953</i>	Issuing a certificate of birth, death or marriage for certain statutory purposes [#] : <ul style="list-style-type: none"> At the time of registration After the time of registration 	£4.00 £7.00
	One short certificate of birth issued at the time of registration	nil
	Any other short certificate of birth: <ul style="list-style-type: none"> At the time of registration After the time of registration 	£4.00 £7.00
3. Marriages		
Superintendent Registrar <i>S.27(7), Mge Act 1949</i> <i>S.27(6), Mge Act 1949</i> <i>S.17(2), Marriage (Registrar General's Licence) Act 1970</i> <i>S.51(2), Mge Act 1949</i>	Attending outside his/her office to be given notice of marriage of a housebound or detained person	£47.00 (Housebound) £68 (Detained)
	Entering a notice of marriage in a marriage notice book: <ul style="list-style-type: none"> a) Where both parties to the proposed marriage are exempt persons within the meaning of Section 49 Immigration Act 2014 b) In any other case 	£35.00 £47:00* (from 2 March 2015)
	Entering a notice of marriage by Registrar General's Licence in a marriage notice book	£3.00[†]
	Attending a marriage at the residence of a housebound or detained person	£84.00 (Housebound) £94.00 (Detained)

PART 1 (continued)

Statutory power	Service	Fee
S.51(1A)(b), Mge Act 1949; Reg 12(6), <i>The Marriages and Civil Partnerships (Approved Premises) Regulations 2005</i> S.51(1), Mge Act 1949	Attending with a registrar a marriage on approved premises	set by local authority
	Attending a marriage at the register office	£46.00
S.51(1), Mge Act 1949	Attending a marriage at a registered building or the residence of a housebound or detained person	£86.00 (registered building)
		£81.00 (Housebound) £88.00 (Detained)
S.17(2), <i>Marriage (Registrar General's Licence) Act 1970</i>	Attending a marriage by Registrar General's Licence	£2.00[†]
4. Certification for worship and registration for marriage		
Superintendent Registrar S.5, <i>Place of Worship Registration Act 1855</i> S.41(6), Mge Act 1949	Certification of a place of meeting for religious worship	£29.00
	Registration of a building for the solemnization of marriages between a man and a woman	£123.00
S.43D Mge Act 1949	Registration of a building for the solemnization of marriages of same sex couples (building previously registered for the solemnisation of marriage between a man and a woman)	£64.00**
	Registration of a building for the solemnization of marriages of same sex couples (building not previously registered for the solemnisation of marriage between a man and a woman)	£123.00**
	Registration of a building for the solemnization of marriages of a man and a woman (building previously registered for the solemnisation of marriage between of same sex couples)	£64.00**
	Joint application for the registration of a building for the marriage of a man and woman and same sex couples	£123.00**

Mge Act 1949 = Marriage Act 1949, as amended

B&D Regn Act 1953 = Births and Deaths Registration Act 1953, as amended

*Fee specified by the Registration of Births, Deaths and Marriages and Registration of Civil Partnerships (Fees) (Amendment) Order 2015 (S.I. 2015/117), except where otherwise shown

= S.10, Savings Bank Act 1887, as amended; S.178(1), Factories Act 1961; S.124(3), Social Security Administration Act 1992, as amended; S.564(1), Education Act 1996

[†]Fee payable under Marriage (Registrar General's Licence) Act 1970 by the Registrar General; to be retained by registration officer and not paid to Council

** Fee specified by the Marriage of Same Sex Couples (Registration of Buildings and Appointment of Authorised Persons) Regulations 2014 (S.I. 2014/106), as amended by the Marriage of Same Sex Couples (Registration of Buildings and Appointment of Authorised Persons) (Amendment) Regulations 2014 (S.I. 2014/1791)

PART 2 – FEES PAYABLE TO REGISTRATION AUTHORITIES FROM SEPT. 2014

Statutory power	Service	Fee
1. Certificates		
<i>Civil Partnership Act 2004c.33, Pt 2 c.1s. 34(1) & 36(4)</i>	For a certified copy issued by a registration authority: <ul style="list-style-type: none"> at the time of registration after the time of the registration 	£4.00 £10.00
	For a certified extract issued by a registration authority: <ul style="list-style-type: none"> at the time of registration after the time of the registration 	£4.00 £10.00
	For a certified copy or certified extract issued by the Registrar General	£9.25
2. Notices		
<i>Civil Partnership Act 2004c.33, Pt 2 c.1s. 34(1) & 36(4)</i>	Attestation by an authorised person of the necessary declaration at a place provided by the registration authority: <ul style="list-style-type: none"> a) where both parties to the proposed marriage are exempt persons within the meaning of Section 49 Immigration Act 2014 b) in any other case 	£35.00 £47.00* (from 2 March 2015)
	Attendance of an authorised person at a place other than one provided by the registration authority, for the purpose of attesting the necessary declaration in accordance with the procedures for house-bound and detained persons	£47.00 (Housebound) £68.00 (Detained)
	Attestation by an authorised person of the necessary declaration under the special procedure	£3.00[†]
	Application to shorten the waiting period	£28.00
	Issue of Registrar General's licence	£15.00
	On giving notice to a registration authority under the Civil partnership (Registration Abroad and Certificates) Order 2005, article 17(2) (certificate of no impediment)	£35.00
	3. Registration	
<i>Civil Partnership Act 2004c.33, Pt 2 c.1s. 34(1) & 36(4)</i>	Signing by the civil partnership registrar of the civil partnership schedule	£46.00
	Attendance of the civil partnership registrar for the purpose of signing the civil partnership schedule for house-bound or detained person	£81.00 (Housebound) £88.00 (Detained)
	Attendance of the civil partnership registrar in whose presence the Registrar General's licence is issued.	£2.00[†]

* Fee specified by the Registration of Births, Deaths and Marriages and Registration of Civil Partnerships (Fees) (Amendment) Order 2015 (S.I. 2015/117), except where otherwise shown

† Fee payable by the Registrar General; to be retained by registration officer and not paid to Council