

Report to: Lead Cabinet Member for Communities and Safety

Date of meeting: 28 June 2017

By: Director of Communities, Economy and Transport

Title: Proposal for the Registration Service to charge fees for certain services

Purpose: To seek approval to charge new discretionary statutory fees, predominantly for services which have previously been free for customers at the point of use and delegate authority to the Director of Communities, Economy & Transport to approve any changes in future fees in line with legislation (on a cost recovery basis)

RECOMMENDATIONS: Lead Member is recommended to:

- 1) Approval for the Council to charge fees for Registration Services in line with legislation; and
 - 2) Delegate authority to the Director of Communities, Economy & Transport to approve any future changes in fees payable for Registration Services in line with legislation
-

1 Background Information

1.1. Part 8, section 89 of the Immigration Act 2016 deals with civil registration fees. It gives effect to Schedule 15 which amends enactments about civil registration allowing for regulations to be made granting the Registrar General powers to charge local authorities statutory fees for the provision of some services. Previously these services have predominantly been conducted for free. This will result in additional cost for local authorities.

1.2. The amendments also allow for regulations to be made granting local authorities powers to charge the public for certain services at fee levels set out in the regulations. It is anticipated that this will enable local authorities to offset the additional cost referred to above.

1.3 It is envisaged that the initial registration services which will incur a charge will be as follows: Complex corrections (except when fault of Registrar); Space 17 amendments (changing the name on a birth certificate within 1 year of registration); Dealing with foreign divorces (in relation to a notice of marriage); Dealing with foreign divorces (in relation to a notice of marriage) when referred to General Register Office; Waiver for reduction of usual waiting time between giving notice and marriage or civil partnership taking place. However, it is envisaged that further registration services will incur a charge in the future.

1.4 The specific amounts have yet to be set as no regulations have been made. It is also not known at this stage when the earliest date for charging will be introduced will be but it is anticipated that this will be clarified within future regulations.

1.5 The precise level of fees remains unknown at the time of writing this report.

1.6 This report seeks (i) approval for the Council to charge fees for Registration Services in line with regulations made under Schedule 15 of the Immigration Act 2016; and (ii) delegated authority to the Director of Communities, Economy & Transport to approve any future changes in fees payable for Registration Services in line with regulations made under Schedule 15 of the Immigration Act 2016 (on a cost recovery basis).

1.7 These statutory fees are not subject to VAT.

2 Supporting Information

2.1 The Registration Service currently provides these services across the county at its own expense, with the exception of the Registrar General's Licence, for which it charges £15.

2.2 The fees will be proposed based on a General Register Office (GRO) consultation with the Local Registration Service Association and will be calculated on a cost recovery basis.

2.3 The main costs incurred whilst undertaking these duties are staff time, and research. Decisions around the services must be considered carefully as they can affect legal outcomes and have far reaching knock on consequences for the individuals involved.

2.4 Once these fees become chargeable, it is proposed that GRO will begin passing on some of their costs to local registration services.

2.5 Each of the services identified in 1.3 above are for the benefit of the individual and have little benefit for the public at large, therefore offering them as a free service, subsidised by the tax payer, is no longer in line with government policy.

2.6 These fees will likely be charged by all other local authorities. Not charging them could incentivise the public to apply for these loss making services in East Sussex, adding to the financial burden on the county.

2.7 GRO have made it clear that local registration services continue to hold power to waive these fees on an individual basis, as required, in cases of genuine financial hardship or registrar error.

3 Conclusion and Reason for Recommendation

3.1 In the event that the Council does not charge the proposed fees for these services the Council would be at risk of bearing additional costs due to the proposed recharging from GRO.

3.2 It is therefore recommended that the Lead Member for Communities and Safety: (i) approves that the Council charge fees (as finally determined by regulations) for relevant registration services and (ii) delegates authority to the Director of Communities, Economy and Transport to approve any changes in future fees payable for registration services in line with Schedule 5 of the Immigration Act 2016 (on a cost recovery basis).

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Mike Bendell

Tel. No. 07702 684772

Email: mike.bendell@eastsussex.gov.uk

LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None