

## **FREEDOM OF INFORMATION ACT 2000**

Your request for information has now been considered and the Council's response to your questions is shown below.

**You asked:**

**1) Does the Council ever charge planning applicants for processing S106 agreements/undertakings, over and above the statutory planning application fee?**

Where input from the Council's Legal Services is required, an applicant will be asked to cover the Council's legal costs associated with the preparation, negotiation and completion of a S.106 agreement/ unilateral undertaking. Section 93 of the Local Government Act 2003 empowers local authorities to charge for such discretionary services.

**2) If so, what are the charges (e.g. legal costs) and how are they calculated?**

Section 93 of the Local Government Act 2003 provides that the charge for such services should not exceed the cost of delivering the same. Costs are calculated with reference to the amount of time spent working on a matter and applicants are provided with an upfront estimation of costs.

**3) Is an applicant always obliged to pay the Council's charges to have a S106 agreement/undertaking processed by it, or is payment ever at the applicant's discretion?**

As above – subject to negotiation on an individual case.

**4) If the latter is true, in what circumstances is payment discretionary?**

Not applicable.

**5) Where the Council drafts a S106 agreement/obligation, what specific powers does it rely on to require an applicant to pay an obligatory charge for the service? Please identify the applicable statutes and sections therein.**

Section 93 of the Local Government Act 2003

**6) Where an applicant simply submits a completed unilateral undertaking prepared by his own lawyers and it is checked by the Council for accuracy and validity to inform the grant or refusal of planning permission, what specific powers does the Council rely on to require the applicant to pay an obligatory charge? Please identify the applicable statutes and sections therein.**

In those cases there would not normally be any charges. Most Section 106 agreements/undertakings will be subject to a monitoring fee to meet the Council's reasonable costs of ensuring compliance.

**7) If any of the above information is available on your website, please supply the links to the relevant pages.**

**<http://www.leicester.gov.uk/your-council-services/ep/planning/planningapplications/makeanapplication/adviceforapplicants/developercontributions/>**

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If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager**  
**Information and Support**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**  
e-mail: [info-requests@leicester.gov.uk](mailto:info-requests@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow SK9 5AF**  
**Telephone: 01625 545 700**  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.