

Mr M Armstrong

request-157052-c8f120ec@whatdotheyknow.com

Date: 17 April 2013
My Ref FOIreq 2439/SG/jo

Dear Mr Armstrong

FREEDOM OF INFORMATION ACT REQUEST

Further to our letter dated 11 April 2013, I am writing to confirm that the Council has now completed its search for the information which you requested on 11 April 2013 in respect of building regulation charges periods 2011/2012/2013 including:

1. Provide a list of all payments requested
2. List individually costs and dates for each customer.
3. Provide a break down of all outstanding costs for inspection fee's and the dates that the inspection costs were requested from the customers and the date payment was due.
4. State the law that requires inspection costs to be paid within a set time frame and confirm what the time frame is by law.
5. Are costs required by law to be paid upfront or can payment be made when completion of works and inspections have finished.
6. Lists all actions that have been carried out by the council on behalf of the building inspection team to enforce outstanding payments.
7. Confirm whether or not the building inspectors are independent of the council or directly employed by the council.

The Council responses to each of these requests is detailed below:

1. Provide a list of all payments requested
2. List individually costs and dates for each customer.
3. Provide a break down of all outstanding costs for inspection fee's and the dates that the inspection costs were requested from the customers and the date payment was due.

I regret that on this occasion I must refuse these requests under Section 12(1) of the Act as the cost of providing the information exceeds the appropriate limit.

To determine whether this request is also covered under Re-use of Public Sector Information Regulations 2005, I would be grateful if you would clarify what the intended use of this information would be, if it were provided.

If this is to provide a service which may use this information for commercial gain, it will be necessary for you to write to each relevant Department or author of the material concerned, giving full details of your proposed use of the material, including whether you intend to publish and sell the material as part of your product. You will be advised of any charge due to be paid in these circumstances and the terms of a specific licence for re-use for commercial purposes will be agreed. Please note that any fees already paid (if any) under the Freedom of Information legislation in respect of the information will be deducted from the charge for its re-use.

The Freedom of Information request is therefore also refused under Paragraph 43(2) "Commercial interests":

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

4. State the law that requires inspection costs to be paid within a set time frame and confirm what the time frame is by law.

The plans charge is required by law to be paid at the time of deposit. The relevant legislation is:

- The Building Act 1984
- The Building Regulations 2010

5. Are costs required by law to be paid upfront or can payment be made when completion of works and inspections have finished.

There is no law that requires the inspection charge to be paid up front, however the Building (Local Authority Charges) Regulations 2010 require the Council to recover the cost of its service. As the majority of the Council involvement is at the early stages of a project, that is the most appropriate point to request the inspection charge. Customers are made aware through our literature, guidance notes and forms that the inspection charge will be invoiced on commencement of works.

6. Lists all actions that have been carried out by the council on behalf of the building inspection team to enforce outstanding payments.

I refer to my response in 1,2,3 above regards cost of compiling this information.

7. Confirm whether or not the building inspectors are independent of the council or directly employed by the council.

The building inspectors are directly employed by the Council.

If you have any queries about this letter please contact me. Please remember to quote the reference above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to Mr Paul Fisher, Head of Legal Services, Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ, explaining your reasons for complaining or requesting a review.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

A handwritten signature in black ink that reads "Steve Goulette". The signature is written in a cursive, slightly stylized font.

Steve Goulette

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