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Dear Stewart/Dave

Charges for archaeological advice and information

I have been asked by our committee to bring to your attention its growing concern about the charges for archaeological advice and information being imposed by some ALGAO members.

We appreciate that the Local Government Act 2003 gives local authorities the right to charge for discretionary services, including those in support of statutory services, such as archaeological advice. The act also makes it clear that such charges should be limited to cost recovery, and places a duty on local authorities to ensure that this income does not exceed the cost of service provision.

However, recent examples from Buckinghamshire, Devon, Norfolk, West Yorkshire and Worcester (and probably others of which we are not yet aware) show a significant escalation, not only in the level of charges, but also in their scope.

In addition to the established practice of charging for staff time to prepare and provide HER data, charges are now being proposed for pre-application advice and consultation, preparing briefs and specifications, attending mandatory site meetings and monitoring visits, assessing and approving WSIs and reports, and discharging planning conditions.

As well as potentially discouraging the early consultation and constructive engagement advocated by PPS5, our members are concerned that it is very unclear how such charges relate to planning fees. They also raise some complex legal and ethical questions, for example:

1. Whilst no one would dispute the need to recharge for staff time in responding to HER enquiries, some of your members impose a charge for a personal visit even where no officer time is required. Given that the HER is a publicly available record, compiled and maintained at public expense, what is the justification for such a charge?

2. In many cases our members are charged for accessing data they have themselves deposited in the HER. This raises complex issues of data ownership and copyright, such as - does such charging comply with the original licensing agreements signed by the depositors? Should users be charged for carrying out work that will ultimately enhance the record?

3 Many HERs charge for access to data that is freely available elsewhere (eg through ADS, the Heritage Gateway, contractors websites, etc) and yet consultants and contractors are still required to consult it. Is it legitimate to require this and to impose a charge where an HER search does not add significantly to information freely available elsewhere?

4. Most HERs charge only for commercial enquiries. However the term 'commercial' is rarely defined and can, for example, apply to an enquiry by a commercial consultant on behalf of a non-commercial client, such a charity or other not-for-profit organisation. Would these be regarded as commercial enquiries?

5. The cost of staff recharges and licence fees are rarely explained, and often appear arbitrary. Can they be made more transparent? Do they contribute towards the non-commercial as well as the commercial costs of providing the service?

6. Charging for pre-application advice and consultation raises the question, what differentiates this from commercial consultancy? If there is no difference, does this represent fair and legitimate competition, given ALGAO members unique position as advisors to the local planning authority?

7. Charging for preparing briefs and specifications might be wholly legitimate, but what is the justification for imposing a comparable charge for agreeing a specification prepared by a third party? Or to assess and approve a WSI or report prepared by a third party? What reassurances can be given that such intervention will not become simply a means of raising additional revenue?

8. Similarly, in charging for mandatory site meetings and monitoring visits (mainly at ALGAO members' request), what reassurances can be given that such visits will not again become a means of raising additional revenue?

9. Is it legitimate to impose a charge for issuing a discharge of conditions letter when this forms an integral part of a planning process for which the applicant has already paid a fee?

10. The quality of service across the country is highly variable. How do these charges relate to the quality of the service provided, and what service standards can its users expect for these increased charges?

11. The best local authority services are responsive, accountable and customer-centred, and the 2003 Act advises local authorities to consider the likely impact of charging on local businesses and to consult with them and other interested parties. However,

we are not aware of any consultation, and the impression given (rightly or wrongly) is that many services are provider-centred and indifferent to the views of its users.

12. There is little explanation of how the charges have been calculated. Are they corporately determined? How do they relate to the planning fees already paid by applicants? Or to the charges for enquiries made, for example, under the Freedom of Information Act?

We do appreciate that these are challenging times for colleagues in local government, and understand that revenue must be maximised to ensure such services are maintained. Indeed, FAME remains fully committed to supporting the maintenance of local government historic environment services.

However, I am sure you will agree that, whilst budgetary pressures may well be the impetus for increased charges, they are not in themselves sufficient *justification* for it.

Of course it could be legitimately argued that these charges will simply be passed on to the client. However this rather misses an important point of principle - that such charges should be fair, consistent, reasonable, transparent, proportionate and capable of withstanding legal challenge.

In practical terms it is difficult for our members accurately to cost work when local authority charges are so unpredictable, especially when working across local authority boundaries. It is also falls to them to justify and explain these costs to their clients, where the local planning authority has failed to forewarn potential applicants of the likely scale and scope of such fees.

It is also of course a concern to our members, at a time when more and more local government advisory services are being considered for outsourcing, that the distinction between curator and consultant is becoming increasingly blurred.

We feel that the publication of PPS5 offers the opportunity - and budgetary cuts the imperative - for a more strategic approach by local government to development-led archaeology. We are therefore concerned that some ALGAO members appear to regard increased charging as the means of perpetuating the old practices and processes developed under PPG16. It might be argued that the latter are more appropriate to a district than a strategic authority in any case, and have only become a strategic role by default or as a result of service level agreements.

We fully understand that you may not be in a position to answer many of the questions we have raised, but we wished to bring them to your attention in a spirit of constructive debate.

It would be helpful for our members to know whether you collate or monitor the charging regimes of your members, have a policy on charging, or issue guidance on appropriate areas or levels of charging. We also hope that charging policies and principles will be included within the proposed standard and guidance on stewardship of the historic environment.

We would of course be pleased to meet you and ALGAO colleagues to discuss these issues more fully.

Yours sincerely

Adrian Tindall MA FSA MI*f*A, Chief Executive