

LOCAL LAND CHARGES - UPDATE

LEGAL & DEMOCRATIC SERVICES ADVISORY COMMITTEE- 4 OCTOBER 2018

Report of Chief Officer Corporate Services

Status: For information

Key Decision: No

Executive Summary: This report provides an overview of the Local Land Charges Service, background, performance and future considerations.

This report supports the Key Aim of Effective management of resources

Portfolio Holder Cllr. Firth

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Recommendation to Legal & Democratic Services Advisory Committee:

That the contents of the report be noted.

Introduction and Background

- 1 When a property or parcel of land is bought, leased, mortgaged or a valuation carried out, a request for a search is sent to the Local Land Charges (LLC) team, the search is usually submitted by a solicitor or licensed conveyancer, either electronically or by a paper application form.
- 2 Local Land Charges inform potential buyers of property or land whether they will inherit any obligations or restrictions such as a tree preservation order or enforcement notice.
- 3 A search consists of three parts:

Part one - LLC1 - the Official Certificate of Search Form, which covers obligations and restrictions on the property imposed by the Local Authority which will be inherited by any subsequent owner - for example financial charges (registered against the property by the local authority), improvement grants, tree preservation orders or listed building status.

Part two - CON29R - the Enquiries of Local Authorities Form covers things like planning history of the property, whether the road is publicly or

privately maintained and whether there are any major road or rail proposals in the vicinity

Part three - CON290 - includes further (optional) enquiries which covers information about public paths or byways, houses in multiple occupation, hazardous substance consents and common land.

- 4 For the above searches, Sevenoaks District Council charges a fee as set out in Appendix A. The fee charges should be set to fully recover the costs of the service provided but no more. The service must run on a cost neutral basis and all local authorities have to operate under this model.

Personal Searches

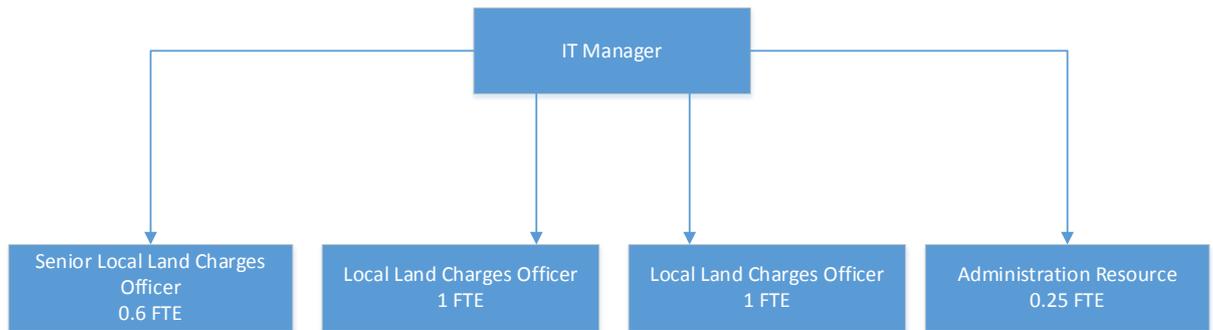
- 5 A personal search is legally defined as a search of the Local Land Charges Register (LLCR) carried out by a member of the public. CON29 Information is not included or provided by Local Land Charge Departments as part of a personal search.
- 6 Over recent years and as a result of the legal settlement reached between the LGA and APPS (Amalgamated Personal Property Searches) local authorities are mandated to provide personal search information without charge.

CON29 and Public Rights of Way (PROW) Searches

- 7 Historically, some Kent County Council staff were based at the Council offices which allowed the Land Charges department to submit and access data that the County held relating to CON29 and PROW searches. This area became a cause for concern with the relocation of KCC staff and an increasing difficulty in gaining access to accurate and up-to-date data. So as not to adversely impact the service to the customer and to minimise liability for potentially incorrect data, a formal arrangement was put in place whereby the County would provide their part of the search information at a set price for each search. This arrangement, subject to a Service Level Agreement, has meant the responsibility and therefore liability for this element of data has passed to KCC.
- 8 In budgetary terms, this has resulted in approximately £40,000 of income no longer being held by the District Council but passed to KCC. This has created an imbalance in the Land Charges budget which is proposed to be addressed by means of a Service Change Impact Assessment (SCIA) in the 2018/19 budget process.

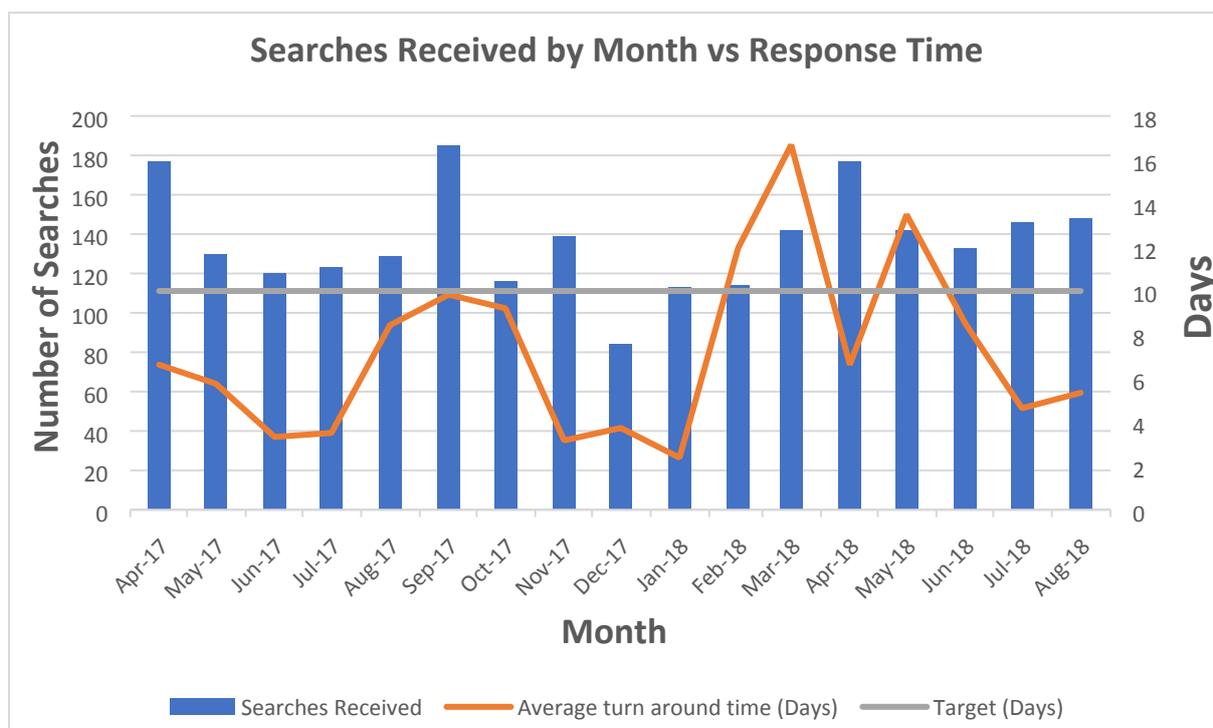
Team Structure

- 9 The team currently consists of 2.85 FTE, a Senior Local Land Charges Officer (0.6 FTE), two Local Land Charges Officers (2.0 FTE), one of which is currently a vacant post and a shared administration resource (0.25FTE).



Performance & Budget

- 10 The annual income budget for 2018/19 for the service is £205,000. Expenditure is mainly salaries, and support service costs in terms of IT provision to support databases, plus the addition costs incurred mentioned in paragraph 7.
- 11 During 2017/18, the team received 1572 Searches and 1296 Personal Searches. The average time to process Searches in this period was 7.05 days.
- 12 This compares with year to date figures for 2018/19 of 746 Searches and 585 Personal Searches and an average response time of 7.73 days. Whilst this is currently below the year end figure for 2017/18 due to resources required to support elections and other staff absence, it is currently better than target and expected to reduce further by year end.



13 In April 2018, the then Housing Secretary announced proposals to set a 10 day turn around time for all local authorities.

Charges

14 As previously mentioned, a current scheme of charges for the service are set out in Appendix A and are set to recover the costs of providing the service but not to create a surplus,

Land Registry Proposals

15 In 2010, HM Land Registry (HMLR) proposed that a single, standardised point of contact should be created for the provision of LLC information citing “*an issue with the lack of standardisation with the current provision system of LLC and CON29 searches*”.

16 Since that time, legislation has been passed which will enable HMLR to assume responsibility and payment for the provision of LLC data from all Local Authorities including Sevenoaks District Council. SDC will be required to provide this data at no cost.

17 In 2010 the migration was expected to be phased through to 2015, the latest understanding is that migration will be phased through 2017-2022. To date only two local authorities have moved to this model, Warwick District Council and Liverpool City Council.

18 When the service is migrated to HMLR, Sevenoaks District Council will be required to provide data, by a means not yet known but presumably electronically, on a daily basis to HMLR. From this date, SDC will no longer be able to charge a fee for information provided.

- 19 SDC have engaged with the HMLR and are actively working on how data is stored, the digitising of data and how this could most efficiently be achieved and discussions are ongoing.

Key Implications

Financial

The annual income budget for 2018/19 for the service is £205,000. If HMLR proposals come into force, in the relevant future years a significant proportion of this income will no longer be generated. Once clearer information is forthcoming it is proposed that the provision of the service will be further reviewed.

Legal Implications and Risk Assessment Statement.

Local Land Charges is a statutory service.

Equality Assessment

There are no equalities impacts arising from this report.

Appendices

Appendix A - Local Land Charges Fees

Background Papers:

None

Jim Carrington-West
Chief Officer Corporate Services