



## Policy and Resources Committee - 13 September 2010

### Local Land Charges Fees : Proposed Changes to Charging Regime

---

#### Summary

This report seeks Members' agreement to a change in the current charging regime for the supply of Land Charges search data. This is due to the abolition of the personal search fee of £22 because the data revealed in a personal search has been deemed to be free to inspect under the Environmental Information Regulations 2004. Delegated authority is also sought to amend the fees for the Con29 search should the regulations change.

#### Attachment(s)

Appendix A - Existing Charges

Appendix B - Proposed Charges

---

#### 1.0 Background

- 1.1 A previous report to the Policy and Resources Committee on 12 October 2009 (minute 177 refers) gave an update on performance of the Council's Land Charges service against income targets following the adoption of a cost recovery approach of fee setting involving the purchase of "bundled packages" of questions under four categories. At this meeting it was also agreed that a further report be provided to members when more information was available regarding issues of access to land searches data under the Environmental Information Regulations 2004, and the continued ability to charge for such access. Because of this the council did not set new fees for land charge searches this year.
- 1.2 On 27 July 2010 officers received notification from Department for Environment, Food and Rural Affairs (Defra) that the personal search fee of £22 would be revoked with effect from 17 August 2010. The Council also received strong advice that councils should stop charging with immediate effect, so from 2 August 2010, we have not been charging for inspection of the local land charges register.

#### 2.0 Current situation

- 2.1 In view of the need to make changes immediately, an interim way of working has been introduced. Previously we provided a copy of the relevant entries within the land charges register as part of the personal search service i.e included in the personal search fee. A photocopying fee of £1.60 (inc VAT) has now been put in place and is payable if the searcher wants a copy of the land charges register as opposed to making their own notes. If the searcher does not wish to attend the offices to view the land charges register, then they are advised to submit an LLC1 search request for which a fee remains payable.
- 2.2 Since the suspension of the Home Information Packs on 21 May 2010, the service has seen a dramatic reduction in the number of personal search requests and bundled package requests. However since that date we have seen an increase in the number of requests for LLC1/Con29 (local authority searches) from solicitors which is expected to balance out in overall income terms.
- 2.3 In order to set a new fee for LLC1 and non-inspection personal searches, consideration has been given to the efficiency of our current working practices and to how we might encourage

businesses to use the service. The fee (£6) has been set to cover salary cost for the time taken (see Appendix B).

### **3.0 Financial Implications**

3.1 Due to the changes officers are of the view that the loss of income from personal searches during this financial year could be anything up to £20,000. This is in the context of an anticipated budgeted income for the section of £110,000. In the current economic climate it is difficult to anticipate how many search requests we will receive this financial year and which type of search request they will be. As a result income will be monitored closely for the remainder of the year so any anticipated shortfall can be highlighted quickly.

### **4.0 Access to land charges register**

4.1 The majority of the land charges register is computerised and kept on the Total Land Charges/UNiform computer system. However this system is designed for staff rather than public access. For the foreseeable future in order to allow personal searchers access to view the register this will require a member of staff to sit with them to manage control of the computer to prevent viewing of other information that may be subject to data protection regulations. This has staffing implications which are being managed via an appointment system. In addition where the records are fully computerised and the searcher is only searching on part of the site we would only provide the personal searchers with the raw data and leave it up to them to decide which data relates to the search area.

4.2 In order to reduce the time spent by staff it is intended that as much information as possible is now put onto the web site so that searchers can be provided unsupervised or remote access. A project team is being formed for this purpose, utilising staff from the current Planning Admin and Land Charges Team.

4.3 The manual land charges register records are card based. Each time a search is carried out, the land charges register, if not already computerised is transferred from the cards to the database.

### **5.0 Access to Con29 data**

5.1 Local authorities have not yet been advised that the Con29 data is also to be treated as free to inspect under the Environmental Regulations although this remains a possibility within the foreseeable future. In the circumstances there would then be a need to amend the Con29 fee on the basis of salary cost recovery until such time as the Con29 data can also be provided free on the council's website.

5.2 This data is kept in a variety of formats – computer, paper files, and supplemented by officers' knowledge. Some of this data is available on public registers eg planning register (Public Access – although this does not cover all planning applications). Officers in building control, environmental health and planning at the present time provide the answers to the Con29 search questions.

5.3 Each time a search is carried out, where the planning application history is not computerised then this data is transferred to the database.

5.4 Staff within the team are currently carrying out a time recording exercise in readiness for any changes, so the fee can be set at cost recovery level which is likely to be a requirement of the regulations.

5.5 Con29 data will also form part of the information to be put onto the website.

### **6.0 The Way Forward**

6.1 It is proposed that when the council is requested to carry out the work for a personal search where the searcher does not wish to visit the offices, a fee is introduced; this will be based on

salary cost recovery of £6 per property address. Furthermore that this fee be reviewed in six months time. Once a significant proportion of the land charges register has been put on the web, then where we receive requests to carry out the work on behalf of the searcher, we would need to base the fee on full cost recovery (i.e. including all overheads, including premises costs). A further report will be presented at this time

6.2 Additionally, where requests are made for LLC1/Con29 searches to be provided, it is proposed that the Council continues to provide a fully integrated search service on the basis of the current charging regime.

## 6.0 Recommendation

It is recommended that

(1) With immediate effect (from 14 September 2010) the fees be charged on the basis as set out in Appendix B.

(2) Delegated authority be granted to the Executive Director and the Chairman of the Policy and Resources Committee to further amend the charging regime as set out in Appendix B should further changes to the Land Charges regime be issued which provide for additional free access to register data

<b>Implications:</b>	
<b>Corporate Outcomes or Other Policy/Priority/Strategy</b>	
Good Quality of Life	<input type="checkbox"/> Good Reputation <input checked="" type="checkbox"/>
Good Value for Money	<input checked="" type="checkbox"/> High Quality Service Delivery <input checked="" type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/> Strong Community Leadership <input type="checkbox"/>
Effective Management	<input checked="" type="checkbox"/> Knowledge of our Customers and Communities <input checked="" type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours	<input type="checkbox"/>
<b>Other:</b>	
Decision(s) would be outside the budget or policy framework and require full Council approval <input type="checkbox"/>	
<b>Financial</b>	There are no financial implications at this stage <input type="checkbox"/>
	There will be financial implications – see paragraph <input checked="" type="checkbox"/>
	There is provision within existing budget <input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date <input checked="" type="checkbox"/>
	Decisions may have potential for income generation <input checked="" type="checkbox"/>
<b>Risk Management</b>	An assessment has been carried out and there are no material risks <input type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference – 246 inherent risk score - residual risk score - <input checked="" type="checkbox"/>
<b>Staff</b>	There are no additional staffing implications <input type="checkbox"/>
	Additional staff will be required – see paragraph <input checked="" type="checkbox"/>
<b>Equalities and Human Rights</b>	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications <input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph <input type="checkbox"/>
<b>Legal</b>	Power: Local Land Charges Act 1975, Local Land charges Rules 1977, Local Authority (Charges for Land Searches) Regulations 1994, Constitutional Reform Act 2005, Housing Bill 2003 (Housing Act 2004), Local Government Act 2003, Re-Use of Public Sector Information Regulations 2005, Environmental Information Regulations 2004, Home Information Pack (No 3) Regulations 2008, The Local Authorities (England) (Charges for Property Searches) Regulations 2008, The Home Information Pack (Suspension) Order 2010
	Other considerations: .
<b>Background Papers:</b> Previous Report to Policy and Resources Committee - 12 October 2009 - Land	

Charges Fees					
<b>Person Originating Report:</b>		Beverley Woolston, Land Charge and Admin Manager (bwoolston@east-northamptonshire.gov.uk), 01832 742140			
<b>Date: 23 August 2010</b>					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 21)



Cedar Drive Thrapston Northamptonshire NN14 4LZ  
 Telephone 01832 742000  
 Email lcharges@east-northamptonshire.gov.uk  
 www.east-northamptonshire.gov.uk

## CURRENT FEES

Please note that as from the 2 August 2010 the following scales of fees will be applicable.

It is also possible to purchase individual “bundles” of CON29 data – details on the other side.

	where received by non-electronic means	where received via NLIS**
<b>OFFICIAL SEARCH</b>		
in any one part of the register	£2.00	£2.00
in the whole of the register	£6.00	£4.00
In addition for each parcel of land above one	£1.00	£1.00
<b>SUPPLEMENTARY ENQUIRIES</b>		
<b>Part 1 Enquiries</b>		
one parcel of land	£126.00	£100.00
several parcels of land		
<ul style="list-style-type: none"> <li>• first parcel of land</li> <li>• each additional parcel</li> </ul>	£126.00 £18.50	£100.00 £15.00
<b>Part II Enquiries</b>		
each printed enquiry	£14.00	£12.00
each additional enquiry	£24.00	£20.00
<b>STANDARD SEARCH FEE</b>		<b>£104.00</b>
<b>£132.00</b>		

\*\* National Land Information Service (NLIS) may also add an administrative fee for use of their service



East Northamptonshire Council's preferred method of receiving LLC1 and CON29 search requests is through NLIS (National Land Information Service).



Please note that the bundles cannot be broken down into individual questions.

#### Building Control Bundle

Questions	Charge
1.1(f)	Postal fee - £9.00 NLIS fee - £7.00
1.1(g)	
1.1(h)	
3.7	
3.8	

#### Environmental Health Bundle

Questions	Charge
3.7	Postal fee - £9.00 NLIS fee - £7.00
3.12	

#### Highways Bundle

Questions	Charge
2	Postal fee - £17.00 NLIS fee - £17.00
3.1	
3.2	
3.4	
3.6	
3.7	
3.11	

#### Planning Bundle

Questions	Charge
1.1(a)	Postal fee - £110.00 NLIS fee - £87.00
1.1(b)	
1.1(c)	
1.1(d)	
1.1(e)	
1.2	
3.5	
3.7	
3.9	
3.10	
3.11	
3.13	





Cedar Drive Thrapston Northamptonshire NN14 4LZ  
 Telephone 01832 742000  
 Email lcharges@east-northamptonshire.gov.uk  
 www.east-northamptonshire.gov.uk

## PROPOSED FEES

Please note that as from the **14 September 2010** the following scales of fees will be applicable.

It is also possible to purchase individual “bundles” of CON29 data – details on the other side.

	where received by non-electronic means	where received via NLIS**
<b>OFFICIAL SEARCH</b>		
in any one part of the register	£2.00	£2.00
in the whole of the register	£6.00	£4.00
In addition for each parcel of land above one	£6.00	£4.00
<b>SUPPLEMENTARY ENQUIRIES</b>		
<i>Part 1 Enquiries</i>		
one parcel of land	£126.00	£100.00
several parcels of land		
<ul style="list-style-type: none"> <li>• first parcel of land</li> <li>• each additional parcel</li> </ul>	£126.00 £18.50	£100.00 £15.00
<i>Part II Enquiries</i>		
each printed enquiry	£14.00	£12.00
each additional enquiry	£24.00	£20.00
<b>PERSONAL SEARCH (non-inspection)</b>		
in the whole of the register	£6.00	N/A
in addition for each parcel of land above one	£6.00	N/A
<b>STANDARD SEARCH FEE</b>		<b>£104.00</b>
<b>£132.00</b>		

\*\* National Land Information Service (NLIS) may also add an administrative fee for use of their service



East Northamptonshire Council's preferred method of receiving LLC1 and CON29 search requests is through NLIS (National Land Information Service).



Please note that the bundles cannot be broken down into individual questions.

#### Building Control Bundle

Questions	Charge
1.1(f)	Postal fee - £9.00 NLIS fee - £7.00
1.1(g)	
1.1(h)	
3.7	
3.8	

#### Environmental Health Bundle

Questions	Charge
3.7	Postal fee - £9.00 NLIS fee - £7.00
3.12	

#### Highways Bundle

Questions	Charge
2	Postal fee - £17.00 NLIS fee - £17.00
3.1	
3.2	
3.4	
3.6	
3.7	
3.11	

#### Planning Bundle

Questions	Charge
1.1(a)	Postal fee - £110.00 NLIS fee - £87.00
1.1(b)	
1.1(c)	
1.1(d)	
1.1(e)	
1.2	
3.5	
3.7	
3.9	
3.10	
3.11	
3.13	

