

REPORT TO: Executive Board Sub-Committee
DATE: 10th February 2011
REPORTING OFFICER: Strategic Director Resources
SUBJECT: Local Land Charges – Fees from 2011
WARDS: All

1.0 PURPOSE OF THE REPORT

1.1 To seek approval of a new scale of charges for local land searches – both LLC1 and CON29 forms - effective from 1 April 2011.

2.0 RECOMMENDATION: That effective from 1 April 2011 the fees for local land searches be set as follows: LLC1: £30.00 (currently £26.00); CON29: £80.00 (currently £118.00); Part II Optional enquiries: £12.00 (no change); Additional Enquiries £26.00 (no change) and equivalent increases. New maximum charge of £3000 (£2500 since 2007) and that the Operational Director (Legal and Democratic Services) is authorised to review and amend these charges from time to time.

3.0 SUPPORTING INFORMATION

3.1 The Council has statutory responsibility for providing the local land charges search system. Typically a search is made by Solicitors acting for the intending purchaser of land in the Borough. The full search is in two parts: The LLC1 form and the CON29 form. The fee for the CON29 has always been set by the Council. The power to set the LLC1 fee has been devolved to Councils in recent years. We know from the legislation that the charges for the LLC1 have to be set so as to cover costs rather than to generate income. This is as reflected in the attached Appendix 1.

3.2 The CON29 asks numerous questions covering a wide range from planning history to Tree Preservation Orders from Smoke Control to Contaminated Land and Highways improvement. Each year the Council receives some 1400 searches – a dramatic reduction assumed to be in light of the general economic situation. Response times are measured and are included amongst the Divisional Plan Performance Indicators. Some 65% of searches are replied to within five working days.

3.3 The Government's indicator 'target' was at one time ten working days and we have consistently achieved 100% compliance with that target. The increase proposed brings the total fee for a full search to £110.00 where it is currently £144.00. The last change was made with effect from 1 April 2007 although no increases had been made before that date for some years. Fees had been held steady since 2000/2001. Opportunity is

also taken to seek approval for a new maximum charge. This arises in cases where a single search covers multiple plots and provides a cap on the total charge to be levied. These are comparatively rare but arise perhaps 2 or 3 times each year.

- 3.4 The service is administered in the Legal Services Division through two 50% job-share employees assisted by a full-time employee in the Practice Management section. Critically the service depends also on the Environment Directorate (Highways, Planning, Grants) from which Legal receives strong support. It should be borne in mind that not all searches are full searches.

4.0 POLICY IMPLICATIONS

- 4.1 The decrease in charges is recommended in relation to this key public-facing service which plays a crucial role in Halton's social and economic life. Quality and speed of response contribute to confidence in the area for inward investment.

5.0 OTHER IMPLICATIONS

- 5.1 There are no other implications

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None

6.2 Employment, Learning and Skills in Halton

The service plays a key role in inward investment decisions.

6.3 A Healthy Halton

None

6.4 A Safer Halton

None

6.5 Halton's Urban Renewal

As for 6.2

7.0 RISK ANALYSIS

- 7.1 The key risks/opportunities are associated with the impact of reducing charges. The Council needs to move to a situation where its charges are in keeping with its outlay in providing the service. The proposals - which

are a reflection of the legal framework within which the Council provides this service – do not require a full risk assessment.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The charges are levied regardless of protected characteristics.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None for the purposes of the Act

Appendix 1

LLC Charging and Costs

Statement - Costs and Income - Working Calculations

Costs of LLC service	£
Annual charges from Headway – Software Licence and Maintenance	£9000
Staffing – Legal Services	£27,106
Staffing – Environment	£12,138
TOTAL without overheads	£48,244
Add overheads at 36%	£17,367
TOTAL with overheads	£65,611

Income of Local Search service (at current rates)	
1598 Personal Searches	£35,156
551 CON29+LLC1	£65,018
54 LLC1	£1404
Total	£101,578