



<b>Council</b>	<b>Tuesday, 06 December 2016</b>	<b>Matter for Decision</b>
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**Title:** **Land Charges Shared Services**

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## **1. Introduction**

This report seeks approval for the Council to enter into a Service Level Agreement and Delegation Agreement with Blaby District Council for the provision of Land Charges services on behalf of Oadby and Wigston Borough Council. This is to formalise the existing arrangement which has been in operation over the past year which has provided much needed resilience and will see the service through to the proposed migration of the Land Charges services to the Land Registry in the next five years.

## **2. Recommendations**

That Members agree to delegate the Land Charges Service to Blaby District Council under S101 of the Local Government Act 1972.

## **3. Information**

### **3.1. Land Charges provide information required during the conveyance of property and land.**

The Local Land Charges statutory function is made of up:

- Maintaining the local land charges register;
- Providing Official Searches of the register for a fee; and
- Providing a personal search service for free (under the Environmental Information Regulations 2004 (EIR)).

The customer can choose either a full "Official" search directly from a local authority for which a charge is set or a personal search via a personal search company. Personal searches are now covered by the Environmental Information Regulations 2004 which have to be provided free of charge. The local authority just provides the raw data of simply a copy of all the registrations that are held on the local land charges register, it is for the customer to decide what information provided is relevant to that property or not.

Charging for provision of land charges is limited to a cost recovery basis, therefore the land charges service should not make a surplus at the end of the financial year. If a surplus is created it has to be ring-fenced to the service and fees adjusted to rectify the issue.

### **3.2. In terms of resilience, this Council has over the years experienced difficulty with limited resources to cover for annual leave/sickness of the Land Charges Officer as the service itself could not justify more than one full time post. More recently in 2015, with the Officer in post, leaving with a short notice period this resulted in a backlog of weeks in the turnaround of searches. This had a major impact for the customer in the buying /selling of property and generated a number of complaints (the usual position is**

that searches will be provided within 15 working days at the latest.). It highlighted how important it is to have resilience in place. It proved difficult to find an experienced resource to run the service initially until discussions took place with Blaby District Council (BDC) who since 2011 have been operating a shared service on behalf of Hinckley & Bosworth Borough Council to provide resilience. BDC provided immediate assistance and in a short space of time, with the pool of resources they have, recovered the situation for this Council to a position where searches were being turning around in a matter of days. The arrangement with BDC has been working well for the past year, their experienced team of 4.8 FTEs provides adequate resilience for the service in times of annual leave and sickness, ensuring the service can continue to be provided and turnaround performance is consistently maintained within set delivery targets. The service includes not only providing the searches but also the statutory responsible of maintaining the local land charges register and administrative support for the software system, ensuring that essential upgrades and maintenance are undertaken as provided.

3.3. With the arrangement working well, it is proposed the arrangement is formally delegated to Blaby District Council. The agreement will provide that the above services will continue to be provided by BDC on behalf of the Council. The financial arrangements are that BDC will:-

- Set the fees for the service in consultation with the Council;
- Retain all income derived from the service from which the reasonable costs of obtaining data from Leicestershire County Council to respond to searches will be met;
- Cover the reasonable costs of the Council for the licensing of the software system; and
- Cover the reasonable costs of the Council associated with maintenance and improvement of the Leicestershire Land Charges Portal.

The Council will:-

- Cover the reasonable costs of BDC in providing EIR search results/legal documents which at the present time are not recoverable from the customer (BDC will continue to evaluate whether charges can be levied for access to information under the Environmental Information Regulations 2004 and if so, any income derived will reduce the costs payable to BDC for this element of the service);
- Ensure the Council's membership of the Local Land Charges Institute is maintained; and
- Cover the costs of upgrades and maintenance as and when necessary associated with the software system

3.4. With the historical resilience issues resolved and work already underway for the proposed migration of the land charges services from local authorities to HM Land Registry in the next five years, the formal delegation of the service to BDC at this time is a practical way forward.

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Implications	
<b>Financial (CR)</b>	There will be some residual costs relating to Council overheads which will need to be funded from General Fund Reserves, some of these however may be mitigated through efficiencies found during the 2017/18 budget setting process.

<b>Legal (AC)</b>	S101 of the Local Government Act 1972 allows for the delegation of functions from one Authority to another. The Council has a statutory duty to provide a Land Charges Service either internally or through delegation arrangements.
<b>Risk (AC)</b>	CR1 – Decreasing Financial Resources CR4 – Reputation Damage (if there is insufficient resilience) CR2 – Partnership Failure – the agreement will be kept under regular review.
<b>Equalities (AC)</b>	Initial Screening attached at Appendix A.
	Equality Assessment:-
	<input checked="" type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input type="checkbox"/> Not Applicable