

6. The Role of the Local Land Charges Team at Mid Sussex District Council

REPORT OF: Tom Clark
Contact Officer: Jacqui Steele Local Land Charges Business Unit Leader
Email: jacqui.steele@midsussex.gov.uk Tel: 01444 477235
Wards Affected: All
Key Decision No

Purpose of Report

1. The report is to inform Members of the work carried out by the Local Land Charges Business Unit. The report specifically focuses on the Local Land Charges function, the registration of Local Land Charges (LLC) and the time it takes to complete and return Local Authority Official Searches is an important element of achieving fast and efficient property transactions.

Summary

2. The report focuses on providing Members with a better understanding of the Local Land Charges Service in delivering a fast accurate and value for money service to solicitors and conveyancers' that is self-financing. The service works within a competitive market with Personal Search Companies delivering an alternative search product to solicitors. The report sets out the methods and processes involved in providing the information required in a Local Authority Official Search, and the time taken to return completed Official Searches.

Recommendations

3. **To be noted.**
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Background

The Role of the Local Land Charges Team

4. The Local Land Charges Team sits within the Local Land Charges Business Unit which also includes the Planning and Building Control Service Support Team. Jacqui Steele leads the Business Unit, and Dan James is the Local Land Charges Team Leader. Tom Gardner is the Planning and Building Control Service Support Team Leader and Thomas Seccombe is Assistant Team Leader.
5. The Service Support Team receive, validate and process all incoming Planning and Building Control applications, ensuring all the required information is present and correct. Once the Application Officers have completed this process, applications go to the Planning and Building Control Officers to progress them further. The Service Support Team make a vital contribution to the overall efficient processing of Planning and Building Control applications, helping both teams to meet their Performance Indicators and sending information to consultees and near neighbours.

6. Whilst the Local Land Charges Team delivers an excellent Official Search service at Mid Sussex, it is unfortunate that recent newspaper articles have highlighted long delays being experienced in some Local Authorities. Where these problems exist it has resulted in slow problematic property sales that have proved to be frustrating for the public and solicitors.
7. Such reports give the impression that all Local Authorities provide a similar level of service. As this report shows this is not the case at Mid Sussex District Council. Over the last 5 years' the service has met the monthly/quarterly/annual Performance Indicator of processing 96% of Official Searches within 3-5 working days and indeed consistently exceeds this target processing 100% of searches within 5 working days. (Appendix A shows the percentage of Official Searches returned within five working days between August 2015 and August 2018. Appendix B shows the Official Searches received per month compared with Personal Searches carried out over the same period.)

The Local Land Charges Team has two major functions.

8. **To meet the statutory obligation of maintaining an up to date LLC Register for all properties and land in the Mid Sussex District.**
9. The Local Land Charges Register is divided into 12 parts; each part is dedicated to specific types of legal orders. The Register contains a range of restrictions, prohibitions and financial charges, for example conditions imposed by Planning Permissions, Tree Preservation Orders (TPOs), Enforcement Notices, Conservation Areas, Legal and Highways Agreements, Listed Buildings and more. It is therefore important for Local Land Charge Officers to be able to identify and interpret legislation contained in documentation received from both internal and external sources so that they are entered in the correct part of the Local Land Charges Register.
10. The current Local Land Charges target is to register 85% of new registrations within 3 working days from the date received. The target is monitored monthly as part of the service Performance Indicators and has been achieved since April 2013, with an average of 100% registered within three days over the last four years.
11. **To process and return Official Full Local Authority Searches and Con29 Partial Searches.**
12. An Official Search consists of two distinct parts. The LLC1 is a record of what is contained in the Local Land Charges Register relating to land or property. These are restrictive or prohibitive either in monetary or in the use of the land/property. Importantly, they are binding on successive owners or occupiers. The second part of the search is known as the Con29 and is made up of over 60 questions that cover Planning, Building Control, Environmental Health and Highways information, all of which may impact on the buyer's use and enjoyment of the intended land/property purchase.
13. The Local Land Charges Team completes the LLC1 by inspecting the Local Land Charges Register and cross referencing if required with the original documents and Orders. The team also completes most of the Con29 questions by the interrogation of other services' software modules with the

exception of Highways information, which is forwarded to West Sussex County Council to respond to the Highways specific questions.

14. The Official Search format was created by the Law Society in consultation with the Local Government Association and the forms are used nationally by solicitors and conveyancers.
15. Further information can be asked alongside a Full Search, for example if adjacent properties or land have pending or recently permitted Planning Permissions that may impact the property being purchased, such as a large extension or new housing.
16. The section also provides a selective service to Personal Search Companies as required under the Environmental Information Regulations 2004 for Con29 Partial Searches. These searches consist of selected questions from the Con29, rather than the entire set of questions as provided with a Full Search. These are typically requested by companies who require a LLC1 only, or visit the LLC office to inspect the LLC Registers. This is known as a Personal Search. These companies gather any further information for the Con29 they require from public registers held at Mid Sussex, either on campus or via our website. Information that cannot be inspected by third parties can be requested through the Freedom of Information Act as Con29 information is covered by the Environmental Information Regulations.
17. For both Full and Con29 Partial Searches, the service Performance Indicator is 96% turnaround time in 3-5 working days. In the period Aug 2017 – August 2018 we have returned 95% within four working days and 100% within five days.
18. The team consists of fully trained, local Officers, with extensive knowledge of Mid Sussex. Information is cross referenced with the original source documents, held within the council, ensuring a high level of accuracy with all information provided.
19. Search fees are calculated on a 'Cost Recovery' basis as laid down in Government Guidance; this ensures income funds the provision of this service.
20. As a responsive service it is our aim to reply to follow up requests resulting from an Official Search within 24 hours, whether this is clarification of an entry revealed or a copy of a certain document. For follow up requests of Personal Searches of the LLC Register, the customer is referred back to the search company as we have no record of what they may or may not have revealed.
21. In recent years, since the Local Land Charges and Service Support Team have been under the same Business Unit a stronger working relationship has developed. There is now a sharing of resources where possible and increased understanding across both teams of how much the work undertaken by Planning, Building Control and Local Land Charges overlaps, thereby increasing support and resilience across the Business Unit. The ability to achieve this greater understanding ultimately supports the local community from the submission of planning applications to the start of building projects; and ultimately the purchase of new homes, premises or land.

Policy Context

22. The level of service delivery feeds into the Council's focus to deliver Effective & Responsive Services. The service aims to be self-financing. At the moment the service relies on hard copy records but by 2019 we will have completed a digitisation programme.

Other Options Considered

23. The Council is required to provide a Local Land Charges Service

Financial Implications

23. The provision of the service is cost neutral.

Risk Management Implications

24. Once the digitisation project is completed the consequences of the deterioration and loss of historic paper records will be eliminated and efficiency savings should be achieved to help with the increasing population in the District.

Equality and customer service implications

25. We seek to provide an efficient service for all our clients. Most applications are now received electronically but a postal/cheque service is still available.

Other Material Implications

26. Data will need to be passed to the Land Registry pursuant to legal requirements to provide them with LLC1 data. This will be possible to do digitally by the end of 2019

Background Papers

Not for publication by virtue of Paragraphs 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Appendix A shows the percentage of Official Searches returned within five working days between August 2015 and August 2018.

Appendix B shows the Official Searches received per month compared with Personal Searches carried out over the same period.