

**TO: THE MONITORING OFFICER, TOM CLARK, HEAD OF REGULATORY SERVICES COUNCIL (& MONITORING OFFICER)**

**RECORD OF ACTION TAKEN BY A CABINET MEMBER UNDER DELEGATED POWERS**

**Subject: To seek approval to adjust the Local Land Charges search fee to £111.00 (inc.VAT), in line with Cost Recovery Guidelines**

**Cabinet Member: Mandy Thomas-Atkin**

<b>Has the Cabinet Member received a report prior to taking the decision?</b>	<b>Yes</b>
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**In the case of a key decision and where the Cabinet Member has received a report**

This is not a key decision.

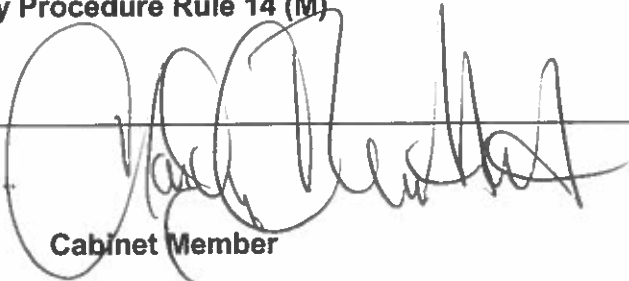
**Alternative options considered and rejected**  
None: fees adjusted in accordance with yearly cost recovery exercise.

**Record of decision taken**  
To increase the Official Search fee from £103.40 (incl. VAT) to £111.00 (incl. VAT).

**Statement of reasons for making the decision**  
The new revised search fee has been calculated by undertaking the yearly cost recovery exercise by the recording of time taken to answer each question and volumes received during previous year.

**Date of decision:-**

<b>Is the decision to be protected from call-in? (i.e.if any delay would seriously prejudice the Council's or the public's interest) - see Scrutiny Procedure Rule 14 (M)</b>	
N/A	

**Signed:**   
**Cabinet Member**

**This record must be forwarded immediately to the Monitoring Officer (TC) and copied to the relevant Cabinet Member.**

**For Monitoring Officer**

<b>Date of publication of Member Information Services</b>	
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<b>Date of decision can be implemented (on the Thursday after publication of the Member Information Service unless already protected from call-in)</b>	
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## **Adjustment of Local Land Charges Official Search Fee**

REPORT OF: Tom Clark Head of Regulatory Services (and Monitoring Officer)  
Contact Officer: Jacqui Steele Business Unit Leader Local Land Charges, Planning & Building Control Support Services  
Email: Jacqui.steele@midsussex.gov.uk Tel: 01444 477235  
Wards Affected: All  
Key Decision No

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### **Purpose of Report**

1. This report sets out the proposed maintenance of the existing search fee whilst taking into account slight adjustments to charges made for individual questions that make up the Local Land Charges Official Search fee for 2019/20, in line with the principles of cost recovery as outlined in Statutory Instrument 2008 No.3248, The Local Authorities (England) (Charges for Property Searches) Regulations 2008. The regulations allow Local Authorities to cover the cost of providing the Local Land Charges Service.

### **Summary**

2. The Local Land Charges Section undergoes a yearly cost recovery exercise that reflects the time taken to record, maintain, and answer Official Search enquiries. These elements together with the volume of Official Search enquires received in the previous year are used to determine charges for the forthcoming year. The most recent cost recovery exercise requires a number of changes in the costs associated with answering some individual Con 29 questions. The changes are outlined below:

The LLC1 shows a decrease in cost from £17.00 to £15.00. This is due to greater use of electronic records supporting the paper based Local Land Charges Register.

Planning enquiries show an increase from £37.20 to £43 excluding VAT. This is a result of increasing planning history year on year.

Building Control enquiries show an increase from £11.20 to £13.00, excluding VAT. The increase is due to the large volume of Competent Persons data now available and revealed as part of property history.

Environmental Health shows a small increase from £3.60 to £4.00, excluding VAT.

West Sussex County Council's Highways response remains unchanged at £20, excluding VAT. The fee for this element was increased in the last financial year.

All Con 29 fees are now subject to VAT which was introduced on 1<sup>st</sup> January 2017.

Taking all of the above into account it is recommended that from 1st April 2019, Mid Sussex Official Search fee is increased from £103.40 to £111.00 (including VAT).

### **Recommendations**

- 3.1 The overall search fee is increased from £103.40 to £111.00 (including VAT), to reflect the volume and variety of search enquiries, together with staffing levels required to provide a responsive service in order to meet the needs of the property market.

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### **Background**

4. Under Statutory Instrument 2008 No.3248, the Local Authorities (England) (Charges for Property Searches) Regulations 2008, Registering Authorities are bound to set charges for property search information in line with the Governments Cost Recovery Guidance

### **Legal Issues**

5. There are no legal issues identified and the Council will be acting in line with the Governments Cost Recovery principles in the Local Authorities (England) (Charges for Property Searches) Regulations 2008

### **Policy Context**

6. Good customer service and value for money.

### **Other Options Considered**

7. Not applicable: fees can only be set following the Government's 'Cost Recovery' principals.

### **Financial Implications**

8. Possible impact on income received from Personal Search Companies: see Risk Assessment below.

### **Risk Management Implications**

9. It is considered that the overall increase is reasonable and continues to reflect good value, as can be verified by the Cost Recovery exercise

undertaken by staff in the service. No risk is therefore envisaged as a result of the fee increase

**Equality and customer service implications**

10. It is considered that Mid Sussex Official Searches continues to provide excellent value to customers when compared with charges made by neighbouring authorities

**Other Material Implications**

11. Not applicable.

**Background Papers**

Revised Local Land Charges Fee Sheet.

