

## Report to Cabinet 20<sup>th</sup> July

Thursday, 20 July 2023

By the Deputy Leader and Cabinet Member for  
Planning and Infrastructure

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### Land Charges - Proposed Increase in Fees

#### Executive Summary

The purpose of this report is to approve a small increase in fees on Local Charge searches which involve a request for information from West Sussex County Council, as they have recently increased the fee that they charge Horsham District Council for this service.

#### Recommendations

Cabinet is recommended to ask Council to:

- i) Approve the increase in the Land Charge fee for the additional optional questions from £21 (+ VAT) to £26 (+ VAT).

#### Reasons for Recommendations

- i) To ensure that the Land Charge search fee charged by Horsham District Council fully covers the costs of undertaking the searches

**Wards affected:** All wards

**Contact:** Madeleine Hartley, Planning Compliance Team Leader- 01403 215168

## Background Information

### 1 Introduction and Background

1.1 Every local authority in England and Wales, with the exception of County Councils, has a statutory duty to maintain a Local Land Charges register that records obligations affecting properties within their administrative area. A Local Land Charge is a financial charge or restriction imposed on a piece of land, either to limit the land's use or to secure payment for a service. It is binding on owners or occupiers of property or land.

1.2 Local land charges can be charges for services including:

- Roads
- Restrictions such as Tree Preservation Orders
- Conditions imposed on planning permissions
- Conservation areas
- Legal agreements and listed buildings

1.3 When a property or parcel of land is purchased, leased, mortgaged or a valuation carried out, a local land charge search is usually required.

1.4 The Standard full search reveals all information held on the Local Land Charges Register and any restriction on the piece of land, as well as the information held by Planning, Building Control, Environmental Health and Highways departments.

1.5 Our Standard full search includes:

- The LLC1 certificate- staff in the Land Charges Team inspect and interpret the Local Land Charges Registers and provide all information held about the property, including public health notices, listed status, enforcement notices and legal agreements
- The Con29R A- set of standard enquiries are answered by fully trained and experienced staff in each of the four additional relevant sections: Planning, Building Control, Environmental Health and WSCC Highways.
- The LLC1 and Con29R are both also available as individual searches.

1.6 Following fee increases across Development Management agreed in the February budget, officers were subsequently informed by West Sussex County Council that they would be increasing the fee for Local Land Charge searches by £5 plus VAT per request. This involves searches that seek information from them for any highway matters that may affect the land/property in question, as well as Common Land (Town or Village Green) matters.

## **2 Relevant Council policy**

### **2.1 Corporate Objectives 2019-2023**

Our corporate plan is based on five themes:

- A great place to live
- A thriving economy
- A strong, safe and healthy community
- A cared for environment
- A modern and flexible council

2.2 The proposal meets the aspirations of the corporate plan, as it will enable us to provide the services that we have a statutory duty to provide, whilst providing a great value service through delivering a balanced budget over the medium term.

## **3 Details**

3.1 As a result of the unforeseen fee increase imposed by West Sussex County Council in April 2023, this Council has an additional cost with every search request submitted to them. Based upon the number of similar searches made in the past 12 months, it is estimated that HDC will lose £5,210 (net) each year unless a fee adjustment is made to take account of this increase.

3.2 To cover the increase in the fee charged by West Sussex County Council to ensure that we do not make any further losses, it is proposed to increase the fee charged to customers undertaking those Local Land Charge searches which seek information from WSCC to £26.00 (+ VAT).

## **4 Next Steps**

4.1 To increase the fees as set out above, and to publish our fee schedule and make amendments to our website pages accordingly.

## **5 Views of the Policy & Infrastructure Development Advisory Group and Outcome of Consultations**

5.1 This report was considered by the Planning & Infrastructure Policy Development Advisory Group at its meeting on 27<sup>th</sup> June 2023, who made no comments.

## **6 Other Courses of Action Considered but Rejected**

6.1 No increase in fees- unless the Land Charge fees are increased for those searches which involve input from WSCC, we will not be covering our costs for a large number of Local Land Charge searches, and Horsham District Council will be losing money.

## **7 Resource Consequences**

- 7.1 The financial consequences of this proposal will be to ensure that HDC covers its costs when undertaking Local Land Charge searches, and to ensure that there are no losses incurred.
- 7.2 There are no HR or staffing consequences associated with this proposal.

## **8 Legal Considerations and Implications**

- 8.1 Before Parts 1 and 3 of schedule 5 to the Infrastructure Act 2015 (“IA 2015”) come into effect in relation to the area of a Local Authority, the relevant Local Authority is under a duty to keep the local land charges register for their local authority area. The IA 2015 allows for the Chief Land Registrar (“the registrar”) to incrementally assume the local land charges statutory function by giving notice to a particular local authority specifying a date when the registrar will become responsible for local land charges in relation to the area of that Local Authority. The Council has not received any such notice to-date.
- 8.2 Local land charges searches are normally required in the property-buying process. These searches reveal whether a property is subject to a charge if that charge has been registered.
- 8.3 Regulation 8 of the Local Authorities (England) (Charges for Property Searches) Regulations 2008 provides that a Local Authority may charge a person in respect of answering enquiries about a property. Any such charge must have regard to the costs to the Local Authority answering the enquiries.
- 8.4 Each financial year, a Local Authority must publish by 30<sup>th</sup> June following the end of that financial year, a summary setting out the total income to the authority from charges made under Regulation 8.
- 8.5 The increase to the subject fees have not been budgeted for by the Council as part of its budget setting process and, as such, the consent of the Council is required to approve the increase to this charge.

## **9 Risk Assessment**

- 9.1 It is not considered that there are any risks associated with this proposal.

## **10 Procurement implications**

- 10.1 It is not considered that there are any procurement implications associated with this proposal.

## **11. Equalities and Human Rights implications / Public Sector Equality Duty**

- 11.1 This proposal has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 11.2 The proposal has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

## **12 Environmental Implications**

- 12.1 It is not considered that there are any environmental implications associated with this proposal.

## **13 Other Considerations**

- 13.1 It is not considered that there are any other implications associated with this proposal, including any consequences relating to GDPR/Data Protection and Crime & Disorder.