


**ST ALBANS CITY AND DISTRICT COUNCIL**

**DECISION REGISTER**

Portfolio(s) decision relates to:	Reduction in Land Charges Official Search Fee	Name of Portfolio Holder:	Councillor Chris Brazier
Name of decision maker:	Mike Lovelady, Head of Legal & Democratic Services	Signature of decision maker:	
Name of relevant Overview and Scrutiny Committee:	Internal Performance	Date of decision:	20.1.2011

Type of decision <i>(please tick)</i>	Key	X	Significant		Virement		Other	
--	-----	---	-------------	--	----------	--	-------	--

Scheme of delegation reference under which decision is taken:	Under the Scheme of delegation, Paragraph 18 the Head of Service is authorised to set charges subject to consultation with the Portfolio Holder in accordance with the Financial Regulation 4.29.
---	---

Has this decision drawn upon confidential information? <i>(If yes – please set out what confidential information has been taken into account on a separate sheet)</i>	Yes
--	-----

**DECISION** *(Note this should be written in the style of a committee minute and should not include confidential information):*

That the Land Charges Official Search fee of £170 be reduced to £100 with effect from 1 February 2011 to comply with new guidance from the Information Commissioners Office 'Guidance on Property Searches: Charging for Property Searches under the Environmental Information Regulations', DEFRA Guidance 'Charging for Environmental Information under the Environmental Information Regulations 2004' and the 'Summary of Joint Legal Opinion Confidential Property Searches Legal Advice' prepared by the Local Government Association.

In arriving at my decision I have properly and thoroughly taken into account the legal, financial and workforce implications for the Council. My decision is within the Council's policy and budget framework and complies with the regulations and procedures set out in the Constitution. I have explicitly considered the Council's corporate objectives in arriving at my decision. In coming to my decision I have consulted with all relevant parties as appropriate and in accordance with the scheme of delegation.

## REASON/S FOR THE DECISION

The basis for this decision is ...

The cost of an official land charges search is currently based on the 2008 Communities and Local Government Local Authority Property Search Services Costing and Charging Guidance – based on cost recovery. Since July 2010 the CCLG Guidance has been superseded by the Information Commissioners Office guidance on Property Searches as detailed above. The ICO and DEFRA have concluded that the majority (if not all) information contained within a property search (the Local Land Charges Register and the Con29R forms) is considered to be environmental.

Under the EIR guidance this authority can only make a 'small reasonable charge' for compiling the information required. We can no longer charge on the basis of cost recovery.

We have consulted with the Chief Finance Officer to assess the existing fee of £170. He has taken into account the time spent on compiling searches and overheads, and considers that the fee for an official local land charges search under the Environmental Information Regulations (EIR) should be revised to £100. (See Bibliography)

All other Hertfordshire authorities have reviewed their Land Charge fees in light of the DEFRA guidance. Please see table below.

Herts Authority	Existing Search Fee	Proposed Search Fee
St Albans	170.00	100.00
East Herts	130.00	87.00
Broxbourne	100.00	65.00
North Herts	100.00	70.00
Dacorum	99.00	56.00

### AUTHORITES THAT HAVE ALREADY REDUCED THEIR FEE

Herts Authority	Old Search Fee	New Current Search Fee
Welwyn		
Hatfield	126.50	75.00
Hertsmere	104.00	68.00
Three Rivers	99.00	65.00
Watford	99.00	64.00
Stevenage	94.00	50.00

### Financial Implications

The original budget for 2010/11 Land Charges income is £280,000. With the recent increase in official search requests, it is now estimated we will exceed our target for this financial year. Current income to end November 2010 is £226,937.50. We have a variance so far of +£40,271. Expenditure for this financial year is at £214,275.

Based on the revised search fee of £100 the search income for the financial year 2011/12 is now estimated at £160,000, assuming an average of 1600 searches for the next financial year. This is a reduction of £120,000 in the year 2011/12 compared to the original forecast.

We have seen an increase in official searches since July 2010 and a reduction in the number of private companies submitting personal searches.

Land Charges is dependent on the buoyancy of the housing market. However in recent months we have noticed an increase in the number of search requests. The housing market is difficult to predict.

Since December 2007, requests for official searches had decreased. However since the removal of the requirement for a HIPS pack as part of the selling process in May 2010; numbers for requests of official searches has increased.

The Land Charges 3 year Trading Account 2009/10 – 2011/12 details the above information in full which has been prepared by the Finance Department – see attached.

We will implement the new fee from 1 February 2011.

---

OTHER OPTIONS CONSIDERED:	REASONS FOR REJECTING THESE OPTIONS
1.	
2.	
3.	

## CONSULTEES

In making this decision, I have consulted the following people:

Name and Signature	Position	Date of consultation	Outcome of consultation (may cross reference to supplementary/background sheets)
Councillor Chris Brazier	Portfolio Holder	22 December 2010	Agreed
Colm O'Callaghan	Chief Financial Officer	22 December 2010	Agreed
Daniel Goodwin	Chief Executive	22 December 2010	Agreed

## LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985

**If you wish to view the documents below please contact the Land Charges Manager.**

Bibliography	Custodian	File location
DEFRA letter 27 July 2010	Land Charges	Land Charges
DEFRA EIR Charging Guidance	Land Charges	Land Charges
ICO Guidance on Property Searches and EIR	Land Charges	Land Charges
Land Charges Three Year Trading account with breakdown	Land Charges	Land Charges
Part II see below	Land Charges	Land Charges

*Confidential information under paragraph 5 of Schedule 12A to the Local Government Act 1972 (as amended) was taken into account in reaching this decision, as included on a separate summary sheet supplied with this decision sheet but not available to the public.*