

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Improving Places Select Commission
2.	Date:	19th February 2013
3.	Title:	Land Registry, Wider Powers and Local Land Charges
4.	Directorate:	EDS

5. Summary

This report concerns the current Land Registry consultation which may affect this Authority's Local Land Charges service.

6. Recommendations

That the Select Commission considers the proposed response and forwards any recommendations to the Cabinet Member for consideration.

7. Proposals and Details

Background and context

The consultation, **Land Registry, Wider Powers and Local Land Charges** directly affects our Local Land Charges (LLC) service, the staff and the service provided to those purchasing property within our borough.

The Land Registry (LR) is proposing to take over the statutory LLC Register and register services, whilst leaving the local authority with responsibility for completing enquiries of the local authority (form CON29), effectively splitting the interdependent service currently provided by LLC.

These proposals will, if given the go ahead, leave local authorities with reduced income without a reduction in levels of responsibility and resourcing; indeed, it is possible that the registration notification process that is introduced as a result of these proposals could result in additional burdens being placed upon local authorities.

Proposed Response

The consultation process ends on Sunday, 9 March 2014. A copy can be found in Appendix 1. The proposed response to the various questions, based on comments provided by the Local Land Charges Institute are set out below:-

WIDER POWERS

Consultation Questions 1-6

As the questions have been worded in a way that suggests acceptance of the proposed changes to the LLC service and the wider powers that the LR are seeking in their second consultation 'Introduction of a Land Registry Service Delivery Company' it is considered that general comments in relation to the proposed taking over of LLC register service are provided in the response.

LOCAL LAND CHARGES

Consultation Question 7

The original stated aims for the prototype are resolving issues of standardisation, variations in speed of service, cost and format. More recently, LR has always asserted that its proposal fully supports the Government's Digital by Default Agenda as well as the contents of the World Bank report.

However, it is considered that the LR's own research has not supported these issues as a reason for change. Land Registry's own documents shows that the LR places as much emphasis on improving its own financial position as it does on providing a better service.

Consultation Question 8

In relation to the aim of the proposed changes, to bring about reform or improvement, it is considered that this should be focused on local authorities who are failing to provide an adequate service. There is no requirement or demonstrable improvement from implementing a national service across the board as proposed.

In relation to Rotherham we provide a good standard of service and LR can have no issue as we have consistently responded to Local Land Charges (LLC1) and Con29R/O searches within 5/6 working days.

Consultation Question 9

Whilst LR appear to have considered a number of options, the rationale for dismissing other options seems to be flawed. They have also failed adequately to consider the CON29 and how this work will be completed.

Consultation Question 10

No. We do not believe there is any reason for a need for a revision. This has never been previously raised as an issue.

Consultation Question 11

No. LAs are best placed to continue undertaking these functions.

Consultation Question 12

No. This proposal portrays a fundamental lack of understanding of Local Land Charges and of the importance of the information shown on Local Authority Searches. No explanation has been given for this proposal in the consultation document, nor have its possible effects been included in the impact assessment. *N.B.* Authorities should feel free to give one or two examples of the type of charge that would be affected by this proposal.

Consultation Question 13

No. We believe the LLC function should remain within the local authority. Consequently, requests for searches of the Register should stay with the local authority.

Consultation Question 14

No. There is nothing to be gained from separating the function of originating authority and registration authority which is currently the case with the vast majority of registrations.

Consultation Question 15

No consideration has been given to sanctions on the LR should they fail to deliver the LLC service in any way.

Consultation Question 16

Yes. This just follows existing good practice.

Consultation Question 17

Yes. The existing good practice should continue.

Consultation Question 18

Electronic submission of searches is already available to businesses through the NLIS Hub and this works very well. This proposal would add nothing to the services that are already available.

Consultation Question 19

Not applicable

Consultation Question 20

No. Impact not properly assessed.

Yes. Impact missed and underestimated. Issues of concern include:

- proposal still relying on LAs for CON29 data;
- no impact assessment for the 15 year limit proposal;
- failure to assess impact of proposals on housing market and wider economy, in particular if LR fail in any way.

Consultation Question 21

It would be preferable to resource development of the LA service. It would be more cost effective to assist those LAs not yet computerised to do so. This would have the added benefit of preserving local experience and knowledge which is highly valued by the conveyancing solicitors. These LR proposals for the past 3 years have already had a detrimental effect on the development and enhancement of the electronic service by the reluctance of software suppliers to invest in an uncertain future.

Consultation Question 22

We would suggest that taking forward the Land Registry's proposal would :-

- have a negative impact on local authority i.e. resources;
- have implications for TUPE;
- financial impact;
- reliance and ability of other internal services to be able to access the LLC register; inter-dependence CON29 and LLC1;
- possible creation and reliance on an insurance market to cover off 15 year + registrations.

8. Finance

If the above proposed takeover of Land Charges goes ahead, this Authority will lose income of £20 per search (approximately £100,000 pa) but the LLC staff will be required to be retained to maintain the register and deal with CON29 searches.

9. Risks and Uncertainties

NA

10. Policy and Performance Agenda Implications

None

11. Background Papers and Consultation

Appendix 1 – Wider Powers Response Form

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