

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF TECHNICAL SERVICES	EXECUTIVE COMMITTEE	25 APRIL 2024	12

TRANSFER OF LAND CHARGES FUNCTIONS TO LAND REGISTRY

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

RELEVANT LEAD MEMBER

This item is within the remit of the Lead Member for Customer and Operational Services, Councillor Michelle Morris.

PURPOSE OF THE REPORT

To outline the transfer of the Land Charges Register (LLC1) to HM Land Registry under the 2015 Infrastructure Act.
To add the fully funded grant for the transfer to the council revenue budget.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATION

1. Approve a fully funded addition to the Councils 2024/25 revenue budget of £60,000 to facilitate the transfer of the Land Charges Register to the HM Land Registry.

REPORT

INTRODUCTION

1. The Local Land Charges Registers and associated searches were established under the Land Charges Act 1925 to inform prospective land or property purchasers of any relevant financial claims, restrictions, or decisions affecting a piece of land. These registers, consisting of 12 parts covering various aspects such as financial charges and planning, are currently maintained by individual local authorities across England.

TRANSFER TO HM LAND REGISTRY

2. As per The Infrastructure Act 2015, responsibility for hosting these registers will be transferred to HM Land Registry in a phased approach. This will culminate in the creation of a national Local Land Charges (LLC) Register, replacing the current decentralised system.

PURPOSE OF LOCAL LAND CHARGES REGISTER SEARCH

3. A local land charges register search (LLC1) provides applicants with details of entries on the LLC Register concerning the property(s) in question. Searches can encompass all 12 parts of the Register or specific elements as needed.

ACCESSING THE REGISTER

4. The Local Land Charges register can be accessed either by paying a fee or through in-person inspection at the Local Authority, which is free of charge. These searches are integral to the conveyancing process for property transactions, offering insights into property desirability, outstanding debts, and potential future developments.

COMPONENTS OF A LOCAL SEARCH

5. A local search consists of an LLC1 form (Local Land Charges) and a CON29 form (enquiry form), involving various departments such as planning and building control. While the Local Authority remains responsible for the CON29, HM Land Registry will oversee the LLC1 form and register inspection.

TRANSFER PROCESS AND RESOURCE IMPLICATIONS

6. The transfer process to HM Land Registry involves digitising existing registers, which may require additional resources. Fylde Council's computerised register will need spatial data alignment to meet Land Registry requirements.

CURRENT PHASE AND TIMELINE

7. Fylde Council is currently in the Design and Delivery Phase of the transfer process, which has been extended due to revised requirements. Following this phase, data cleansing, modernisation and quality assurance will be undertaken.

RESOURCE ALLOCATION

8. HM Land Registry has allocated burdens grant of £60,000 to assist the council with the transfer process, which Fylde Council will utilise for temporary resources and alignment activities. The grant will be available in two instalments based on the following:

9. "Milestone 1" – £20k

Mobilisation meeting with HMLR to agree the Milestone 1 activities and completion dates.

A transfer to HMLR target date will be agreed as part of HMLR's programme plan.

A Migration Delivery Plan will be agreed, with the necessary activities and completion / delivery dates.

Fylde to produce a Collaboration Agreement for HMLR

HMLR and Fylde to complete Discovery activities which will inform the Delivery Plan.

The above activities must be achieved in a 10-week period, or a time period agreed by the HMLR in order for the milestone 1 payment to be made. During milestone 1 a work plan will be developed which identifies all the tasks required to bring the Land Charges register into an acceptable format. The milestone 1 payment will enable the Council to part fund the resources necessary to complete this stage.

10. "Milestone 2" – £40k

On completion of the migration project, which is the transfer and 'go live' of the Fylde Council LLC dataset onto the central HMLR register, assuming that the agreed delivery timescales are met. If the agreed delivery timescales are not met this would pose a potential financial risk to the council with possible additional costs of resources having to be funded outside of the agreed £60,000.

REVENUE IMPLICATIONS

11. Land Charges is a fee charging service and is open to competition from private search companies. The annual income for 23/24 was £61,000, it is estimated that the loss of income to the Council would be around £16k (based on loss of LLC1 income) per annum, this would be offset by reduced resourced costs.

NEXT STEPS

12. The council will appoint a team with the requisite skills and experience to facilitate the project's progression.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	The report recommends approval of a fully funded addition to the Councils 2024/25 revenue budget of £60,000 to facilitate the transfer of the Land Charges Register to the HM Land Registry. It should be noted that it is estimated that the loss of income to the Council would be around £16k (based on loss of LLC1 income) per annum, and that it is estimated that this would be offset by the reduction in the current resource cost.
Legal	The movement of the land charges register to the Land Registry is required as part of the Infrastructure Act 2015.
Community Safety	There is no direct implications from the report.
Human Rights and Equalities	There is no direct implications from the report.
Sustainability and Environmental Impact	There is no direct implications from the report.
Health & Safety and Risk Management	There is no direct implications from the report.

SUMMARY OF PREVIOUS DECISIONS
None

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
None		

LEAD AUTHOR	CONTACT DETAILS	DATE
Darren Bell Keith Vernon	Darren.bell@fylde.gov.uk Tel 01253 658465 Keith.vernon@fylde.gov.uk Tel 01253 658679	April 24