

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
26TH APRIL 2007

Increase in the Fee for Local Land Charge Searches - Additional Parcels of Land

OPEN	
COMMUNITY STRATEGY THEME	
CORPORATE PLAN THEME:	Improving Corporacy and Performance
KEY PRIORITY:	Organisational Performance
CABINET MEMBER:	John-Paul Champion
CONTACT OFFICER:	Head of Legal & Democratic Services
RESPONSIBLE OFFICER:	Helen Caldwell – Extension 2737
APPENDICES	None

1. PURPOSE OF REPORT

- 1.1 To consider an increase in the fee for Local Land Charge Searches where the search relates to additional parcels of land.

2. RECOMMENDATION

The Cabinet is asked to **DECIDE** that:

- 2.1 **The fee for Local Land Charge search relating to additional parcels of land to be increased from £1.00 to £27.00.**
- 2.2 **This search fee is combined with a charge of £14.50 for the Con 29 element of the local search (this figure is not subject to an increase) for additional parcels of land. Therefore, the full cost of a local search for an additional parcel of land shall be increased to £41.50.**

3. BACKGROUND

- 3.1 The Local Land Charges Act 1975 (as amended) gave registering authorities such as Wyre Forest District Council powers to set their own fees for local land charges services including official searches from 1st April 2007.
- 3.2 Council agreed in February 2007, using its revised powers, to set the Local Land Charge search fee at £27.00 in relation to a full local search. However, at the time of this decision, the Local Land Charge search fee in relation to additional parcels of land was not addressed.

AGENDA ITEM NO.7.6.

- 3.3 Although, the Local Land Charges Act 1975 (as amended) does not provide a definition of what “services” an Authority may charge for, Guidance issued by the Lord Chancellor confirms that “services” include searches in respect of each additional parcel of land. However, such a charge must be properly accounted for and must not exceed the cost of providing the service.
- 3.5 Currently, the Local Land Charge search fee for an additional parcel of land was set by the Lord Chancellor at £1.00. This does not reflect the true cost of providing the service. A full individual search of the Land Charges Register is undertaken for each additional parcel of land. Many of these enquiries are for commercial properties and require a lot of work by both the Land Charges section and Planning and Environmental Health Department.
- 3.6 The revised fee for the Local Land Charges search has been calculated, to recover these costs, at £27.00. It is recommended that the fee charge for a local search of an additional parcel of land is increased from £15.50 to £41.50. This increase attaches only to the Local Land Charge search; the agreed charge for the Con 29 element of the search is unaffected.

4. LEGAL AND POLICY IMPLICATIONS

- 4.1 The amended Local Land Charges Act 1975 permits the Council to set its own cost for the service of providing Local Land Charges for additional parcels of land but the level of fee charged must not exceed the cost of providing the service.

6. CONSULTEES

- 6.1 Head of Financial Services

7. BACKGROUND PAPERS

- 7.1 Local Land Charges Act 1975
- 7.2 Constitutional Reform Act 2005
- 7.3 Guidance for Registering Authorities on Setting Fees for Local Land Charge Services in England Implementation of section 13A of the Local Land Charges Act 1975 presented to parliament by the Secretary of State for Constitutional Affairs and Lord Chancellor By Command of Her Majesty (January 2007)

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