

NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Marcus Hart, as Strong Leader, delegate the decision to agree the new fees in relation to land charges to the Cabinet Member detailed below:

Cabinet Member- Councillor Ian Hardiman

27th June, 2017

Dated:



Signed:

Leader of the Council

NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me by the Leader, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Land Charges fees	To agree to the amendments of commercial and residential fees for Land Charges.	The fee structure has been amended to reflect levels of work undertaken and the changes to fees bought about through the addition of VAT	asap

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 27/6/2017
 Signed: 

Councillor:
 Cabinet Member

WYRE FOREST DISTRICT COUNCIL

CABINET JULY 2017

Report on Land Charges Fees

OPEN	
CABINET MEMBER:	Ian Hardiman
RESPONSIBLE OFFICER:	Kate Bailey
CONTACT OFFICER:	Helen Smith
APPENDICES:	Current and proposed fee structure

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider simplifying the fees charged for searches across the spectrum to make it easier for customers to understand the pricing policy.

2. RECOMMENDATION

- 2.1 **The Cabinet Member for Planning and Regeneration is asked to decide that the commercial and residential land charges are amended from 1st September 2017**

3. BACKGROUND

- 3.1 The Council can charge a fee for undertaking searches when requested by conveyancing companies, solicitors and members of the public, usually as part of the purchasing or refinancing process for commercial and residential properties.
- 3.2 Fees charged should comply with the Charges for Property Searches Regulations 2008 which in simple terms means the fee must be calculated on a cost recovery basis. The Council's Finance Department review the income and costs on an annual basis.
- 3.3 There are currently a number of different fees levied for the different types of searches as shown below;
- | | |
|---------------------|---------------------|
| * Residential LLC1 | £24.00 (VAT exempt) |
| * Residential Con29 | £70.50 plus VAT |
| * Commercial LLC1 | £30.00 (VAT exempt) |
| * Commercial Con29 | £93.00 plus VAT |
- 3.4 There are two parts to a Search, the first part being the LLC1 which is the statutory local land charges register and the second part is the Con29 which is a standard set of questions on a form published by the Law Society used for Conveyancing purposes.
- 3.5 The current charges for LLC1, which is the local land charges register part of the search, are commercial £30 and residential £24. In the future it may not be possible to charge for this element, under the proposed changes made by the Land Registry.
- 3.6 The current charge for a commercial search (including the LLC1 element above is £123 compared to £94.50 for residential.

4. KEY ISSUES

- 4.1 At the current time there are two different fee structures for the commercial and residential charges and it is proposed to bring these in line to make the charging

policy easier for customers to understand and reflect the level of work undertaken by the team.

4.2 The team have similar amounts of work in processing both types of request and deliver the work within the same target timescales, currently within 10 working days and so greater equity in price would be a truer reflection of costs. The costs for the Con29 element have been worked out by adding together all the current income and dividing it out by the number of jobs so that the changes are cost neutral.

4.3 With the introduction of VAT the Council's fee structure has become complex and is taking more time for officers to maintain the fee reports and allocate the appropriate codes for Agresso. Simplifying the fee structure will reduce the time taken to process requests by officers.

5. FINANCIAL IMPLICATIONS

5.1 The new charging structure is attached at Appendix One. The amended charges will have a neutral effect in the overall income that comes into the council and therefore there is no impact on the income generated from this change.

6. LEGAL AND POLICY IMPLICATIONS

6.1 There are no legal / policy implications from this proposed change.

7. EQUALITY IMPACT NEEDS ASSESSMENT

7.1 Not applicable

8. RISK MANAGEMENT

8.1 Reducing the commercial charges in line with the residential charges will make the policy on fees clearer for customers and less likely to be at risk of challenge.

9. CONCLUSION

9.1 The proposed amendments will bring equity to the current commercial and residential fees structure and can be accommodated without leading to a substantial loss in income or increase in costs for our customers.

9.2 The proposed change is cost neutral in terms of income coming into the council for leaches.

10. CONSULTEES

10.1 Director of Resources.

11. BACKGROUND PAPERS

11.1 Not applicable

Current Fees 2017/2018

Based on Qty of Searches received for 2016/2017	Qty	Search Fees from 1 April 2017 currently	Income based on Qty Searches from 2016/2017 with fees as of 1 April 2017
Commercial LLC1 only searches	15	£30	£450
Commercial Full Searches	129	£123 (£93 Con 29 + £30 LLC1)	£15,867
Commercial Additional Parcels	24	£47 (£17 Con 29 + £30 LLC1)	£1,128
Residential LLC1 only searches	197	£24	£4,728
Residential Full searches	850	£94.50 (£70.50 Con 29 + £24 LLC1)	£80,325
	1215		£102,498 Total Income

Proposed Fees from 1 September 2017

Based on Qty of Searches received for 2016/2017	Qty	Proposed fees...	Income based on allocating the difference between Residential & Commercial to the WFDC share of Con29 (see figure in red)
All LLC1 only Searches	212	£24	£5,088
All Full Searches	979	£98.50 (£74.50 Con29 + £24 LLC1)	£96,431
All Additional Parcels *	24	£41 (£17 Con 29 + £24 LLC1)	£984
	1215		£102,503 Total Income