

Record of operational decision

Decision title:	Fee increase for Land Charges 2023
Date of decision:	19 January 2023
Decision maker:	Claire Porter – Director of Governance and Law
Authority for delegated decision:	Herefordshire Council’s Constitution 2022 Scheme of Delegation, Part 3: Section 7 – Officer Functions: 3.7.5 Operational decisions. In consultation with the Land Charges manager based on the Chief Executive Scheme of Delegation (SP48) January 2023
Ward:	Countywide
Consultation:	Finance Department
Decision made:	To set new fees for Land Charge based on: CON29R & LLC1: £178 CON29R: £136 LLC1: £42 Each additional parcel of land £45
Reasons for decision:	<p>The Local Land Charges office is a statutory service responsible for the maintenance of the Local Land Charges Register and the completion of Local Land Charge searches.</p> <p>Local land charges are imposed on the owners of land and can be originated by local authorities, Highways Agency, Historic England, Water Authorities etc. They affect the current owner and any subsequent owners.</p> <p>Examples of local land charges originated by the LA are conditions imposed in a planning permission, Conservation Areas, Enforcement Notices, Tree Preservation Orders and Financial charges – e.g. works carried out by the council to make buildings safe.</p> <p>In addition to the registerable charges, the Council also replies to a number of enquiries set out in a form agreed by the Law Society and the Conveyancing fraternity and this will reveal e.g. adoption of roads, nearby road/traffic schemes, pending planning matters etc.</p> <p>The fees for local land charges are regulated under The Local Authorities (England) (Charges for Property Searches) Regulations 2008. This states that the charges must be assessed on a cost recovery basis and reviewed on a three year cycle.</p> <p>The charges are calculated on a cost recovery basis based on the length of time taken to complete all searches during a two week period. Taken into consideration is the need for charges to remain competitive and fair.</p>

The charges are outlined below:

	Current Price	Proposed Price	Increase
	£	£	%
CON29 & LLC1	170.00	178.00	5
CON29R	130.00	136.00	5
LLC1	40.00	42.00	5

Additional parcel of land:

	43.00	45.00	5
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The fees are based on a combined CON29R and LLC1 search or can be separate if only one element is needed.

Examples of information which may be disclosed on the Con. 29R are outstanding notices relating to:

- Building works
- Environment
- Health and safety
- Housing
- Highways
- Public health

The fee increase to come into effect on 1st April, 2023.

Equality Considerations

There is nothing contrary to the Equality Act 2010 in making this decision.

Highlight any associated risks/finance/legal/equality considerations:	If the fees are set too high there is a risk of legal challenge. This is based on being a full cost recovery service within the public sector.
Details of any alternative options considered and rejected:	Retain at current level. However this does not reflect changes in cost since 2020.
Details of any declarations of interest made:	None

Signed:



Date: 19 January 2023