

CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

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| <p>Decision Ref. No:</p> |
| <p>Responsible Officer: Matt Pitcher - Head of Elections, Land Charges & Registration Services</p> |
| <p>Subject: Review and Revision of Local Land Charges Fees</p> |
| <p>Decision taken: To approve the review and revised fees for Local Land Charges searches increasing the fee to £104 inclusive of VAT</p> |
| <p>Reasons for the decision: Local Land Charges fees are reviewed on an annual basis to ensure they reflect the cost of providing the service.</p> <p>Following a detailed cost review with finance, it has been determined that the Local Land Charges fees for 18-19 should be increased to cover costs.</p> |
| <p>Call-in and Urgency: The decision is subject to the Council's call in procedures.</p> |
| <p>Background: Official Searches are conducted by the legal profession on behalf of sellers and potential purchasers of property or land within the borough. The searches provide details of all subsisting registerable charges, such as financial, planning matters, Building Regulations and light obstruction that affect the property or land searched.</p> <p>The fees charged for Official Searches are formed by two parts. The Official Certificate of Search (form LLC1) is currently £23.00 per search request. This is usually accompanied by a standard form of enquiries known as CON29R or CON290, the fee for which is £42.00 and £18.00. A total fee of £65.00 & £83.00 is currently charged for basic Official Searches. The new fees would be £104 and £122.</p> <p>The fees for Full Local Authority Searches and associated matters are reviewed regularly. The current fee of £65.00 has been in place since April 2014 all be it with the introduction of VAT to the Con29 element of the search in April 2017.</p> <p>Although the Council has the power to set its own fees for Official Searches, the government announced in 2008 that the fees should be set so that they cover the cost of the service. 'The cost of service' should be the total cost of the provision of the service. This will include the direct costs of maintaining the local land charges register and its index and keeping them up to date. The cost will also generally include indirect costs, such as contributions to central and overhead costs, insurance, amortised costs, depreciation and cost of capital.</p> |

'In costing services registering authorities will have to estimate demand for the services'. They should use experience and information available from previous years in making these estimates. There are a variety of forecasting methods, but as a starting point registering authorities may wish to gather data from the past five years, if possible, and then calculate a moving average to estimate future demand. In Bournemouth, the search numbers are lower in the last year, the effect being that search fees will increase as the cost of the services has not changed.

Following a cost review with council's finance team it has been determined that the Local Land Charges Fee for 18-19 for a Full Local authority search (LLC1 & Con29) should increase to £104 Inclusive of VAT.

Options - and reasons for rejection:

Keeping the fees the same for a further year or reduce fees - the council could leave the fees as they are and subsume the additional charges incurred. However, this would not cover cost of providing the service. Therefore, this option is not recommended

Increasing the fees above the proposed levels - Consideration was given to increasing the fees above the levels proposed. However, these are commercial products and we must also ensure fees are set on a cost recovery basis. Therefore, this option is not recommended.

Consultations undertaken:

Consultation: <http://biz/BIZkits/Toolkits/Consultation/Documents/Consultation Plan.doc>

Note: It was felt that consultation prior to the implantation was not required as these costs are being recovered on a cost recovery basis.

We did undertake market research across other local authority searches as a comparison, and these new fees are broadly in line or below other local authorities' fees.

Finance/Resource Implications:

Note:

The calculation of the charges should ensure that the full cost of providing the service is covered. There is an element of uncertainty as the volume of searches has had to be based on a best estimate. If volumes are greater than assumed then a surplus may be generated, if lower then there will be a pressure on the Council's general fund. The position will be monitored through the year.

Name: Adam Richens

Signature:  (of Chief Finance Officer)

Date: 20/3/18

Legal implications:

Note:

The proposal complies with the requirement that charges are made on a cost recovery basis. This decision is made in accordance with the council's constitutional requirements.

Name: Tanya Coulter

Signature:  (of Monitoring Officer)

Date: 19/03/18

Risk assessment:

In Summary, the risk associated with this decision relate to;

- Solicitors pass the cost of the Local Authority searches onto their clients as part of the purchase of a property, these fees will still only account for a small proportion of the cost when moving home.
- Fee structure not fit for purpose which results in financial implications for the council and or a legal challenge.
- Fees set on a cost recovery basis and in line with other local authority search fees.

Name: Matt Pitcher

Signature: 

(of Officer completing assessment)

Date: 15.03.18

Impact Assessments:

Both an Equality and Diversity Impact Assessment and Environmental Impact assessment have been conducted. There is no detrimental impact from this proposal. There could be a positive outcome to support the services provided.

Information for/not for publication:

There is a requirement that we Publish our fees on our website, this will be completed following the approval of the decision and the passing of the call-in period. We are also proposing to circulate a note with all Local Authority searches for a few weeks prior to the Changes taking effect.

| Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision | Name of Cabinet Member | Nature of interest | Details of any dispensation granted by the Monitoring Officer |
|--|------------------------|--------------------|---|
| Yes/No* (*Delete as appropriate) | | | |

Decision taken by:

Councillor Anne Filer

Cabinet Portfolio: Corporate Efficiency

Signed: 

Date of decision: 11 April 2018

Date of publication of record of decision: (to be inserted by Democratic Services)

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:

Note - See separate guidance on recording decisions at Appendix 1.

Guidance

1.0 Recording the decision

1.1 Upon making an executive decision the Cabinet Member must arrange for the Democratic Services Manager to be provided with

- a signed copy of the completed Record of Decision; and
- a copy of the completed Record of Decision with the signatures redacted¹

within 2 working days of the date of taking the decision together with a copy of any report upon which the decision was made.

1.2 The Democratic Services Manager will maintain a record of all signed decisions referred to in paragraph 1.1, including any report upon which each decision was made and subject to any requirement for confidentiality, will ensure that the redacted version of the decision is published by the Council on its web site. S/he will also ensure that the public has the right to copy or to be provided with a copy of any part of that record upon payment of a reasonable copying and administrative charge.

1.3 It is essential that the contents of the Record of Decision are clear in conveying the decision taken – that is it will not be sufficient to state that the recommendations in a report were agreed. The form and accompanying report must set out:

- a record of the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected;
- a record of any conflict of interest declared by the decision maker; and
- in relation to any such declaration, a note of any dispensation granted by the Monitoring Officer.

1.5 The Delegated Record of Decision template includes a section for the recording of interests by Cabinet Members. It is important that where Cabinet Members involved in making decisions have a registrable interest this is declared on the form to preserve the integrity of the process.

1.6 Before signing the decision notice the Cabinet Member should ensure that the Corporate Communications Manager is informed about the proposed decision so that consideration can be given to any associated media management issues.