

**Report of Head of Planning and Local Development**

**LOCAL SEARCH FEES**

**1 Purpose of report**

To consider the fees for local search enquiries which are submitted to the council when the freehold of a property is sold.

**2 Executive summary**

On 4 July 2016 the search enquiries of a local authority are changing nationally and a number of new questions have been introduced. The search fees have been revised to reflect the proposed changes. In addition to this, from a date to be confirmed, VAT will be chargeable on the Enquiries of a Local Authority.

**3 Appendices**

None

**4 Proposed action:**

**4.1 The committee is invited to RESOLVE to approve the proposed fee changes**

**5 Background**

5.1 Local authorities receive local land charges searches when the ownership of a property changes hands. These are in two parts: a search of the statutory register of local land charges which is maintained by the council, and a form of additional enquiries of the council (known as CON29 and CON290).

The Law Society has revised the CON 29 and the CON290 Enquiries of the Local Authority (2016) and these will come into force on 4 July 2016. The enquiry, which is currently optional on public rights of way will become a standard question. New questions have been introduced on the following, with a few other minor changes:

- Sustainable urban drainage;
- Community Infrastructure Levy,
- Assets of community value,
- Heritage partnership agreement

5.1 The search of the Local Land Charges register remains unchanged. The overall increase of the CON29/CON290 fee is £10.00 before vat

5.2.1 HM Revenue and Customs has informed local authorities that from a date to be confirmed VAT must be charged on CON29 and CON290 Enquiries of the Local Authority. VAT will not be payable on the search of the Local Land Charges register.

## 6 Discussion

6.1 Search fees must be set on a cost recovery basis. The likely estimated officer time to answer the revised CON29 and CON290 replies has been looked into and the proposed changes reflect the likely cost to provide the additional information.

6.2.1 The county council replies to a section of the CON29 questions and have also revised their fees, these will increase from 4 July 2016, as detailed in 6.3.

### Appendix

	Current Fees				Proposed Fees				Difference
	BCW	NCC	VAT	Total	BCW	NCC	VAT	Total	
LLC1	£18.00	N/A	N/A	<b>£18.00</b>	£18.00	N/A	N/A	<b>£18.00</b>	£0.00
Con 29	£38.00	£14.50	N/A	<b>£52.50</b>	£39.50	£23.00	£12.50	<b>£75.00</b>	£22.50
CON 29 0 (except 22)	£10.00	N/A	N/A	<b>£10.00</b>	£10.00	N/A	£2.00	<b>£12.00</b>	£2.00
Question 22	N/A	£12.00	N/A	<b>£12.00</b>	N/A	£10.00	£2.00	<b>£12.00</b>	£0.00

## 7 Legal powers

Fees for charging are set out in the following:

LLC1 – Constitutional Reform Act

Con29 – Charges for Property Searches Regulations 2008.

## 8 Financial and value for money implications

These have been considered as part of the cost recovery review and are reflected in the revised charges detailed at 6.3

## 9 Risk analysis

This table needs to be completed for any report setting out a proposed course of action that entails risks at the outset of the project or if the risks change along the way.

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
Fees would not be set on cost	Increased cost to the local	High	Set fees on cost recovery basis

recovery basis	authority		
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10 **Implications for resources**

There is no change to existing resources.

11 **Implications for stronger and safer communities**

None

12 **Implications for equalities**

None

13 **Author and contact officer**

Carol Haybyrne  
Technical services Team Leader

14 **Consultees**

Sam Knowles – Principal Accountancy Manager  
Tracey Cave – Service Accountant  
Julie Thomas - Head of Planning and Local Development  
Bridget Gamble - Head of Resources  
Liz Elliott - Head of Finance

15 **Background papers**

