

23 May 2016

Dear Colleague,

Local Land Charges Register Transfer Programme: Update Briefing Note May 2016

We are writing to give you an update about the Local Land Charges Register (LLCR) transfer programme and the consultation on the draft Local Land Charges Rules. Graham Farrant, CEO of Land Registry, recently wrote to the CEO of your local authority informing you about some progress of the programme.

In order for the actual transfer of LLCR to commence, secondary legislation about the rules that will apply have to come into force. Land Registry has published on 9 May a consultation inviting comments on the secondary legislation about Local Land Charges Rules. The rules define the future supply of local land charges information from the originating authority to Land Registry to keep a single digital local land charges register up-to-date. Land Registry proposes for the legislation to come into force in April 2017. Land Registry has published alongside the consultation an updated impact assessment. The LGA is planning to respond to the consultation and invites comments from local authorities by 22 June to prepare our response. We will be discussing the more specific/technical implications with the Local Land Charges Institute. Please, find further information about the consultation attached to this letter.

The transfer of LLCR can only commence once the rules come into force and Land Registry have appointed the digitisation partners. The proposed commencement date for the first phase of the transfer is late 2017. Local authorities' LLCRs will be transferred in lots over the following 5 to 6 years.

The LGA has successfully lobbied for the recognition of new burdens payments not only for the transfer of the LLCR but also for ongoing cost from the supply of data. However, negotiations are still ongoing about the detail and nature of what should be included in the cost and more importantly for Land Registry to recognise the differences between how local authorities maintain a local land charges register.

We are also considering with our workforce advisors whether there are any TUPE implications for consideration and are working with Land Registry on a proposed approach. Much preparation work to plan for the transfer is ongoing and Land Registry has sent you recently a migration guide to prepare for the transfer, and asked for some further information to help them plan the transfer work with the digitisation partners.

We have lobbied Land Registry successfully and they have now appointed a business change manager. The business change manager will work with local authorities to help understand the impact of the transfer on local authorities, and to support them to transform

their services, so that they can meet future business needs of data supply in an efficient way.

The consultation also refers to Con29 which covers the extended non-statutory searches. Government wants to improve the standardisation and shorten the return time for such searches and is planning to carry out a survey to get a better understanding about the current search service provided by local authorities.

Government also issued recently a consultation into the privatisation of Land Registry. We are in contact with Land Registry to express our concerns about the impact such privatisation may have on the Local Land Charges Programme and future service delivery.

The LGA continues to inform and liaise with Senior Responsible Officers (SRO's) in local authorities about the transfer programme and represent the views and interest of its member authorities. If your authority has not named a SRO, please, let us know so that we can send e-mails directly to the officer.

Please, do not hesitate to raise any issues or send in your views to landcharges@local.gov.uk. We welcome the contact with you to find out about current issues, concerns and good and innovative practice.

Kind regards

Gesche Schmid, Programme Manager Data and Transparency

Thelma Stober, Head of Legal Services

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Appendix:

Consultation on Local Land Charges Rules 2017

Land Registry is consulting on the Local Land Charges Rules 2017 which define the supply of information from originating authorities for registration in the local land charges register held in the future at Land Registry. The proposed Local Land Charges Rules are based on the existing Local Land Charges Act 1975. Land Registry also published alongside the proposed regulation an updated impact assessment. The consultation is published [here](#).

The LGA is seeking views from local authorities on the proposed rules and the impact assessment. We are working with the Local Land Charges Institute on the technical implication of the rules and recommend for councils to also send their own views to Land Registry.

The impact assessment strongly focuses on providing data at greater speed and reduced standardised costs. However, little is said about the quality and reliability of future searches and the costs to local authorities which will form part of a separate new burdens assessment. However, we are interested in receiving comments in particular on

- What will be the impact on local authorities as a result of the proposed rules?

After reading, digesting and consulting with colleagues, it would appear a lot of the assumptions/costs/quality and delivery is based on the experiences of small local authorities (ie. Dartford and Watford) and ignores the size and complexities of a unitary authority which handles large volumes of searches (in Cornwall on average 11,000 LLC1s are processed each year therefore 211 searches are received each week excluding CON29s). In Cornwall the Team is responsible for:

- Maintaining the Land Charges Register;
- Maintaining the Highways records for search purposes;
- Processing all other searches;
- Processing 5000 personal search requests;
- Directly dealing with public inquiries;

I note in the original March BIA that Cornwall and the other authorities which underwent reorganisation in 2009 have been omitted from making comparisons on costs! Our cost of an LLC1 is £21 with average turnaround times of 90% in 5 working days. It is noted the price reduction is planned for 10 years' time, what assurances do we have that the new company (if it gets approval) will not increase its prices.

There used to be a standard fee (similar to that set for planning applications) and I would like to understand why this could not be reintroduced and have 2 fees, one for

the London area (ie. a London type weighting); and a national one based on an average of the current fees.

The impact in Cornwall is mostly on the cost of data cleansing and digitisation, even 7 years on after merging the 6 authorities into 1, there is a lot of data cleansing (60% of current land charges data)/recovery of corrupt data and digitisation still to do. Some of the previous authorities were purely paper based, some were a mixture, some are held on microfiche, none were totally electronic and the data was held in 7 different formats.

There is a programme to address our legacy systems in the near future as part of a wider Planning EDRMS project (the Planning side alone has 3 million parts of data to transfer), the cost is yet to be confirmed and is currently being scoped.

The impact gives little consideration to the geographical size of an authority like ours, ie. Cornwall is very rural and personal search agents rely heavily on their own local knowledge to interpret results. There appears to be little regard to the duplication in work a PSC will be required to do by submission electronically to the Land Registry for the LLC1 and then a visit to the LA for the CON29. As an authority we would like to push PSCs to self-serve as much as possible due to reduction in office access to the public or PSCs.

In Cornwall there is also the added difficulty in providing everything electronically as per the Government's digital agenda, as despite investment in superfast broadband, Cornwall remains likely to be digitally excluded.

There is little mention regarding errors in the register or where the cost of rectification lies and little weight is given to downtime of the system. It is noted that downtime is considered not to be an issue based on the experiences of a small authority, from our experience purely for maintenance alone, downtime will occur at least once/twice a month!

- Questions 19 to 21 of the consultation:

Question 19:

Do you have any further comments on the proposed draft Local Land Charges Rules 2017?

Rule 6 begins with the amendment and cancellation of registrations and we are concerned that if a registration for a previous authority eg. Penwith District Council is cancelled or amended then Cornwall Council would not be aware. It is hoped there is some safeguards built in with this rule regarding successor authorities.

If Rule 7 is not being carried forward, how will the LLC1 pull this information/obtain this in future? How will this be integrated? Will it form part of the new system? Is it part of the software request?

The Rules refer to light obstruction continually which suggests this is a real issue, however to date, in Cornwall we have had 7 notices published/requiring registration and feel the Rules give more weight to this than is needed and should probably be an instrument of its own and requiring these notices in paper format contradicts the digital agenda. Some of our large highway agreements are in some cases submitted in paper format due to their size and complexity.

In regard to Rule 10 and the 'extent of the land identified' in rural areas, this is an issue as large areas of farm land are difficult to plot and there is a risk of not digitisation at the correct scale and therefore not necessarily disclosed in a search.

With respect to Rule 11 and the destruction of documents, the notes indicate documents will be scanned and then destroyed, is this requirement to scan the responsibility of the LA or will this be undertaken by the Land Registry?

Rule 12 implies the LA would be responsible for copy documents; however conveyancers/solicitors may send documents direct to the Land Registry eg. S106 Agreements and therefore the LA would not hold this. The LA will still wish to charge for any copies requested.

Question 20:

Do you have any comments on the Regulatory Impact Assessment?

As mentioned above: I note in the March BIA that Cornwall and the other authorities which underwent reorganisation in 2009 have been omitted from making comparisons on costs! Our cost of an LLC1 is £21 with average turnaround times of 90% in 5 working days.

The impact in Cornwall is mostly on the cost of data cleansing and digitisation, even 7 years on after merging the 6 authorities into 1, there is a lot of digitisation still to do. Some of the previous authorities were purely paper based, some were a mixture, some on microfiche, none were totally electronic and the data was held in 7 different formats. There is a programme to address our legacy systems in the near future as part of a wider Planning EDRMS project (the Planning side alone has 3 million parts of data to transfer), the cost is yet to be confirmed and is currently being scoped.

On page 16, there is reference to a local authority migration profile, it would have been useful to have seen this in order to understand and prepare our own timelines in readiness for the data migration work. It is/has been difficult to scope the cost of data cleansing and digitisation without knowing our time frame.

With regard to transition costs, more information is required to understand what 'burden' assistance the authority will receive to aid the data cleansing/data migration.

Question 21:

Do you have any comments at this stage on CON 29 searches and how they relate to our proposed changes to local land charges, including the practical steps taken to digitise local land charges information?

Removing LLC1s from the CON29s defragments the service, therefore digitisation needs to be applied to both areas, ultimately providing a better service to the customer.

Please, send your comments by **22 June** to landcharges@local.gov.uk in time for the LGA to prepare a response.