

Land Registry Online Consultations

View Response

Answers to **Land Registry Local Land Charges Rules Questionnaire**

COMPLETE RESPONSE

Response ID #479820. Submitted on 11 Jul 2016 14:14 by [Cornwall Council \(April Milne\)](#)

Question 1

Do you agree with the requirements for applications for registration of charges (other than light obstruction notices) being those set out in rule 3?

Yes No

Please provide comments to support your views

The Rule is vague on detail as to what is needed for a registration and does not defined what must be contained in the description. We are concerned that registrations will not be adequate for those reading the registration to fully understand what has been registered or it may generate further enquiries of the originating authority which ultimately will cause delays and slow the process down rather than speed things up.

If there are any errors in the registration documentation, or elements missed, it will be the originating authority who will need to answer/sort out the consequences.

If the Chief Land Registrar is going to be registering charges as well as originating authorities, who will ensure consistency, accuracy and quality.

The data must only be used for the purposes it was meant for ie. registration of a charge and only disclosed as part of the land charge search request and cannot be sold off to third parties or accessible by third parties outside of this purpose.

Question 2

Do you agree that it should not be compulsory to apply electronically to register a light obstruction notice but that a paper application (using Form A) may be made instead?

Yes No

Please provide comments to support your views

If we are seeking to encourage electronic/digital working then paper applications should be discouraged. Those authorities who regularly register Light Obstruction Notices would have their own expertise and experience to aid registration by applicants.

Question 3

Do you agree to continue having a prescribed Form A?

Yes No

Please provide comments to support your views

If we are seeking to encourage electronic/digital working then paper applications should be discouraged. Those authorities who regularly register Light Obstruction Notices would have their own expertise and experience to aid registration by applicants.

Question 4

Do you think that the wording of the Form A in these draft Local Land Charges Rules 2017 should be changed in any way?

Yes No

Please provide comments to support your views

If we are seeking to encourage electronic/digital working then paper applications should be discouraged. Those authorities who regularly register Light Obstruction Notices would have their own expertise and experience to aid registration by applicants.

Question 5

Do you agree that the digital local land charges register should contain all the particulars referred to in Schedule 1, and nothing more?

Yes No

Please provide comments to support your views

The Rule is too vague and would be difficult to track on follow-up enquiries. There is no mention of requiring an originating authority reference nor a HMLR one therefore it will be difficult to identify once registered.

It is clear that local authorities will be expected to continue to answer any/all queries arising from searches of the register.

The cost of this part of the service is factored into our current fee structure. As no income will be received in respect of local land charges searches once the service is taken over by the Land Registry, this will impose a huge financial burden on local authorities which the Land Registry must meet year on year through on going Burdens funding.

If the intention is to pull information from originating authorities and their predecessors, a means of identification/local reference will be needed in order to handle follow-up enquiries. Following data migration there is no indication of how HMLR will reference future registrations and link this to originating authorities.

With regard to Schedule 1, Particulars of Registration, the new rules require "Postal address or verbal description of retained land", there needs to be a clear definition of what this is made up of, errors occur when applicants are unable to identify pieces of land accurately or link to incorrect postal information.

With regard to the removal of the 1977 Rule 7, how would this work in reality as a lot of the search information relates to the history of the land which can only be obtained through linking with the planning register and will be a burden to local authorities such as ourselves who will now have to resource answering this element separately which is all done at source at the moment within the Land Charges Team. The current fees cover this cost, therefore will need to be considered in the new Burdens payment and ongoing Burdens payment.

Question 6

Do you agree that it is not necessary to include the additional particulars of registration for specific financial charges?

Yes No

Please provide comments to support your views

The suggestion by HMLR that the additional particulars of registration for specific financial charges are not required shows a lack of understanding of the purpose of local land charges, which is to provide the relevant information as clearly as possible to prospective purchasers of property.

Question 7

Do you agree with the proposals for variation and cancellation of registrations of charges in the register (other than those in respect of light obstruction notices)?

Yes No

Please provide comments to support your views

The power to cancel or vary registrations should remain with the originating authority, who are the data owners. The Land Registry are a vessel for the use of this data and would not necessarily know all the reasons behind a charge. There are some entries in the Register that remain valid regardless of compliance. If this Rule is to remain, it should be amended to state the Chief Land Registrar cannot amend without consent of the originating authority (or superseding authority).

There are no notes on compensatory payments should an error occur or where this lies. Therefore a clear audit trail is required for both transparency on the decision and where the error occurred.

We are concerned that with the discussion/consultation on the privatisation of the Land Registry's own future, there needs to be assurances that no third party will have the power to affect changes to the Local Land Charges Register (for whatever reason) without the consent of the originating authority.

Question 8

Do you agree with the proposals for variation and cancellation of registrations in respect of light obstruction notices?

Yes No

Please provide comments to support your views

As an authority we have had very few of these (we have 7), therefore would respectfully refer the Land Registry to consult on those authorities that regularly undertake this work.

Question 9

Do you agree to continue having a prescribed Form B?

Yes No

Please provide comments to support your views

As an authority we have had very few of these, therefore would respectfully refer the Land Registry to consult on those authorities that regularly undertake this work.

Question 10

Do you think that the wording of the Form B in these draft Local Land Charges Rules 2017 should be changed in any way?

Yes No

Please provide comments to support your views

As an authority we have had very few of these, therefore would respectfully refer the Land Registry to consult on those authorities that regularly undertake this work.

Question 11

Do you agree with the proposal for notification and cancellation for general charges?

Yes No

Please provide comments to support your views

This supports moving to more electronic working, however caveat that appropriate security needs to be in place for handling data electronically and if a third party needs access, that appropriate data sharing protocols are applied.

Any changes to electronic working/changes in software/etc must be funded by the Land Registry in order to accommodate electronic working.

Question 12

Do you agree with the proposal for personal searches?

Yes No

Please provide comments to support your views

Need more information as to what rights are envisaged for Personal Search Agents access and how they will be expected to access, if a request is made to the Land Registry are they then going to pass on/require the local authority to provide access/documentations? in which case adding another step in the process which causes delays.

There is a concern this rule will fall foul of Environmental Information Regulations and place an extra burden of local authorities.

Question 13 is in two parts (a) and (b)

(a) Do you agree with the provision made in respect of official searches?

Yes No

Please provide comments to support your views

It states requisitions for searches must be electronic - how/what form will this take? There are already providers to Land Charges that submit electronically, is it envisaged this is another means or using those providers already in existence?

10(2) appears to exclude searches and therefore opposite to the reason for placing the land charges register with the Land Registry. In order to carry out an official search, one needs to know the extent of the land or property being searched!

As stated there are already providers in existence that applicants can use to submit electronically, however in rural areas such as Cornwall this could exclude a large number of applicants due to the poor access to digital services, therefore disadvantaging applicants. More information is needed on what/how this will work.

(b) In particular, do you agree with what is required of applicants and what the official search certificate must contain?

Yes No

Please provide comments to support your views

As stated above, if an applicant has limited access to digital services, how those applicants can make requests?

The Certificate needs an official signatory ie. the Chief Land Registrar to be valid.

Question 14

Do you have comments on the proposed restriction contained in paragraph (2)?

Yes No

If you think a different form of limitation on extent should be adopted, please specify what the form of limitation should be and provide comments to support your views

10(2) appears to exclude searches and therefore opposite to the reason for placing the land charges register with the Land Registry. In order to carry out an official search, one needs to know the extent of the land or property being searched!

More information/definition is needed for applicants to clearly understand what/how to define an area.

Question 15

Do you agree with the proposal for destruction of documents?

Yes No

Please provide comments to support your views

Provided that the scanning is of sufficient quality to stand the test of time, is in a format that is accessible to the majority (eg. pdf) and reproduction/viewing as required and considers previous authorities records.

Question 16

Do you think that there are any other types of documents that are likely to be kept by the Chief Land Registrar in respect of which it ought to be possible to apply for copies?

Yes No

If yes, please identify the type of document and provide comments to support your views

This 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.

If this is part of the data migration project, all pertinent documents are available to the Land Registry, there should be an ability as the 'single point of contact' for the Land Registry to provide this, if not then should be part of a wider project to link property information together so that it is available in one place.

If the Land Registry needs to refer back to originating authorities for documents or refers applicants to the originating authority, the cost should be covered by either the applicant or the Land Registry.

Question 17

Do you have any comments on the matters which the Chief Land Registrar may determine?

Yes No

Comments

As the requirement is electronic means, any changes the Land Registry require in order for originating authorities to accommodate this, need to be funded by them.

Again, data needs to be kept secure and safe and data sharing protocols in place.

If the Chief Land Registrar is determining matters without recourse to originating/local authorities, who responds to questions arising from those determinations?

Question 18

Do you agree with the proposal for the Chief Land Registrar to be obliged to specify an address to which paper applications in respect of light obstruction notices must be sent?

Yes No

Please provide comments to support your views

No comment as we have very few.

Question 19

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

Yes No

Comments

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 the planning register 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?

Question 20

Do you have any comments on the Regulatory Impact Assessment?

Yes No

Comments

We 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. Which is less than the latest figures, so how would this move be an improvement/cost reduction to the customer.

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?

Yes No

Comments

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.

Information for CON29s are held in a number of Services within our local authority and pulled together in one place - Land Charges - therefore already providing a one stop shop on searches, etc., including information on highways, mines and minerals.

The original intention was to combine both services, splitting the process now increases delays and splits resources ultimately providing a lesser service to the paying customer.