Report of the Executive Director

CHARGING FOR LAND CHARGES INFORMATION

Purpose of report
To seek the Committee's approval to offer a paid-for service to Personal Search Companies.

Background
Under s8 of the Local Land Charges Act 1975, anyone may make a personal "on-site" inspection of the Land Charges Register. The person making the search must provide the Registering Authority (Broxtowe) with their name and address and be prepared to identify the parcel of land they wish to search. They are then allowed to inspect the relevant portion of the Local Land Charges Register. A Registering Authority is not expected or obliged to assist further. The onus is on the person inspecting the Register to record any information they feel is relevant.

It is not normal practice for a Registering Authority to undertake personal searches. However, since lockdown in March 2020, responses to search enquiries have been undertaken by the Council's Land Charges Officer and e-mailed out to Personal Search Companies (PSCs) as this has been the only way the Council could continue to provide this service while access to the Council Offices has not been available. Around 100 search results are being e-mailed out each month to PSCs. The Local Government Association has sought legal advice on whether a local authority can refuse to continue providing information via e-mail if it is available for inspection. With the Council offices now open for appointments, there is an opportunity to consider the options available for dealing with personal searches. These are set out in the appendix for the Committee's consideration.

Financial implications
Whilst the Local Land Charges Act 1975 gives councils power to set fees for the provision of Local Land Charge services, this does not apply to personal searches for which the fee has been set at zero. However, regulation 8 (3) of the Environmental Information Regulations 2004 states that a charge may be made to pass on the cost of supplying environmental information, which includes information obtained through a personal search. The cost can include:
1.   the cost of staff time incurred when preparing information in response to a specific request. This includes time spent locating, retrieving and extracting the information and putting it into the required format.
2.   the costs incurred when printing or copying the requested information and sending it to the requester.
A fee could therefore be charged for an enhanced e-mail service, based on the above elements. A fee has yet to be determined. It is not known how many of the PSCs would take up the option of the enhanced service.

Recommendations
The Committee is asked to RESOLVE that: **1. The introduction of an optional paid for enhanced e-mail service to PSCs be approved.** **2. The fee for the enhanced service be set by the Executive Director in consultation with the Chair of the Committee.**

Background papers: Nil

APPENDIX

The following options are available to the Council for dealing with personal search enquiries:

	Option	Comment
1.	To revert to the system of appointments being made for the personal inspection of the Register only.	It would be easier to continue with this approach only as this meets the requirements of legislation.
2.	To continue with the free e-mail service to PSCs.	Post lockdown and with the reinstatement of appointments for on-site inspection of the Register, this approach does not follow Guidance as costs are being incurred but not being recovered from service users. It is in effect being subsidised by official paid-for customers and could make it open to challenge.
3.	To revert to the system of appointments being made for the personal inspection of the Register but also continue with the optional e-mail service to PSCs on payment of a fee.	There may not be much take—up for a paid-for service as on-site inspections will be free of charge. This approach may also lead to a reduction in the number of official searches requested. However, the Council would be offering an enhanced service for which it would receive income.