

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

15 NOVEMBER 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HUMAN RESOURCES AND CORPORATE POLICY

LOCAL LAND CHARGES NATIONAL PROGRAMME

1. Purpose of report

- 1.1 The purpose of this report is to update Cabinet in relation to the Local Land Charges National Programme and the schedule for Bridgend County Borough Council (BCBC) to migrate across its Local Land Charges data in 2022/23.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

Smarter use of resources – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 In 2015, HM Land Registry (HMLR) was given the authority under the Infrastructure Act 2015 to create a single, national, digital register of Local Land Charges (LLC) across England and Wales. It is the Government's ambition that the national register becomes a trusted and guaranteed source of LLC information, containing all local authority records in England and Wales by 2025. This is a historic step forward in the ambition to make the home-buying process simpler, faster and cheaper. HMLR is working in partnership with local authorities to standardise and migrate local land charges register information to one accessible place.
- 3.2 Anyone will be able to access the national register 24/7. Each search result will provide details of entries on the local land charges register relating to the land or property concerned. Local authorities will continue to provide replies to CON29 enquiries, such as nearby road schemes or outstanding notices, which may affect a purchaser's decision on whether or not to proceed. Once the Council's local land charges data has been migrated to HMLR members of the public will no longer be able to get a local land charges search from the Council.
- 3.3 The benefits of the central register will be as follows:
- Guaranteed search results that provide the highest level of due diligence
 - The full spatial extent of every charge appears on the search result
 - Standard £15 fee for each search

- Consistent quality of data which provides clear and accurate search results
- Instant online search results with 24/7 access to the data, reducing delays in receiving search results
- Unlimited repeat searches for six months to check for any new charges before completing a transaction
- Search history dashboard giving access to previous searches at any time.

3.4 The geospatial data set eventually created by HMLR will bring the following benefits to the Council:

- data that can be shared across different departments to help deliver services more effectively and transparently;
- spatial data which can be overlaid with other mapping systems to provide a holistic picture of the Council's assets, locally maintained areas and features; and
- free access to spatial data which will allow staff to self-serve when answering queries, reducing the number of requests for information between departments.

4. Current situation/proposal

4.1 A report was presented to Cabinet on 9 March 2021 outlining the schedule for BCBC to migrate across its LLC records in 2022/23 and seeking authority to enter into a Collaborative Agreement with HMLR to formalise the arrangements and enable HMLR to receive data from BCBC and begin data assessment activities.

4.2 Since project inception, the Council has worked collaboratively with the Early Engagement Team at HMLR in relation to the first stages of the migration process and completed a number of tasks to ensure the data in the Council's LLC register is ready for migration and to ensure an efficient transfer. The Council's dataset of LLC records, including both the textual and spatial elements, was shared with HMLR to enable them to run a digital assessment through their Data Analysis Dashboard Tool. This tool is available to those local authorities not currently in the migration process but who want to start preparing their data for migration. The Tool has been completed by HMLR and the findings discussed with relevant officers to identify which LLCs can be fixed automatically and which charges require manual fixing. These findings have been documented and prioritised so that the Council knows which amendments to concentrate on, thereby having a better understanding of the time and resources needed for the migration process.

4.3 Arrangements have been made to move the Council into Migration Delivery and a Migration Manager at the HMLR has been allocated for the migration journey. HMLR will also offer the Council a HMLR Supplier as part of the process. The single end to end supplier will work closely with the Council to compile a digital data set and manage the migration with HMLR support and supervision.

4.4 On 18th October 2022 officers from HMLR visited the Civic Offices to formally start the project and introduce the mobilisation / discovery on-site meeting whereby the Council's data sources were interrogated in detail. BCBC officers will continue to work with HMLR to maintain the smooth data transitions required to coordinate the move of the LLC data to the national digital register. In December, the Council is expected to receive the HMLR proposed delivery plan following their on-site visit and will utilise its capabilities to fully collaborate with the HMLR during this important transition.

4.5 It should be noted that during this transition period LLC search results may be delayed resulting in the land charges team having a significant backlog of searches. At the time of this report, the Council currently has a 30 day turnaround. Clearly further delays will cause frustration and, in some cases, could lead to transactions not completing at all. HMLR have informed officers that they will provide all necessary public communication to circumnavigate any delays.

4.6 The Council will be required to formally sign off the delivery plan and enter into a Licence Agreement with HMLR providing for the Council's LLC data to be provided to HMLR on the terms set out in the agreement and to license intellectual property rights (if any) that it has in the data.

5. Effect upon policy framework and procedure rules

5.1 There is no effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

6.2 An assisted digital process will be available for anyone who cannot access the HMLR GOV.UK Service. Essentially customers will contact their LLC Processing Team and they will undertake the search on their behalf. As the Authority moves towards Go-Live, all relevant customers will be informed of the change. At this point targeted solutions will be implemented for any customers who might be digitally excluded.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals /objectives as a result of this report.

8. Financial implications

8.1 The cost of migrating to the central register is fully funded by HMLR and resources are free to all local authorities throughout the migration.

8.2 HMLR are required to consider the impact of implementation and provide funding to cover the costs to local authorities in line with the Ministry of Housing, Communities and Local Government's burdens doctrine. HMRL will assess the amount that is to be paid when a formal engagement to migrate the register is made, taking into account the number of local land charges and how long the migration process may take.

8.3 Payments may also be made for activities once the Council has migrated to HMLR to cover additional activities undertaken in the period immediately after the Council goes live and work in applying to add, vary and cancel charges that is additional to that required under the previous process. The Council will also lose the current income generated from search fees. The Medium Term Financial Strategy approved by Council in February 2022 included a £500,000 budget pressure to mitigate emerging pressures, to be allocated in line with need. In the Budget monitoring 2022-23 – quarter 1 revenue forecast to Cabinet on 19 July 2022 it was reported that £66,780 of this budget pressure was allocated to address this shortfall in income.

9. Recommendations

It is recommended that Cabinet note the report and:

- 9.1 Delegate authority to the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy to formalise the delivery arrangements with HMLR and sign off the delivery plan on behalf of the Council and enter into further contractual agreements as necessary with HMLR;
- 9.2 In consultation with the Section 151 Officer, formally accept all appropriate funding from HMLR and determine appropriate expenditure in order to meet the Council's obligations under any formal delivery plan;
- 9.3 Receive a further report as the project progresses.

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Background documents: None