

Committee:	Executive	Agenda Item No.:	9
Date:	26th January 2009	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Property Searches Information Policy		
Report by:	Legal & Land Charges Officer		
Other Officers Involved	Principal Solicitor Solicitor To The Council		
Director	Solicitor To The Council		
Relevant Portfolio Holder	Corporate Efficiency		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

Please specify how the proposals help to deliver the corporate aims.

Customer Focused Services – the effective management of the Local Authority's property search information

Strategic Organisational Development – to improve access to information

TARGETS

The Policy clarifies what information private search companies receive from Land Charges (Customer Focused Services) and clarifies the access in terms of it being provided in an efficient manner.

VALUE FOR MONEY

There is no financial impact on the Council or its customers.

THE REPORT

In accordance with government guidance and evolving legislative requirements, Local Land Charges needs a Policy on access to information held by the Council. In view of the coming into force of the new Regulations and the need to have this in place for 1st January 2009, the Chief Executive Officer approved the Policy under delegated powers.

Executive is now being asked for endorsement of this action.

IMPLICATIONS

Financial: None
Legal: In accordance with legislative requirements
Human Resources: None

RECOMMENDATION(S)

The Executive endorse the action of the Chief Executive Officer in approving the Property Searches Information Policy.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To clarify for the personal search companies where to obtain property search information for this Authority

ATTACHMENTS: Y

1. Final Version of Policy
2. Form showing current charges for private search companies

FILE REFERENCE:

L:\Sups\Techsup\Paulr\LAND CHARGES\NEW POLICY

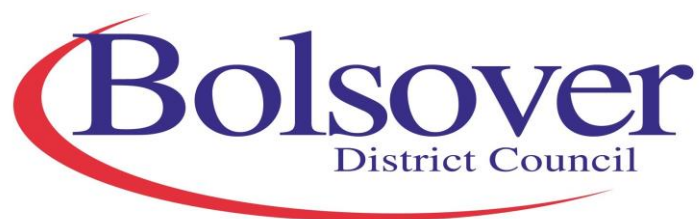
L:\Sups\Techsup\Paulr\LAND CHARGES\ACCESS TO INFORMATION JANUARY 2009\Access to CON29 information

SOURCE DOCUMENT:

BOLSOVER DISTRICT COUNCIL

Property Searches Information Policy

December 2008



This Policy addresses the following Corporate Aims (show those which are appropriate to the policy only):



CUSTOMER
FOCUSED SERVICES



STRATEGIC ORGANISATIONAL
DEVELOPMENT

Bolsover District Council Equalities Statement

Bolsover District Council is committed to equalities as an employer and in all the services provided to all sections of the community.

- The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with the Equality Strategy.
- The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing its functions.

This document is available in large print and other formats from any of the Council offices or by contacting the Chief Executives Directorate on 01246 242323. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

Our Equality and Improvement Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450

Fax: 01246 242423

CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Property Searches Information Policy
Document type – i.e. draft or final version	Final Version
Location of Policy	Internet & Intranet
Author of Policy	Legal & Land Charges Officer
Member route for Approval & Cabinet Member concerned	Cabinet Member for Corporate Efficiency
Reviewed by Director of Strategy	Yes
Date Risk Assessment completed	14 th November 2008
Date Equality Impact Assessment approved	12 th November 2008
Partnership Involvement (if applicable)	Not applicable
Date added to the Forward Plan	Not applicable
Policy Approved by	CEO 12 th December 2008
Date Approved	For endorsement at Executive January 2009
Policy Review Date	Dec 2010 and before if there are any relevant changes to legislation
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	15 th December 2008

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- 1. The Introduction**
- 2. The Scope of the Policy**
- 3. The Principles of the Policy**
- 4. The Policy Statement**
- 5. Responsibility for implementing the Policy**

1. Introduction

In January 2008 the Department of Communities and Local Government and the Ministry of Justice published a consultation paper on the future of local authorities (LAs) charging for all data currently held within a local authority to enable property searches to be carried out by customers (described in the rest of this policy as personal searchers).

On charging specifically, the government's proposals aim to deliver:

- Fair, open and transparent charges for the delivery of property searches
- Open access to all the LA held data necessary to compile a search to ensure consumers have all the relevant information on which to base a decision when buying a home.

Government guidance has already been published for LAs and personal searchers on access to search data. Regulations coming into force in January 2009 have been produced to determine the framework on the charging policy and when implemented, aim to complete the conditions for open access arrangements and the levelling of the playing field in the provision of searches as envisaged by the Office of Fair Trading.

In the Good Practice Guidance issued by the Department of Communities and Local Government "Personal searches of the local land charges register and other records held by local authorities" issued in January 2008 it states that under Terms of availability – *"We recommend that local authorities make their unrefined property information available to third parties on terms that do not advantage their own compiling activities over competing compilers"*

The Government endorsed these recommendations which contribute to achieving a level playing field between the local authority and personal search sectors in delivering property search services.

Historically private companies have answered the questions on the search with 'no information available' or 'unable to gain access to information' instead of making enquiries of the Local Authority. The companies have obtained insurance to protect themselves when not making enquiries at the Local Authorities.

This policy will ensure that access to the data **is** available and well publicised. Therefore the private companies will be unable to rely on 'insurance' cover and must buy the data from the authority.

2. Scope

Legislation under which the Local Land Charges section provides its service includes

- The Home Information Pack (No.2) Regulations 2007
- The Home Information Pack Regulations 2006 (Procedural Guidance)
- Local Land Charges Act 1975
- The Local Land Charges Rules 1977
- Local Authorities (Charges for Property Searches)(England) Regulations

The local authority search is in 2 parts, one being the statutory public register of all charges, planning applications, building control information , financial charges, highways information and much more that is maintained by the Land Charges Section which is not covered by this policy.

The second part being “Enquiries of the Local Authority” known as a CON29R form which asks other questions of the Local Authority from internal departments (Environmental Health) and external bodies (Building Control Consortium and Derbyshire County Council).

This data is collected, checked and collated by the Land Charges Section for external customers. The data required for Planning answers is already held and provided to customers directly by the Land Charges Section.

This policy is relevant to the second part which involves the data that other departments/bodies feed into the Land Charges Section that is necessary for the Enquiries of Local Authorities element of the search to be compiled.

This policy covers all requests for data, not currently available by checking public registers, held by the Council in relation to CON29R requests. It applies to enquiries for all land within the district.

3. Principles

The Council is committed to open and fair competition in the delivery of property searches. Fair, open and transparent charges for the delivery of property searches and open access to all the LA held data necessary to compile a search to ensure consumers have all the relevant information on which to base a decision when buying a home.

4. Policy Statement

- The Council will provide access to personal searchers to all the data necessary to compile a property search in line with the good practice access guidance published in January 2008.

- The Council will make charges to recover its 'reasonable costs' in delivering the necessary open access on a cost recovery basis. Charges will be determined by the Legal & Land Charges Officer from time to time. Details of charges are available from the Land Charges Section or via the website.
- The Council will enable personal searchers to buy the information held by the authority. This will enable them to sell on a fully completed search that should be equal in quality to the one provided by the Council.
- The Council has designated the Land Charges Section as the appropriate place for personal searchers to submit any enquiries relating to property information not currently available by checking public registers, and held by the Council in relation to CON29R requests.
- Personal Searchers will be entitled to use the data to compile one search only
- Permission will not be given to personal searchers to reuse the data.

5. Responsibility

The Legal & Land Charges Officer has the responsibility within the Council for the implementation of this policy.