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REPORT TO THE EXECUTIVE



DATE	14 th February 2022
PORTFOLIO	Executive Member for Resources and Performance
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MIGRATION OF THE LOCAL LAND CHARGES SERVICE

PURPOSE

1. To inform the Executive of the ongoing work with Her Majesty's Land Registry (HMLR) in connection with the migration of the Council's Local Land Charges service to HMLR and to seek approval to enter into a Collaboration Agreement and agree a Development Plan with HMLR.

RECOMMENDATION

2. That the Executive authorise the Head of Legal and Democratic Services to enter into a Collaboration Agreement and agree a Delivery Plan with HMLR and enter into any other agreements necessary to facilitate the migration of the Council's Local Land Charges service to HMLR.

REASONS FOR RECOMMENDATION

3. To enable the Council to progress the migration of the Council's Local Land Charges Service to HMLR.

SUMMARY OF KEY POINTS

4. HMLR is working in partnership with local authorities across England and Wales to migrate their local land charges data to a central digital register. The objective of the programme is to make HMLR the sole registering authority and official search provider for Local Land Charges in accordance with the provisions of the Infrastructure Act 2015. The programme is part of the Government's commitment to make the homebuying process simpler, faster and cheaper.
5. Every local authority is required to migrate its local land charges service to HMLR. Once migration has taken place, the Council will cease to provide local land charges searches and customers will obtain instant local searches from HMLR via a portal. The Council will however continue to provide CON 29 enquiries. HMLR has escalated its migration programme and has earmarked Burnley for migration in the year 2022/2023. Neighbouring authorities including Pendle and Blackburn with Darwen Councils have already migrated their local land charges service to HMLR.

6.	<p>The migration of local land charges is a complex issue. The purpose of the Collaboration agreement is to establish a framework to govern each parties' rights and obligations under the Local Land Charges Programme. In particular, the parties agree to</p> <ul style="list-style-type: none"> • Discuss the authority data with the other • Share and discuss the results of collaboration • Analyse the data and take remedial action in relation to incorrect entries • Act in good faith to support the migration process <p>In addition, under the Collaboration Agreement the Council is required to appoint a Senior Responsible Owner for the Migration to provide overall strategic oversight and direction and an Operational Leader accountable for the day-to-day delivery of the migration.</p>
7.	<p>The Delivery Plan sets out the timetable for the migration process and commits the Council to deliver the migration of local land charges by a specified date. There will be targets within the plan which the Council must achieve to receive transitional funding from HMLR. The Council will be entitled to a maximum transitional payment of £60,000.00 if it delivers the migration process on time. £20,000.00 will be payable to the Council on the signing of the Collaboration Agreement, with the remaining £40,000.00 being payable on the completion of the migration project. In addition to the transitional payment HMLR will also pay to the Council a burdens payment of between £2,000.00 - £3,000.00.</p>
8,	<p>HMLR acknowledge that the migration of local land charges services is a resource intensive process. As Burnley's Local Land Charges service comprises solely of one member of staff, the Local Land Charges Manager, it is envisaged that extra support will be needed to work on data preparation e.g., cleansing any incorrect data before migration can take place. The Council intends to take advantage of the transitional payments to fund the costs of additional staff time (appointing a temporary member of staff and/or overtime) needed to cleanse the data whilst continuing to run the service.</p>
9.	<p>Once the migration process is complete, the Chief Land Registrar issues a formal notice to the Council informing it of the date on which the Chief Land Registrar will assume the Local Land Charges function for the borough. After migration, the Council will continue to provide CON 29 Enquiries, which provide information on matters which affect a property e.g. road schemes or noise abatement notices. In addition, the Council will still be required to apply, vary or cancel charges in the new register.</p>
10	<p>The migration of the local land charges service will have financial implications for the Council as set out below</p>

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

11.	<p>Once the Chief Land Registrar has assumed the Local Land Charges function for the borough the Council will no longer carry out local land charges searches with a resultant loss in income. The Council's budget for local land charges is currently £62,614.00 per annum. It is estimated that the migration of local land charges to HMLR will result in a loss of income to the Council of £15,000.00 per annum from 2023/2024. The reduced income should be sufficient to cover the costs of the Land Charges Manager post who will continue to provide CON 29 enquiries and the on- going maintenance of the register.</p>
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POLICY IMPLICATIONS

12.	As set out in the report.
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DETAILS OF CONSULTATION

13.	None
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BACKGROUND PAPERS	
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14.	None
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