



ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
3 October 2023

Key Decision [Yes/No]

Ward(s) Affected:

## Land Charges Migration to HM Land Registry

### Report by the Director for Place

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### Executive Summary

#### 1. Purpose

- 1.1. HM Land Registry are combining each Local Authority's Land Charges Register into a single standardised digital and geospatial dataset. Under the Infrastructure Act 2015, responsibility for the 331 registers was transferred to HM Land Registry (HMLR) to be rolled out in a phased approach. The target is for all 331 local authorities in England and Wales to be migrated by 2025.
- 1.2. At the present time only 75 authorities have migrated to the HMLR. The target for Adur and Worthing is to carry out the migration during the financial year 2023-24. However, as with other migrations this timetable is very likely to slip into 2024-2025.
- 1.3. This report provides background to the HMLR project and highlights some of the financial and resource implications for the Councils. The report seeks approval to enter into a Collaboration Agreement with the HMLR. To assist with the migration the Government will provide initial funding (transitional payments) and post migration an 'additional burdens' payment.

1.4. The report also seeks authority to use some of the transitional payment to fund additional staff resources to enable the Council to progress the migration of the Council's Local Land Charges Service to HMLR.

## **2. Recommendations**

2.1. Authorise the Director for Place in Consultation with the Assistant Director Legal and Monitoring Officer, to enter into a Collaboration Agreement and agree a Delivery Plan with HMLR.

2.2. Authorise the Director for Place to enter into any other agreements necessary to facilitate the migration of the Council's Local Land Charges service to HMLR.

2.3. To agree to allocate up to £40.5k of the Part 1 HMLR Transitional Payment to fund additional staff resources to enable the migration process to be delivered within agreed timescales.

## **3. Context**

### **3.1 Background**

3.1 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 Part 1 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.

3.2 The benefits for those seeking an official search are set out to be:

- Search results provided with the highest level of due diligence.
- The full spatial extent of every charge appears on the search result.
- Standard £15 fee for each service providing a reduction to the current national average price (currently £115 in Adur and Worthing).

3.3 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. Under the agreement the local authority (LA) makes its Local Land Charge (LLC) data available to HMLR. This includes both the textual and spatial elements to:

- analyse where authority data is not suitable for migration
- identify areas needing work before to migration
- identify areas of data enhancement during migration by applying HLMR business rules.

3.4 In addition, under the Collaboration Agreement the Council is required to appoint a Senior Responsible Owner (proposed Head of Planning and Development) for the Migration to provide overall strategic oversight and direction and an Operational Leader (proposed Senior Land Charges Officer) accountable for the day-to-day delivery of the migration.

#### **4.0 Migration Process**

4.1 On signing of the Collaboration Agreement, a delivery plan will be agreed with HMLR. Officers will enter into negotiation with HMLR on the realistic timescales for the delivery plan which the Council is willing to commit to, based on its resource capacity.

4.2 The Delivery Plan, once agreed, 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 £135k (£60 for Adur and £75k for Worthing) if it delivers the migration process on time.

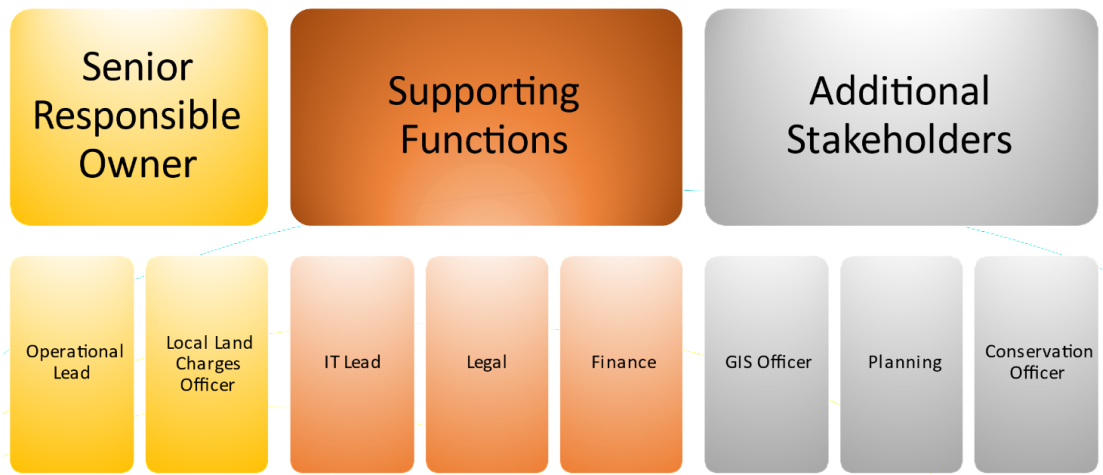
4.3 HMLR proposes to make the transition payment in 2 stages provided the delivery schedule milestones are met as follows:

***'Milestone 1 – payment (30% of total) – When we formally agree a plan of work and Adur and Worthing enter migration delivery, the delivery activities include agreement and sign-off of your Delivery Plan and Collaboration Agreement. These activities to be completed no later than 6 weeks from and including the date of your mobilisation meeting.***

***Milestone 2 – payment (70% of total) – When Parts 1 and 3 of Schedule 5 to the Infrastructure Act 2015 have effect in relation to the area served by Adur***

*and Worthing, so that Adur and Worthing's LLC Register has transferred to HMLR's LLC Register, by the agreed serve notice date. If Adur and Worthing fail to meet the second milestone, HMLR will deduct 2.5% of the final payment weekly, until the revised serve notice is complete. If the cause of the delay is the fault of HMLR, Adur and Worthing will receive payments as normal.'*

- 4.4 As Adur and Worthing Local Land Charges service comprises a small team of two full time and two part time team Members (total 2.9 FTE), it is envisaged that extra support will be needed to work on data preparation. An initial review of the data by the HMLR has identified that the data is relatively good and the main issue will be ensuring that address data can be captured spatially. For example, the Register includes a charge on any property that is a listed building but HMLR will require the charge to be captured spatially and therefore the curtilage of every listed building would need to be defined.
- 4.5 As the Land Charges Register is made up of charges from a number of other departments, it is likely that a project team would need to be set including support services and planning representatives as the following indicative diagram indicates:



- 4.6 It is proposed 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, correct errors and capture charges spatially whilst continuing to run the service. Committee authority is therefore requested to allocate the first stage of the transitional payment made on signing of the Delivery Plan (£40.5k) to fund the additional staff resource required to deliver the programme on time.

## **5.0 Post Migration Implications**

5.1 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 Adur and Worthing. After migration, the Council will continue to provide what are known as CON 29 enquiries relating to Planning and Building Control, which provides 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.

5.2 Once the Chief Land Registrar has assumed the Local Land Charges function for Adur and Worthing, the Council will no longer carry out local land charges searches and requests under the Environmental Information Regulations (EIR's) with a resultant loss in income. This is difficult to estimate at this stage but any reduction in income will be cushioned initially as the Government has also indicated that it will pay Councils an 'Additional Burdens' payment. This would be paid within 3 months of migration to cover the cost of:

- extraction of data from current digital systems
- data preparation
- provision of information to create spatial extents
- providing updates to the register during migration
- resolution of enquiries arising during the migration process
- payment for the one-off activities and first 3 years of additional work to add, vary and cancel charges will be made at the same time

5.3 A Service Assessment form has been completed to seek an estimate of any future additional burdens payment and once this has been received and there is greater clarity on the delivery timetable, a further report on the future financial implications of the migration will be prepared for Committee's consideration.

## **6.0 Engagement and Communication**

6.1 Consultation was undertaken prior to introducing the Infrastructure Act 2015. Following the passing of the Act there is no alternative available to local authorities other than to migrate to the HMLR.

6.2 The Land Charges Team have been consulted on the project and the potential future implications of the migration on workload and resourcing. The HMLR

has indicated that the migration for the Service has not resulted in any redundancies at LA's that have been through the process but it accepts that workload will be reduced and there could be future efficiency savings for both Councils.

## **7.0 Financial Implications**

7.1 The Council will receive transitional funding from HM Land Registry for the migration work of £135k (£60k for Adur and £75k for Worthing).

7.2 There will be additional resources required to complete the migration by the target date, and it is recommended that Members approve the use of the initial HMLR funding to meet the additional associated cost of £40.5k to prepare the Councils data to be ready for migration.

Finance Officer: Emma Thomas

Date: 22/09/2023

## **8.0 Legal Implications**

8.1 There is a legal obligation to register local land charges. Local authorities currently maintain local land charges registers.

8.2 The Infrastructure Act 2015 provides for the transfer of responsibility for local land charges in England and Wales from local authorities to HMLR.

Legal Officer: Caroline Perry

Date: 22/09/2023

## **Background Papers**

- Infrastructure Act 2015
- Local Land Charges Programme - website
- Local Land Charges Migration Hub - website



## **Sustainability & Risk Assessment**

### **1. Economic**

- The migration to the HMLR is intended to speed up the process and reduce costs for those buying and selling property. In this respect the proposal would have a positive economic impact on the local community.

### **2. Social**

#### **2.1 Social Value**

- The migration would provide an opportunity to digitise all LA data and provide a more efficient and cheaper service for the public. Given the complexities of buying and selling property and land the process should make improvements for all those involved in the process.

#### **2.2 Equality Issues**

- The reduced costs for seeking information on land charges would benefit all those seeking to buy or sell although this would not assist those who cannot afford their own property.

#### **2.3 Community Safety Issues (Section 17)**

- Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

- Matter considered and no issues identified.

### **3. Environmental**

- Matter considered and no issues identified.

### **4. Governance**

- "Matter considered and no issues identified."