



RECORD OF DELEGATED DECISION (OFFICER)

1. Decision Reference No.	CEX353
2. Name/Title of Officer	Sarah Legge Assistant Director for Planning
3. Email address of Officer	slegge@melton.gov.uk
4. Title / Subject Matter:	Land Charges Migration Collaboration Agreement (migration of Land Charges to Land Registry)
5. Type of Decision:	Public
6. Key Decision?	No
7. Decision Taken:	<p>1. Sign a Collaboration Agreement between HM Land Registry and Melton Borough Council in relation to the Land Charges Programme in respect of commencing the formal migration of the LLC1 Register to HM Land Registry.</p>
8. Reasons for Decision:	<p>The Government are proposing this change to all Local Authorities as part of 5 year plan and Melton Borough Council is included in the final stage of this plan. This is known as the Local Land Charges Programme (LLCP) which will make His Majesty's Land Registry (HMLR) the sole registering authority and official search provider for Local Land Charges in England and Wales.</p> <p>HMLR will use the Authority's Data for digitisation, migration and transformation purposes, to support and inform enhancements to HMLR's LLC Register and support the design and testing of data quality specifications and processes. Additionally, the data will be used to support the procurement of suppliers in connection with the LLC Programme.</p> <p>The Collaboration Agreement (CA) establishes a framework to govern the respective rights and obligations in respect of the LLC Programme. The CA ensures that Melton Borough Council agrees to collaborate with HMLR to complete the activities required to enable HMLR to become the registering authority for LLC in accordance with Schedule 5 to the Infrastructure Act 2015.</p> <p>The CA and data sharing period is for a maximum of 24 months from the commencement date of the CA.</p>
9. Authority / Legal Power:	<p>The Director for Growth and Regeneration has delegated powers to take this decision in accordance with 12.2 of the Officer Scheme of Delegation and Appendix B of the Cabinet Scheme of Delegation.</p>

10. Background Papers attached?	Yes - the Collaboration Agreement to be signed				
11. Alternative options available / rejected: <ol style="list-style-type: none"> 1. As this is a Government-led scheme we must proceed as required by the Infrastructure Act 2015 as detailed above. 2. If we do not proceed we risk legal challenge from HMLR 					
12. Implications: <table border="1" data-bbox="134 607 1485 2069"> <tr> <td data-bbox="134 607 419 1341"> Legal </td> <td data-bbox="419 607 1485 1341"> <p>Section 34 and Schedule 5 of the Infrastructure Act 2015 has amended the Local Land Charges Act 1975 (and other legislation) so that the Chief Land Registrar must keep the local land charges register rather than local authorities. The Council is therefore required to transfer this function to HM Land Registry. As part of this process, the Council will be required to work with HM Land Registry and this process will require legal agreements to be entered into.</p> <p>The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1).</p> <p>The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations</p> <p>[Legal Approval – 15 September 2023]</p> </td> </tr> <tr> <td data-bbox="134 1341 419 2069"> Finance </td> <td data-bbox="419 1341 1485 2069"> <p>At the present time, Melton Borough Council processes LLC1 Register Searches as part of the Local Land Charges Function. By transferring this function to the HMLR we will lose the fees associated with this type of search. The Land Charges database shows that we processed 1637 LLC searches between 1st April 2020 and 31st March 2023, broken down as follows:</p> <p>Fees as at 1st April 2020 were £23/residential and £33/commercial LLC1 search.</p> <p>Fees as at 1st April 2021 were £24/residential and £35/commercial LLC1 search</p> <p>Fees as at 1st April 2022 were £25.70/residential and £37.50/commercial LLC1 search</p> <p>On the basis of 80% residential and 20% commercial</p> <p>2020/21 – 602 LLC1 searches = £15k income 2021/22 – 580 LLC1 searches = £15,200 income 2022/23 – 455 LLC1 searches = £12,800 income</p> </td> </tr> </table>		Legal	<p>Section 34 and Schedule 5 of the Infrastructure Act 2015 has amended the Local Land Charges Act 1975 (and other legislation) so that the Chief Land Registrar must keep the local land charges register rather than local authorities. The Council is therefore required to transfer this function to HM Land Registry. As part of this process, the Council will be required to work with HM Land Registry and this process will require legal agreements to be entered into.</p> <p>The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1).</p> <p>The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations</p> <p>[Legal Approval – 15 September 2023]</p>	Finance	<p>At the present time, Melton Borough Council processes LLC1 Register Searches as part of the Local Land Charges Function. By transferring this function to the HMLR we will lose the fees associated with this type of search. The Land Charges database shows that we processed 1637 LLC searches between 1st April 2020 and 31st March 2023, broken down as follows:</p> <p>Fees as at 1st April 2020 were £23/residential and £33/commercial LLC1 search.</p> <p>Fees as at 1st April 2021 were £24/residential and £35/commercial LLC1 search</p> <p>Fees as at 1st April 2022 were £25.70/residential and £37.50/commercial LLC1 search</p> <p>On the basis of 80% residential and 20% commercial</p> <p>2020/21 – 602 LLC1 searches = £15k income 2021/22 – 580 LLC1 searches = £15,200 income 2022/23 – 455 LLC1 searches = £12,800 income</p>
Legal	<p>Section 34 and Schedule 5 of the Infrastructure Act 2015 has amended the Local Land Charges Act 1975 (and other legislation) so that the Chief Land Registrar must keep the local land charges register rather than local authorities. The Council is therefore required to transfer this function to HM Land Registry. As part of this process, the Council will be required to work with HM Land Registry and this process will require legal agreements to be entered into.</p> <p>The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1).</p> <p>The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations</p> <p>[Legal Approval – 15 September 2023]</p>				
Finance	<p>At the present time, Melton Borough Council processes LLC1 Register Searches as part of the Local Land Charges Function. By transferring this function to the HMLR we will lose the fees associated with this type of search. The Land Charges database shows that we processed 1637 LLC searches between 1st April 2020 and 31st March 2023, broken down as follows:</p> <p>Fees as at 1st April 2020 were £23/residential and £33/commercial LLC1 search.</p> <p>Fees as at 1st April 2021 were £24/residential and £35/commercial LLC1 search</p> <p>Fees as at 1st April 2022 were £25.70/residential and £37.50/commercial LLC1 search</p> <p>On the basis of 80% residential and 20% commercial</p> <p>2020/21 – 602 LLC1 searches = £15k income 2021/22 – 580 LLC1 searches = £15,200 income 2022/23 – 455 LLC1 searches = £12,800 income</p>				

	<p>It can therefore be concluded that the service will lose approximately £13-15k income upon full transfer of the LLC1 Register to HMLR which is expected in 2024/25.</p> <p>There is a new burdens payment available to us, however this will not be calculated by HMLR until the service assessment has been completed. The service assessment cannot be completed until this Collaboration Agreement has been signed and completed. The burdens payment will cover any extra costs (i.e. overtime, investment in technology etc.) that is specific to Land Charges for this project to be successful. It will be paid within 3 months of the live service.</p> <p>There is a transition payment, paid in 2 stages, 30% paid when we go into migration delivery and a delivery plan has been agreed. 70% will be paid after the service goes live. The total transition payment is £60k.</p> <p>Once the transfer has been complete an assessment of ongoing resources will be required and whether there are any savings required / available based on potentially reduced workload.</p> <p>[Finance Approval – 15 September 2023]</p>
<p>HR</p>	<p>The Land Registry are proposing to digitalise part of the service being transferred with the statutory responsibility to undertake the remaining searches remaining with the council. As a result there is no transfer for the existing role. Any potential reduced workload will be assessed at a later date however this is currently unknown. It is anticipated that there remains a requirement for a full time post at Melton.</p> <p>[HR & Communications Approval – 12 October 2023]</p>

13. APPROVAL/SIGN OFF (Do not complete until all implications signed off at Section 12)

<p>Signature of Decision Maker with authority to sign :</p>	<p>Email approval received Sarah Legge Assistant Director for Planning</p>
<p>Consultation with:</p>	<p>N/A</p>
<p>Date:</p>	<p>12 October 2023</p>

Please send all decisions for publication to: Democratic Services at democracy@melton.gov.uk. All decisions with exempt information should be referred to MonitoringOfficer@melton.gov.uk