

CABINET

SOLICITOR TO THE COUNCIL

17th November 2015

REPORT NO. LEG1520

KEY DECISION? NO

LOCAL AUTHORITY DATA TRANSPARENCY CODE AND ESTATES WORK

1. PURPOSE OF REPORT

This Report is to

- Update cabinet on the progress of the Council in meeting its requirements under the transparency code on land ownership records
- Seek funding to continue this work
- Seek funding for a graduate surveyor to support this work and other estates work

2. INTRODUCTION

In 2014, Cabinet agreed to fund a temporary post for a year in order to meet its requirements under the transparency code to electronically capture all its land ownership records. A legal executive was appointed on a temporary fixed contract for a year and the purpose of this report is to provide an update on progress and request for additional funding for another year to enable this work to continue.

3. BACKGROUND

The Transparency Code makes it mandatory for all councils to publish on its website details of their land and property assets in the borough. This involves the existing post holder investigating each and every deed packet.

There are 844 deed packs. Since this project started in January of this year **129** deed packs have been processed. Previous to this project only 8 had been electronically captured.

18 applications have been made to the Land Registry for voluntary registration but it is thought that there may be up to 260 areas of land that still need to be registered at the Land Registry.

65 ownership records have been created in Uniform, **20** of which are Lease records.

It is difficult to estimate how much longer the work should take to complete as some deed packets will be relatively simple, but others larger and more complex. It is however important to complete this work not only because it is mandatory under the code but also because it reveals encroachments where adjoining owners have taken council land and registered it as their own. It also lessens the difficulties with projects such as the Civic Quarter if the title to the council's land is registered before the procurement commences.

The work has had an additional benefit of enabling the Council to identify small parcels of amenity land which can be sold to generate capital receipts. The report on garden / amenity land sales is also on this agenda.

4. PROCEDURE

The work involves preparing a spreadsheet for each deed pack which includes

- the address and information on whether or not the land is registered.
- the title number if registered,
- whether or not the land is included in the Montague Evans report and if so, the Asset Reference number and page and
- Whether or not the extent of the land corresponds with the GIS record.
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If the land is unregistered, the post holder is required to apply to the Land Registry for voluntary registration.

These details are entered into the UNIFORM Live database under Estates and an ownership record is created for each address. The ownership record includes the full address, a description of the land, its registered title and other operational information such as the users of the land, the managing service.

Leases or easements on land mean that a separate record needs to be created with their details.

The final part of the process, involves the creation of an electronic folder accessible by both Legal and IT. This folder contains scanned copies of relevant Land Registry Documents and/ or Conveyances where the land is not yet registered. In addition, scanned copies of any relevant leases or easements can also be obtained from this folder.

5. ESTATES WORK

Additional support has been necessary within the estates team. This has been provided by employing a graduate surveyor which has helped assist in this work and also undertakes other estates work to help update the property portfolio assisting on outstanding rent reviews and routine easements and licences, freeing up the general practice surveyor to concentrate on estates acquisitions and development work such as the depot; the SANGs sites; the industrial estates and possible redevelopment opportunities generated from our existing assets. A graduate Surveyor has been working through an agency for the last 3 months and it is now suggested that a 12 month contract be offered to him whilst the

longer terms needs of the team are determined through the Asset Management Work with Eastleigh. This is more cost effective than using an agency.

6. ALTERNATIVE OPTIONS

Cease the work- this would leave the project part completed and the council would be unable to comply with the provisions of the transparency code. Were a complaint to be received then the Information Commissioner would have jurisdiction to determine whether we are complying with the code.

Additionally as much of the council land does not have a registered title, should the council suffer a major incident such as a fire, the title Deeds could be lost and the council would be unable to prove whether or not it owns unregistered land.

7. IMPLICATIONS

Risks

7.1 The risks of not completing this work is set out earlier in this report

Legal Implications

The Council requirements of the Code are mandatory. The council has complied with all other areas of the Code uploading the required data onto the web site and this is the last area where work still remains to be done.

Financial and Resource Implications

The original cabinet report advised that the government had announced £2.6 m of New Burdens funding for 2014-15 and a further 4.0m in 2015-6 to help with the burden of implementing the Transparency Code. The LGA was to work with government on a distribution formula with the amount the council would receive, as part of its revenue grant, being unknown. Therefore, the work to date has been funded from the Service Improvement Fund. The cost to enable this project to continue for a further 12 month post will be £43500 including on costs (plus any pay scale increase in 2016 and the increased cost of employers NI, taking on costs to 24.9% of salary rather than 21.5% of salary) with £2,000 budget to meet registration fees.

For the graduate surveyor a one year temporary contract at point 22 of the pay scale (grade 3) the cost would be £20250 plus 2016 on costs of £5,042.25. A one off reduced break fee of 20% on the annual salary would also be payable to Hayes of £4,100. The total cost for one year would therefore be £29,642.25 rather than £20k agency cost for 6months

Property Implications

This work is necessary so that the councils property records are up to date with all land registered at the land registry. This will enable all service users to have

better information and reduce the number of land ownership queries that the estate service deals with

RECOMMENDATION

That Cabinet approve the use of the Service Improvement Fund to:-

1. Employ a legal executive for a further 12 month period from 1st January 2016 at a cost of £43500 plus the cost of increased NI or pay awards
2. That the sum of £2,000 be approved to meet land registry fees in connection with the first registration applications
3. Employ a graduate surveyor for 12 months at the cost of £29,642.25

BACKGROUND DOCUMENTS:

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