

SOUTH KESTEVEN DISTRICT COUNCIL
CHARGES FOR ACCESS TO PROPERTY RECORDS
FOR THE YEAR ENDED 31st MARCH 2012

STATUTORY INSTRUMENTS 2008 No. 3248 HOUSING, ENGLAND

The Local Authorities (England) (Charges for Property Searches) Regulations 2008

The following financial statement is produced in accordance with Regulation 9.1 of The Local Authorities (England) (Charges for Property Searches) Regulations 2008. In accordance with Regulation 9.4 this statement is approved by the person having responsibility for the administration of the financial affairs of the local authority under section 151 of the Local Government Act 1972(4).

Regulation 9.1 states that during each financial year, a local authority must publish a statement setting out –

- a) the estimates the local authority has made under regulation 6.2 (estimates of total costs and estimates of numbers of requests) in respect of the unit charge for the following financial year;
- b) the basis for those estimates; and
- c) the amount of the unit charge it proposes for the following financial year.

2011/12	Q1.1 f-h		Q3.5		Q3.7 a-f (excl.e)		Q3.8		Q3.9 a-n		Q3.10 b		Q3.11		Q3.12 b(i)&C	
Estimates	Update	Access	Update	Access	Update	Access	Update	Access	Update	Access	Update	Access	Update	Access	Update	Access
Data access (3 rd party only)		700		5		120		200		10		5		25		30
Data access (all parties)	2850		2155		2270		2350		2160		2155		2175		2180	
Costs (rounded) £ (incl. 09/10 deficit)	4,528	4,569	145	9	2,665	731	837	273	1,012	50	33	11	-750	69	6,555	262
Unit charge £	8.12		1.94		7.26		1.72		5.47		2.17		2.42		11.74	

Basis

The estimated number of times that data will be accessed during the forthcoming financial year is based on the level of activity that has been witnessed to date during 2010/11. A comparison of this level of activity has been made to that witnessed during 2009/10 and it has been noted that the 10/11 levels are significantly lower than 09/10. It has therefore been anticipated that for the forthcoming financial year activity levels will remain constant at the current levels being witnessed. This is in line with the assumptions that have been made by the council with regard to the economic climate when setting the budgeted income levels from fees and charges.

The costs have been estimated by reference to the 11/12 budgets, agreed by council, for the various departments that spend time updating, maintaining and granting access to the data. Time sheet recording is used to establish the staff costs appropriate to property search purposes and minimal overheads are attributed to this activity. It is recognised that the use of data for property search services might be incidental to the main use of the data by the local authority i.e. the data is primarily collected for other purposes. Consequently it is expected that any costs allocated to this activity will be minimal to reflect any proportionally low usage.

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When setting the estimates and unit charges above full adherence has been paid to the Communities and Local Government, Local Authority Property Search Services – Costing and Charging Guidance that was published in January 2009. This authority imposes internal recharges (analogous to a charge) for internal transactions.

Under regulation 6.3 a local authority must take all reasonable steps to ensure that over the course of any period of three consecutive financial years, the total income (including notional income from internal transactions) from such charges and recharges does not exceed the total costs of granting access to property records. Furthermore, regulation 6.4 states that if a local authority makes an under or overestimate during a financial year, then in determining the unit charges in following financial years it must take this into account. In accordance with this the unit charges for 2011/12 include the recovery of an overall £5,076.42 deficit in relation to 2009/10.

Explanatory Note

The information above relates to charging for “unrefined data” when the authority receives a request for “access to property records”. The “unrefined data” is priced based on a cost recovery basis in order to recover the costs of granting access to the “data set” whilst providing equal access to all parties (including the local authority) at the same charge. The information is provided based on each data element of the Con29(R)&(O) thus enabling the local authority front office or a third party to produce a Con29(R) or respond to a specific Con29(O) question. Charges comprise the costs of data capture and data updating along with the costs of providing access to the data to third parties. However, no charges are made for “free statutory information” from which the authority is prohibited from making a charge or required to provide free of charge. For the avoidance of doubt, no costs incurred by the authority are included for converting the information accessed in to a form Con29(R) or Con29 (O) by the local authority front office.

Under the definition of “property records” the local land charges register is excluded as this is kept under section 3(2) of the Local Land Charges Act 1975(2). No costs are therefore included for access to the local land charges register.

Signature

Date

**Daren Turner ACCA
Strategic Director (Corporate Focus) - S151 officer**