

REPORT

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| To: GENERAL PURPOSES COMMITTEE | | Subject: PROPERTY ENQUIRY SERVICE |
| From: DIRECTOR OF ADMINISTRATION | | |
| Date: 13 March 2007 | Ref: JAF/IL | |

1. Purpose of Report

1.1 The report advises the Committee of the outcome of an option appraisal exercise undertaken in respect of the property enquiry service.

2. Background

2.1 On 23 October 2002 the Committee noted the outcome of a survey of users of the Council's property enquiry service. That survey revealed general satisfaction with the service among users while identifying, also, areas for improvement. In particular it was identified that the Council's property enquiry certificate was considered to provide good value for money but, while price competitive, compared adversely with the ability of external agencies to provide certificates more speedily – and, also, compared adversely with external agencies in terms of simplicity and clarity of the certificate.

2.2 In year 2002/2003 – the year in which the previous report was submitted, the Council received a total of 808 requests for property enquiry certificates. This represented a decline of 198 from the total for the preceding financial year. In subsequent years the number of requests for certificates has declined dramatically – to 326 in year 2003/2004, to 255 in year 2004/2005 and to 175 in financial year 2005/2006. The figure for the first three quarters of financial year 2006/2007 is 88.

3. Process

3.1 The property enquiry certificate provided by North Lanarkshire Council contains the following information on whether –

- if it is a dwellinghouse, it meets the 'tolerable' standard and has all of the standard amenities;
- it is the subject of a Closing Order or a Demolition Order under housing legislation;
- it is in a Smoke Control Area;
- it is in an area designated as an air quality management area;
- it is affected by any other environmental or pollution issues;
- if it is a dwellinghouse, it is the subject of an Improvement Grant or a Repairs Grant;
- the property is affected by Building Regulations;
- the carriageway, footpath and/or footway and verge have been adopted for maintenance purposes;
- there are any road proposals affecting the property;

- the zoning of the property in the Local Plan;
- the property is subject to enforcement notice; compulsory purchase; other planning type agreements or directions; or Tree Preservation Order;
- the property lies within a Housing Action Area or a Conservation Area; or is a listed building;
- the property or adjoining properties have been the subject of planning applications and, if so, these details.

This information is compiled through liaison with officers in other departments – in particular the Department of Housing and Property Services in respect of improvement and repairs grants and the Environmental, Building Control, Roads and Planning Sections of the Department of Planning and Environment in respect of the remainder of the information contained in the certificate.

The time taken to produce certificates is, accordingly, dependent on the time taken by these departments to provide the department with all relevant information.

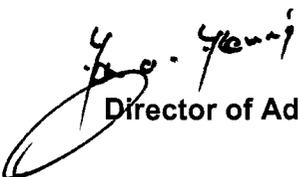
- 3.2 While a fee – £76.00 – is charged to offset the cost of provision of property enquiry certificates, the major justification for the provision of this service is to obviate the need for officers in a variety of departments to devote time, in an unstructured way, to respond to enquiries and requests to examine public registers maintained by the Council. This, however, is dependent on a sufficient volume of requests to justify the devotion of the necessary resources. The decline in the number of requests has taken the volume below that level and, accordingly, the time period for provision of the information is increasing.
- 3.3 While not a principal cause of decline, the position has further deteriorated following the coming into force of the Freedom of Information (Scotland) Act 2002. That Act came into force on 1 January 2005 and, in the calendar years 2005 and 2006 a total of 78 Freedom of Information requests have been received in respect of information obtainable through the Council's property enquiry service. Those requests have been received almost exclusively from commercial providers of property enquiry certificates and in terms of the Freedom of Information legislation this information has required to be provided to them free of charge. In response to the volume of requests the Director of Planning and Environment has elected to place a certain amount of information on the Council's web site.
- 3.4 Two surveys of users of the Council's property enquiry service have been undertaken – the earlier in 2002 and the subsequent survey in 2006. In response to both surveys a substantial majority of respondents indicated that the service provided by the Council was comparable, good or excellent in comparison with that provided by other providers in respect of cost and range of information provided. In both surveys, however, a substantial majority of respondents indicated that in terms of delivery time the Council's service was less favourable by comparison with that of other providers. Both surveys indicated, also, that speed of response was an extremely important factor in determining the service used.
- 3.5 The target time for production of property enquiry certificates within North Lanarkshire is twelve working days – a reduction of two working days from that in 2001/2002. In year 2001/2002 95% of property enquiries were dealt with in target time. In 2002/2003 – with the reduction in target time – this total fell to 83%. The figures for 2003/2004, 2004/2005 and 2005/2006 were, respectively, 69%, 73% and 64%.
- 3.6 In a survey of other Scottish Councils it is confirmed that all Councils continue to provide a property enquiry service. It is identified, however, that the target response time for North Lanarkshire Council is in excess of that of the majority of other Councils.

4. Analysis and Option Appraisal

- 4.1 It appears clear that a major factor contributing to the decline in usage of the Council's property enquiry service is the time taken to produce property enquiry certificates. In this, however, the Council experiences a downward spiral – with the lower volume of requests, a lesser staff resource is provided both within the Department of Administration and other relevant departments and a lesser priority is afforded to the service, thus leading to decline in response time. The situation is, undoubtedly, exacerbated by the use of the Freedom of Information Act by commercial providers of this service.
- 4.2 As the level of usage of the service is approaching that at which its provision is no longer viable an option which requires to be considered is the cessation of the service. In a survey of officers in other relevant departments, however, no support for this option was identified.
- 4.3 An alternative option is, with the co-operation of all relevant departments, to devote resources and take action to reduce the target time dramatically – and at the same time to seek the consent of the Scottish Information Commissioner to extend the Council's Publication Scheme to include provision of this service at the current cost, thus providing a ground of exemption in respect of requests for information under the Freedom of Information legislation – and having regard to the continued provision of this service by all other Councils in Scotland, it is this option which is recommended. Coupled with this is the recommendation that the position be kept under review and a further report submitted to the Committee on receipt of the Information Commissioner's decision with regard to the extension of the Council's Publication Scheme.

5. Recommendation

- 5.1 It is recommended that the Committee
- (a) note the position;
 - (b) agree that action now be taken to ascertain the feasibility of reducing the period for provision of property enquiry certificates to a maximum of five working days from receipt of request;
 - (c) agree that action be taken to seek the consent of the Scottish Information Commissioner to the extension of North Lanarkshire Council's Publication Scheme to include reference to provision of property enquiry certificates;
- and
- (d) agree that a further report on the outcome of this action be submitted to Committee.



Director of Administration

Members seeking further information on the contents of this report are asked to contact John Fleming, Head of Central Services on Extension 2228.