



Report subject	<b>Highway Searches Charging Policy</b>
Meeting date	4 March 2026
Status	Public Report
Executive summary	<p>BCP Council receives around 1,000 written highway search enquiries each year, requiring specialist officer time to interpret statutory highway records, verify adoption status, and prepare formal written responses. The Council currently absorbs all associated costs, unlike most local authorities that operate cost-recovery charging frameworks. This places financial pressure on core budgets and creates inconsistency for customers working across authority boundaries.</p> <p>This report proposes the introduction of a <b>Highway Searches Charging Policy</b> and accompanying <b>Schedule of Fees and Charges</b>, enabling the Council to recover the reasonable cost of delivering these enquiries in line with the Local Authorities (England) (Charges for Property Searches) Regulations 2008. The policy also supports improved data governance, workflow efficiency, and alignment with regional and national practice.</p> <p><b>Options considered</b> include:</p> <ol style="list-style-type: none"> <li>1. <b>Maintaining the current unfunded model</b>—which is financially unsustainable; or</li> <li>2. <b>Introducing a full cost-recovery charging framework</b>—bringing BCP in line with other councils and ensuring service resilience.</li> </ol> <p>The <b>recommended option</b> is to adopt the charging policy and fee schedule, delegate authority for minor operational amendments, and publish the updated information.</p> <p><b>Conclusion:</b> Implementing the charging policy ensures legal compliance, financial sustainability, improved transparency, and continued high-quality service delivery.</p>

<p><b>Recommendations</b></p>	<p><b>It is RECOMMENDED that:</b></p> <p>Cabinet approve and note the recommendations described in Section 1, specifically:</p> <ul style="list-style-type: none"> <li>• The Highway Searches Charging Policy and schedule of fees (Appendix 1).</li> <li>• The introduction of a full cost-recovery model for the provision of written highway search enquiries, in accordance with the Local Authorities (England) (Charges for Property Searches) Regulations 2008.</li> <li>• Delegate authority to the Director of Planning and Transport, in consultation with the Director of Finance and the Portfolio Holder for Climate Response, Environment and Energy (Cllr Andy Hadley).</li> <li>• Agree that the Charging Policy be reviewed annually.</li> <li>• Authorise publication of the Policy, fee schedule, guidance materials and updated web content, and instruct officers to implement the required communications and operational changes to enable the charging framework to go live.</li> <li>• Note that the Policy will be delivered within existing staffing resources, with no requirement for additional posts and that the income generated will support service sustainability and statutory data maintenance.</li> </ul>
<p>Reason for recommendations</p>	<p>This policy aligns BCP with neighbouring authorities and most local authorities in England, who charge for this service.</p>

Portfolio Holder(s):	Cllr Andy Hadley, Portfolio Holder for Climate Response, Environment and Energy
Corporate Director	Glynn Barton, Chief Operations Officer
Report Authors	Jane Potter, Head of Business Management, Complaints and CS Information Governance Adam Fancy, Senior Service Support Manager Transportation & Engineering
Wards	Council-wide
Classification	For Decision

## Background

1. BCP Council currently receives a high volume of written highway search enquiries, requiring specialist officer time to interpret statutory highway records and prepare formal responses. The Council has historically not charged for this work, meaning all associated costs are absorbed by core budgets while most neighbouring and national authorities operate established cost-recovery models. This creates financial pressure and inconsistency for customers working across local authority areas.

Demand has also become increasingly complex due to legacy systems, extensive datasets and the need for accurate, legally compliant information. A structured charging framework would ensure the service remains sustainable, transparent and aligned with statutory requirements.

The report therefore recommends that Cabinet approve the **Highway Searches Charging Policy**, the **Schedule of Fees and Charges**, and the adoption of a full cost-recovery model for written highway search enquiries. It also seeks delegated authority for Directors to make minor operational amendments, publication of the new framework, and an annual review to maintain compliance and cost recovery.

## **2. Options Appraisal**

### **2.1 Option 1 — Continue operating the highway searches service unfunded**

#### 2.1.1 Advantages

- No change required to existing processes or charging arrangements.
- Customers continue to access written search responses without paying a fee.

#### 2.1.2 Disadvantages

- The Council continues to absorb all costs associated with delivering around 1,000 searches per year, placing pressure on core Highways and Business Support budgets.
- Creates financial inconsistency compared with neighbouring authorities such as Dorset and Wiltshire, who already operate charging models.
- Fails to meet the nationally established expectation that councils charge on a cost-recovery basis for interpreted highway information.
- Provides no mechanism to support data maintenance, workflow improvements, or service resilience.

#### 2.1.3 Reason not pursued

This option is financially unsustainable, does not align with statutory charging regulations, and undermines the Council's ability to maintain accurate statutory datasets or meet rising service demand.

### **2.2 Option 2 — Implement the Highway Searches Charging Policy (recommended)**

#### 2.2.1 Advantages

- Enables full cost recovery in line with the Local Authorities (England) (Charges for Property Searches) Regulations 2008.
- Generates £80,000–£87,000 annual income based on current volumes, reducing pressure on core budgets.
- Aligns BCP with neighbouring and most UK authorities, improving fairness and consistency for customers.
- Supports improved workflow efficiency, accuracy, and resilience through structured processes and clearer customer requirements.
- Strengthens data governance and supports ongoing maintenance of statutory highway datasets.
- Maintains free access for EIR personal searches, ensuring compliance with environmental information legislation.

### 2.2.2 Disadvantages

- Potential for customer misunderstanding or challenge to the new fees.
- Temporary income fluctuations if market activity slows.

However, both risks are mitigated through transparent publication, clear guidance, and annual fee review.

### 2.2.3 Reason recommended

This option ensures statutory compliance, financial sustainability, improved operational efficiency, and greater transparency for customers—while maintaining free access to raw environmental information.

## **Summary of financial implications**

3. The introduction of the Highway Searches Charging Policy will have a direct and positive financial impact on BCP Council by enabling the service to operate on a full cost recovery basis. The Council currently undertakes around 20 written highway search enquiries per week, equivalent to approximately 1,000 searches per year, without recovering any of the associated costs. These enquiries require technical officer time, administrative support, GIS interrogation, data validation, document preparation and quality assurance. The absence of an approved charging mechanism means that these costs are currently absorbed by core budgets, creating avoidable financial pressure on the Services.

### 3.1 Cost Recovery and Operating Model

The proposed charging structure is designed to reflect the actual cost of delivering the service, in line with the Local Authorities (England) (Charges for Property Searches) Regulations 2008, which require councils to charge on a cost recovery basis only. The standard fee of £75 (including VAT) has been developed using:

- Benchmarking of comparable authorities
- Internal assessment of average officer time per enquiry
- Overheads relating to GIS systems, statutory record maintenance and customer handling
- Ancillary administrative and quality assurance costs

Optional fees (for additional questions, extended site lengths, additional plans or expedited responses) apply where additional officer time is demonstrably required.

Personal searches under Environmental Information Regulations (EIR) remain free of charge, in accordance with legislation.

This ensures that only customers requesting officer interpreted searches contribute to the cost-of-service delivery, while the Council remains fully compliant with statutory access rights.

### 3.2 Expected Income Generation

Based on the current volume of circa 1,000 chargeable searches per year, the projected income is:

**Standard searches:**

1,000 × £75 = £75,000 per annum (gross)

**Optional extras:**

If purchased in just 20–25% of cases, optional charges could generate an additional £8,000–£12,000 per annum.

The total annual income is therefore expected to be in the region of:

£80,000–£87,000 per annum.

### 3.3 Cost Avoidance and Efficiency

Beyond income, the policy delivers financial benefits through:

- Reduced officer time spent handling informal or ad hoc enquiries, as the charging model creates a clear pathway for formal requests.
- Improved workflow efficiency, resulting in lower rework and fewer avoidable customer contacts.
- Better management of demand, preventing unnecessary use of specialist technical resources.

This contributes to reduced pressure on Highways and Business Support budgets.

### 3.4 Financial Risks and Mitigations

#### 3.4.1 Risk: Income Shortfall

If demand falls temporarily (e.g., slower property market), income may be lower.

Mitigation: Costs are largely variable based on demand; annual review ensures fees remain proportionate.

### 3.4.2 Risk: Fee Challenge or Misunderstanding

Customers may question the basis of the fees.

Mitigation: Transparent publication of the policy, detailed online guidance, and alignment with regional/national comparators.

### 3.4.3 Risk: Increased complexity without fee adjustment

If searches become more complex without fee review, the service may drift below cost recovery.

Mitigation: Annual review through the Council's Fees & Charges process.

## 3.5 Charging Mechanism and Financial Governance

### 3.5.1 Charging Mechanism

- Customers submit a request online or by email.
- A secure online payment link is issued.
- Payment is required in full before processing begins.
- Fees for optional extras are added at the point of request or following customer confirmation.
- No search is processed until the correct fee is paid.

### 3.5.2 Financial Governance

- Income is recorded through the Council's corporate revenue system.
- Monitoring undertaken monthly as part of Highways/Business Support budget oversight.
- Annual review of fee levels with Finance will ensure compliance with:
  - Cost recovery regulations
  - Inflationary pressures
  - Service capacity
  - Technology/licensing costs

Any proposed adjustments will be presented as part of the Council's annual Fees & Charges schedule.

### 3.6 Overall Financial Benefit

The charging policy will:

- Ensure a sustainable and compliant service
- Recover a significant proportion of operational costs
- Reduce reliance on core Highways budgets
- Improve financial transparency and accountability
- Support investment in statutory dataset maintenance, technology, and service resilience

In summary, the financial implications of the policy are positive, enabling the Council to deliver an essential statutory function in a sustainable, efficient and fully cost recovering manner.

### **Summary of legal implications**

4. As long as the Council follows all relevant legal requirements, introducing the Highway Searches Charging Policy should have minimal legal impact. The main points of law are outlined below. There aren't any major legal obstacles to implementing this policy, since the Council is operating within its statutory powers, complying with the 2008 Charging Regulations and the EIR framework, and using a model common among local governments. With proper governance, annual evaluations and oversight from Legal Services, the legal risks connected to the policy remain low.

#### 4.1 Legal Basis for Charging

BCP Council has clear legal authority to charge for the provision of highway search information under the Local Authorities (England) (Charges for Property Searches) Regulations 2008. These Regulations:

- Permit councils to impose charges for providing property search information;
- Require that charges must be based strictly on cost recovery, meaning the Council must not make a profit; and
- Require transparency in the basis for the calculation of charges.

The draft policy that we are seeking approval through Cabinet for confirms that the proposed charging model has been explicitly designed to ensure compliance with this framework and to “maintain legal compliance” as the policy evolves.

Because the new charge reflects officer time, system use, data maintenance and overheads, the Council is acting fully within its statutory powers.

#### 4.2 Environmental Information Regulations (EIR) Compliance

Highway records fall within the scope of environmental information under the Environmental Information Regulations 2004. This means:

- Personal searches (EIR requests) must remain free of charge, as they involve access to raw environmental information rather than officer interpretation;
- The Council may only charge for interpreted, collated, or added-value information (which is exactly what highway search responses consist of);
- The new charging policy does not limit public rights to environmental information.
- The policy has been written specifically to retain free access to EIR data while charging only for formal written officer produced search responses, ensuring legal compliance.

#### 4.3 Accuracy and Duty of Care in Providing Statutory Information

As the Highway Authority, BCP Council has statutory duties under the Highways Act 1980 to:

- Maintain accurate statutory highway records (including the List of Streets);
- Provide lawful and accurate information when formally requested;
- Ensure that decisions and responses are consistent and properly documented.

The Charging Policy supports these duties by establishing a structured, auditable process for responding to enquiries, reducing the risk of:

- Incorrect or incomplete information being provided;
- Inconsistent practice across former legacy council areas;
- Legal challenge due to informal or undocumented responses.

#### 4.4 Data Protection and Information Governance Considerations

Highway searches generally do not involve personal data and therefore fall outside the core provisions of UK GDPR and the Data Protection Act 2018.

However, the Council must continue to:

- Protect any incidental personal data contained in background records (if any exist);
- Ensure that only relevant environmental information is disclosed;
- Retain appropriate records of search responses.

No significant data protection risks have been identified.

#### 4.5 Contractual / Consumer Rights Considerations

By introducing a formal charging mechanism, the Council enters a consumer contract with paying customers. This requires:

- Transparent publication of fees and service standards (e.g., turnaround times);

- Clear terms and conditions, especially regarding refunds, limitations of liability, and scope of the information provided;
- Assurance that the service is delivered with reasonable care and within expected timescales.

The introduction of standardised templates, workflow processes and published fees satisfies these obligations.

#### 4.6 Risk of Legal Challenge

The risk of legal challenge is considered low because:

- The Council is adopting a charging model that is widely established in other authorities;
- The policy is explicitly aligned with the statutory cost recovery framework mentioned above;
- The Council retains free access for EIR personal searches, satisfying environmental information obligations;
- Comparable charging frameworks have already been legally reviewed for similar policies, such as the Street Naming & Numbering Policy referenced in previous Cabinet work.

Any residual risk can be mitigated through:

- Clear documentation of fee calculations;
- Regular annual fee review;
- Legal Services oversight of any future amendments.

#### 4.7 Delegated Authority

The draft policy that we are seeking approval through Cabinet for confirms that authority will be delegated to the relevant Directors “to make minor operational amendments to maintain legal compliance, ensure cost recovery, and respond to operational changes.”

This delegation ensures:

- Continued compliance with evolving legislation;
- Ability to respond to future case law or national guidance;
- Reduced legal exposure if circumstances change.

## Summary of human resources implications

5. The introduction of the Highway Searches Charging Policy has no HR implications for BCP Council. The service will continue to be delivered using existing staffing resources within Highways, Business Support and no additional posts are required because of the policy.

Workload modelling confirms that the current volume of enquiries, can be managed within the existing establishment when supported by the new structured process and charging model. The formalisation of workflow steps, use of standardised templates and introduction of clear submission and payment requirements will create greater operational efficiency, helping to ensure that existing staff can process search enquiries more consistently and with fewer ad hoc interruptions.

No changes to job roles, job descriptions or reporting structures are required, and no employee relations issues are anticipated. The policy does not alter staff terms and conditions and will not trigger any requirement for consultation under HR procedures. Only light touch training and procedural updates will be provided to relevant teams, which will be absorbed within normal business operations.

In summary, the policy is designed to strengthen service resilience without increasing staffing costs or requiring organisational change and is therefore considered to have no material HR implications.

## Summary of sustainability impact

6. The implementation of the Highway Searches Charging Policy is not anticipated to generate any direct environmental or climate-related effects. This policy is exclusively concerned with the administration of written highway search enquiries and the establishment of cost-recovery charges for officer-interpreted information. Consequently, it does not entail physical construction, infrastructure modifications, or operational activities that might influence carbon emissions, resource consumption, or the natural environment. Furthermore, the policy poses no adverse sustainability impacts and offers several indirect positive sustainability benefits by enhancing digital processes, promoting resource efficiency, and supporting long-term service resilience, including:

### 6.1 More Efficient Use of Council Resources

By ensuring cost recovery, the policy supports the long-term financial sustainability of the Highways function. This enables the service to continue maintaining statutory datasets, mapping systems and highway records without drawing on additional general fund resources. A financially resilient service supports wider corporate sustainability objectives and reduces the risk of future budget driven service reductions.

### 6.2 Reduced Unnecessary Officer Time and Avoidable Contacts

The introduction of a structured process, clear guidance and upfront payment requirement reduces ad hoc queries and repeat contacts. This contributes to more

efficient use of staff time and digital systems, indirectly supporting organisational sustainability by lowering officer workload and enabling better use of existing capacity.

### 6.3 Digital First Approach

The service will operate entirely digitally, with requests submitted online, payments made electronically, and results issued via email. This reduces paper usage and avoids the environmental impacts associated with printing, postage and physical storage.

### 6.4 Support for Sustainable Development and Transport Planning

Providing accurate and timely highway information helps developers, solicitors and planners make more informed decisions. This contributes to better land use planning and supports sustainable transport objectives, including understanding rights-of-way, active travel routes and adopted highway

## **Summary of public health implications**

7. The introduction of the Highway Searches Charging Policy has no direct public health implications. The policy relates exclusively to the administrative process and cost recovery for written highway search enquiries and does not alter any physical highway infrastructure, access arrangements, or transport operations that could influence public health outcomes. As such, it does not impact air quality, road safety, active travel, or community wellbeing. This position is consistent with comparable BCP Council policy updates, where no public health implications were identified.

## **Summary of equality implications**

8. The introduction of the Highway Searches Charging Policy is not expected to have any adverse equality implications. The policy relates solely to the introduction of cost-recovery charges for written highway search enquiries and does not alter access to services, road infrastructure, or the rights of any protected characteristic groups. Personal searches provided under the Environmental Information Regulations (EIR) will remain free of charge, ensuring that basic access to environmental information is unaffected and equally available to all. The service will also provide information in alternative accessible formats on request, ensuring compliance with the Council's equality duties. Consistent with equality findings in similar BCP policy areas, no negative impacts have been identified.

A full EIA conversation screening document has been completed and reviewed by an Equality Champion, please see Appendix 2.

## **Summary of risk assessment**

9. The introduction of the Highway Searches Charging Policy presents low overall risk to the Council. The policy formalises an existing operational activity rather than creating a new statutory function and the associated workflow will be delivered within existing resources. The primary risks relate to potential customer misunderstanding of the new charging structure, minor administrative implementation issues and the need to ensure ongoing cost recovery compliance. These risks are mitigated through clear communications, published guidance,

standardised templates and the delegated authority for Directors to make minor operational adjustments to maintain compliance and effectiveness, as set out in the draft Cabinet report.

As evidenced in similar BCP Council policy areas, administrative charging policies typically carry no wellbeing or health-related risks and are assessed as low residual risk once published guidance and governance arrangements are in place.

### **Background papers**

None

### **Appendices**

Appendix 1 – Highways Searches Charging Policy

Appendix 2 – EIA Screening Tool