

Searching for answers

Substandard searches within a Home Information Pack can prove catastrophic, which is why agents should follow a few simple guidelines to maximise client satisfaction, as **Jan Boothroyd** explains.



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Birmingham City Council's Trading Standards officers recently announced their intention to undertake a compliance check on the content and accuracy of Home Information Packs in the area. The Property Codes Compliance Board and the Association of Home Information Pack Providers are understood to be working closely with the officers on the investigation, which aims to ascertain whether agents are making packs available at the appropriate time and whether all the required documents are present. Close attention will be paid to the accuracy of local search information contained within the packs. Can agents differentiate between interpreted answers and authoritative answers to local authority search responses in clients' HIPs?

Professionalism

Agents offering a professional package, with high levels of customer service and qualified staff who know what they're

doing, can rise above others, especially in a slow market. Reputation, integrity and performance are key and can give the competitive edge that we all need in these difficult times. And this edge should extend to HIPs. Many estate agents may not be overly concerned with the contents of a HIP, but a poorly-compiled HIP, if procured under their agency brand, could damage a hard-won reputation and lead to unnecessary delays in transactions due to a Trading Standards investigation. This could result in the agent having to withdraw the property from the market while a new HIP is prepared, which is the last thing any agent wants when stock is in such short supply.

Guidance

Having reviewed a number of non-local authority search responses within HIPs, it seems clear that a range of interpreted and unhelpful search information is beginning to appear, which makes it difficult

for agents and their clients to recognise when searches in a HIP are lacking necessary information and, if they are, how to obtain what is missing.

In terms of the local authority search, there are some simple guidelines to help agents navigate their way through the local authority search – better known as the 'CON29R' – minefield. Firstly, it's important to be assured that where a local authority's highways register is held in textual form, those records have been interpreted by a local authority highways officer for the highways question (2.(a)). Textual records may not clearly show the status of the footway, footpath or verge, which could result in a catastrophe for buyers given that misinterpreted or unclear information can result in loss of access.

The information required to answer the 12 parts of the traffic schemes question (3.6) can change significantly and relatively quickly. To save



potentially delaying a transaction and to protect your client from future challenges, it is important to ensure that the answers are as up-to-date as possible and relate specifically to the transaction in question. Any answers to this question that refer you to the Local Land Charges Official Search Certificate (LLC1) response are often completely misleading as these issues rarely require registration on the local land charges register.

For question 3.9, which relates to Notices, Orders, Directions and Proceedings under the Planning Acts, a host of planning-related matters need to be referred to. There should be no LLC1 duplication here, so references to the LLC1 response, such as 'please see Part 3 schedule' are extremely unhelpful and may result in a delay once the pack is passed to the purchasers' conveyancer.

Ideally, answers to the

questions detailed under section three of the CON29R (3.1 – 3.13) should consist of a simple yes, no or none, with yes answers always investigated further.

Choice

Local authorities now offer CON29R data at a cost-based price to private search firms. Nonetheless, it is advisable for agents to seek proof of purchase, as well as date of purchase, of search data. It is a small price to pay to protect an agency's reputation, and to know that the data comes from a reliable source and is authoritative.

Of course, there are some players in the market who have called for local authority searches to be omitted from HIPs, so that buyers and their advisers can obtain them at the appropriate time during the transaction to maximise their timeliness. In a slow market, there is a strong

argument to support this as the shelf-life of searches is short. The removal would certainly help shift the focus of HIPs from price to quality, with accurate, authoritative and timely search information being made available to the consumer at the point of purchase.

But for now they remain in the packs, so the market will have to deal with growing numbers of packs containing out-of-date searches by the time a property is sold. Local authority search currency is therefore a growing area for concern, but obtaining complete and authoritative information for packs is currently key.

We will publish an example of a substandard CON29R, with missing, misleading and incomplete data, alongside a complete and accurate form from October 1.