

Advice Note Land and Property Searches

This is issued with reference to requests to view the Local Search Data under the Environmental Information Regulations 2004 and/or requests to view statutory information only (List of Streets).

Birmingham City Council is prepared to allow you access to the information on the understanding that you will not copy, record or write down any of the information contained within the records.

If you wish to copy, record or write down the information for the purposes of subsequently copying and/or commercially exploiting the information, either in the form of property searches or otherwise, Birmingham City Council is legally entitled to deny access to such information, without a licence fee being paid to Birmingham City Council, which will permit you to copy and/or commercially exploit the information for the sole purposes of compiling search information.

Under s12(5) of the Environmental Information Regulations 2004, a public authority is entitled to refuse to allow access to environmental information where *"its disclosure would adversely affect:-...*

(c) intellectual property rights;"

If you are not prepared to confirm that you will not copy, record or write down the information in the local search register we are entitled to refuse you access to the information.

The local search data contains information belonging to not just Birmingham City Council, but also the Ordnance Survey and others.

Whilst we accept that there is a strong public interest in individuals having access to environmental information, which is the reason why we are prepared to allow individuals to view the information, we consider that the theft of copyrighted materials is sufficient to permit us to withhold access under the Environmental Information Regulations 2004.

Please note that the copying of and/or commercial exploitation of the information contained in the Local Search without a licence is in breach of the Copyright, Designs and Patents Act 1988, and Birmingham City Council will be entitled to consider whether legal proceedings may be appropriate.

Birmingham City Council will consider any request for access to local search data under the Environmental Information Regulations 2004, in accordance with the Information Commissioner's recent decisions in respect of local searches and its recently published guidance note.

If you are not satisfied with either the handling of or the outcome of your request, you are entitled to request an internal review of the handling or result of your request, such review to be undertaken by officers not previously involved in the handling of your request.

Should you wish to request an internal review, please contact:

Corporate Information Management Team
ICF
Third Floor
1 Lancaster Circus
Birmingham
B4 7AB

Tel No. 0121 303 1909

Email: foimailbox@birmingham.gov.uk

If subsequently you are not satisfied with the result of the internal review, you are then entitled to apply to the Information Commission for an external review.

Generally, the Information Commissioner will not investigate a matter until the Council's internal review process has been concluded. The Information Commissioner can be contacted at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone 01625 545745

Web address: www.informationcommissioner.gov.uk

Issued by: Birmingham City Council, Highways Information, 1 Lancaster Circus
Queensway, Birmingham, B4 7DQ.
Contact: Janet Evans 0121 303 7687
Email: highways.information@birmingham.gov.uk
October 2009 – revised November 2010

LICENCE

1. Introduction

The main purpose of this Licence is to provide users with a quick and effective way to reproduce the material listed at Annex A.

2. Definitions

In this Licence, the terms below have the following meanings:

Application:	means the Highways Information Visitors Register.
Licence:	this offer of terms, the completed Application and the Annex.
Material:	as detailed at Annex A.
Our, us and we:	Birmingham City Council
You, your:	any person, organisation or company who wishes to reproduce the Material covered by this Licence.

3. Grant

We grant you a non-exclusive right to copy, publish, commercially exploit and sell the Material throughout the UK in respect of the properties listed in the Application. These rights are granted to you solely for conducting Official Search Enquiries.

4. Material covered by this Licence

The Material may be reproduced under this Licence for the purposes described above under the terms of this Licence. The Material may be reproduced by yourself and your client(s) in respect of the properties listed in the Application.

5. Charge

The charge for this licence is stated on the Application and is payable at the Reception on Ground Floor, 1 Lancaster Circus Queensway, Birmingham, B4 7DQ. This Licence will not be valid without production of a receipt.

6. Your obligations

You must:

- comply with the Good Practice Guidance for local authorities and personal searchers issued in January 2008 by Communities and Local Government.
- reproduce the Material accurately stating the date it was obtained.
- identify the source of the Material and feature the following copyright statement if you publish the Material:

© Birmingham City Council material is reproduced with the permission of Birmingham City Council.

- not use the Material for the principal purpose of advertising or promoting a particular product or service, or in a way which could imply endorsement by us or generally in a manner which is likely to mislead others;
- only use the Material in relation to the property(s) listed in the Application;
- not store the Material in any electronic database;

- not reproduce our logos;
- allow us to inspect, on request, copies of any works that include the Material to check that you have kept to the terms of this Licence;
- send us, on request, a complimentary copy and/or subscription of any product or publication that you produce that includes the Material.

7. Changes to the terms of this Licence

We have the right to change the terms of this Licence.

8. Disclaimer

Your use of the Material under this Licence is entirely at your own risk. We make no warranty, representation or guarantee that the Material is error free.

9. Governing law

This Licence is made under the laws of England and Wales and comes under the exclusive jurisdiction of the courts of England and Wales.

ANNEX A

This licence includes access to the following records:-

1. Geographical Information System including information in relation to:
 - a. Status of Roads and extent of Public Highway
 - b. Dedication Agreements
 - c. Public Rights of Way
 - d. Highway Improvement Line information
 - e. Proposed Rail Schemes
 - f. Private Streets
 - g. Stopping Up Orders
2. Highways Register including information in relation to:
 - a. Status of Roads
 - b. Dedication Agreements
 - c. Traffic Scheme Information

HIGHWAYS INFORMATION VISITORS REGISTER

DATE:	
NAME:	
COMPANY:	
ADDRESS:	TELEPHONE NUMBER:
	EMAIL:
TIME IN:	TIME OUT:

PROPERTIES BEING SEARCHED AGAINST:

ADDRESS	FEE: ZERO
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I confirm that I have read the Licence attached as well as the information overleaf and also confirm that the information obtained in respect of the addresses searched (listed above and on any continuation sheet(s), if applicable) will not be re-used for any commercial purposes.

SIGNED:	PRINT NAME:
COMPANY:	DATE:

The information to which you have been granted access has been provided under the Environmental Information Regulations 2004.

Please note that this does not grant you any rights over this information, including any rights to copy or commercially exploit, i.e. charge for the provision of this information.

Any attempt to copy or commercially exploit this information without a licence may be a breach of copyright and could result in legal proceedings being brought against you.

For a licence to copy and/or commercially exploit such information, please contact Janet Evans or Anne Shaw at 1 Lancaster Circus Queensway, Birmingham, B4 7DQ.

Whilst Birmingham City Council believes the information to which you have been granted access is accurate, it makes no warranty, representation or guarantee that it is error free and therefore Birmingham City Council cannot be held liable for any losses arising from reliance on this information.

CONTINUATION SHEET

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