



## Department for Business, Innovation & Skills

### Introduction of a Land Registry service delivery company: Consultation response form

This consultation response form is available electronically on the consultation page:  
[www.gov.uk/government/consultations/land-registry-new-service-delivery-company](http://www.gov.uk/government/consultations/land-registry-new-service-delivery-company)

Alternatively, this form can be submitted by email or by letter to:

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London  
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Email: [bis.lr.consultation@bis.gsi.gov.uk](mailto:bis.lr.consultation@bis.gsi.gov.uk)

This closing date for this consultation is **20 March 2014**.

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

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Please tick the box from the list below that best describes you as a respondent. This allows views to be presented by group type.

<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input checked="" type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative

	Local Government
	Medium business (50 to 250 staff)
	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Trade union or staff association
	Other (please describe)

### Question 1

Do you agree that by creating a more delivery-focused organisation at arms length from Government, Land Registry will be able to carry out its operations more efficiently and effectively for its customers?

☐ Yes

☐ No

☐ Not sure

Comments: Yes, we do agree. We agree with the benefits clearly outlined in paragraphs 24 to 26 of the consultation document

### Question 2

Do you agree that the OCLR should retain exclusive responsibility for the functions set out in paragraph 49?

☐ Yes

☐ No

☐ Not sure

Comments: Yes

### Question 3

Are there additional functions that should be retained in the OCLR? Please explain what and why.

Comments: Yes, the OCLR should be accountable for defining requirements of the service as defined by the SLA such that these meet The Land Registration Rules and the independent audit of such requirements in terms of processes and controls. This means that provided the Service Company adheres by the processes and controls defined and audited by the OCLR the liability for indemnity would rest with the OCLR.

#### Question 4

What are your views in respect of the proposals for shared functions set out in paragraphs 50-51?

Comments: We agree that it is important for the OCLR to retain a (limited) oversight role and for there to be an escalation route to the OCLR as well. We note and understand the distinction drawn between 'keeping' and 'maintaining' the register. Nevertheless, it will be important to spell out these definitions and their implications in some depth, and more detail will be needed on the roles and responsibilities of the OCLR and the service delivery company. This might be developed using a RACI framework or a similar tool. We consider that changes to the Land Registry fees should be proposed by the Service Company, justified on an agreed basis of assessing the costs of the service and periodicity to the OCLR who would take the final decision on the level of fees. The Service Company should be encouraged to develop new services that are of value to consumers and therefore can be charged for as a way to deliver lower fees as well as efficiencies in providing the services.

#### Question 5

What are your views on the proposed approach to service delivery company functions in paragraph 52?

Comments: We agree with your proposed approach to the service delivery company functions and have nothing material to add save that the Service Company being able to propose to the OCLR additional services, with appropriate justification that would meet customer needs at present or in the future that are not delivered by the Land Registry at present.

#### Question 6

Do you agree that the overall design provides the right checks and balances to protect the integrity of the Register and safeguard the provision of indemnities and state title guarantee? If not, please state your reasons why not.

☐ Yes

☐ No

☐ Not sure

Comments: Yes

### Question 7

Would you be comfortable with non-civil servants processing land registration information provided they do so within the framework set out by the OCLR through the service contract? If not, please explain your reasons why not.

☐ Yes

☐ No

☐ Not sure

Comments: Yes

### Question 8

Are there any situations, other than those set out in this consultation, in which you would want to see an escalation process to the OCLR? Please explain what and why.

Comments: No

### Question 9

Do you agree with the proposed approach for handling complaints, as set out in paragraph 56? If not, please explain your reasons why not.

☐ Yes

☐ No

☐ Not sure

Comments: Yes. You may need to consider a feedback loop or some channel between the ICR and the OCLR for complex cases, where there maybe a registration issue. We accept this may be dealt with through the objections process.

### Question 10

Do you agree with the escalation process set out for objections in paragraph 56? If not, please state your reasons why not.

☐ Yes

☐ No

☐ Not sure

Comments: Yes

### Question 11

Do you think the Rule Committee should include a representative from the service delivery company? Please explain why or why not.

☐ Yes

☐ No

☐ Not sure

Comments: Yes, we think it would be useful if the Rule Committee included a representative from the service delivery company. The primary purpose for proposing this is to allow the service delivery company to advise directly on the practical service delivery implications of rule changes and the implications for efficiency. We accept that, if necessary, this input could be obtained through alternative routes.

### Question 12

The Data Protection Act will protect personal data that is provided to the service delivery company. Would you like to see any protections beyond this, and if so please explain what and why?

☐ Yes

☐ No

☐ Not sure

Comments: No

### Question 13

What are your views on the proposed system for safeguarding customer service issues and the continued role of the Independent Complaints Reviewer?

Comments: We agree that there is a continued need for an Independent Complaints Reviewer. The proposed system for safeguarding customer service issues looks very sensible to us.

### Question 14

Do you think there is a difference between the opportunities and risks depending on whether operational control over the service delivery company is entrusted to Government or a private sector company? If yes, what?

☐ Yes

☐ No

☐ Not sure

Comments: Yes, there may be small differences. We believe that if operational control is entrusted to a private sector company, then the potential strategic benefits set out in paragraphs 24 to 26 may be realized more quickly. We also consider that a private company will be encouraged to invest in the development of new services that are relevant to the role of the Land Registry and approved by OCLR that would enhance the experience of customers that may not be so easily developed given the constraints of funding through fees alone.

### Question 15

Do you think there is a difference between the opportunities or risks depending on whether the service delivery company is owned by the Government or a private sector company or both? If yes, please explain your reasons.

☐ Yes

☐ No

☐ Not sure

Comments: Yes, we believe that there may be larger differences depending on the ownership model. Ownership by a private company provided the term and conditions of the Service Agreement encouraged this would enable investment in research and development of new services by the private company on the basis of future revenue from these services much as any limited private company would do. Government ownership may limit the degree of investment in research and development due to the attitude towards risk between the private sector and Government. The types of differences are likely to be very similar to those set out in Q14.

### Question 16

What do you think are the constraints and dependencies for Land Registry's successful delivery of the business strategy?

Comments: We believe that the main constraints are:-

- The need for legislative change, which may result in the delays until after the May 2015 general election
- Maintaining the integrity of the register and other systems of record, whilst building extensive, effective and efficient digital services

- The need to develop a business case which generates customer savings and allows any private sector services provider to earn a margin
- Appropriate terms and conditions in the SLA that enable a private company to deliver the services without unlimited exposure to the liabilities created by the indemnity arrangements
- The potential TUPE transfer of Land Registry staff to the Service Company and the implications of maintaining employment for these staff when efficiencies are realized by the service company versus the ability to create new services to redeploy these staff too and in the case of a private company to realize a margin

We believe that the main dependencies are:-

- The definition and rapid implementation of a clear target operating model for the service delivery company
- The nature of the service delivery organisation and the related scope for the this organization to redeploy staff when efficiencies are created
- Investment in and successful implementation of a powerful and flexible digital platform
- Successful implementation of the next generation of user friendly digital services to undertake the main customer processes
- Development of a robust Service Agreement to define the services, how they may be developed by the Service Company, to ensure that they meet the Land Registration Rules in an auditable way, the charges to customers and how they may be varies with agreement of the OCLR, service credits for non-performance and the liability implications of such
- A framework for encouraging the research and development of new services as the property market evolves, so that the Service Company is incentivized to increase the richness of services to customers as well as the speed and efficiency of those services at an appropriate fee

### Question 17

Do you have any other comments on the proposals contained in this consultation?

Comments: No

### Question 18

Do you have any other comments that might aid the consultation process as a whole? Please use this space for any general comments you may have. Comments on the layout of this consultation would also be welcome.

Comments No

Thank you for your views on this consultation. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply ☐ Please acknowledge response

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

☐ Yes ☐ No Yes – please contact



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