



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

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

Kirun Patel
Shareholder Executive
Department of Business, Innovation and Skills
1 Victoria Street
London
SW1H 0ET
Email: 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 checked="" type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input 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:

In principle the RTPI is not necessarily concerned about whether or not the delivery side of Land Registry is run by a private company as long as under any new arrangements there is provision made that makes it compulsory for ownership of land and land options, and transactions to be registered with Land Registry. It is also important for democratic purposes that there remains an avenue for consultation between learned societies such as the RTPI, and the proposed strategy/policy arm of the registry. As a result of its extensive knowledge of housing, infrastructure, and planning the RTPI enjoys good access/relationship with the land registry as it stands and would want this to continue under any new arrangements.

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:

In terms of questions of policy/strategy the RTPI believes the OCLR should retain exclusive responsibility for the Land Registry, particularly 'in respect of making Land Registration Rules'. These rules need to be stringent and as above should make the registration of land, land options, and transactions compulsory. This would facilitate strategic planning at the national, regional, and local level.

Question 3

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

Comments:

All issues relating to public policy, national strategy, and public availability of data should be dealt with by the OCLR.

The OCLR could utilise existing Land Registry tools to make data available at a neighbourhood, local plan or any other spatial level. In the longer term creative alignment with local land charges and planning portal data could enable Government, local authorities, local communities, and individuals to make more informed choices, reduce uncertainty, reduce overly optimistic expectations, and encourage the release of land and the allocation of implementable land in plans.

Question 4

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

Comments:

The crucial proposals are around transparency and are welcomed, but need to be more comprehensive. An index which allows for all (rather than 'certain') information in relation to any of parcel of land to be ascertained is required. Keeping an index of proprietors' names is a welcome measure, but the Land Registry is already playing catch up in this area because there are many opaque landowners who are not registered. Ensuring that we find out who owns what needs to be a priority for the Land Registry whichever form it takes going forward. The RTPI agrees that 'To allow the OCLR and the service delivery company to operate effectively and efficiently, both would need powers to prepare and issue forms and direction which facilitate the land registration process'. It is crucial that the Land Registry has the power to make registration of land compulsory.

It is essential that these shared functions are carried out in such a way that allows there to be public access to information on who owns land, land sales and who owns options on land. Land registry data, particularly if expanded as suggested above, could prove valuable to all parties. Ultimately, the better the national data the more informed will be the national debate.

These are the crucial functions of the land registry and whether or not they are shared there needs to be assurances that they will be carried out with alacrity.

Question 5

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

Comments:

No comment

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:

The document does not refer to the *compulsory* registration of ownership land or land options, or transactions involving land, and this is a threat to the integrity of the Register. If the approach to registration of land is not comprehensive, making all sales and ownership compulsory, then there will be gaps in the national data. This will in turn lead to gaps in the debate around land and the integrity the Register will come under threat.

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:

No comment

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 comment

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:

No comment

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:

No comment

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:

No comment

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 comment

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:

No comment

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:

No comment

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:

No comment

Question 16

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

Comments:

The business strategy is described as having been created around customer needs. Clearly a need for customers, including Government, local authorities, local communities, and individuals, of Land Registry is to have access to a complete data set of national land ownership and land transactions so that they can make informed decisions in respect of land use. Accordingly the fact that the business strategy does not make registration of ownership or transactions of land or land options compulsory is a constraint on its successful delivery.

Question 17

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

Comments:

The RTPI welcomes a business strategy that will reduce processing times, reduce risk of error and fraud, lower search costs, and brings a centralised access point for searches and greater access to a richer data set. However measures need to be put in place to put the onus on landowners to register their assets with the land registry. Separating out policy and delivery can be a good thing if it leads to greater efficiencies but we encourage a reappraisal of the policy side geared toward making registration of assets and transactions compulsory.

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

As the RTPI points out in our recent '[Delivering Large Scale Housing](http://rtpi.org.uk/media/630969/RTPI%20large%20scale%20housing%20report.pdf)¹' paper, there needs to be public access to information on who owns land and who owns options on land. In the context of

¹ See <http://rtpi.org.uk/media/630969/RTPI%20large%20scale%20housing%20report.pdf>

the housing crisis it is critical that those preparing local plans, or indeed Local Enterprise Partnerships (LEPs), or city region wide plans, have information about not only who owns land but who has an option to acquire that land conditional in some way on the granting of planning permission. Such transparency would also improve public confidence. Local Authorities (LAs) are obliged not only to assess housing needs but also undertake an assessment of land availability in their plan preparation as detailed in the Planning Practice Guidance. LAs also need to identify sites and broad locations in their plan preparation. To do this they clearly need this information. They are also required to consult with those with an interest in land. To properly assess land availability the record of land owners and developers in bringing sites forward to actual development is material. We do not know either nationally (or at LEP, City, regional or Local level) how much land is around our key towns and cities needed for development or who has development interest in it. We can't even have a debate. All new land ownership and sales should be registered with the Land Registry. As it stands land options can be registered but do not need to declare that they are contingent on the allocation of land in a plan or the grant of planning permission. They are not required to be registered or disclosed at all.

The compulsory registration of such options would assist more effective plan making at all levels and the smoother and more transparent operation of the land market. It would also increase public confidence in the system. Furthermore, existing land registry processes could be utilised to enable this to happen swiftly. The Land Registry could also utilise their existing tools to make data available at a neighbourhood, local plan or any other spatial level. In the longer term creative alignment with local land charges and planning portal data could enable Government, LAs, local communities, and individuals to make more informed choices, reduce uncertainty, reduce overly optimistic expectations, and encourage the release of land and the allocation of implementable land in plans.

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 ☒

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

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