



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.

Name: Paula Holmes
Organisation (if applicable): East Cambridgeshire District Council
Address: The Grange, Nutholt Lane, Ely, Cambs, CB7 4EE

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 type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative

X	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

X No

☐ Not sure

Comments:

They are only proposing to take the LLC1 as the CON29 is too difficult, legal profession will still require the CON29 which Local Authorities will provide so it will in fact split the service. This will lead to delays and confusion, bearing in mind that at the moment our turnaround time for the LLC1 and CON29 combined is 3 working days, this system will be less efficient.

Question 2

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

X Yes

☐ No

☐ Not sure

Comments:

Land Registry have proposed a number of unsatisfactory business models during their prototype period and have failed to demonstrate how it would provide the service at even the same level of efficiency let alone an improved one.

Question 3

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

Comments:

If the proposal goes ahead, the OCLR should be hands-on for an agreed period, possibly a year, as over the last three years LR has been uncertain as to what service it would provide and how to provide it.

Question 4

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

Comments:

Too much authority will be given to a private company who will have sole access to government data. This single point of access of information could lead to excessive fees being charged in the future to the public who require this information for property transactions - A private company dominating a service with no fear of free market pressures.

Question 5

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

Comments:

The Local Land Charges function is not purely administrative; it deals with numerous kinds of information which can affect anything from one to thousands of properties across a district. It involves many years of experience and local knowledge, with access to original documents relating to registrations a necessity.

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:

Local Authority and Land Registry data bases would need to be fully matched to enable accurate data transfer and maintenance, but not all databases are currently fully matched within individual Local Authorities. Land Registry will be reliant on departments within Local Authorities to send information that is 100% accurate as there will not be any checks undertaken as there is now by experienced Local Land Charge staff. There will be situations where the LLCR entries and the information revealed on the CON29 forms will not match, who will be required to check which is correct?

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:

As presumably they will be bound by the same rules and regulations as government employees and the company will be overseen by the OCLR, with stringent working practices in place.

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:

Any possible disputes between Local Authorities and the service delivery company regarding information anomalies that have caused incorrect information to be delivered to the customer because of the serviced delivery company not having any checks in place with regard to accuracy of data.

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:

It should be independent; the rules should not be written or considered by a private company when they are dealing with such large amounts of public information

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:

Unsure why this question is here as the Local Land Charges Register is a public document, so there should be no personal information within it.

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 comments

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:

With a private sector company they will find as many opportunities as possible to make a profit from the information it holds, either by directly charging members of the public for access or by selling on the data to other companies. The risks involved are that they are unable to deliver the same type of in-depth, approachable service that a Local Authority can; the Local Authority have experienced staff who have immediate access to the original documents (eg. planning applications) from where the Local Land Charges Register entries are derived.

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:

If the service is fragmented by either a private company or another Government sector delivering part of the information, there will be no difference to the final outcome.

Question 16

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

Comments:

Delivery of the business strategy is dependent on maintaining an accurate register of information and delivering that information within the required service delivery timescales at a reasonable cost. The constraints are - not being able to verify the information received unless contacting individual departments within Local Authorities; not knowing what information the Local Authority are delivering with regard to the CON29 part of the search request which intrinsically links to the Local Land Charges Register, who will deal with items that do not match up?

Question 17

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

Comments:

As a Local Authority it is our statutory obligation to maintain and provide access to a Register of Local Land Charges, but there is no statutory obligation to provide responses to enquiries of the CON29 legal forms. With so many pressures being put on Local Authorities to provide more services with less money and the fact that we can only charge on a cost recovery basis for the CON29 information, it could be envisaged that Local Authorities decide it is not cost effective to provide this service. Local Authorities are losing staff to budget cuts on an annual basis and our constitutions are moving towards being more commercially focussed at the cost of losing the provision of some public services.

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

This proposal will lead to a more fragmented and less reliable service, with the possibility of vastly increased costs in the future.

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 **X**

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

X No

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Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 5000

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