



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
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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: **Gateley LLP** (Contact: Sally Coleman)
Organisation (if applicable): **Solicitors**
Address: **One Eleven, Edmund Street, Birmingham B3 2HJ**

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:

See reply to Q17.

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:

See reply to Q17.

Question 3

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

Comments:

See reply to Q17.

Question 4

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

Comments:

The relative responsibilities of each body in relation to shared functions would have to be extremely well thought through and set out. There is obvious potential for confusion here, which is likely to result in errors and additional costs for the consumer. In addition, we would query how effectively this could be administered. Who will take responsibility for errors within a shared function? How easy will it be to identify who is responsible? The potential internal problems could only be detrimental to the service being given to the consumer.

Question 5

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

Comments:

See reply to Q17.

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 fact that the trading company will have a monopoly which it will need to maintain must run contrary to the interests of the consumer. It also seems intrinsically wrong that the taxpayer should pay for a state guarantee (presumably indirectly through its taxes if fees now go direct to the service company) when it already will be paying likely higher costs for the Land Registry services provided by the service company.

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:

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:

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:

The current procedure for dealing with complaints is direct and effective. Any process which adds further stages to that is inevitably going to lead to additional expense and delay for our clients.

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:

Please see reply to Q9, above.

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:

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:

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: **See reply to Q 17.**

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: **Our view is that the Land Registry in its current form operates more efficiently than a privatised company would do. The history of privatisation of industries clearly indicates that in the drive for 'efficiencies' quality of product and service deteriorates, prices rise and the consumer is the loser.**

We do not see that a private company would offer more opportunities than the organisation currently enjoys or could take advantage of and in fact, the organisation is more free to take advantage of opportunities as a Government body, working without the constraints of shareholder interests.

In terms of risk, whilst arguably a private company would not necessarily be a less safe data protector, we simply do not see the point of creating a separate service delivery company when the one we have is operating perfectly well.

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:

One of our biggest concerns is who, exactly, would be the shareholders in the service delivery company. Would it be, as with so many of our privatised companies, yet another overseas company with little interest in the security and well-being of UK property owners and interested only in the profit the company can make – which is, after all, the point of a private company? We see no benefits to the consumer resulting from the proposals.

Question 16

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

Comments:

See 17, below.

Question 17

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

Comments:

In terms of the internal operational workings of the Land Registry, we are unable to comment on some of the proposals. However, any efficiencies that it is felt can be achieved by privatisation can, we are certain, be achieved by appropriate measures in the existing framework.

The proposals will present the following risk to consumers, our clients:

1. Wherever the main aim is to maximise shareholder profits, there will be an inevitable rise in registration fees.
2. The dedicated team structure we have been operating with has worked well. Feeding back problems to the team does result in a genuine look at current practices to address issues and improve service. We fail to see how a profit driven organisation will improve on this.

3. Privatisation focuses on reducing costs, leading to redundancies and the loss of legal and technical skill. This will impact on the quality of service to our clients.

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

We would be interested to see evidence of the ‘careful consideration’ of views of the Land Registry’s customers and stakeholders referred to in the introduction. This appears to be a thinly veiled precursor to complete privatisation of the Land Registry and the inevitable transfer of responsibility for Land Registry responsibilities onto the shoulders of practitioners.

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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