



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
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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.

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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

Yes. We believe there is considerable potential to improve the efficiency of a Land Registry freed from the operational constraints of the public sector. Much improvement has already been made but unlocking future potential requires reform of the operational environment. We would however caveat this observation with a concern that any reform should carry with it the human knowledge base that today is a vital Land Registry asset. Without this, there is a danger that the effectiveness of the Land Registry might be compromised.

Question 2

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

☒ Yes

☐ No

☐ Not sure

Yes we agree but would see paragraphs 43, 45 and 49 as all being functions the OCLR should retain exclusive responsibility for controlling.

Question 3

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

Our concern relates to any subsequent development of the breadth of powers exercised by the Land Registry. In the event that the Land Registry's consultation results in the Land Registry being awarded wider powers, then we believe it is important that there is an independent and authoritative oversight of the performance of those powers so that they do not affect competition in the market and in fact maximise the reuse of data in line with the Land Registry's strategy.

Question 4

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

We are concerned that as drafted, there is an unnecessary level of operational ambiguity. This would be avoided if the relevant constituent elements were included under the functions of the OCLR and separately, the Service delivery company.

Question 5

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

We believe that to be successful, the Service delivery company must be given free rein to perform its delegated tasks and the breadth of the drafting in paragraph 52 supports this better than a long list of what is included. We do however raise again the point that any Service delivery company operating with new, wider powers, must be subject to suitable competitive restraints.

It would not be tenable to use these new wider powers to create an unfair competitive advantage. Government must be aware of the need to nurture competition in the new Information Economy and any attempt by a monopolistic owner of data to compete unfairly in the value added reseller market will be widely challenged.

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

Integrity is a function of confidence and confidence is always challenged by change, so key here will be any transfer of organisational structure from the existing model to a new one. The lack of detail provided around any migration, coupled with an imprecise understanding of just how a service level agreement would be drawn up, with what mandated operational performance and with what levels of enforcement means we are not sure.

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

Yes we would so long as they were well trained in the detail of the function which can be complex and also that they were suitably vetted.

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.

We believe that core processes around registration and access are properly catered for by these proposals.

We imagine that the service contract will provide for transparency of performance data and similarly expect that in the event the Land Registry were awarded wider powers then any concerns about the operational performance of these powers would be suitably managed.

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.

X ☐ Yes ☐ No ☐ Not sure

Yes

Question 10

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

X ☐ Yes ☐ No ☐ Not sure

Yes

Question 11

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

x ☐ Yes ☐ No ☐ Not sure

Yes, because there may be practical issues in service delivery which need explaining to the Rule Committee

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

x ☒ Not sure

In practice, the Data Protection Act should provide the necessary comfort, but given the unique importance of the Register we believe additional consideration should be given to enhanced checks around both the management of data and the individuals entrusted to work with 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?

We believe there is a heightened requirement for transparency around all complaints received, not just those referred on to the existing external parties. The consultation does not supply sufficient information on proposed performance levels or of the penalties for under performance or non-compliance.

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?

x ☒ Yes

☐ No

☐ Not sure

Yes. We believe a government operated company will produce a sub-optimal outcome. We believe the resources and culture of a private sector company will create more opportunities and stronger growth than a government operated company.

Perceived risk around the exploitation of data by a private sector company can be managed by an effective service contract and OCLR oversight. Service continuity may be a more significant risk for a private sector company given the heightened impact on existing public sector workers but we believe this can be largely mitigated with sensitive management.

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.

x ☒ Yes

☐ No

☐ Not sure

Yes. We would suggest that a privately owned service delivery company, suitably managed and regulated, will deliver greater long term growth at a lower risk to government.

Question 16

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

We believe that the success of a service delivery company will be defined a) by the confidence it engenders within the business community (which itself will be a function of the service continuity it delivers) and b) the economic growth it generates.

That leads us to believe that success will depend on an effective engagement with the private sector. It will require:

- considerable political will
- retention of current Land Registry staff
- an acceptable commercial return for the private sector partner
- a level competitive playing field that guarantees an engagement by the whole private sector market, not just a selected partner.

Question 17

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

We believe that the wider view of how the Service delivery company will interact with the market so as to ensure the objectives of the Information Economy are achieved is not clear.

We believe a Service delivery company that manages the core functions of the Register should provide controlled access to its data to a new competitive market of Value Added Resellers with the powers to service both core interactions around enquiries and changes to the Register as well as new added value services built using non-personal Land Registry data. The Service delivery company would still provide a 'vanilla' enquiry and registration service but without any competitive advantage over the reseller market.

Such a service delivery company needs strong guidance and oversight from an OCLR that manages and enforces the service agreement; awards channel access licences to Value Added resellers and supports a wholesale / retail pricing mechanism and open access to data.

This then should encourage a myriad of Value Added Reseller licence applications from both the property market and wider industry whilst maintaining the integrity of the Register.

The structure of the Service delivery company itself could be further investigated. We believe that further consideration could be given to a division of functions such that different entities were responsible for discrete elements of the service delivery company such as hosting; archiving; digitisation; operations and publications.

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.

As one of the Land Registry's largest clients with a well-developed dialogue with the Land Registry and the Shareholder Executive, we are concerned that the careful consideration of the views of Land Registry's customers and stakeholders hasn't included us.

We are similarly disappointed not to have had sight of the Land Registry's 2013 – 2018 business strategy that is referenced in the consultation or indeed the Target Operating Model.

Given the concurrent Land Registry consultation on the LLC1 and wider powers, we are conscious that the proposed Service delivery company may have a substantially enhanced role in which case we are certain that a full impact study would be required given its potentially deleterious impact on the private search industry.

We are further concerned that the Land Registry consultation on the LLC1 and wider powers has not been concluded and consequently the terms of this consultation on a Service delivery company is at best opaque. We would have seen more merit in running these consultations sequentially, ideally with the Land Registry's consultation reporting before this consultation was launched.

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?

x☐ Yes

☐ No

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