



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 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:

There is a lack of detail contained in the consultation document therefore it is not possible to provide a fully informed view

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:

However as previously referred to there is a lack of detail in the consultation document to provide any further comments on what should be retained the exclusive responsibility of OCLR there may be other functions that should also be retained.

Question 3

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

Comments:

At the very least management and maintenance of the register of title to land and local land charges should not be shared or become the responsibility of the service delivery company. The public and organisations should be able to rely on the accuracy and that the registers are kept up to date with the full force of a guarantee expected of a public organisation. The register of title is far too important to commercialise with the risk that more money making services will receive priority over maintenance of the registers.

Question 4

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

Comments:

Please see comments above.

In relation to Local Land Charges splitting the functions of 'keeping certain registers' i.e. Land Charges, would add another tier of bureaucracy to the process.

The maintenance and management of the registers is essential therefore responsibilities and guarantees that these will be accurate is fundamental because these records are wholly relied upon by Solicitors and Conveyancers in land transactions.

The mere fact that reference is made to "shared functions" is likely to cause confusion as to which of these functions at any one time has been undertaken by the service delivery company or the OCLR.

There is the potential for conflicts of interest to arise between the legislative requirements under which the new service delivery company will operate and the under which the OCLR will operate, leaving uncertainty and confusion. This may be particularly so in relation to fee setting, the Company would be seeking to make a profit whereas the OCLR should ensure that the fees are set to cover delivery of the service.

Question 5

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

Comments:

There is insufficient detail as to what is meant by 'all remaining activities of Land Registry and CLR'. All activities including inputting data and information will affect the accuracy of the land registers and land charges registers and whilst they may be considered to be administrative in nature their accuracy is fundamental to the property transaction process. Where will the accountability lie.

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:

There is insufficient detail in this document about how these functions would work or the OCLR and new service delivery company will interact and how any legal barriers or obstacles are to be overcome – therefore it is impossible to determine if checks and balances are in place.

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:

For the reasons given previously

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:

Please see comments given previously

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:

This would depend on the functions and services that would be the responsibility of a service delivery company, if a service delivery company were to be set up. The separation of functions is however likely to lead to public confusion and the possibility of the subject of the complaint falling between a gap in the services/functions being delivered by the delivery company or the OCLR – one blaming the other.

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:

See comments 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:

The Rule Committee or its role have not been identified in the consultation document therefore it is not possible to 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:

The Data Protection Act itself does not provide the protection in practice for personal information the protection comes from the processes and practices put in place by the organisation(s). The sharing of personal data between the OCLR and the service delivery company will need to comply with the principles of the Data Protection Act, obtaining the consent to share this information will add another tier to the process of service delivery .

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:

This role is not identified in the consultation document therefore it is not possible to provide a 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:

The are significant risks of entrusting land registers and the functions and services relating to the maintenance and management of the registers to a service delivery company without the

backing of government, it becomes just another company run pursuant to company law with the risks that accountability will be lost.

It is difficult to see why a service delivery company is needed to deliver the business strategy for the future surely much of what is proposed can be delivered under the existing legal framework. Setting up a company seems like sledge hammer to crack a nut.

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:

Question 16

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

Comments:

It is difficult to see what constraints there are for the Land Registry to successfully deliver a business strategy that seeks to drive out more efficiency, is transparent and provides an easy to use service for the public. Indeed the Land Registry throughout the years has proved that it is more than able to do just that. It has progressed its practices and procedures to embrace the opportunities that IT brings, it does not have a call on the public purse to survive, its staff are professional and skilled in relation to land/property matters. The Land Registry has a high level of customer satisfaction.

Question 17

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

Comments:

There is insufficient information contained in the consultation document to enable a fully informed view to be given.

The consultation document fails to identify the reasons why the Dept for Business Innovation & Skills feel that the ability for the Land Registry to deliver an improved service which is more efficient and effective is hampered by legal constraints.

There service currently provided is good although there is always room for improvement but it is difficult to see why such improvements cannot be made under the existing framework under which the Land Registry operates.

Setting up a service delivery company duplicates back room or support services, it adds an additional tier to the whole process of maintaining records relating to land title registers

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

The consultation document fails to fully appreciate the scale and significance of the role played by the Land Registry in relation to interests in land, their functions are not simply “administrative” and the accuracy of the information collated and processes is fundamental affecting individuals and organisations alike in protecting the most important and valuable assets that they own or in which they have a legal interest.

Underwriting of the functions and services undertaken by the Land Registry by government is essential in that it provides public confidence, trust, guarantee and impartiality into what is a commercial world of land transactions and which if privatised could be open to abuse.

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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