



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
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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: **Greenwoods Solicitors LLP**
Organisation (if applicable):
Address: **Monkstone House, City Road, Peterborough PE1 1JE**

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

	Local Government
x	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: **We believe that Land Registry is already “delivery-focused” and serves its customers well. We question whether the creation of a separate arms-length organisation (at the tax-payer’s expense) would actually improve the current position. Please see our reply to Q17 below.**

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: **We believe Land Registry should remain a fully state-run public service. Please see our reply to Q17 below.**

Question 3

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

Comments: **Please see our reply to Q17 below.**

Question 4

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

Comments: **It must be made very clear who is to have overall responsibility for which function and how the shared functions will be managed and controlled. Otherwise, there is a risk of blurred boundaries of responsibility, which could lead to dispute. This will inevitably have an impact on the service (and cost) to the public.**

Question 5

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

Comments: **Please see our reply to Q17 below.**

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: **Please see our reply to Q17 below.**

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: **Please see our reply to Q17 below.**

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: **None.**

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: **If the proposal to separate the service and policy functions goes ahead, then the proposed approach for handling complaints would seem appropriate. However, we think the resulting process will be slower, due to the additional layer(s) of bureaucracy involved, particularly if the service delivery company is entrusted to the private sector. We do not believe this is in the public's interest.**

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 our 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: **Please see our reply to Q17 below.**

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: **Please see our reply to Q17 below.**

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: **Please see our reply to Q17 below.**

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: **We don't understand this question. Assuming a service delivery company is established, we have reservations about entrusting the operational control of such a company to a private sector company. Please see our reply to Q17 below.**

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: **We don't understand this question. Assuming a service delivery company is established, we have reservations about it being wholly owned by a private sector company. Please see our reply to Q17 below.**

Question 16

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

Comments: **Please see our reply to Q17 below.**

Question 17

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

Comments:

A. Separation of the existing policy and delivery functions

We note in the consultation document that Government has concluded that Land Registry "would benefit from a separation of the policy and delivery functions" (paras 4 and 28), and that the creation of a separate (whether publicly or privately owned/controlled) service delivery company will enable Land Registry to "serve the property market more effectively" (para 30). The consultation document gives no reasons as to why or how this conclusion has been reached, and we are not in a position to agree or disagree with it. Clearly, however, the creation of such a company would introduce another layer of bureaucracy, which may lead to inefficiency and increased costs, i.e. the opposite of what Government is trying to achieve.

In addition, Land Registry has worked hard in recent years to improve its efficiency and we believe it now provides an extremely efficient service. We have established a good working relationship with our Customer Service Team (CT5, Peterborough District Land Registry). If we have expressed concerns about level of service or particular registration applications, our concerns have been resolved quickly and to our satisfaction. Our perception is that Land Registry is already "delivery focused". We therefore question the need to establish a separate service delivery company in order to ensure this outcome.

Land Registry has endured much change over the past few years - most notably dealing with the sweeping changes introduced by the Land Registration Act 2002; and, more recently, developing its digital and online data services in line with Government's "digital by default" strategy. We consider that, rather than facing radical changes to its business model, Land Registry would benefit more from being allowed a period of consolidation for the next few years, in order to build on the excellent improvements it has already made, and is continuing to make, in providing its services.

Setting up a new company to run the administrative side of the land registration process will be disruptive to both staff and customers. Although we are sure that maximum effort will be exerted to minimise disruption, it is inevitable that service provision will be adversely affected during the transition period and beyond. To say that the proposals outlined in the consultation document "would have a very limited impact on customers" (paras 10 and 61) seems to us to be somewhat naïve. Furthermore, if Government

believes the impact on customers will be so limited, why does Government feel it necessary to propose a restructuring at all?

B. Public vs Private Ownership and Control

How Government decides to organise itself internally is up to Government, but Land Registry is a vital public service and we believe that it should remain wholly in public ownership. Land Registry's function is to maintain an accurate title register in an impartial manner and to guarantee titles on behalf of the Crown. It should have no other function. If Land Registry is given "greater flexibility to provide other services", we fear it could become too focused on commercial objectives and lose sight of its core public service role. Land Registry's highly-valued impartiality must not be compromised.

C. Transferring service delivery function into private ownership

In theory, it should not matter to the customer where the operational control of the service delivery function lies, provided any service contract between Government and the service delivery company is clearly drawn so there is little room for dispute.

We understand Government's reasons for considering the possibility of outsourcing the service delivery function to the private sector. However, we have a number of reservations about this possibility:

- The main driving factor behind a private sector service delivery company will be to make a profit. We fear that this will lead to a shift in culture. We are concerned that the current pride which Land Registry takes in maintaining absolute accuracy of data will be eroded in favour of streamlining measures designed purely to ensure maximisation of profit for the company's shareholders.
- Another driving factor of the privately-run company will be to reduce costs. We are concerned that this will lead to redundancies and a loss of highly-skilled, experienced Land Registry staff, which, in turn, will lead to a deterioration in customer service.

D. Conclusion

We are not privy to the internal organisational arrangements of Land Registry in its current form. We therefore do not feel qualified to comment on some of the issues raised in the consultation document. However, our perception is that Land Registry is already working extremely hard to deliver its business strategy and should be allowed to continue to do this without the disruption that the creation of a new business model will inevitably cause.

The cost of implementing these proposals will be significant. We question whether this is a good use of public money?

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

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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