

<b>Fee Review Ref</b>	FRC 002
<b>Name</b>	Helen Cleeton
<b>Organisation Name</b>	HCassociates
<b>Postal Address</b>	XXXX
<b>1. Are you responding</b>	
as an individual (go to 2a/b)	Yes
on behalf of a group or organisation (go to 2c)	x
<b>2. (a) Individuals</b> Do you agree to your response being made available to the public (in the Scottish Government Library and on the RoS website)?	Yes
<b>(b) Where confidentiality is not requested</b> , we will make your response available to the public on the following basis.	Yes, make my response and name available, but not my address
<b>(c) On behalf of a group or organisation</b> The name and address of your organisation will be made available to the public (in the Scottish Government Library and on the RoS website) Are you content of your response to be made available?	x
<b>3. We will share your response internally within RoS and with other Scottish Government departments</b> who may be addressing the issues you discuss. They may wish to contact you in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in relation to this consultation exercise?	Yes
<b>Response</b>	
<p>Section 1 - Background (2) – Due to a recent lack of reporting transparency it is impossible to determine the level of annual registration transactions per product from the published annual reports. Since Ms Adams became keeper they have simply been removed from the reports. Why are the annual reports now so vague when historically they were so open, inclusive and transparent? Obviously this information was useful when outsiders and auditors formed an informed opinion upon the validation of fees/ recouping expenditure / validating claimed efficiency levels etc.</p> <p>Section 2 – Land Registration Act 2012 (7) – I am concerned that fees will no longer be fixed on cost recovery. On what basis might fees then be increased, might excessive expenditures such as the BT contract be repeated more easily if there are no limitations imposed on the keeper and auditors/ Government remain so distant? Who protects the citizens interest?</p> <p>Section 3 – Registration and Recording fees (11) – Given reported losses have exceeded some £72m in the past 5 years should the ordinary citizen fear these huge sums might need be recovered by excessive profits in the years ahead? Indeed as the new IT structure gradually replaces the failed BT service what are the anticipated spends on replacing the obsolete systems. Presumably these would</p>	

be exceptional spends over and above normal annual running costs and are more readily/ more likely to be funded from increased fee incomes rather than efficiencies? What impact does the 2012 Act have on the current systems; will it require changes to existing systems, might it finally encourage full replacement to make them fit for purpose?

Given the acknowledged "RoS strategic objective (is) to deliver a reserve position of £75 million which would be dependent on savings achieved in IT delivery and any gains that may arise from the 2013 fee review", what level of reserves might be required in total to include system modernisation too? Source ( [http://www.ros.gov.uk/pdfs/board\\_minute\\_may\\_2012.pdf](http://www.ros.gov.uk/pdfs/board_minute_may_2012.pdf) )

If fees are simply set to recover 'costs' and fund future enhancements what encouragement is there to actually control costs/ spends? As a monopoly simply spend and recoup from the voiceless/ impotent citizen with parliamentary approval!

(12) – Given a published business case of 300,000 applications per annum for the ARTL service, or 80% of land and property transfers, as highlighted at the time by Mr Andy Smith, are there actually reduced costs for ARTL transactions at reduced fee levels or is it in fact run at a loss given around only, at best, 14,000 applications per annum are reported, what is the unit cost/ loss? source [ais.globalservices.bt.com/./case\\_studies/registers\\_of\\_scotland\(artl\).pdf](http://ais.globalservices.bt.com/./case_studies/registers_of_scotland(artl).pdf)

Section 6 – Shifting Water Boundaries (29) - Why is there any registration fee required for this new deed? Surely there is no real processing cost incurred by the keeper if the deed accompanies a first registration? It may be appropriate for any change to an existing title but surely not a new one. The proposal is at best ambiguous.

Section 7 – Proposed changes to Registration and Recording fees (33) – It is currently unclear if in the case of e.g. CVAs the value used for calculating registration fees is the reduced value or real value? Can this be clarified, are all parties treated equally? Reduced value registration fees surely open the door to abuse that cannot be condoned.

Section 8 – Proposed changes to Registration and Recording Fees – Rejections – The keeper quite rightly expects applications to be complete and accurate and might generate ever increasing income levels from penalties applied.

Given that accepted applications are deemed to be fit for purpose; should the keeper then be expected to adhere to firm target completion times for all applications types and fully cleanse the application record regularly, at least annually?

Should the keeper also report back to and pay a penalty to those applicants whose applications are delayed beyond target?

Why should any applicant/ application be treated differently, surely all should be treated equally in terms of service?

Section 9 – Extracts (45) – Customer Service Centre Inspection Fees - A new £20/30 (plus VAT) charge is excessive for access to a public register. The fee is currently revealed as normally £11 to £14 on the agency website for letter/ email and £15/18 for requests made in person. The public, only relatively recently, suffered the imposition of an £8/12 service fee added to search request costs, historically this was never charged at all and these users may now well feel fleeced, particularly if made aware they pay more than any other information users.

For equality are business customers charged consistent rates per query or do they benefit from discounted rates for 'high value work' below their standard £3 access fee? Who protects the public interest if not the solicitor or Government?

Section 10 – Registers direct (48) – The keepers proposal is grossly unfair to the public. If registers direct fees remain unchanged then business users achieve a search for £3 that the public pay over £20/30 for and also benefit in speed of access! This suggests the keeper is imposing a public access charge of between £17/27. There must be a relationship between public and business access/ costs and it must be set in the fee order and effectively controlled by Government.

Section 10 – Reports (50) – The keeper must retain a relationship between the real costs of reports and customer service centre/ registers direct fees. Currently a form 14 request, an application to confirm whether or not subjects have been registered, costs £32, not remotely value for money. Even the public will only be charged £11/18 for that query on current charges, a business user £3. How is the additional £29/ 21 or 14 justified? Why is a P16 (your random map v theirs) less costly than a P17 (their map v their map)? Absolute nonsense. There must be a relationship between public and business access, some degree of equality in value and controlled in the fee order by Government for public interests.

Section 10 – Personal Presentments (51) – It is absolutely inconsistent that these applications are to be deemed equivalent to postal delivery yet a citizen is treated and charged differently for their customer service enquiries, where is the equality in service? Surely a citizen attending customer services is also simply equivalent to postal queries, why then surcharge them?

Section 10 – Land and Property Data (53) – This appears to open the prospect of discounts for business users which are not open to the citizen or small business user. The keeper must retain a relationship between the costs of reports and customer service centre/ registers direct fees for consistency and equality.

Section 10 – Power to vary fees (54) – I am deeply unsettled at the prospect of variable fees. The markets do not change that dramatically, is the projected business model so unreliable? Will the registers be likely to quickly reduce fees in times of boom, or as historically proven simply retain excessive profits? It might be more palatable if the Government ensured losses could not exceed a defined level and similarly incomes/ profits could not exceed a defined level. Why should hard pressed families be expected to pay via excessive fees for past/ future management mistakes, poor judgment or poor planning?

Section 12 – Summary (57) – Freedom to negotiate consultancy, advisory or other commercial services must not be a back door to reduced fees for information, the keeper must retain a relationship between the costs of reports and customer service centre/ registers direct fees for consistency and equality across the entire customer base and not permit bias towards any sector.

General Comments - Historically excessive profits were generated at the public's expense in the years of property sales booms and rampant house price inflation but quickly followed by similarly excessive and unrestrained losses when the bust appeared. Surely someone needs to be held responsible for this? The ordinary citizen requires very firm assurances it cannot be permitted in the future. Fee incomes need to be capped in good times when house price inflation automatically and unjustly boosts the registers fee based income levels year on year. Losses must also be tightly controlled in bad times.

It is disconcerting that the 2012/13 annual report considers performance as "our best ever performance in terms of the speed and accuracy with which we have carried out our work". From reported staffing levels and total costs the average staff costs are now £59,727 against £64,477 last year, yet they were only £43,991 in the last year of surplus 2007/8, wage inflation can't be to blame. It is highly questionable if costs are yet under proper control at the register?

I am also perplexed that the keeper, Scottish Government & 'informed solicitors' have never publicly debated why a separate application record & the obsolete counties exist? Surely any query of e.g. ownership should be fully revealed from 1 reliable source. If in sasine it is acceptable to the keeper to reveal pencil notes of outstanding presented details for no additional fee it must then be consistent to reveal any outstanding applications about to change any pre-existing title. It is not the users concern that the keeper has failed to process a perfectly valid application. Why should the user then have to pay any additional fee for available information that will 'eventually' form the title and is essentially

more up to date and more accurate than the available title information they have already paid for? Counties simply confuse and restrict access for less expert users and add nothing to a title number which can simply be made unique numerically alone!

The banks are hammered daily for their lack of customer focus, massive losses and poor management yet the registers seem beyond reproach. That is why I mistrust the fee review proposals and the Governments hands-off approach. On historically reported performance levels and published actual achievements & failures can the ordinary citizen/ fee paying property owner really anticipate delivery of any 'improved services' by 2015, or indeed have trust in the RoS management, faith in the Scottish parliament or indeed its auditors to effectively manage this organisation and restrain fees/ incomes?