

Environment, Climate Change and Land Reform Committee**Inquiry into Land Register of Scotland: progress of local authorities in registering their land****Written submission from South Lanarkshire Council**

As you will be aware, there is no legislative requirement on public bodies to register their land within any particular timescale, or by 2019 in particular. This was a non-legislative proposal by the Scottish Ministers which was the subject of a consultation by the Keeper of the Land Register with responses having to be submitted by 4 November 2014.

This Council, along with a number of other Councils, responded to that consultation commenting that, while the principle of completion of the Land Register was a desirable and valuable national outcome, the Council had considerable reservations as to how this could be achieved. In particular, we commented that there:-

- had been no consideration as to how the requirement on public authorities to complete registration of all their land within five years accords with Councils' duty to secure best value in terms of Section 1 of the Local Government (Scotland) Act 2003.
- had been no recognition of the pressure this would place on both employee and financial resources, given the volume of work which would require to be undertaken by Councils in order to comply and the consequential costs involved, which were unrealistic at a time when Councils already had to make year on year savings to balance budgets appeared to be no appreciation of the differing types of land that local authorities own which, in the case of this Council, consists of large parks, small open spaces, the *solum* of certain roads but not others and the residue of Council houses which will not have been purchased under the Right to Buy.

South Lanarkshire Council has approximately 9,500 titles, with 4,000 of these not on the Land Register. At the time of the consultation, the Council estimated that to achieve the outcome desired by the Scottish Ministers would require a dedicated team of approximately 13 staff, drawn up from both Legal and Estates Services. Our preliminary estimation of the cost of this to the Council was £4.5 million over 5 years, excluding inflation and salary increases. Since the consultation, the Council has had operational requirements to voluntarily register two of its titles and the work which has been required in relation to those titles would suggest that the figure of £4.5 million is likely to have been a significant underestimate.

In our response, we also advised that, in the current economic climate, existing resources were being consistently squeezed and the Council was dealing with competing demands which resulted in the availability of resources to carry out this work being very low. This remains our position as at the date of your enquiry. Legal and Estates Services are dealing with competing demands with reducing budgets and resources and there is simply no capacity to undertake this work and, of equal

importance, there is no budget in the Council to pay for the Keeper's registration fees, which are based on the market value of the land in question subject to a 25% deduction at present. These are significant fees and it should be appreciated that the Council itself achieves no benefit from registration.

Accordingly, in relation to the particular questions which you have asked:-

- the Council is aware of the aspiration on the part of the Scottish Government that all public bodies register their property on the Land Register by 2019 and understands the benefits of this
- the Council is not currently taking steps to voluntarily register its property. The Council does not have sufficient employee or financial resources at this time to achieve this and we do not envisage that this will change in the foreseeable future. The Council appreciates that this is something which is desirable on a national basis, however, in order to comply, the Council would require to divert resources from other priorities

For the reasons stated, the Council does not anticipate being in a position to complete registration of its property by 2019

I trust this information clarifies the current position.

Lindsay Freeland
Chief Executive