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A Digital Land and Property Information Service for Scotland

Report to the Deputy First Minister

Background

1. In March 2015, the Deputy First Minister announced his commitment to Scotland having an easy-to-use and affordable system for accessing a wide range of information about land and property - a "one-stop-digital database for land and information services". He asked that work on this be taken forward in a collaborative manner through a taskforce headed by the Keeper of the Registers of Scotland and involving, amongst others, the Improvement Service, Scottish Government, Ordnance Survey, and Unifi Scotland, and that the taskforce should provide him with a report on how this can best be delivered by 31 July 2015. This paper forms that report; details of the taskforce's members and its remit are at Annexes A and B.

2. Our vision is to make Scotland one of the easiest countries in the world in which to find information on land and its ownership and to transact and register property. Not only will this make our economy more efficient, but it will reduce both the risks and costs of doing business. We therefore recommend the creation of a system to be called ScotLIS® (Scotland's Land Information System). This report identifies ScotLIS' purpose, the benefits it will bring and the potential timescale, and makes recommendations on the principles it should follow and how it might be operated. The paper is not designed to provide a detailed business case or a project plan - those tasks will fall to a future project board once a decision has been made on taking forward the creation of the system.

Key drivers

3. There are almost 100,000 property sales in Scotland each year, with a value of over £15 billion. Property is therefore an important factor in the Scottish economy. This has been recognised for a long time and a land and property information system for Scotland has been on the agenda for almost a decade[1]. Developments in IT, current public sector policy objectives and the needs of the economy have come together in 2015 to make a compelling case for its creation. The key drivers include:

- recognition that clear, up-to-date information about land, its value and ownership provides a good basis for open and transparent decision-making for both the private and public sectors;

[1] Unifi Scotland was established in 2007 to bring this about (see www.unifiscotland.com), building on a previous prototype information service developed around 15 years ago that was not progressed because the technology then available was not sufficiently robust.

- the commitment of the Scottish Government to the open data strategy for the public sector [www.gov.scot/Publications/2015/02/6614];

- the commitment to Scotland's Digital Future: Delivery of Public Services [www.gov.scot/Topics/Economy/digital/digitalservices];

- the growing interest in land, its ownership, value and use, as exemplified by the Land Reform (Scotland) Bill, the Community Empowerment (Scotland) Bill, the commitment to complete the Land Register by 2024, and the Commission on Local Tax Reform, which is due to report in the autumn;

- recognition of the economic benefits it will bring, as exemplified in New Zealand and Norway[2] in their World Bank rankings for ease of doing business (2nd and 5th ranking, respectively); and

- the need to support a move to a more efficient property market where e-conveyancing becomes the norm.

Purpose and benefits

4. The purpose of ScotLIS is to enable users to access, quickly and easily, information about any piece of land or property in Scotland through a single, online enquiry point. This will make for easier access to key information for the citizen, support smarter conveyancing, and provide better access to important information to support policy- and other decision-making, while improving accountability and transparency and creating wider social and economic benefits through innovative use of data. It will also improve sharing, analysis and presentation of data on Scotland's land and will sit within a framework (see Annex C) that supports access to data across the public sector, complementing and interacting with other portals.

5. All of this supports the Scottish Government's purpose of focusing government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

Design principles

6. The system underpinning ScotLIS should be designed and provided around the following principles:

- provide customer-friendly access to citizens and business users through a range of digital devices;

- where possible, enable data to be accessed and linked through unique property reference numbers (UPRNs)[3], which uniquely and definitively identifies units

[2] A summary of the Norwegian experience is at Annex E.

[3] The UPRN is the unique identifier for every spatial address in Great Britain – see http://www.ordnancesurvey.co.uk/about/governance/policies/addressbase-uprn.html. It is currently created by local government.

of land and property in Scotland, to link multiple information sets about that property;

- enable users to access data through a range of search criteria, such as a map, postal address, postcode, title number and other identification systems;

- be in line with the Digital Scotland approach and design principles of mygov.scot;

- be in line with Scotland's open data strategy;

- enable the provision of INSPIRE[4]-compliant data;

- provide clear information on the quality and reliability of the data and any licensing arrangements;

- where there is a charge for the data being provided, give clear information on the costs and enable easy payment; and

- where data is provided by licence and/or cost, meet the requirements of the Information Fair Trading Scheme.

The ScotLIS concept

7. Given its purpose, ScotLIS will need to have broad functionality and provide information at a range of levels suitable for different audiences. However, the full extent of its potential functionality, and where it sits within the wider Scottish data portal ecosystem, cannot and will not be delivered at its launch: phasing and prioritisation will be required if benefits are to be realised as early as possible. The taskforce suggests that the "first wave" offering from ScotLIS should be aimed at supporting property market transactions and enhancing transparency. Examples of the data sets that should be explored for inclusion are at Annex D. In practice, this would mean that ScotLIS should:

- provide a map-based view that identifies land ownership[5]. This will be the foundation stone of the service, underpinning a potentially broad range of data linkages;

- support the processes required to carry out residential and commercial property transactions, including the provision of all information contained in Property Enquiry Certificates and Water Services Reports; and

[4] The EU INSPIRE Directive [2007/2/EC] aims to make available consistent spatial datasets and to create services for accessing these datasets so that they can be more easily shared or combined. The INSPIRE (Scotland) Regulations 2009 turn this Directive into law that applies in Scotland.

[5] This will be simple for land that is already on the Land Register; further consideration will have to be given to land recorded on the Sasine Register and land that is not on either register. An analysis of how other jurisdictions have dealt with this issue should be undertaken.

- provide, either directly or through effective links and sign-posting, easy access to public information connected to a given property or area of land. Information could include flood reports, coal mining reports, council tax band, non-domestic rates data, and statutory designations, for example in relation to historic and natural environment designations. This will assist the public and businesses in a broad range of information needs.

8. ScotLIS should be designed with inter-operability and ease of use as key elements of its functionality. It should provide visualisation and analysis tools, as for many users the value will come from being able to visualise and analyse data, for example in a graph or on a map.

9. Many of the datasets that exist currently are not necessarily universally available across Scotland. The creation of ScotLIS should make it easier for a common approach to be taken across sectors, so that there is consistency of approach across the country. We recognise that the Improvement Service are already working on this for local government datasets and will focus effort on land and property to support ScotLIS. However, it will be for those tasked with creating ScotLIS to work this up into an agreed approach.

10. In the first instance, the data made available through ScotLIS will be public sector information but there is nothing in principle that would prevent information from other sectors being made available through the service in due course.

How might ScotLIS look?

11. This video link gives an example of how an early iteration of ScotLIS might look https://www.youtube.com/watch?v=nEXhwTuh5PY&feature=youtu.be

Creating ScotLIS

12. There are a range of options available as to how ScotLIS can be established, funded and run. These include its being operated as a shared service by:

- Scottish Government;
- Registers of Scotland;
- another organisation; or
- a limited company established for the purpose[6].

13. Registers of Scotland is well-placed to take the lead on this, with support from other data providers, given that they already provide the on-line Registers Direct service, are the creators of the Land Register cadastral map on which the service will be based, and have the flexibilities associated with trading fund status.

[6] This could be led by the Keeper, who now has powers to do so under the Land Registration etc. (Scotland) Act 2012.

14. ScotLIS will require funding to cover set up and ongoing operating costs as well as future investment to ensure it keeps up with IT developments and user needs. There are a range of options for this and there are international comparators. In New Zealand, Land Information New Zealand (LINZ) has a mixed funding model, with income from those data sets that incur a charge and the balance met by central government. In Norway, Infoland (run by Ambita, a government-owned company) is self-financing, generating income both for Ambita and its data suppliers, such as the 420 or so Norwegian local authorities.

15. It will be for the proposed project board to develop a fully worked-up funding model, in line with the open data strategy. The taskforce's view is that a potential model is as follows:

- initial development and set-up costs to be covered by Registers of Scotland as part of its digital strategy replacement of its Registers Direct system[7];

- Registers of Scotland' ongoing running (including the cost of providing data that is free at the point of delivery) and future investment costs to be recouped from the charges it makes for its own data, as per current arrangements, and a transactional charge for the provision of other paid-for data.

16. Any funding model will need to demonstrate a virtuous funding circle to avoid undue pressure on local and national spending commitments.

17. In establishing ScotLIS, proper cognisance will have to be taken of public sector procurement rules. The Scottish Procurement Digital and Technology Services Framework and the UK Government G-Cloud should make this a relatively straightforward process. There will also be the option of working with input from an external organisation experienced in setting up a similar system.

18. The creation of ScotLIS will require partnership working across central and local government and with professional bodies such as the Law Society of Scotland and the RICS.

Indemnity

19. The accuracy of some of the information provided through ScotLIS will require to be guaranteed. This is already the case with the information provided by Registers of Scotland through Registers Direct and the Keeper has indicated that she will continue to stand behind the accuracy of the information she provides through ScotLIS. It will be for other data providers to set out for users the reliability of their data and whether it comes with any indemnity.

[7] Registers of Scotland has already set aside money that it is prepared to commit to this endeavour.

Timescale

20. A realistic timescale will have to be set for the creation of ScotLIS, should Ministerial approval be given in principle. The taskforce suggest the following timetable:

- taskforce report submitted to Deputy First Minister – by 31 July 2015;
- Ministerial announcement;
- Interim ScotLIS Board set up – November 2015;
- business case for ScotLIS, with full governance, funding and timescale agreed – June 2016;
- ScotLIS operational for agreed first wave of datasets – October 2017.

Recommendations

21. The taskforce therefore recommends:

- that ScotLIS be established as Scotland's digital land and property information service;
- that you invite the Keeper of the Registers of Scotland to undertake the development of ScotLIS with the support of a project board of key stakeholders[8];
- that ScotLIS adopts the design principles set out in this report;
- that ScotLIS be established and developed to reflect the functionality and priorities identified in this report;
- that the project board develop a full costing model for the development and ongoing costs; and
- that ScotLIS should be operational in its first iteration by October 2017.

Digital Land and Property Information Service Taskforce

28 July 2015

[8] The Keeper will consult current taskforce members in identifying membership of the project board.

Annex A

Taskforce members

Chair:	Sheenagh Adams, Registers of Scotland
Members:	Stewart Brymer, Unifi Scotland
	Dominic Cuthbert, Ordnance Survey
	Iain McKay, Improvement Service
	Ross Mackay, Law Society of Scotland
	Joe Moore, Scottish Natural Heritage
	Jane Morgan, Scottish Government Digital Directorate
	Stephen Pathirana, Scottish Government Agriculture, Food and Rural Communities Directorate
	Sarah Speirs, RICS
	Jim Valentine, SOLACE
Secretary:	Ashley Connachan, Registers of Scotland
Policy support:	Martin Corbett, Registers of Scotland

Annex B

Land and Property Information Service for Scotland Taskforce

Terms of reference

Purpose

To provide advice to the Deputy First Minister on how a digital land and property information service for Scotland can best be delivered and funded.

Background

Deputy First Minister John Swinney MSP announced in March 2015 that he was committed to the creation of a digital land and property information system and that he was inviting the Keeper of the Registers of Scotland to lead this work collaboratively through a taskforce. Clear and up-to-date information about land, its value and ownership provides a good basis for open and transparent decision-making for both the private and public sectors.

Remit

The remit of the taskforce is to prepare a report for the Deputy First Minister by 31 July 2015, and to do so in a collaborative way and engaging with stakeholders.

Membership

The following bodies will be represented on the taskforce:

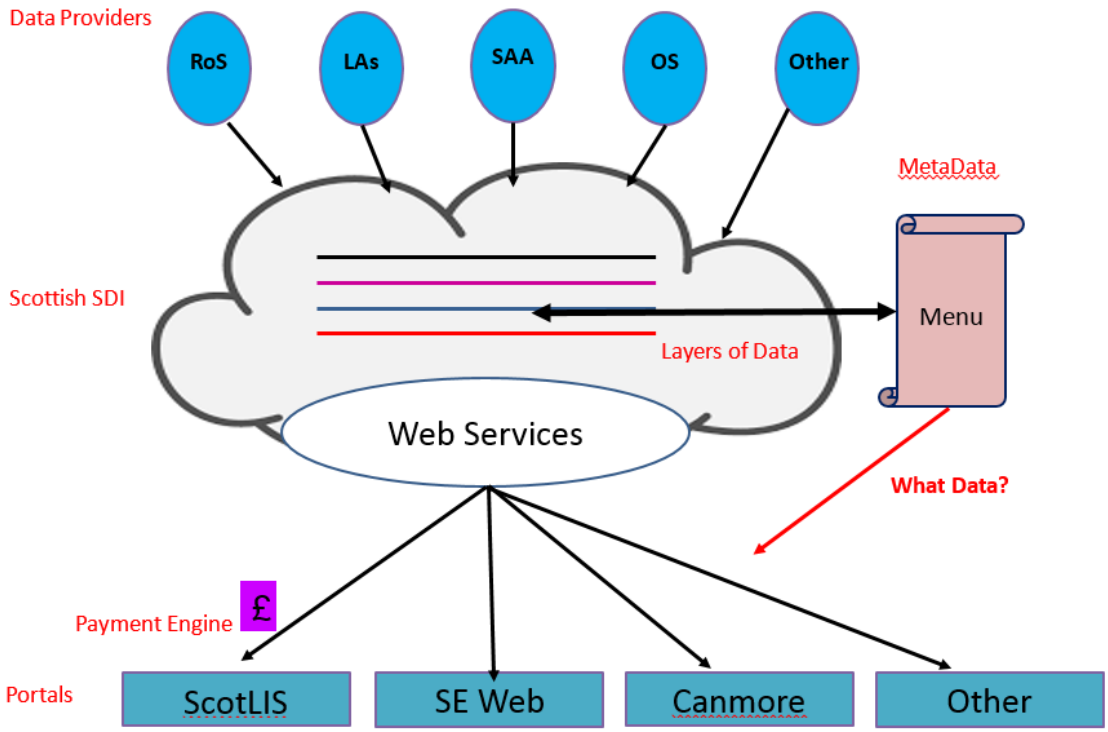
- Improvement Service
- Law Society of Scotland
- Ordnance Survey
- Registers of Scotland
- RICS
- Scottish Government
- Scottish Natural Heritage
- SOLACE
- Unifi Scotland

The taskforce may invite additional bodies to be represented as appropriate.

Meetings

Meetings will be held as required (at least monthly) and will be chaired by the Keeper. Registers of Scotland will provide a secretariat for the taskforce and will take and disseminate minutes of each meeting for information/action.

Annex C



Notes on Diagram

- Data Providers are all organisations who could potentially contribute data to the Scottish Spatial Data Infrastructure (SSDI).

- Land and property related information is only part of the SSDI but is held in the same structured layers of information.

- Metadata is a menu listing which datasets are available as layers within the SSDI and includes information about how these can be accessed as well as any conditions associated with that particular layer e.g. whether it is chargeable. The data owner would be responsible for defining any such conditions.

- Portals can be built by any organisation (or even individual) who wishes to do so by selecting data layers and accessing them via web services to display on their particular portal. This allows complete flexibility in what data is presented and is scalable to accommodate more layers of data as these become available. The same layers of data can appear in any number of portals and users can be confident that if they look at a particular dataset on a portal, it is identical on all portals. (This last point is dependent on data layers being managed and maintained as the true source of that information.)

- ScotLIS sits alongside other portals that currently exist, such as Canmore (provided by RCAHMS) and Scottish Environment Web (provided by a partnership of organisations with an interest in the environment).

Annex D

First Wave Data Sets

1. I am a solicitor acting for a purchaser – the information I need is as follows:

My primary objective is to secure easy access to validated information on a property which my client wishes to purchase. This may include:

- Title Reports and Information from Registers of Scotland:

  Land Register
  Sasine Register
  Register of Inhibitions
  Crofting Register
  Register of Community Interests in Land (RCIL)

- Property Enquiry Certificate from Local Authority:

  Planning
  Building Standards
  Environmental Health
  Housing
  Contaminated Land (also available from SEPA)
  Carriageway and Adjoining Footpath Status
  Mains Water
  Drainage
  Listed Buildings

- Information from the Register of Insolvencies

- Information from the Companies Register

- Details of any public rights of way

- Location of services and utilities – pipes, cables etc. running in, under or over the Property

- Energy Performance Certificate and related information

- Matters raised in or referred to in the Home Report – ideally any other Home Reports carried out in previous 5 years:

Single Survey
Energy Report
Property Questionnaire

- Fire safety

- NHBC guarantees and certificates

- Coal Mining Report and other mineral information – British Geological Survey and Coal Holdings Register

- Relevant information if the property is part of a tenement or other sub-divided building eg common repairs notices etc.

- If the property is tenanted: asbestos; electrical and gas safety certificates; Legionnaires Assessment (test on boilers under new Regulations); fitted smoke alarm detector units etc.

- Radon risk report

2. I am a citizen looking to purchase property – information that may aid me in that process:

My objective is to secure ancillary information concerning a property and the surrounding locale to better inform my decision to purchase. This may include:

- School catchment areas

- Local Healthcare (e.g. GP/Dentist)

- Crèche and Nursery provisions

- Public Transport

- Utilities availability

- Council Tax bands

- Home Report

- Details of any planning permissions for property

- Common repair costs and related charges (particularly for tenements)

- Local Plan information.

- Details of any developments by adjoining proprietors e.g. extensions (insofar as same would not be disclosed in a Property Enquiry Certificate – which is property-specific)

- High Hedges Notices – and details of potential issues with regard to same

3. I am a solicitor acting for a lender in a secured lending transaction involving a property – the information I may require (depending on circumstances) is as follows:

My primary objective is to secure easy access to validated information on a property which my client (the lender) wishes to take security over as part of a secured lending transaction. This may include:

- Title Reports and Information from Registers of Scotland:

  Land Register
  Sasine Register
  Register of Inhibitions
  Crofting Register
  RCIL

- Property Enquiry Certificate from Local Authority:

  Planning
  Building Standards
  Environmental Health
  Housing
  Contaminated Land (also available from SEPA)
  Carriageway and Adjoining Footpath Status
  Mains Water
  Drainage
  Listed Buildings

- Information from the Register of Insolvencies

- Information from the Companies Register

- Planning and building regulations

- Restrictions on use and occupation

- Affordable Housing: Shared Ownership and Shared Equity

- Energy Technologies Installed on Residential Properties

- New Properties - Building Standards Indemnity Schemes
- Roads and sewers

- Servitudes

- Neighbourhood changes

NOTE: these and other related matters will be similar to the information that the solicitor acting for a purchaser will require to examine. The information and a lender's requirements with regard to same are described in more detail in the CML Handbook – www.cml.org.uk/lenders-handbook/scotland/.

Annex E

The Norwegian experience

Norway has a population of around 5 million, with approximately 2.2 million homes and approximately 150,000 property transactions each year. By comparison, Scotland has a population of around 5.3 million, with approximately 2.8 million property titles in either the Land Register or the Register of Sasines. Property sales volumes in Scotland were just under 100,000 in 2014-15, compared with some 143,000 in 2005-06.

Ambita Infoland is Norway's portal for the dissemination of land and property data. Ambita AS owns, monitors and supports the Infoland portal and also supports the digital land registry system on behalf of the Norwegian Mapping Authority. Ambita AS is a limited company belonging to the Ministry of Trade, Industry and Fisheries.

Development work for Infoland began in August 1998, with a pilot for the municipality of Stavanger being launched in June 1999. Subsequent growth has been driven by recommendation by data suppliers (eg local authorities) and demand by customers (principally real estate professionals and banking institutions) rather than by compulsion. Infoland can currently provide data for almost 90% of Norway's landmass. The data suppliers include the land registry, the co-operative housing registry and local authorities. Local authority information provided includes utilities, planning and building permits and community fees for utilities and services.

Infoland has resulted in significant efficiency gains in conveyancing transactions for both customers and data suppliers. For customers, Ambita AS explains that searching for information – a task that could previously require meetings and telephone contacts over a period of weeks – is now a one-stop task that results in all required data typically being available within a matter of hours[9]. Data suppliers can generate efficiency savings by handling all property data enquiries through a single platform that includes an invoicing and online payment system.

Norway currently ranks 5th in the World Bank Ease of Registering Property table[10]. Ambita AS points to solutions that simplify the market and make doing business quick and efficient as drivers for a healthy economy.

[9] Digital data can typically be provided instantaneously.

[10] The World Bank does not hold comparable data for Scotland; however, the UK (based on a London example) ranks 68th with an indicative period of 1-3 weeks for conducting searches on the property.