

First Scottish Property Services Ltd

I have read the report with interest, particularly the section "Improving the information available to house purchasers".

Along with several other providers, our company supplies local authority property enquiry certificates to legal firms in connection with house sales. These certificates disclose any local authority matters affecting the property for sale. Councils themselves traditionally supplied these certificates but the private sector has developed over the last few years in response to problems of cost and delay in the local authorities providing the reports.

Naturally Councils, seeing drops in revenue from these sources, have sought ways to protect their position. They have, in many cases, adopted the practice of jealously guarding the public information that they hold and will often make available only what they are obliged by law to disclose. This has led, for example, to City of Edinburgh Council (to name but one) refusing to divulge details of statutory repairs notices and the status of these except on payment of hefty fees. Some private searchers are not willing to pay for this information (this company does but has to pass on the cost to our solicitor clients who in turn must pass it on to their clients - home sellers). This can mean that these notices are not disclosed at the time of sale and the opportunity for the solicitors to agree arrangements for retentions from the price to meet the cost of such repairs is lost. This passes liability on to the purchaser who has probably not budgeted for it and cannot afford to meet the cost of the repairs required.

The Freedom of Information Act will make no difference to this situation as Councils will remain at liberty to charge what they want for this information under one of the exceptions to the Act.

Competition between suppliers of property enquiry certificates not only drives down the cost of them to the house seller but also leads to suppliers looking to provide more information in their reports which is all of benefit to house sellers and buyers. The secrecy with which most Councils treat such information and the charges they apply to access it (where they permit access) are acting as barriers to the benefits of such competition.

I would have seen Property Enquiry Certificates ("PEC"s) as being an integral part of the Purchaser's Information Pack especially in the cities where repairs notices issued to compel repairs to older tenement properties. This would give prospective purchasers not only an indication of specific repairs needing done but a better feel for the likely condition of the building as a whole. If part of the Purchaser's Information Pack, the PEC would generally require to be updated closer to the transaction settlement date but the restrictions on access to records and costs of accessing them make this impracticable at present.

Clearly our company does have a vested interest in this matter but I do feel that some action in this regard would go a good way to improving the information that house buyers may have prior to purchase and to reducing the costs involved.

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First Scottish Property Services Ltd