

Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd

Democratic Services
Gwasanaethau Democrataidd

Decision Notice

REGENERATION AND SUSTAINABLE DEVELOPMENT - URGENCY ACTION , MONDAY, 23RD MARCH, 2020

Please see below approval of decision as follows:

1. **COUNCILS HOUSING STOCK TRANSFER - Urgency Action 3NH (Pages 3 - 16)**

To obtain Members authorisation to rectify the errors in title made in the original transfer of the Councils Housing Stock

That approval be granted:

That title errors in the original transfer document be rectified as set out in the aforementioned report.

For Immediate Implementation

Yours sincerely

p.p Chief Executive

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

20th March 2019

**Joint Report of the Head of Property and Regeneration
– S. Brennan & Head of Legal Services – Craig Griffiths**

MATTER FOR DECISION

WARDS AFFECTED: All

COUNCILS HOUSING STOCK TRANSFER

Purpose of the Report:

To obtain Members authorisation to rectify the errors in title made in the original transfer of the Councils Housing Stock

Executive Summary:

To obtain Members authorisation to rectify the errors in title made in the original transfer of the Councils Housing Stock

Background:

As Members will be aware on 4th March 2011 the Council transferred all of its housing stock to Neath Port Talbot Homes Limited (now Tai Tarian Limited), a Community Mutual Housing Association established to own and managed the transferred housing stock.

An external firm of solicitors dealt with the legal formalities associated with the transfer on behalf of the Council.

Prior to the transfer Council officers produced a list of titles and plans of the housing stock to be included in the transfer.

In recent times having completed an exercise to check and plot the transferred HM Land Registry titles onto the Council GIS land terrier map has highlighted multiple errors within the transfer.

Having discussed these matters with HM Land Registry Swansea Office it became apparent that there are two distinct categories of errors affecting the transfer.

The first is where the Land Registry made interpretation errors in respect of a number of title plans, which meant that the Land Registry title plan was different to the transfer plan included in the transfer.

The Council identified 23 such errors which the HM land Registry then rectified back in 2019 with the approval of the Council and Tai Tarian.

The second category involve errors made by the Councils external solicitor whereby for whatever reason the list of Land Registry titles included in the transfer incorrectly included for “whole” instead of “part title” transfer of a number of titles.

This in turn directed the HM Land Registry team to ignore the agreed transfer plan information and proceed incorrectly transferring the whole title to NPT Homes.

The fact that the Land Registry titles were incorrectly labelled as a “whole transfer”, then supersede the correct information shown on the agreed transfer plans.

As a consequence various parcels of land, houses and roads have been incorrectly transferred to Tai Tarian Limited whilst circa 20 former Council houses and blocks of flats together with other associated parcels of land incorrectly remain in the Council ownership.

This means that approximately 20 number parcels of land incorrectly owned by Tai Tarian which need to be transferred back to Council and 19 parcels of land and properties incorrectly owned by the Council which need to be transferred to Tai Tarian as set out in the attached schedules 1& 2.

These errors need to be addressed and following discussion with Tai Tarian it has been tentatively agreed that the title errors be rectified as soon as practically possible on the basis of each party bearing its own costs and no consideration being paid by either party.

Financial Impacts:

None.

Integrated Impact Assessment:

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment (Appendix 1) has indicated that a more in-depth assessment is not required.

Valleys Communities Impacts:

No implications.

Workforce Impacts:

No implications.

Legal Impacts:

The respective transfers are required to regularise the titles owned by Tai Tarian and the Council in relation to the stock transfer errors.

Risk Management Impacts:

There are no risk management issues associated with this report.

Consultation:

There is no requirement for external consultation on this item.

Recommendations:

It is recommended that title errors in the original transfer document be rectified as set out in the aforementioned report.

Reasons for Proposed Decision:

To rectify the errors made by the Councils external solicitor in the original transfer document.

Implementation of Decision:

The decision is for immediate implementation.

Appendices:

Schedule 1 – Parcels of land to be transferred to the Authority
Schedule 2 - Parcels of land and properties to be transferred to Tai
Tarian Limited.

List of Background Papers:

None.

Officer Contact:

David Phillips, Strategic Property & Regeneration Manager
Tel: 01639 686980 or E-mail d.phillips@npt.gov.uk

Land to be transferred to Neath Port Talbot County Council

Location	Plan No.	Land Reg Title	Address
Godre'r Graig	16	CYM255922	Adopted highway fronting No. 17 Hodgsons Road, Godre'r Graig, SA9 2DJ
Godre'r Graig	16	CYM255922	Adopted highway fronting No. 21 Hodgsons Road, Godre'r Graig, SA9 2DJ
Ynysmeudwy	18	CYM265797	Land fronting 73 Ynysmeudwy Road, Ynysmeudwy, Pontardawe SA8 4QD
Seven Sisters	32	WA973797	Land adacent to Tan Y Rhiw, Seven Sisters
Seven Sisters	32	WA973797	Land adjoining Heol Heddwch and Pen Y Bryn, Seven Sisters
Coedffranc Central	55	CYM285143	Land fronting Cwrt Cartref, Burrows Road, Skewen, Neath, SA10 6AB
Coedffranc Central	55	CYM294855	Adopted highway fronting No. 2 - 22 Parc Y Deri, Skewen, Neath, SA10 6BQ
Coedffranc Central	55	CYM294855	Land at the rear of 11 - 11a Parc Y Deri, Skewen, Neath, SA10 6BQ
Neath North	61	WA133218	Adopted Highway fronting 2 - 6 Pen Y Dre, Neath, SA11 3HD
Neath North	62	CYM290155	Part of the adopted highway Idwal Street and Illtyd Street
Neath East	63	WA84542	Part of the adopted highway at the corner of No 1 - 10 Emmanuel Place, Melyncrythan, Neath
Neath East	63	CYM291952	Adopted highway fronting No.79 Briton Ferry Road, Neath, SA11 1AS
Neath East	65	CYM293647	Adopted highway fronting 80 - 106 Meadow Road, Neath, SA11 2AB
Neath East	65	CYM285160	Adopted highway fronting Bush Row, Neath, SA11 2EB
Briton Ferry West	70	CYM305312	Part of the access lane to Hengwrt Sports Hall, Briton Ferry, Neath
Briton Ferry West	72	WA52576	Adopted highway fronting Villiers Court, Church Street, Briton Ferry
Briton Ferry West	72	CYM306051	Adopted highway fronting Villiers Court, Church Street, Briton Ferry
Briton Ferry West	72	WA71997	Part of the adopted highway near 12 Villiers Street, Briton Ferry, Neath, SA11 2DZ
Tonna	124	WA285327	Part of the adopted highway fronting Cwrt Yr Ysgol

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Land and properties to be transferred to Tai Tarian			
Location	Plan No.	Land Reg Title	Address
Neath East	63	CYM518796	Land adjoining 21 Bowen Street Neath
Neath East	64	WA55137	Property and land at 20 - 23 Grove Lane, Penrhiwtyn, Neath, SA11 2EN
Briton Ferry West	70	CYM306456	Land fronting Parc Newydd, Briton Ferry, Neath, SA11 2UP
Briton Ferry East	71	WA88535	Property known as 30 Farm Road Briton Ferry Neath
Pelenna	86	WA88221	Property known as 1 Tonmawr Road, Tonmawr, Port Talbot, SA12 9UB
Pelenna	86	WA88221	Property known as 1A Tonmawr Road, Tonmawr, Port Talbot, SA12 9UB
Coedffranc Central	55	CYM294855	Adopted highway fronting No. 2 - 22 Parc Y Deri, Skewen, Neath, SA10 6BQ
Coedffranc Central	55	CYM294855	Land at the rear of 11 - 11a Parc Y Deri, Skewen, Neath, SA10 6BQ
Bryn and Cwnamon	88	CYM267845	Property known as 85 Penllyn, Cwmavon, Port Talbot, SA12 9NN
Bryn and Cwnamon	88	CYM512495	Land fronting 103 Penllyn, Cwmavon, Port Talbot, SA12 9NW
Bryn and Cwnamon	88	CYM512493	Land fronting No 21 - 22 Great Western Terrace, Cwmavon, Port Talbot, SA12 9EH
Neath East	63	CYM291952	Adopted highway fronting No.79 Briton Ferry Road, Neath, SA11 1AS
Sandfields East	105	CYM302145	Land fronting Afan Way
Aberavon	109	CYM347563	Flat No 1 - 6 Nightingale House, Rhodes Avenue, Aberavon, Port Talbot
Aberavon	109	CYM347563	Flat No 1 - 6 Odette House, Rhodes Avenue, Aberavon, Port Talbot
Aberavon	109	CYM347563	17 Rhodes Avenue, Aberavon, Port Talbot, SA12 6UT
Aberavon	109	CYM347563	23 Brwyna Avenue, Aberavon, Port Talbot, SA12 6AQ
Aberavon	109	CYM347563	15 Brwyna Avenue, Aberavon, Port Talbot, SA12 6AQ
Aberavon	109	CYM347563	10 Brwyna Avenue, Aberavon, Port Talbot, SA12 6AQ
Coedffranc Central	121	WA77338	Land adjacent to Flat 84, Pentre Ffynnon, Compton Road, Skewen, Neath, SA10 6DF

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Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Councils Housing Stock Transfer
Service Area: Property & Regeneration.
Directorate: Environment

2. Does the initiative affect:

	Yes	No
Service users		N
Staff		N
Wider community		N
Internal administrative process only		N

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on anyone with protected characteristics.
Disability		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on anyone with protected characteristics.
Gender Reassignment		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on anyone with protected characteristics.

Marriage/Civil Partnership		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on anyone with protected characteristics.
Pregnancy/Maternity		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on anyone with protected characteristics.
Race		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on anyone with protected characteristics.
Religion/Belief		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on anyone with protected characteristics.
Sex		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on anyone with protected characteristics.
Sexual orientation		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on anyone with protected characteristics.

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on on the ability of staff to communicate in Welsh.
Treating the Welsh language no less favourably than English		N				The rectification of the errors made in the original Council Housing Stock transfer documentation will have no impact on provision to ensure staff can use their first language of choice.

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		N				Not Applicable
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		N				Not Applicable

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people			Not applicable as this is just to rectify errors made in the original Council Housing Stock transfer documentation.
Integration - how the initiative impacts upon our wellbeing objectives			Not applicable as this is just to rectify errors made in the original Council Housing Stock transfer documentation.
Involvement - how people have been involved in developing the			Not applicable as this is just to rectify errors made in the original Council Housing Stock transfer documentation

initiative			
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	Y		Worked with Tai Tarian Limited to identify and agree the extent of the errors made in the original Council Housing Stock transfer documentation to be rectified.
Prevention - how the initiative will prevent problems occurring or getting worse	Y		Not applicable as this is just to rectify errors made in the original Council Housing Stock transfer documentation.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	✓
Reasons for this conclusion	
After completing the assessment it has been determined that this proposal does not require a full Impact Assessment (second stage) as this is just to rectify errors made in the original Council Housing Stock transfer documentation.	
A full impact assessment (second stage) is required	
Reasons for this conclusion	

	Name	Position	Date
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Completed by	David Phillips	Strategic Property & Valuation Manager	12/03/20
Signed off by	Simon Brennan	Head of Property & Regeneration.	12/03/20

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