



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.

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