

Item 8

REPORT TO CABINET

3RD FEBRUARY 2005

REPORT OF SOLICITOR TO THE COUNCIL

PROPOSAL FOR LAND REGISTRATION PROJECT FROM HM LAND REGISTRY, DURHAM

1. SUMMARY

- 1.1 This report appraises the Cabinet and seeks approval for the acceptance of a proposal from the HM Land Registry, Durham, to commit to a project to register with HM Land Registry, all of the Council's land title and property ownership records.
- 1.2 HM Land Registry is committed to achieving total registration within the next ten years. As part of the programme working towards this, the Land Registry is contacting large landholders, such as Local Authorities, to enquire as to the extent to which current land holdings are already registered and to register the remainder.
- 1.3 Most of the District Councils in Durham have already concluded such a project with the Land Registry and there are clear advantages to the Council which are outlined in this report. In particular, if the project is completed in the current year it will significantly assist in the conduct of the transfer of the Council's landholdings, including under the terms of the Large Scale Voluntary Housing Transfer which the Council has already approved.

2. RECOMMENDATIONS

- 2.1 That Cabinet approve the scheme and authorise the Council's Solicitor to enter into terms with HM Land Registry for the project to be completed within the current year.
- 2.2 That £30,000 be transferred from contingencies to meet the cost.

3. DETAIL

- 3.1 HM Land Registry, Durham, have approached the Council, and other Authorities in the North East, inviting them to register, voluntarily, their unregistered title documents relating to their landholdings on a borough-wide basis. This is a significant proposal, offering a number of advantages to the Council, viz:

- The Land Registry are offering to make staff available to conduct the exercise.
 - The conduct of future conveyancing transactions would be simplified and made more efficient by virtue of registration.
 - It would facilitate the development of electronic land transactions which the Council is, in any event, committed to achieving.
 - The Land Registry would not charge for staff input, currently assessed at two full time equivalents for a year.
- 3.2 Land registrations give rise to statutory fees which, in this instance, on the basis that the Council has 4,000-5,000 sets of title documents, would be limited to a ceiling figure of £30,000.
- 3.3 Organisations, such as Local Authorities who are major customers of the Land Registry, would expect to pay a substantial proportion of these fees in any event when registrations take place and, in particular, with a large scale transfer such as that associated with a housing transfer to a Housing Association.
- 3.4 The Land Registry also draw attention to the fact that large scale registration also provides a number of other advantages:-
- Safety: registered titles are guaranteed against adverse claims for possession.
 - Curative powers: many defects in title can be cured by registration, e.g. loss of deeds.
 - Reduction of costs: the work involved in any dealing with the land after it has been registered is much simpler, both from the perspective of conveyancing staff and also land valuation exercises. In effect, the legal costs to the owner of the registered titles is considerably reduced.
 - Reduction of the risk of fraud: large scale registration would also exclude the possibility of fraud by copying or hiding deeds relating to property.
 - The Land Registry have also offered to provide additional advice and guidance on the preparation and lodgement of registrations following the carrying out of a scoping visit and inspection of the Council's records.

4. RESOURCE IMPLICATIONS

- 4.1 As explained above, the provision by HM Land Registry of additional staff will be at no cost to the Council. Staff within the Legal and Valuation Divisions will be required to liaise and assist the Land Registry Office in carrying out the work leading to the conclusion of this project.
- 4.2 Land Registry fees up to £30,000 will be incurred as the project rolls forward to a conclusion.

4.3 Whilst no specific budget provision has been made to finance the cost of the fees it is proposed that they be met from contingencies within the Council's budgets.'

5. CONSULTATION

5.1 No external consultation has taken place.

Contact Officer: Dennis A. Hall
Telephone No: (01388) 816166, Ext 4268
Email Address: dahall@sedgefield.gov.uk

Background Papers

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This page is intentionally left blank