

WIRRAL COUNCIL

DELEGATED DECISION

SUBJECT:	<i>24 WHITFIELD STREET, BIRKENHEAD</i>
WARD/S AFFECTED:	<i>BIRKENHEAD AND TRANMERE</i>
REPORT OF:	<i>HEAD OF UNIVERSAL AND INFRASTRUCTURE SERVICES</i>
RESPONSIBLE PORTFOLIO HOLDER:	<i>COUNCILLOR ADRIAN JONES SUPPORT SERVICES</i>
KEY DECISION?	<i>NO</i>

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to obtain approval to the transfer of a small strip of land within the rear garden of 24 Whitfield Street, Birkenhead to the owner of the house.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 In the 1970's the Council undertook an improvement scheme which involved the acquisition and demolition of properties in Mill Street, Tranmere. The scheme also included the transfer of ownership of the cleared sites of the properties in Mill Street to the adjoining home owners in Whitfield Street, in order that they could extend their gardens. The land to the rear of 24 Whitfield Street was included in this scheme and has been occupied as garden since then.
- 2.2 The owner of 24 Whitfield Street has recently been advised that there is a small strip of land, as shown edged red on the attached plan, which has not been included in the Registered Title to the property, being the line of part of the former passageway. Following closure of the passage, ownership reverted to the Council, but only after the remainder of the garden area was transferred to the owner. Consequently this small strip of land has remained in Council ownership.
- 2.3 The owner of the property has benefitted from undisturbed enjoyment of this land for a considerable period and could seek a possessory title from the Land Registry which would enable him to take ownership for nil consideration. The property owner has, however, asked the Council to transfer full title to this land and has agreed to contribute £350 towards the Council's legal costs. It is therefore proposed that the land be transferred at nil consideration with the owner contributing towards the Council's costs.

3.0 RELEVANT RISKS

- 3.1 There are no risks arising from this report and the proposal will resolve a land ownership anomaly.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 The owner could pursue a claim for possessory title, but prefers to have a full title.

5.0 CONSULTATION

5.1 Discussions have been with the owner's legal representative. No other consultation has been undertaken.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 There are no implications arising for voluntary, community and faith groups.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 There are no implications arising from this report in terms IT, or Staffing. The purchaser will meet the Council's legal costs in the sum of £350.

7.2 The proposal will result in the transfer of land which is not required by the Council.

8.0 LEGAL IMPLICATIONS

8.1 The documentation required for the transfer will need to be prepared by colleagues in Legal Services.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 There are no Carbon Reduction implications arising from this report.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 There are no planning implications arising directly from this report. The land is shown as part of a Primarily Residential Area on the Council's Unitary Development Plan.

12.0 RECOMMENDATION/S

12.1 That the land be transferred on the terms reported.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 To regularise the ownership of land at 24 Whitfield Street, Birkenhead.

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APPENDICES

Location plan

REFERENCE MATERIAL

No reference material has been used in the preparation of this report.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date