

EXECUTIVE DECISION RECORD

6 SEPTEMBER 2019

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

Cabinet Members:

Councillors: L.Jones (Chairperson) and R.G.Jones

Officers in Attendance:

N.Pearce, C.Morris, D. Phillips and N.Headon

Scrutiny Invitee:

Councillor: S.K.Hunt (Chairperson)

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor L.C.Jones be appointed Chairperson for the meeting.

2. **MINUTES OF PREVIOUS MEETING**

Decision:

That the Minutes of the 12 July, 2019, be approved.

3. **FORWARD WORK PROGRAMME 2019/2020**

Decision:

That the Forward Work Programme for 2019/20 be noted.

4. **KEY PERFORMANCE INDICATORS 2019/2020 - QUARTER 1
(1 APRIL - 30 JUNE, 2019)**

Decision:

That the report be noted.

5. **COUNTRYSIDE AND RIGHTS OF WAY (CROW) ACT 2000 –
CONSIDERATION OF: THE CONSULTATION DRAFT RIGHTS OF
WAY IMPROVEMENT PLAN (ROWIP); AND THE PUBLICATION /
CONSULTATION PROCEDURES TO BE IMPLEMENTED**

Decisions:

1. That the Consultation Draft Rights of Way Improvement Plan, as set out in Appendix 1 to the circulated report, be agreed as forming the basis for consultation;
2. That the publication and consultation arrangements, as set out in the circulated report, be implemented.

Reason for Decisions:

To ensure compliance with the Countryside and Rights of Way (CROW) Act 2000, and to put a framework in place for the management and improvement of our Public Rights of Way for the next 10 years.

Implementation of Decisions:

The decisions will be implemented after the three day call in period.

Consultation:

This item will be subject to external consultation.

6. **ENVIRONMENTAL HEALTH AND TRADING STANDARDS: FOOD
AND FEED SERVICE DELIVERY PLAN 2019-2020 AND THE FOOD
AND FEED LAW ENFORCEMENT REVIEW 2018-2019**

Decision:

That the report be noted.

7. **ALLEGED PUBLIC FOOTPATH FROM PARKFIELD TO THE ADOPTED FOOTPATH LINKING DULAIS FACH TO PARK STREET, COMMUNITY OF TONNA**

Decision:

That a Modification Order be made under the provision of the Wildlife and Countryside Act 1981 to add the length of footpath from Parkfield to the adopted footpath linking Dulais Fach and Park Street in the community of Tonna (A-B-C, as detailed in the circulated report) to the Definitive Map and Statement, and if no objections, to confirm the same as an unopposed Order.

Reasons for Decision:

1. There is no counter evidence to question the application or to challenge that residents have been able to walk the path for the periods claimed.
2. The reasons for using the path are varied and supported from sufficient numbers who can be said to represent the public at large.
3. The map evidence shows the path has been in existence since at least 1984, taken together with the accounts of those in support of the application, shows the path has been available and in use since at least this date.
4. The photographs taken of the path before it was filled with stone and concrete, show a series of steps and handrail evidently supports the claim that these steps were intended for use whether;
 - (i) Exclusively for the residents of Cysgodfa or,
 - (ii) Intended for use by the wider public when the houses at Parkfield were completed.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

This item has been subject to external consultation.

8. **ALLEGED PUBIC BRIDLEWAY FROM DAN-Y - BONT
(PONTRHYDYFEN) TO MAIN ROAD (EFAIL FACH) COMMUNITIES
OF PELENNNA AND CWMAVON**

Decision:

That the application (alleged public Bridleway from Dan-Y-Bont, Pontrhydyfen to Main Road, Efail Fach, in the communities of Peleenna and Cwmavon) as detailed within the circulated report, be rejected.

Reasons for Decision:

1. No claim can be made out for a public bridleway under section 31 of the Highways Act 1980 given the route has been on Crown land since 1960. There is no user evidence throughout the relevant period from 1940-1960.
2. No claim can be made out for a public bridleway under common law, due to the presence of a locked gate at the southern end of the route, the provision of keys for that gate to certain individuals and that permissive access has been granted since the removal of this locked gate.
3. Equally to point 1 above, no claim can succeed for a public footpath on the user evidence presented under section 31 of the Highways Act 1980 due to that use taking place on Crown land.
4. Lastly, for the reasons given in point 2 above, claims to establish the existence of a public footpath under common law would also have to show the owner of the land took specific measures to expressly dedicate the path to the public. The existence of a locked gate and granting consent to users on foot does not establish such a presumption.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

This item has been subject to external consultation.

9. **ACCESS TO MEETINGS**

RESOLVED: That pursuant to Regulation 4(3) and (5) of Statutory Instrument 2001 No. 2290, the public be excluded for the following item of business which involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A to the Local Government Act 1972.

10. **PROPOSED DISPOSAL OF LAND**

Decision:

That the recommended offer received for the disposal of land adjacent to Heol Tabor, Cwmavon, Neath Port Talbot (as detailed in the private circulated report) be accepted.

Reason for Decision:

To enable the sale of a surplus property and to attain a capital receipt.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

The local members have been consulted on this item.

11. **URGENT ITEM**

Because of the need to deal now with the matters contained in Minutes No. 12 and 13 below, the Chairperson agreed that these could be raised at today's meeting as urgent items pursuant to Statutory Instrument 2001 No.2290 (as amended).

Reason:

Due to the time element.

12. **PORT TALBOT PERIPHERAL DISTRIBUTOR ROAD PHASE 2 - EXTENSION OF STATUTORY PERIOD FOR THE CLAIM FROM ASSOCIATED BRITISH PORTS HOLDINGS LTD FOR COMPENSATION**

Decision:

That approval be granted for the time limit to negotiate the claim from Associated British Ports Holdings Ltd under Port Talbot Peripheral Distributor Road Phase 2, to be extended to the 31 December 2019.

Reason for Decision:

To secure approval for the immediate action required in respect of claims under the Port Talbot Distributor Road Phase 2 Scheme.

Implementation of Decision:

The decision will be implemented after the three day call in period.

13. **RENEWAL OF LEASE TO THE COUNCIL ACCOMMODATION WITHIN THE CIMLA COMMUNITY RESOURCE CENTRE**

Members received an update from officers to amend wording in the decision to “retrospectively”.

Decision:

That the Council take on the new lease for Cimla Community Resource Centre, retrospectively from 1 September 2019, on the terms set out in the private circulated report.

Reason for Decision:

The renewal of the lease is to enable Social Services Health and Housing staff to continue to occupy the accommodation and maintain a joint working environment to effectively engage with Health colleagues.

Implementation of Decision:

The decision will be implemented after the three day call in period.

CHAIRPERSON