

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE RIGHTS OF WAY AND COMMONS SUB COMMITTEE

HELD AT COMMITTEE ROOM 2, CIVIC CENTRE, SWANSEA ON  
WEDNESDAY, 28 JANUARY 2015 AT 2.00 PM

**PRESENT:** Councillor T M White (Chair) presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
Y V Jardine	J A Raynor	L J Tyler-Lloyd
K E Marsh	R V Smith	
J Newbury	D W W Thomas	

**Officers:**

S Richards - Principal Lawyer  
J Parkhouse - Democratic Services Officer

35 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J A Hale, J E C Harris and P M Meara.

36 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

37 **MINUTES.**

**RESOLVED** that the Minutes of the meeting of the Rights of Way and Commons Sub-Committee held on 3 December 2014 be agreed as a correct record.

38 **APPLICATION TO REGISTER LAND KNOWN AS THE GREEN, ACCESSED OFF Y LLWYNI, LLANGYFELACH, SWANSEA AS A TOWN OR VILLAGE GREEN.**

The Head of Legal, Democratic Services and Procurement presented a report which informed the Sub-Committee of the recommendation of the Inspector.

It was outlined that the Council had received an application made by Mrs Margaret E Boyter under Section 15(2) of the Commons Act 1996 in respect of land known locally as The Green, accessed off Y Llwyni, Llangyfelach, Swansea. The application sought to register the land as a town or village green and a plan of the land in question was provided at Appendix 1.

The Sub-Committee were provided with the history of the application, the remit of the Inspector, the role of the Sub-Committee in the process and the legal tests to be

satisfied. The findings of the Inspector were outlined in detail and it was explained that the Inspector had concluded that Mrs Boyter's application as a whole should be dismissed because the criteria set by Section 15 of the Commons Act 2006 had not been shown to apply in relation to any part of the land. The Inspector also makes a specific recommendation, in the light of the way in which the matter had been dealt with in the representations from the parties, that a proper and final decision can be taken by the registration authority, without the need for any further procedural stages, such as the holding of a public inquiry into the matter. There is, in his view, no consideration relating to fairness or natural justice which calls for the decision to be delayed any further or for any further input to be invited from any of the parties or affected landowners.

**RESOLVED** that the application for the registration be **REFUSED** in accordance with the recommendation of the Inspector.

39 **DATE OF NEXT MEETING - 2 P.M. ON WEDNESDAY, 25 MARCH 2015.**

**NOTED** that the next meeting be held at 2.00 p.m. on Wednesday 25 March 2015.

The meeting ended at 2.04 pm

**CHAIR**