

Meeting of:	Welsh Church Act Estate Committee
Date of Meeting:	Monday, 14 June 2021
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Land to the Rear of Church Road, Cadoxton
Purpose of Report:	To bring to the attention of Committee an ongoing issue with repair and maintenance of this land which has been the subject of previous reports to Committee and discussions in relation to this matter and to seek Committees views on how to move forward with the aim of finding a long term solution for future maintenance and management of this lane.
Report Owner:	Rob Thomas, Director of Resources
Responsible Officer:	Carys Lord, Head of Finance
Elected Member and Officer Consultation:	<p>Committee Reports - Legal OM Accountancy Head of Finance</p> <p>No ward member consultation - since Members of this Committee are acting as Committee Members independent of other Council's resolutions, no wider consultation has taken place</p>
Policy Framework:	The Trustees are working independently of other Council decisions and in accordance with the requirements of Charity Law.
<p>Executive Summary</p> <ul style="list-style-type: none"> The report is intended to seek Committees views on how to progress this matter to enable a long- term solution for the future maintenance management of this land. 	

Recommendation

1. That Committee consider the historical issues raised in this report and determine how best to move forward with a long-term solution associated with maintenance and management of this land.

Reason for Recommendation

1. In order that Committee might consider the historical issues associated with the management and maintenance of this land and to agree a way forward.

1. Background

- 1.1 The lane to the rear of Church Road Cadoxton is owned by the Welsh Church Act Estate Committee at the location highlighted in the plan at Appendix A.
- 1.2 The lane is located to the rear of houses along Church Road and abuts land in third party ownership at Bastian Close.
- 1.3 Residents have made regular complaints to Council officers and Committee (via the previous Chairmen) in relation to the overgrown nature of the land and the fly tipped rubbish accumulating in the land. Committee are referred to several previous reports on this matter, more recently the report of 23rd January 2017 and 8th January 2018.
- 1.4 The land has been cleared of rubbish on a number of occasions over the past few years and works have been undertaken to clear back overgrowth along the lane. There are however continuing complaints concerning the state of the land and fly tipped material continues to be a problem.

A quotation for clearance of rubbish and cutting back of the overgrown areas have been received in recent weeks which Committee are asked to consider under resource implications below, however a longer term solution for the management and maintenance of the lane is required as previously reported to Committee recently.

2. Key Issues for Consideration

- 2.1 The Council's Highways Design Group have in the past developed proposed design options which were presented previously to Committee. These options included raising the level of the Wall to the rear carparking area (Bastian close). There are however legal considerations with third party adjacent land-owners to consider with that option and may prove costly and difficult to resolve.

- 2.2 Another option that was considered was the installation of an access gate (Alley Gates were deemed an unviable option as the costs would be prohibitive) in order to prevent unauthorised access to the lane. However, this would require all occupiers along Church Road being agreeable to this and having keys made available for them to access.
- 2.3 A proposed formal footway construction for lane and rear access was also considered.
- 2.4 It had been previously agreed by Committee that without doing all three options together the area would still be vulnerable. It was agreed that all three plans be approved subject to full costings of the proposals being sought and presented to Committee for final ratification.
- 2.5 The Council's Highway Engineer subsequently provided costed options which he presented to Committee in January 2018. However, considerations around land ownership of the boundary were highlighted which now requires further consideration of this matter.
- 2.6 Officers have in the past written to householders along Church Road to enquire whether they wished to purchase the strips of land to the rear of their gardens, however at the time, there was little or no interest in from the householders. Committee may wish for this exercise to be undertaken again prior to considering any other form of action.
- 2.7 Committee are now asked to consider how they wish to proceed with this matter.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 The Trusts actions need to comply with Charity law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations Act.

4. Resources and Legal Considerations

Financial

- 4.1 The estimated cost of the Highway Engineered proposed option works was circa £30,000. These costs were to be funded from the Welsh Church Act Estate reserves. Consideration needs to be given in the light of the legal issue referred to above, whether to proceed with the works now or to consider other options for the land as indicated in the report.

- 4.2 Approximately £12k has been spent on maintenance of the lane over the last 10 years or so. An additional £3,220 has been quoted for clearance of vegetation and removal of fly tipped material very recently.

Employment

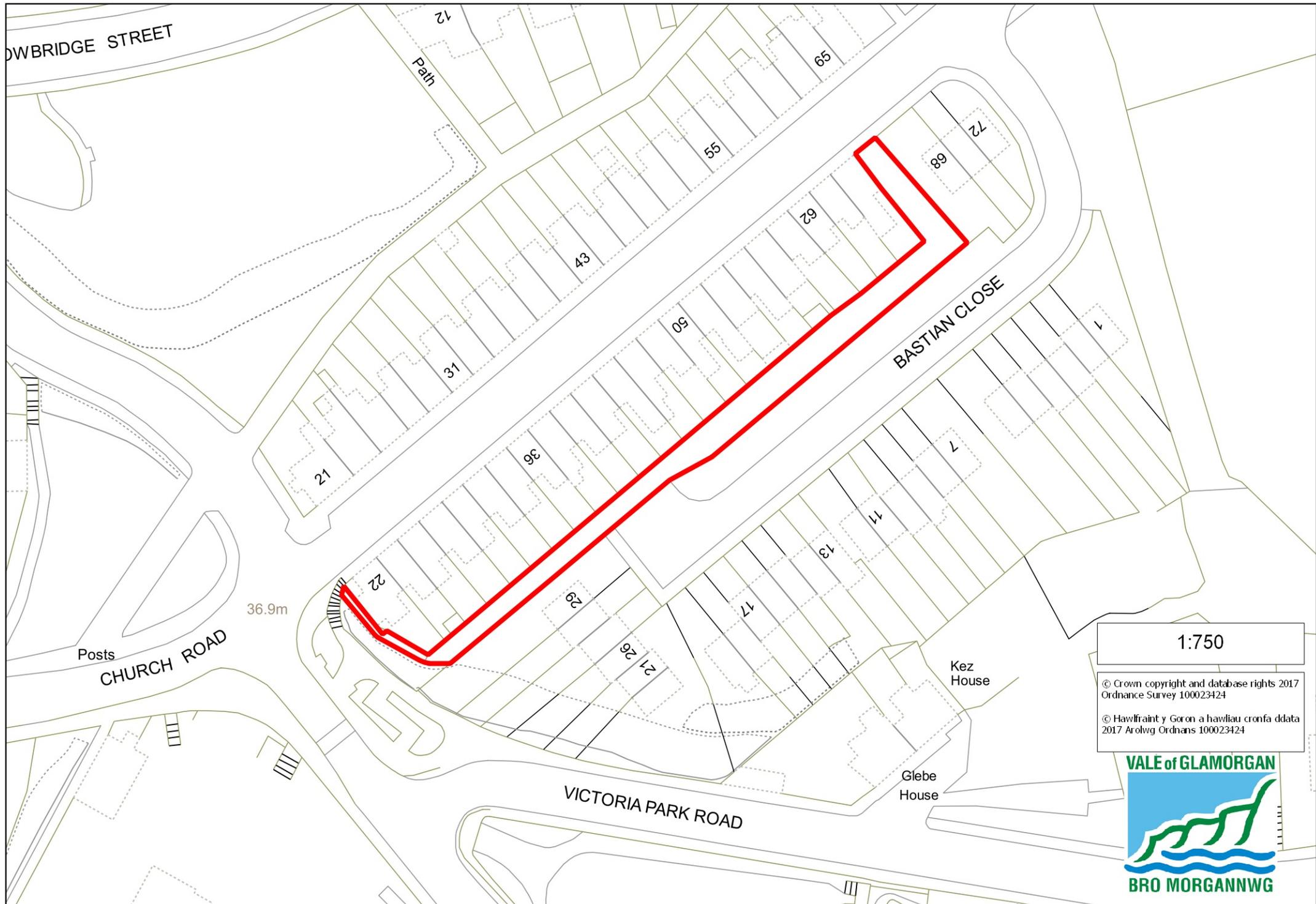
- 4.3 There are no employment implications arising from this report.

Legal (Including Equalities)

- 4.4 The Trust has a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers.
- 4.5 There are no rights granted over the lane benefitting the properties on Church Road contained within the title of either the Trusts land or Church Road properties. However, this does not discount the acquisition of prescriptive rights over time.
- 4.6 The wall which separates the lane to the rear of Church Road was constructed as part of the Bastian Close development and remains in the ownership of the original developer, Vale Homes Ltd. Any works to raise the height of the wall will need to be agreed to by the owners of the wall.
- 4.7 There is a Legal requirement for Trustees to:
- (a) Act within their powers;
 - (b) Act in good faith and only in the interests of the charity
 - (c) Make sure they are sufficiently informed
 - (d) Take account of all relevant factors
 - (e) Ignore any irrelevant factors
 - (f) Manage conflicts of interest
 - (g) Make decisions that are within the range of decisions that a reasonable trustee body could make

5. Background Papers

None



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