

MINUTES OF Y BORTH COMMUNITY COUNCIL 'EXTRAORDINARY' MEETING HELD IN THE COMMUNITY HALL ON MONDAY 17<sup>TH</sup> OCTOBER 2022 AT 19.00 HRS

<b><u>PRESENT</u></b>	<b><u>CHAIRPERSON</u></b>	H HUGHES
		R DALTON
		A HUGHES
		G B JONES
		A J MORRIS
		N SALMON
		A THOMAS
		C BAINBRIDGE
		D PRYCE JONES
<b><u>IN ATTENDANCE</u></b>	<b><u>CLERK</u></b>	I RAILTON
		3 MEMBERS OF THE PUBLIC

**APOLOGIES**

143. Cllr Williams and Cllr Griffiths sent apologies. Cllr Salmon joined via Zoom. Cllr Thomas joined meeting at 19.12. The meeting was also muted for Cllr Salmon but this was rectified at 19.10

**CONFIRMATION OF LEGALITY**

144. Cllr H Hughes confirmed at opening that this meeting was legal. It is stated in the 'Local Government Act 1972, Schedule 12, Paragraph 26, Section 2E'. This was also confirmed by Clerk with One Voice Wales and have email to confirm. This allows Chair to call meeting sooner than the usual 3 clear days if deemed important enough.

This meeting was called following a meeting with Morris and Bates Solicitors on 13<sup>th</sup> October where BCC were advised that they MAY be liable if someone were to trip on the land in question. Although not the owners technically, as it is under dispute, BCC may be found responsible if BCC doesn't safeguard the land from the public as it is a known hazard to them.

**PUBLIC PARTICIPATION**

145. No comments from the public.

**DECLARATION OF INTERESTS**

145. To remind Cllrs that any matters of interest which may arise during the meeting must be declared. Cllr Bainbridge asked Cllr Dalton if she wished to declare an interest as her property was opposite the site in question and others had come to her asking if an interest needed to be declared. Cllr Dalton said she didn't feel she needed to. Cllr Pryce Jones commented that all members present use the land. Cllr Morris said more than happy for Cllr Dalton to remain present. Cllr H Hughes (Chair) declared a personal interest as a County Councillor, but not a prejudicial one.

### **MINUTES OF EXTRAORDINARY MEETING**

146. Cllr H Hughes recaps by reading letter sent originally to Huw Bates.

Clerk recaps by reading minutes of meeting with Huw Bates which had been sent to Councillors in advance. Advice from Huw Bates was to erect Harris fencing on a 'without prejudice basis' on the understanding that it was done to protect the public NOT to demonstrate ownership.

Cllr H Hughes said that solicitors had confirmed no residential interests in the land.

Cllr B Jones said has per solicitors' advice, fence should be put up, but it should be joint with Ceredigion County Council.

Cllr Bainbridge asked for area to be confirmed and group discussed that it was the concrete path running between the two grass areas.

Cllr Salmon said that Harris fencing would be adding 'a hazard to a hazard' with high winds and storms.

Cllr B Jones said that we should follow solicitors advice.

Cllr A Hughes raised the questions to the group 1) Is the Council going to accept solicitors advice? 2) Is the fencing option suggested the least dangerous option?

Cllr Dalton said the cost of Harris fencing would be huge, potentially £300 per piece and for an unknown amount of time.

Cllr B Jones said that this fencing is standard and used everywhere. As a body we need to take our solicitors advice, both (BCC & CCC) need to pay for it though.

Cllr A Morris said that during the discussion people had mentioned the coping stones. This is a separate issue.

Cllr Dalton asked if fencing off, would be it better to get a builder to do some temporary repairs. The group discussed how this may cost more money.

Cllr Bainbridge expressed concerns for cutting off the beach.

Cllr A Morris suggested fencing off just the path, rather than the whole area. He said his view was that Harris fencing would be overkill. Amongst discussion it was raised about the low orange bollard fencing. Cllr A Morris said the reaction should be proportionate to the risk. A waist high barrier with a temporary repair being done along the way a bit at a time.

Clerk raised issue of Section 137 of the Local Government Act 1972 where spending on land that is not owned by the council is capped as it is public money.

Member of the public (James Davies) raised hand to say he has just checked and that is currently at £8000.

Cllr H Hughes clarified that solicitors suggest that owners are more than likely to be CCC but that is a risk. Historical planning applications made by CCC were then discussed.

Cllr Bainbridge asked Cllr Jones and Cllr Morris if they remember the process when the 'Bells of Aberdovey' sculpture was installed. Discussion ensued about the sculpture being put in.

Cllr Salmon expressed that Harris fencing presents one legal opinion, but there are other legal opinions.

Cllr Bainbridge asked if other materials could be used that would be more environmentally friendly (to repair path)

Cllr H Hughes asked the group a question as to whether we wanted the sols to act on our behalf. The group confirmed they would.

147.

Cllr A Hughes proposed that BCC return to solicitors and engage discussions on the following basis

- 1) To ask for initial ownership discussions to be parked for now to make way for more pressing issues
- 2) Ask for co-operation of shared responsibilities with CCC for the path on a WOP basis. In the meantime, BCC can research ways and means of fencing off if doing it without the help of CCC. The important issue is to cordon off and make safe the bad ground. The public need to be protected. CCC may have better access to fences etc at a much lower cost. We want to work with CCC not against.

Cllr Bainbridge seconded. All voted in favour. Clerk will write to Huw Bates the following morning.

148.

Cllr A Hughes confirmed that she and Cllr Salmon had written to CCC about the coping stones which were hazardous and have since been removed by CCC.

Cllr Bainbridge raised that half term was shortly approaching and wanted to make sure children and families safe in that area. Cllr Bainbridge also asked Cllr H Hughes to continue to chase in his capacity as County Councillor.

Councillors as a collective asked for this to be re-assessed in 14 days from the meeting (31<sup>st</sup> October).

Cllr A Hughes raised the point that if we don't immediately fence, we are going against solicitors advice.

Cllr Dalton and Cllr Morris raised in discussion that they don't feel the path is much worse (in places) than some of the other pavements in the village.

Member of the public (Graham Taylor) asked if a temporary repair could be done but Cllr Bainbridge said that sometimes these can make a situation worse.

Cllr Salmon raised concerns that solicitor is being overly cautious.

Cllr H Hughes concluded the meeting as it was agreed as to what action was to be taken and all discussion was commencing. Meeting closed at 20.23.