



CABINET - 3RD JULY 2012

**SUBJECT: VILLAGE GREEN APPLICATION – HAWTIN PARK FIELDS
PONTLLANFRAITH, BLACKWOOD**

REPORT BY: DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To report to Cabinet the result of a non-statutory Public Inquiry held in relation to an application to register land at Hawtin Park Fields, Pontllanfraith, Blackwood as a village green and to ask Council to endorse the recommendations of the Inspector.

2. SUMMARY

- 2.1 Following the non-statutory Public Inquiry the Inspector has recommended rejection of this Application however the final decision rests with Council.

3. LINKS TO STRATEGY

- 3.1 None. The Council in its capacity as Registration Authority has a duty to dispose of village green applications in accordance with the relevant legislation.

4. THE REPORT

- 4.1 The Head of Legal and Governance, by virtue of his delegated powers, authorised the appointment of Mr Alun Alesbury an independent Barrister-at-Law to hold a non-statutory Public Inquiry into the application. Mr Alesbury conducted the Inquiry between 17th and 20th January 2012 at Pontllanfraith Chamber Pontllanfraith House and a copy of his report is annexed. The holding of a public local inquiry with an independent legally qualified Inspector is a well-established method of dealing with village green applications.
- 4.2 The Inspector heard evidence from a number of local residents and from witnesses appearing on behalf of the Objector. The Inspector has prepared a detailed report and made a recommendation, but the Council must make the final decision.

5. EQUALITIES IMPLICATIONS

- 5.1 An Equality Impact Assessment has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full Equality Impact Assessment has not been carried out.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications.

8. CONSULTATIONS

8.1 There are no views expressed as a result of consultation that differ from the recommendation.

9. RECOMMENDATIONS

9.1 Cabinet is asked to make the following recommendation to Council, that in accordance with the recommendation of the Inspector for the reasons set out in his Report dated 4th April 2012 the application to register land at Hawtin Park Fields Pontllanfraith Blackwood as a village green be rejected.

10. REASONS FOR THE RECOMMENDATIONS

10.1 As set out in the Inspector's Report.

11. STATUTORY POWER

11.1 Commons Act 2006 section 15.

Author: Lisa Lane, Solicitor

Consultees: Anthony O'Sullivan, Chief Executive
Nigel Barnett, Deputy Chief Executive
Daniel Perkins, Head of Legal and Governance
Pat Mears, Head of Regeneration and Planning
Sandra Aspinall Corporate Director Education for Lifelong Learning and Leisure
Mark S Williams, Head of Public Services
Colin Jones, Head of Performance and Property Services
Albert Heaney, Corporate Director Social Services
Councillor R. Woodyatt
Councillor M. Adams
Councillor C. Gordon
Councillor G. Kirby
Councillor K. James, Cabinet Member for Regeneration Planning and Sustainable Development

Background Papers: None

Appendices:

Appendix 1 The Inspectors Report