

OLD ST. MELLONS COMMUNITY COUNCIL

Minutes of meeting held at the Village Hall at 6pm on
Thursday 8th February 2024

Present:

Chair: Cllr Dianne Rees MBE (DR)

Vice Chair: Cllr Jane Croad (JC) - Zoom

Councillors: Cllr Debbie Brown (DB)
Cllr Sam Evans (SE)
Cllr Gaynor Hassan (GH)
Cllr Anne Hopewell-Ash (AH)
Cllr Rosemary James MBE (RJ)
Cllr John Summers (JS) - Zoom

In attendance:

Clerk to the Council: Mrs N Evelyn-Gauci (NEG)

RFO to the Council: Mrs N Dunseath (ND)

OSMCCTC: Liz Croad-Protheroe (LCP) Anthony Clark (AC)

1. **Apologies for absence & acceptance (1 min)**
Cllr Ieuan Burridge-Bryant – work commitments
2. **Declaration of interests (1 min)**
Accepted annual declaration of interest – if any other interests this will be declared below.
3. **Minutes – to approve as a correct record of the minutes of the meeting held on 11th January 2024 (2 min)**

It was approved as a true and accurate record

4. **Matters arising from the minutes of 11th January 2024 (20 min)**
 - 4.1 D-Day80
It was suggested for an evening supper – ongoing.
 - 4.2 Managing Green Spaces – training date
DB noted that information will be sent in due course - Ongoing
 - 4.3 Village Plan
DB – will be attending this course on 5th March 24

It was noted to hold a public meeting on 11th March 2024 at 7:30pm – 8:30pm for the Community to suggest ideas.

RFO sent new sign information to Highways, it was noted that the Welsh wording needs to appear first on any signs, permission required to dig the areas of location and must be qualified and authorised. RFO to arrange quotes.

5. **Local Residents (15 min) – web link available on request if meeting held via Zoom**
Under Standing Order 3.(e) the meeting may be adjourned for up to fifteen minutes for a public session. Each member of the public may speak only once and may express observations only. Members of the Council should not enter into any discussion. The Chair may limit an individual's speech to provide equal opportunity to all members of the public.

None attended.

6. **County Councillors Report (5 min)**
(Cllr Joel Williams, Cllr Peter Littlechild presented their report via email)

The County Councillors' report referred to an offer of S106 funding for the Pavilion Project made by Cardiff Council in a letter signed by Cardiff Council officer, Ros Baker, dated 27th October 2023.

The report is inaccurate as the County Councillors wrongly referred to such offer being their offer rather than Cardiff Council's offer of S106 funding.

Further, such offer, which at the specific behest of the County Councillors, imposed an onerous previously unheard-of match-funding burden upon OSMCC, after representations made by the Clerk to Andrew Gregory, Cardiff Council's Director of Planning, Transport and Environment, was amended and a revised offer was made by him, on behalf of Cardiff Council, on the 25th January 2024. He accepted the validity of points the Clerk made on behalf of OSMCC and made an offer which did not include an obligation upon OSMCC to match-fund and was more beneficial to OSMCC and the Community.

The revised offer made by Mr. Gregory superseded the offer referred to in the County Councillors' report, which for the reasons stated in the Clerk's email to Cllr. Joel Williams sent on 8th February 2024 was, in important respects, irrelevant.

The report and the email sent by the Clerk on 8th February 2024 were circulated to all Community Councillors before the meeting.

Please see attached County Councillors' report – Appendix I, the Clerks email to Andrew Gregory sent on 2nd January 2024 – Appendix II, and Andrew Gregory's letter dated 25th January 2024 – Appendix III.

7. Annual Planner (15 min)

7.1 Gas appliance check

It was noted that Limegreen the previous contractor has provided a starting quote of £90.00

It was resolved: all agreed

7.2 Review Village Hall and Grounds Risk Assessment

It was noted to update the annual planner and move to November 2024

7.3 WIFI review

See item 18.

7.4 Fire Risk Assessment – Ivorfire

Clerk to arrange inspection. To ask for a quote.

7.5 Tree risk assessment include all trees on Playing Fields and at St Edeyrn's

It was noted that the full report was made on 17th April 2023 and the report is valid for 18 months, next inspection will be November 2024 – Clerk will update planner.

7.6 Green Flag Award renewal

It was noted that the Clerk has already completed this, awaiting result.

7.7 Courtstall Maintenance – to carry out yearly maintenance to both courts

Clerk noted that this has been booked for 13th Feb 24

8. Policies Procedures (15 min)

8.1 Review Freedom of Information Act

DB to review

8.2 Review OSMCC Publication Scheme

RJ to review

8.3 Review Health & Safety Policy

GH to review

8.4 Review GDPR Privacy Notice

IB to review

8.5 Review GDPR Website Privacy Notice

IB to review

8.6 Review Welsh Language Policy

SE to review

9. Finance (15 min)

(RFO to present financial report)

Bank-statements have been received dated 29th December for the Main Account, the Savings Account, and for the Tennis Club Savings Account. The financial report has been completed using this information.

The expenses and cheques that need to be approved and paid are as per the Bank Reconciliation and are detailed as follows: - Direct Debit payments for utilities for February, 4 x returned hall hire bonds, Tennis Club Summer leagues entry fee, Printer Ink, Cleaning Products and Hoover for hall, Tree survey for planning application, Annual Waste Management Charge, Tree remedial works, Planning application fee, Emergency Lighting Repair, Clerk, RFO and Caretaker Expenses for January.

*Income expected during January totals £1997.74
£1457.50 for village hall bookings,
£86.55 for Tennis Club
VAT reclaim for Q3 of £453.69*

*A further £583.50 is expected for receipts as follows: -
Village Hall Bookings £510, Tennis Club £73.50*

A large bill for gas usage at the village hall was received in January but this has been overcharged at a higher rate of VAT. RFO has contacted eDF to rectify the error and to apply appropriate credit onto the account.

- 9.1** To approve RFO, Clerk and Caretaker, Cleaner expenses and Staff O/T
RFO £29.40, Clerk £34.58, Clerk 7hrs, Caretaker 2hrs

It was resolved: all agreed

- 9.2** Emergency fire exit sign

It was noted that the electrical contractor had to replace the emergency sign in the foyer, as requested by the Clerk - £96.55 as per financial regulations 4.1

10. S106 Monies and Pavilion (20 min)

It was noted that Andrew Greogory had responded to the Clerk's email, sent on 2nd January 2024, by letter dated 25th January 2024. Having accepted the validity of points made by the Clerk on behalf of OSMCC he amended the offer made on behalf of Cardiff Council on 27th October 2023 and made a revised offer of S106 funding on behalf of Cardiff Council. In particular:

- The date for acceptance of the offer was extended to 3 months from 22nd December 2023
- The requirement of match-funding, which was imposed at the behest of the County Councillors, was removed
- The terms of the revised offer were more favourable to OSMCC and the Community
- The release of the S106 monies did not require match-funding

In his letter, Mr Gregory confirmed that the Development and Regeneration section of Cardiff Council had to approve the design in writing.

As there were some inconsistencies, Clerk has written on 29/1 a response to the letter.

It was agreed that OSMCC decided to accept, in principle, the offer of S106 funding made on 25th January 2024 by Andrew Gregory on behalf of Cardiff Council.

It was resolved: all agreed

11. OSMCC Tennis Club (10 min)

(Liz Croad-Protheroe to present report)

- Floodlights planning application documents – to approve
It was agreed for the planning consultant to submit the application to Cardiff Council Planning. LCP noted that there had been some resident objection to the pre-application and that concerns had been addressed in the full application including sensitive lighting, 9pm curfew and an ecological survey.

- Planning application fee £460.00
It was noted that this fee includes a 50% reduction as a Community Council application. Payment approved. RFO noted that this will be paid from the tennis club account.
- Competition Fee £140.00
It was noted that originally the fee was £100.00. Payment approved. RFO noted that this will be paid from the tennis club account.
- Tree Survey £280.00
LCP noted that a consultancy tree survey was required for the floodlight application. RFO noted that this will be paid from the tennis club account.

12. Police Matters (5 min)

(Police to present reports)

St Edeyrn's Village Police Report 01/01/2024 – 31/01/2024

Figures are calculated specifically for the St Edeyrn's Village area.

Call Categories

Theft	1
Criminal Damage & Arson	2
Vehicle Crime	1
Violence without Injury	1
Violence with Injury	0
Public order offences	3
Burglary - Dwelling	0
Sexual offences	0
Miscellaneous crimes	3
Drug offences	0
Shoplifting	0
Anti – Social Behaviour	5
Transport	1
Public Welfare /calls	2
Suspicious incident	1
Commercial Burglary	1

Ward Priority

The priorities identified by the local community are:

- Suspected drug dealing around the Heol Bennett area.
- Anti-social use of motor vehicles and motorbikes.

Actions / Activities by the local Neighbourhood Policing Team.

Joint visits to the flats on Church Road by the local PCSO's and Wales & West Housing Officer due to on-going ASB issues.

Suspicious activity around the Ruperra Close area involving taxis and other vehicles during the evenings. Local NPT officers will be attending to patrol the area to identify any offending behaviour.

South Wales Listens is a new community engagement service that allows members of the public to create an account. They can then send messages to the Neighbourhood Policing Team regarding any emerging issues or information they wish to supply to the police. The local PCSO's will be attending the area and going door to door offering the resident the opportunity to sign up to this new service. The messaging service is now live and the local officers will put out messages to alert residents of any new concerns or problems that we become aware of.

Emerging Trends

Concerns in relation to vehicle crime starting up again. Residents are encouraged to lock their vehicles and not leave any items of value on display or in their vehicles.

James Munro

Rhyngyll yr Heddlu 4859 | Police Sergeant 4859

13. Planning (5 min)

- 23/02950/HSE Householder Planning Permission
Proposal: Ground floor porch extension and second storey front and side extension and raise ridge of existing main house. Address: The Heathers, Ty'r Winch Road, Old St Mellons

Clerk to send link to Cllrs.

14. One Voice Wales (RJ) (5 min)

- It was noted that the Cost of Living survey – encourage all Cllrs to do this.
- There will be new courses from 1st April
- The new Digital Project Manager is Justin Harrod
- The awards conference – encourage Cllrs to attend.
- A new Updated version of Finance & Governance toolkit to be released in April 24.

15. St. Mellons Primary CiW School (5 min)

(Mr Stephen Ashton to present report)

Nothing to report.

16. St. Edeyrn's Church Working Party (DB, DR, GH, RJ, JS) (5 min)

Nothing to report.

17. St. Edeyrn's Village (5 min)

A request from St. Mellons CiW Primary School for the use of Ty'r Winch Playing Field for sports practice and the school's sports day was made, to use on a regular basis, as their own sports field is not yet completed.

It was resolved: all agreed

18. Village Hall Working Party (AH, DB, DR, GH, RJ) (5 min)

- Purchase of chairs
OSMVA has requested to purchase new chairs, the old ones to go to the pavilion and others stacked into the main hall.

The cheapest they have found is the supplier Rinkit (Clerk sent link to Cllrs) 60 chairs which equates to £800. OSMVA asked if CC agrees these chairs will be satisfactory for the hall and the cost - 50/50 split if OSMCC agrees.

It was resolved: all agreed to 50/50 split

- Free Internet Connectivity offering for OSMCC
Welsh Government are funding hyper fast free internet for poorly served areas and 5 Community sites. The Community Connection programme in Cardiff is a joint venture between Cardiff Council, the Welsh Government and ClearFibre, there is no contract and no monthly fee.

It was noted that the Clerk has made an application and was informed that around March the installation will take place by ClearFibre.

It was resolved: all agreed.

19. Playing Field Working Party (AH, DR, IB, JC, JS, SE) (10 min)

It was noted that all remedial tree works of the tree risk assessment has now been completed as per quote from Cardiff Treescapes and approved in full at the November 2023 OSMCC meeting. £1860 Ty'r Winch Park, £725 St Edeyrn's.

20. Training (10 min)

(Attendees to provide feedback from courses)

Nothing to report.

21. Correspondence (5 min)

- It was noted that a local resident has sent an email to County Councillors and Community Councillors with regards to the continuous flooding issue in Newport Rd, opposite the Village Hall.

Copy of email sent to Cllrs.

22. Items for next meeting (2 min)

- Insurance renewal
- Village plan - update
- Village boundary signs
- End of year budget review
- Review Freedom of Information Act – update
- Review OSMCC Publication Scheme – update
- Review Health & Safety Policy – update
- Review GDPR Privacy Notice – update
- Review GDPR Website Privacy Notice – update
- Review Welsh Language Policy - update

Meeting closed at: 7:56pm

Date of next meeting: 14th March 2024



Cllr Dianne Rees MBE
Chair to the Old St. Mellons Community Council

APPENDIX I

Clerk | Old St Mellons Community Council

From: Williams, Joel (Cllr) <Joel.Williams@cardiff.gov.uk>
Sent: 05 February 2024 17:39
To: Clerk | Old St Mellons Community Council
Cc: Littlechild, Peter (Cllr)
Subject: RE: OSMCC Agenda

Follow Up Flag: Follow up
Flag Status: Completed

Please find below our Report, in good time for the February meeting and for inclusion in the minutes;

Our Report focuses on our recent funding offer letter to the Community Council for Tyr Winch Road Playing Fields. Our offer letter provides a wonderful opportunity to deliver an upgraded pavilion, adjacent to the tennis courts at the Playing Fields. Our offer provides a 'match funded' contribution of up to £75,000 of Section 106 contributions, therefore potentially creating a £150,000 value for this project.

Our original offer letter is in line with the Council's approach to allocating funding from Section 106 contributions and we are pleased professional offices at Cardiff Council support this view. The proposed funding to be allocated to the Community Council includes £34,050.00 of Parks Section 106 funding. This comes from two developments, namely Droke House (£14,200.76) and Tyn-Y-Gollen (£19,849.24). £5,950 from the Tyn-y-Gollen development has already been spent on the installation of smart access cards at Ty'r Winch Playing Fields (for the tennis courts). The remaining funding will come from Section 106 funding for community facilities from the St Julians Development.

Our offer letter applies to the project referred to in the Business Plan sent to the County Council on 2nd March 2023. Officers in Planning have confirmed that there will be a requirement for planning permission to be granted for the proposed building, and the offer of funding is dependent on this being approved. The Regeneration section supports the creation of a new community building at this location, but is not in a position to 'approve' the design – this will be subject to the planning process. Officers of the Planning Service will be happy to provide you with more advice on this and contact details have been provided to the Community Council.

We are advised Section 106 funding for community facilities is allocated in the main to community organisations across the City. Section 106 funding is on occasions awarded to Community Councils, an example of this is funding allocated to Lisvane Community Council for the redevelopment of the Old School Community Centre in Lisvane. The funding was subject to a legal agreement which was appended by a detailed Business Case which demonstrated that the Section 106 funding would account for less than 50% of the overall scheme costs. The Community Council submitted funding applications and raised funding in other ways to cover the remaining costs. A number of years ago funding was also allocated to Radyr and Morganstown Community Council to contribute towards improvements towards the Old Church Rooms in Radyr. In this instance, the Section 106 funding made up less than 10% of the scheme costs.

Our offer letter sets out a 56 hours a week requirement to be open for community use and is not tied to specific days and doesn't have to be spread evenly across the days. This should allow flexibility, and is based on the principle that if the building were to be available to book by the community for circa 8 hours a day, this would be considered accessible to the community, and justifying the allocation of public funds.

We are happy for Old St Mellons Community Council to accept the funding offer in principle, dependent on the wording of the legal agreement and professional officers are content to amend the date of the offer to reflect the time which has passed in considering and responding to your letter. This seeks to ensure that you have the 3 months originally proposed to accept the offer. In conclusion, we reiterate our stance to work closely with the Community Council. We want to channel our energies into the delivery of exciting projects across Old St Mellons and this of course must include St Edeyrns.

As ever, we remain on hand to assist you in any County Council matters you may have.

*Councillor Joel Williams
Councillor Peter Littlechild*

Kind regards,

Joel

Joel Williams
County Councillor
Pontprennau & Old St Mellons Ward
City & County of Cardiff Council

Chairman, Policy Review & Performance Scrutiny Committee

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Due to working patterns I may send and reply to emails during non-standard work hours. This is not an expectation for you to do the same. Any personal information you give me will be treated as confidential, but may be shared with others if necessary to enable me to assist with your enquiry – if you have any concerns about this or would like further details please see the Privacy Notice for Ward Councillor and Consent Form (cardiff.gov.uk)

APPENDIX II

Clerk | Old St Mellons Community Council

From: Clerk | Old St Mellons Community Council
Sent: 02 January 2024 19:26
To: Gregory, Andrew
Cc: dianne.rees50@icloud.com; RFO | Old St Mellons Community Council; S.McGill@cardiff.gov.uk; Rhodri.Edwards@cardiff.gov.uk; SGilbert@cardiff.gov.uk; Huw.Thomas@cardiff.gov.uk; Paul.Orders@cardiff.gov.uk; Debbie.Marles@cardiff.gov.uk; lcadwallader@onevoicewales.wales; Correspondence.Rebecca.Evans@gov.wales
Subject: re Sarah Gill - email further queries
Attachments: Meeting to discuss Tyr Winch and S106 11.11.19.pdf; Email Ian Maddox.pdf; Email Jon Green.pdf; Cllr Huw Thomas re offer letter - Nov 23.pdf

Dear Andrew

I refer to Sarah McGill's email to myself sent at 11:48:21 on 22nd December 2023, the last working day before Christmas. It was an email addressed to Old St Mellons Community Council. You were copied into her email together with eight others.

In the final paragraph thereof she states that if the Community Council has "any further questions or concerns please contact Andrew Gregory ..." . Hence this email to you.

The Community Council will consider the question of section 106 funding for the Pavilion Project, in particular the recent correspondence in respect thereof, at its next meeting on 11th January 2024. I anticipate that when they have done so a substantive letter will be written to you in response to Ms. McGill's email. The purpose of this letter is to clarify certain matters contained in her email hopefully before the meeting takes place. For obvious reasons, a response to this email before the 11th January 2024 would be very helpful.

The matters upon which clarification is sought are as follows:

- 1) In the email it is stated that "we are content to amend the date of the offer to reflect the time which has passed in considering and responding to your letter". The purpose for agreeing to do so is stated to be "to ensure that you have the 3 months originally proposed to accept the offer". However, the amended date of the offer is not specified. I assume it is the date of her email, namely 22nd December 2023. **Please confirm the amended date of the offer.**
- 2) It has been confirmed in the email that the offer letter applies to the project referred to in the Business Plan sent to Cardiff Council on 2nd March 2023. It is noted that, contrary to what the Community Council was told by the architect who prepared the detailed description of the works, the working drawings and plans, planning permission is required. However, it is stated that "The Regeneration section supports the creation of a new community building at this location but is not in a position to 'approve' the design - this will be subject to the planning process." This seems to be wholly inconsistent with the third bullet point on the first page of the offer letter dated 27th October 2023 which reads as follows: "The design of the building must be approved in writing by the Development and Regeneration section of Cardiff Council before an application for planning permission is submitted." The Development and Regeneration section could approve the design in writing subject to the grant of planning permission. **Please clarify this apparent inconsistency.**
- 3) In my letter to Ros Baker sent by email on the 14th November 2023, she was specifically asked to "state whether Cardiff Council has made any other offers of section 106 funding conditional upon match funding by a Community Council" and "if so, give details of such offer(s), identifying the Community Council(s), the source(s) of the section 106 funds and terms of the offer(s)." Although you have referred to the redevelopment of the Old School Community Centre in Lisvane and improvements to the Old Church Rooms in Radyr you do not state

the offers were conditional upon match funding by the Community Council. In those cases, the schemes were extensive, and the cost thereof far exceeded the section 106 money available for them. If the schemes were to go ahead, money in addition to section 106 funding, had to be provided. That is not an offer conditional upon match funding. That is wholly different to a situation where the scheme is modest and well within the section 106 funding available for it, as in the case of 'our Pavilion Project.

In such a case, it is wrong in principle to make section 106 funding conditional upon match-funding by the Community Council. With respect, it is based upon a misunderstanding of the rationale upon which section 106 funding is based. The Welsh Government has made it clear that section 106 agreements are made so that contributions from developers may be used to offset negative consequences of development, to help meet local needs or to secure benefits which will make development more sustainable. It is a form of compensation to the community to mitigate the impact of development within its area. The funding is not for the Community Council it is for the community. The Community Council is simply awarded the section 106 money to perform the obligation placed upon Cardiff Council to use the funding in accordance with the terms of the section 106 agreement. That is why it is believed that Cardiff Council has not made any other offers of section 106 funding conditional upon match funding and why there was never any question of match funding in discussions with Council Officers, going as far back as 2019, until Cllr. Joel Williams mentioned it for the very first time in September 2023. **Please answer the specific request set out in my letter to Ros Baker sent on 14th November 2023, as set out above. Indeed, state whether Cardiff Council has made any other offers of section 106 funding conditional upon match funding by any person or organisation, giving like particulars, if it be the case, as requested in respect of Community Councils.**

4) The second paragraph of Ms. McGill's email needs clarification.

i) In that paragraph it is stated as follows:

"The funding to be allocated to the Community Council includes £34,050.00 of Parks Section 106 funding. This comes from two developments, namely Droke House (£14,200.76) and Tyn-Y-Gollen (£19,849.24). £5,950 from the Tyn-Y-Gollen development has already been spent on the installation of smart access cards at Ty'r Winch Playing Fields. The contact person is Rhodri Edwards." I refer to paragraph 1. pages 4/5 (re Tyn-Y-Gollen) and paragraph 2. Pages 5/6 (Droke House) of my letter to Ros Baker sent on 14th November 2023 and repeat what was said in those paragraphs, subject to the fact that £5950 of the Tyn-Y-Gollen development has already been spent on the installation of the smart access cards. As stated in those paragraphs, those sums were drawn down and allocated to the Community Council to be used for improvements to the Pavilion in 2019.

I attach hereto a note of a 'Meeting to discuss Ty'r Winch Playing Field and s106 Funding 11/11/19' prepared by Ian Maddox, an email sent by Ian Maddox on 2nd January 2020 and an email sent by Jon Green on 14th July 2020. On any reading of them, they prove conclusively that the said sums were drawn down and allocated to the Community Council in 2019 without the conditions set out in the offer letter, in particular the 50/50 match funding condition. These sums were drawn down and allocated by the Parks Department and are distinct from the funding referred to in the offer letter, written by Ros Baker of the Development and Regeneration section (not the Parks section), which, it is stated, will come from "section 106 funding for community facilities from the St. Julian's Development".

Please confirm that the sum of £34,050 of Parks section 106 funding, referred to above, is not subject to match funding and will be transferred to the Community Council to be used for the Pavilion Project.

- ii) To avoid any ambiguity, the statement that "The remaining funding will come from Section 106 funding for community facilities from the St. Julian's Development" needs clarification. **Please confirm that this refers to the Community Facility Contribution set out in paragraph 2 of the First Schedule to the Section 106 Agreement made on 31st August 2021 between PMG Development Limited, James and Mary Tobin and Dandara West Limited on the one hand and Cardiff Council on the other.**
- iii) There is no mention of the section 106 Open Space Contribution, set out in paragraph 4 of the First Schedule to the said Section 106 Agreement made on the 31st August 2021, in Ms. McGill's email. **Is that because the offer letter was written by Ros Baker of the Development and Regeneration section in respect of only the Community Facility Contribution. Should the Community Council write to Rhodri Evans in respect of funding from the said Open Space Contribution?**

The contents of the first paragraph of Ms. McGill's email are not accepted. It is stated that, after seeking advice from senior officers in both Planning and Neighbourhood, as well as the monitoring Officer with regards to compliance with the Charter, you confirmed that you are "content that engagement with the Community Council has taken place whilst acknowledging that there can always be room for improvement". In fact, there has been no engagement with the Community Council. The way in which the Community Council has been treated throughout is summarised in pages 1 to 3 of my letter to Ros Baker dated 14th November 2023 and, in the letter, I sent by email on the 14th November 2023 (a copy of which is attached hereto) to the Leader of Cardiff Council. I do not intend to address this governance issue in detail in this email. Suffice it to say that if those from whom you sought advice and, indeed, yourself, had read all the correspondence in this matter I am confident you could not have come to that conclusion. In due course I will put a file together, which will show the full picture.

The way in which the Community Council has been treated in very recent times is typical. My letter in response to the offer letter was sent on 14th November 2023. Ros Baker replied on the same day stating that she would discuss it with relevant officers and thereafter respond, pointing out that Simon Gilbert was on annual leave until 27th November 2023 so her response would be after this date. No response was received from her after that date. On 6th December 2023, the Chair of the Community Council, Cllr. Dianne Rees MBE left a message asking the Chief Executive to call her. I sent her an email on 7th December 2023 asking her to send her response before the date of the Community Council's next meeting on 14th December 2023. On the 8th December 2023 the Chief Executive phoned the Chair of the Community Council. She explained the position to him, and he said he would put you onto it. On the 12th December you replied apologising for the delay and stating that senior management were reviewing the points raised and would be in contact as soon as possible. In the result, no response was received before the Community Council's meeting on 14th December 2023. The Community Council heard nothing until the letter from Ms. McGill sent on the 22nd December 2023, almost 6 weeks after my letter to Ros Baker sent on the 14th November. Her letter failed to deal with many of the points raised in my letter, including a request for a meeting before a final decision was made.

Further, as stated above, I sent a letter by email to the Leader on the 14th November 2023. In the final paragraph I indicated that an early response would be appreciated. I have not even received an acknowledgment to that letter.

Having said that, at this stage, resolving the issue of funding, as quickly as possible, takes priority. This matter has been on-going for several years. A relatively very modest sum is involved by comparison with, for example the £600,000 awarded to Lisvane Community Council, out of a total section 106 funding which is available for the Pavilion Project of circa £375,000 (see paragraph 15 at page 11 of my letter to Ros Baker sent on 14th November 2023). We have made many requests for a meeting with County Councillors and Council Officers to discuss the issues, particularly since January 2023. Notwithstanding the terms of the Charter those requests have been ignored or rejected without any explanation. We are sure that if a meeting had taken place agreement would have been reached many months ago.

As I stated in my letter dated 14th November 2023 the Community Council has already spent **£4,683.64** on the pavilion project (see paragraph 14 on page 11) and is content to use its reserve of **£35,000** towards the pavilion project, making a total contribution from the Community Council of circa **£40,000**. As stated above, the Parks section 106 funding of **£34,050** has already been allocated and drawn down for the pavilion project without being conditional upon match funding by the Community Council. On the basis of the costings provided to the Community Council by Roger North Long and Partners a total figure of £120,000 should be more than sufficient to complete the pavilion project. On that basis, the shortfall that would be required from the section 106 Community Facility Fund is only circa **£45,000** and the issue of match funding becomes meaningless. Surely the matter is capable of resolution on that basis.

I look forward to hearing from you as soon as possible, hopefully before the meeting of the Community Council on 11th January 2024.

Kind Regards
Neried Evelyn-Gauci
Clerk to the Council
Old St. Mellons Community Council,
Cardiff
Tel: 07543 791759

*Old St. Mellons Community Council is a small organisation which normally meets only once per month, does not meet in August, and has only one Clerk who works part-time on **Monday, Tuesday, Wednesday & Thursday**. While we try to respond promptly to all correspondence, our limited resources mean that there may be some delay.*

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APPENDIX III

VIA EMAIL
25.01.2024

Dear Clerk and Members of OSMCC

Thank you for your email dated 2 January. In reply to your questions raised, I would offer the following clarification, having discussed with colleagues in Planning, Regeneration, Parks and Legal Services.

I do apologise for the delay in sending this to you, as various officers have been away from the office in January, and it is important that all relevant officers are aware of and in agreement with this response.

For consistency, I have included your specific questions as headings with my considered reply below, which hopefully is helpful.

1) Please confirm the amended date of the offer.

Yes, I can confirm that the offer is from 22nd December 2023. However, should there be a need for further discussion, this can be reviewed with officers.

2) Please clarify this apparent inconsistency.

There are two separate processes here. The Development and Regeneration section (Housing Directorate) need to approve the design in writing as part of their process for releasing S106 funding. It would seem sensible for this to happen before any planning application is submitted in case any amendments to the design are required.

As a further courtesy, the Head of Planning has advised that his team can provide help and assistance in determining whether the proposed Pavilion Project will require a formal planning application, and what would need to be submitted as part of the application.

3) Please answer the specific request set out in my letter to Ros Baker sent on 14th November 2023, as set out above. Indeed, state whether Cardiff Council has made any other offers of section 106 funding conditional upon match funding by any person or organisation, giving like particulars, if it be the case, as requested in respect of Community Councils.

It is not uncommon for organisations to seek match funding for projects alongside S106 contributions. This can often help deliver schemes where there is a funding gap or more opportunity to submit bids for grants or other fundraising opportunities. The request for the community council to match fund any contributions towards the Pavilion project was at the behest of the Local Ward Councillors as they were aware that the OSMCC has sufficient funds to make this commitment. Officers feel that this approach could serve to deliver the Pavilion project whilst also releasing more S106 funding to other community infrastructure in the area.

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GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

WORKING FOR CARDIFF, WORKING FOR YOU

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Whilst I am unaware of any Section 106 funding for community facilities being allocated to an organisation with a specific condition including the wording 'match funding', many funding offers have been made in the knowledge that organisations/groups (including the two Community Council funding offers previously described) will be contributing a percentage of a scheme's costs. This is not unusual, and organisations are generally happy to accept responsibility for making a financial contribution.

4)

- i) **Please confirm that the sum of £34,050 of Parks section 106 funding, referred to above, is not subject to match funding and will be transferred to the Community Council to be used for the Pavilion Project.**

Parks Officers have previously advised the Community Council in 2020 that this money is available for the Pavilion project without the condition of match funding. On this basis I agree that we should not be seeking match funding for this element, although you are very welcome to do so.

- ii) **Please confirm that this refers to the Community Facility Contribution set out in paragraph 2 of the First Schedule to the Section 106 Agreement made on 31st August 2021 between PMG Development Limited, James and Mary Tobin and Dandara West Limited on the one hand and Cardiff Council on the other.**

I can confirm that this refers to the Community Facility Contribution set out in paragraph 2 of the First Schedule to the Section 106 Agreement made on 31st August 2021 between PMG Development Limited, James and Mary Tobin and Dandara West Limited and Cardiff Council.

- iii) **There is no mention of the section 106 Open Space Contribution, set out in paragraph 4 of the First Schedule to the said Section 106 Agreement made on the 31st August 2021, in Ms. McGill's email. Is that because the offer letter was written by Ros Baker of the Development and Regeneration section in respect of only the Community Facility Contribution. Should the Community Council write to Rhodri Evans in of respect funding from the said Open Space Contribution?**

The wording of the S106 specifies that the Open Space contribution must be spent on the "design provision improvement and/or maintenance of public open space at Ty'r Winch Park including the replacement pavilion and/or improvements to Greenacre Drive public open space, Lascelles Park Pontprennau Park Cardiff". While there is allowance for the money to be spent at Ty'r Winch Park including the pavilion, it could be spent at the other parks stated. Parks Services has yet to allocate the money to a specific project.

Having considered your email and the valid points regarding OSMCC monies already committed and future commitments, I am happy to advise officers to progress the release of S106 monies toward the Pavilion Project on the basis of the below:

- *The sum of £34,050 be allocated to the Pavilion project from the Parks Service*
- *The sum of up to £40,950.00 is allocated to the Pavilion Project from the Communities Facilities Fund*

- *The Old St Mellons Community Council commit to provide the additional funding (up to £45,000 in total) to deliver the Project.*
- *All necessary consents and approvals are in place.*

Please be aware that it is customary for officers to discuss and agree the release of these monies with Local Elected Members. Should there be any dispute or challenge to the approach advocated above, I would suggest that officers arrange a meeting between yourselves and local ward councillors. The Head of Planning has kindly agreed to facilitate this if considered necessary.

I trust this email finds you all well and is helpful

Kind regards

A handwritten signature in black ink, appearing to read 'A. Gregory'.

Andrew Gregory
Cyfarwyddwr / Director
Cynllunio, Trafnidiaeth a'r Amgylchedd / Planning, Transport and Environment