

Minutes of the September monthly meeting of the Pontyclun Community Council held in the vestry of Babell Chapel, Groesfaen, Pontyclun, at 7.00 p.m. on Tuesday 22 September, 2009.

PRESENT: Community Councillors D Clayton-Jones, P Griffiths, M Rea, S Rogers and Ms C Willis

Also in attendance:

Twenty two members of the public.

1. **Apologies for absence**

Apologies for absence were received on behalf of Councillors Ms V A Cale, J G Davies, J V Huish, Ms S Jenkins and R G Norman

RESOLVED: That the Council's best wishes for a speedy recovery be conveyed to Councillor Gordon Norman who was hospitalised in the Heath Hospital, Cardiff.

2. **Declarations of interest**

Councillor Clayton-Jones declared an interest in planning applications No.s 09/0657/10 and 09/0658/12 as they were planning applications affecting his home.

Councillor Rea declared an interest in all the planning applications on the agenda since he was a member of the Borough Council and sat on the Borough Council's Planning Committee.

RESOLVED: That the declarations be entered into the Register of Disclosures.

3. **Residents' concerns**

Mr Geoffrey Barrington Williams, a member of the public, announced that he was considering taking action against the Community Council and the Pontyclun Action Group in relation to the Community Council owned land in Brynsadler.

RESOLVED: That the comments be noted.

4. **Police matters**

(a) **Reports from the police**

In the absence of a representative from the police there were no reports.

RESOLVED: That Councillor Rea contact the police to establish the reason for the absence of a police representative from several of the Community Council's last meetings.

(b) **Reports from Members**

There were no reports from Members.

5. **Minutes of the Community Council's Annual Grants meeting of 7 July, 2009**

RESOLVED: That the minutes of the Community Council's Annual Grants Meeting of 7 July, 2009, be approved as an accurate record.

6. **Matters arising**

Applications where further details had been requested

(The Clerk declared an interest in the application from St Paul's Church Nursery, Pontyclun, and vacated the chamber while the application was being discussed)

The Council discussed the additional details provided by organisations whose applications for financial assistance had been deferred at the meeting on 7 July, 2009.

RESOLVED: (i) That the application by the Pontyclun Football Club be further deferred pending a presentation by a representative of the Club and the receipt of detailed costings of the Club's proposals to provide improved facilities.

- (ii) That the application from the Junior and Mini Sections of the Pontyclun Rugby Football Club be deferred pending a presentation by a representative of the Club and detailed costings of the proposals to provide improved facilities.
- (iii) That a grant of £250.00 be made to the St Paul's Church Nursery, Pontyclun.
- (iv) That a grant of £250.00 be made to St David's Church, Groesfaen.
- (v) That further details be requested on the application from St David's Church, Miskin.

7. **Minutes of the Community Council's meeting of 14 July, 2009**

RESOLVED: That the minutes of the Community Council's meeting of 14 July, 2009, be approved as an accurate record.

8. **Matters arising**

Proposed International Business Park

It was reported that the controversial application for planning consent for an International Business Park at Junction 33 of the M4 motorway had been "called in" by the Welsh Assembly Government. The effect of this would be that the application would now be decided by the Welsh Assembly Government and not by Cardiff City Council.

RESOLVED: That the report be noted.

9. **Matters reported for decision**

(a) **Council owned land in Brynsadler**

(i) **Land valuation**

The Clerk advised that whenever a council contemplated buying or selling land it was necessary for that council to obtain a valuation of that land.

The Clerk had contacted the DVS, the commercial arm of the Valuation Office Agency and property specialists for the public sector, and requested a valuation of the Council owned land in Brynsadler. The DVS had reported the value of the land to be £15,000. A copy of the report was included at Appendix 6 to the Council's agenda.

RESOLVED: that the valuation be noted.

(ii) **Correspondence with the Council's solicitors**

The Council considered the advice from its solicitors stating that they felt unable to give a view on whether the Council could unilaterally extend its access right beyond those stated in the title deeds to simply open up a public right of way off the public highway given the assertion and rights of the neighbouring landowner without the benefit of an opinion from a barrister with specialist knowledge in the field of work.

The Council also discussed an e-mail from the adjacent landowner in which he repeated the legal advice he had earlier been given, namely, that the Community Council, or any subsequent owners of the Community Council's land, does not have an ability to provide public access to the Community Council's land, either across land in his ownership, or indeed from any other point, be it public highway or any other notional entry. The landowner wished to make it clear that any such proposal will be met with injunctive proceedings to protect the rights of his family.

Councillor Clayton-Jones advised the Council that he had also obtained a legal opinion from the Cardiff solicitors Brodie Smith and Mahoney. Copies of this opinion were distributed to all Members at the meeting. Brodie Smith and Mahoney are specialists in land transactions and their opinion was that there was no legal obstacle to prevent the Community Council creating an access to its land from the highway.

- RESOLVED:**
- (a) That clarification on the matter be sought from the Borough Council who had earlier engaged with the Community Council in discussing proposals to create an access to the land from the public highway.
 - (b) That the views of the successors to the Welsh Development Agency, the Welsh Assembly Government, be sought, as the former owner of the land, about the feasibility of creating an access to the Community Council's land from the public highway.
 - (c) That action to dispose of the land to the adjacent landowner be

deferred until the legal position on the creation of a separate access becomes clear.

(iii) **Letter from Mr Geoffrey Barrington Williams**

A discussion on this item of business had taken place under the previous agenda heading.

RESOLVED: That the contents of the letter be noted.

(iv) **Complaint from the Clos Brenin Residents' Association**

The Council received the letter submitted from the Clos Brenin Residents' Association.

RESOLVED: That as the Ombudsman had decided not to investigate any of the complaints made following the last Community Council meeting, the complaint by the Clos Brenin Residents' Association be noted.

(v) **Notice of Motion**

The Council discussed the Notice of Motion submitted by Councillor Griffiths that:

“Acting consistently with its resolutions to dispose of land at Brynsadler Mill and acting in accordance with its power to promote the economic, social or environmental well being of Pontyclun and in accordance with the Local Government Act, 1972: General Disposal Consent (Wales) 2003, the Council resolves to support the establishment of a community trust and to transfer the land, through lease or sale, to such a trust at a sum and on conditions to be negotiated but which will be less than best consideration”

A lengthy discussion on the Notice of Motion took place. In support of the Motion members pointed to the success of an arrangement at the Physic Garden in Cowbridge where an area of land had been leased to a local trust from the Vale of Glamorgan Borough Council for a nominal sum of £1.00 per annum for a period of 25 years. The advantages in using this type of arrangement were that the land could only be used for a specified purpose and in the event of a failure of the trust responsibility for the land would revert to the Vale of Glamorgan Borough Council. Ownership would also revert to the Vale of

Glamorgan Borough Council at the end of the period of the lease.

While there was general support for the Motion it was pointed out that if the Council could not legally gain access to its land it would be futile to lease the land to another party with the intention of making the land accessible to the public.

RESOLVED: That Councillor Griffiths' Notice of Motion be amended whereby a group be formed comprising the Chairperson, Councillor Clayton-Jones and the Clerk to explore with representatives of the Pontyclun Action Group, the feasibility of forming a trust and the possibility of leasing the Council owned land in Brynsadler to that trust.

(b) **Report of the Clerk on the backlog of Community Council work**

The Council discussed the Clerk's report.

RESOLVED: That the position be monitored and be subject review in four months' time.

(c) **Prioritisation of the Council's work**

The Council discussed an extract from the minutes of its March, 2009, meeting when a range of schemes for improving local facilities and the environment were approved.

RESOLVED: That Members give further thought to the priority of schemes of work already identified and report back to a future meeting of the Council.

(d) **Allocation of 2009/10 precept across budget heads**

The Council discussed its budget for 2009/10.

RESOLVED: (i) That the Council's revenue budget for 2009/10 be increased by 1% on its estimated out turn for 2008/09.

(ii) That a sub group comprising the Chairperson, Councillors Rea, Huish Griffiths and Jenkins be formed to propose recommendations for the Council's Capital Budget for the next three years.

- (iii) That Councillor Rea contact the other members of the group with a date for a meeting.

(e) **Local Government Boundary Commission Workshop**

The Council discussed an invitation to be represented at a workshop being held by the Local Government Boundary Commission.

RESOLVED: That the Council decline to be represented.

(f) **Governing Body of the Pontyclun Primary School**

The Council received an invitation to be represented as a Minor Authority on the Governing Body of Pontyclun Primary School.

RESOLVED: That the Chairperson, Councillor Willis, be nominated to be the Community Council's representative.

(g) **Campaign for the Protection of Rural Wales**

The Council was invited to renew its membership with the Campaign for the Protection of Rural Wales.

RESOLVED: That the Council's membership be renewed.

(h) **Amendment to the Sustainable Communities Act**

The Council discussed the campaign to obtain an amendment to the Sustainable Communities Act which would enable local councils throughout the United Kingdom to benefit from the Act's provisions.

RESOLVED: That while the Community Council was supportive of the principles contained in the legislation, it felt that the best way forward was for the matter to be referred to the Welsh Assembly Government who would need to introduce a framework for community councils in Wales.

(i) **Proposed Legislative Competency Order**

The Council discussed the circular letter from the Welsh Assembly Government seeking views relating to community councils and councillor recruitment, retention and allowances.

RESOLVED: That as the closing date for the receipt of submissions had passed, due to the postponement of the Community Council's September meeting, no comment be made.

(j) **Weekly Planning Notifications**

(Councillor Rea declared a personal but not prejudicial interest in this item of business. He elected to remain in the Council chamber but did not participate in the Council's discussions.)

(Councillor Clayton-Jones declared an interest in planning applications 09/0657/10 and 09/0658/12, as they affected his home, and vacated the Council chamber during the discussion on these applications.)

The Council discussed the applications for planning consent, as they were seen to affect the Community of Pontyclun, contained in the latest Weekly Lists.

RESOLVED: That the following comments be made to the Borough Council:

Application No. 09/0717/10

- (i) That the Council is opposed to this application for the same reasons as were expressed to the Planning Authority when an earlier application was submitted.
- (ii) That the Council's earlier objections be repeated to the Planning Authority.

Application No. 09/0765/10

- (i) That the structures in the proposed development should be consistent with development in a protected area
- (ii) That the Planning Authority should ensure that the development is not capable of being converted for future residential development.

(k) **Payment of creditors**

RESOLVED: That payment be approved to the creditors listed in Appendix 18 to the Council's agenda.

10. **Matters reported for decision since the despatch of agendas**

None were reported.

11. **Matters reported for information**

(a) **Creation of Tree Preservation Order**

The Council received notification of a Tree Preservation Order for trees at Brynsadler Mill, Pontyclun.

The Clerk advised the Council that while the extent of the Order was clear, consent had already been obtained from the Borough Council's Aboricultural Officer for the removal of certain diseased trees on Community Council owned land within the area designated for the Tree Preservation Order.

RESOLVED: That the Clerk clarify the issue with the Aboricultural Officer.

(b) **Local Government Partnership Scheme Annual Report 2008/09**

The Clerk advised that a copy of the Report had been received by the Community Council.

RESOLVED: That any Member wishing to read the Report should contact the Clerk.

(c) **Proposed variation to speed limit on the A4222 in Talygarn**

The Council discussed details contained on maps provided of the Highway Authority's plans for varying the speed limit on the A4222 in Talygarn.

RESOLVED: That the Council comment to the Highway Authority that while it agrees with the proposal to reduce the speed limit to 40mph on the section coloured green it would prefer if the speed limit on the section coloured blue be kept at 30mph.

(d) **Designated Loading Bay Order – Cowbridge Road, Pontyclun**

RESOLVED: That the Council note details of the Order providing for a designated Loading Bay outside the Tesco convenience store in Cowbridge Road, Pontyclun.

(e) **Adjudication Panel for Wales – Annual Report for 2008/09**

The Clerk advised that a copy of the Report had been received by the Community Council.

RESOLVED: That any Member wishing to read the Report should contact the Clerk.

10. The meeting ended at 8.30 p.m.