

# Received Penllyn Community Council

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**Clerk to the Council**  
*Mr AD Williams*  
**13 Wye Close, Barry,**  
**Vale of Glamorgan. CF62 7TF**  
**Phone 07813 318085**  
**Email – [penllyn.community.council@talktalk.net](mailto:penllyn.community.council@talktalk.net)**

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Minutes of an Ordinary Meeting of Penllyn Community Council held  
at the Llansannor Community Hall, City

7.30 p.m. on Tuesday 6<sup>th</sup> November 2023

Present – Councillors, L. Tiessen (Penllyn) (Chairman), M Bancroft (Ystradowen), P. Eslambolchillar (Penllyn), J. N. Evans (Ystradowen), D.Fardo (Penllyn), H. Harbour (Ystradowen), S.C.Howells (Ystradowen), P. Summers (Llansannor).

Also in attendance: Mr A. D Williams Clerk to the Council, Vale of Glamorgan Cllr N. Wood.

Presentation “Placemaking” – Cllr Malcolm Wilson, Mayor of Cowbridge with Llanblethian Town Council.

Councillors arrived at 6.30 pm to meet informally over light refreshments with Cllr Wilson prior to receiving his presentation.

Cllr Wilson’s presentation focused on the need for larger communities in the Vale, such as Cowbridge, to engage with their neighbouring authorities in their development plans, and would be contacting Council further with regard to various means of “Community mapping” to inform the “Placemaking Plan”.

The Chairman thanked Cllr Wilson for his attendance and would wait to hear further from him.

## **509) Apologies for absence**

Councillors: A. Jarvis, E.P. Jarvis and C.Roach.

## **510) Declarations of interest under the Council’s Code of Conduct**

Planning Application 2023/51/FUL - Councillor P. Summers as Trustees of Llansannor Community Hall.

## **511) To confirm the minutes of the Ordinary meeting of Council held on 2<sup>nd</sup> October 2023**

**Resolved:** The draft minutes of the meeting be approved.

## **512) Matters arising from minutes other than appearing below**

None

## **513) Community police matters**

No attendance / report

## **514) Vale Council Matters**

(A) Highways matters

(a) Schedule of outstanding and ongoing highways issues.

(i) New issues

None

ii) Ongoing issues

(a) Llansannor School, road traffic junction signage and other improvements (Cll Summers) (Minute 460 (c) & (d) September 2023 refers) – Nothing heard from Vale highways since 28<sup>th</sup> September, the clearance of vegetation, review of the stability of the tree, refreshment of the signing and road lining which were all to be prioritised and carried out as soon as possible, to date still remain outstanding to be done.

**VoG Cllr Wood agreed to pursue with Vale officers and report back to Council.**

(b) 20mph implementation / appeal process (Cll Howells)(Minute 495 (A) (a) (ii) October 2023 refers) - Further to that resolved at last month's Council, barrister's opinion had been sought from Environmental Law Foundation, the advice forthcoming was unfortunately that Council does not have a strong enough case to bring an action for judicial review.

Cllr Howells advised that she had extended the thanks of the Council to the charity for their support and speedy response, and that the Council had been invited to become a community member. [Home - Environmental Law Foundation \(elflaw.org\)](http://elflaw.org)

(c) Faulds Lane, Trerhyngyll (Cll Bancroft) (Minute 301 (a) October 2022 refers) - The previously reported difficulties in this single track road when heavy commercial vehicles encounter opposite direction traffic, resulting in traffic having to dangerously reverse back into the main Cowbridge / Ystradowen road.

The Council is therefore seeking that the Vale impose restrictions prohibiting heavy traffic, including the Vale's own refuse vehicles, from using the road.

In spite of protracted correspondence the Vale Council continues to refuse to take any action

**VoG Cllr Wood agreed to pursue with Vale officers and report back to Council.**

(B) Other matters

(a) PRoW blocked in Newton north of Newton House (Cllr Eslambolchillar) – Reported to Vale PRoW team a year ago, also reported by Vale Ramblers, path remains obstructed by barbed wire.

**VoG Cllr Wood agreed to pursue with Vale officers and report back to Council.**

(b) Attenuation Ponds Edenbrook Development Badgers Brook Ystradowen (Cllr Evans) – Notwithstanding May 2022 Vale reluctantly acceptance responsibility for grass cutting, the site is not being maintained to an acceptable standard.

**VoG Cllr Wood agreed to pursue with Vale officers and report back to Council.**

(c) Revised Local Development Plan – Consultation is anticipated to commence in December 2023.

**515) Chairman and members reports and communications**

None

**516) Delegates reports**

(a) VoG Community Liaison Committee 5<sup>th</sup> October 2023 (Cllr Summers) – Matters discussed comprised VoG Public Services Board annual report, Boundary Commission draft report VoG response, Police and Fire & Resue Services report.

(b) One Voice Wales, Area Committee 9<sup>th</sup> October 2023 (Cllr Summers) – Matters discussed comprised presentation by OVW newly appointed Digital Manager.

(c) VoG Public Services Board 10<sup>th</sup> October 2023 (Cllr Summers) – Matters discussed comprised of presentations on food and shaping future population health.

(d) Llansannor CIW Primary School, Governors meeting, 4<sup>th</sup> October 2023 (Cll Summers) – Matters discussed comprised the disparity in per capita funding between the Vale and RCT, forthcoming Estyn inspection.

(Agenda / minutes etc for all the above were circulated with the Council agenda)

**517) Matters relating to land holdings**

(a) Trerhyngyll, Wellfield, Tree (Cllr Bancroft)

Cllr Bancroft reported that the tree had been demolished but soft ground conditions had precluded movement of heavy equipment across the site thereby preventing completion of work.

**Resolved:** That the contractors request for a payment on account be approved.

(b) Trerhyngyll, Wellfield, grass cutting

Clerk reported receipt of a letter from Allan Williams Landscaping indicating that due to increasing workload he would be withdrawing from further work with the Council. Council will therefore need to consider its options in respect of next year.

(c) Land at Ystradowen (Cllr Evans) (Minute 478 (B)(b) September 2023 refers)

Cllr Evans confirmed that the revised licence received from the Vale 27<sup>th</sup> October 2023, incorporating the provision of a memorial bench was acceptable and should be proceeded with notwithstanding that there were outstanding issues with the choice of tree species.

(d) Salmons Wells, water quality (Chairman)

**Resolved:** Clerk to procure suitable notice for the site

## 518) Planning applications

(a) New applications:

Application No.	Location & proposal	Community Council's Recommendation
<b>2023/00997/FUL</b>	<b>Highbeech, Penllyn</b> Demolition and relocation of an existing stable building within the grounds of the main house, to open up views across the landscape	No objection
<b>2023/00951/FUL</b>	<b>Ty Carrig, City, Llansannor</b> Construction of garage	Object, as below

**Resolved:** That

(a) The recommendations as set out above be forwarded to the Vale of Glamorgan Council.

(b) In respect of Application 2023/00951/FUL - This Council "Objects" on the grounds that the applicant fails to provide any meaningful evidence of regularisation, either now (as built) or in the future, of the disregard by the applicant for the approved layout drawing 3093 G 03c and planning conditions 4 and 5 which formed an essential part of the original planning permission for these works ref 2019/00866/FUL.

The Council fully endorses and supports the objections raised by the Community and the Llansannor Community Hall Association.

The Council considers the long-standing Planning Condition (condition 4) to provide 6 community parking spaces on this site to be essential to the Wellbeing and Place of the Llansannor community.

The Council notes that since the destruction of the City Inn this site has seen a history of pushing planning conditions to the absolute limit and of Enforcement team involvement. Following our initial referral of the breach of the original Planning Permission for the garage 2019/00866/FUL to the Enforcement team, this Council considers it is essential for the credibility of the Planning Authority that urgent Enforcement Action is now commenced to ensure those current breaches are rectified and the conditions and layout specified met in the shortest possible time.

The council would also wish to express its concern regarding failing in the consultation process for what is quite clearly a matter which will affect and be of essential concern to the Llansannor Community. In particular (despite information suggesting otherwise on the portal) no attempt appears to have been made to make direct contact with critical stakeholders such as the Llansannor Community Hall Association or Neighbours directly affected by changes to the site and the access road. To the extent that two properties which are accessed by that roadway are not even listed as neighbours on the portal.

## 519) Finance

(a) Payment of accounts:

Chq No.	Payee	Details	Amount £.p
755	Mr AD Williams	November 2023 Salary	300.82
756	One Voice Wales	Councillor training	19.00
757	Arborwood Tree Care	Wellfield tree on a/c (October 23 Minute 498 (a) refers)	1434.00

**Resolved:** Schedule of payments as above be approved.

## 520) Boundary Commission's draft proposals -Council's response. (Minute 503 October 2023 refers)

The Clerk confirmed that in accordance with the powers delegated to him as above, the response as below, prepared by Cllr Summers, had been submitted to the Commission on 27<sup>th</sup> October 2023.

### **"RESPONSE TO LOCAL DEMOCRACY AND BOUNDARY COMMISSION FOR WALES**

### **VALE OF GLAMORGAN REVIEW OF COMMUNITY ARRANGEMENTS** **DRAFT PROPOSALS REPORT DATED 5<sup>TH</sup> SEPTEMBER 2023**

#### **Introduction**

Having received the Commissions Draft Proposals Report we note the content and would respond on the following points as set out below:

1. **Ward Boundaries** – We are pleased to note the Commission recommendations in regard to boundary changes as set out in paragraphs 92 to 96 of the report.

These changes reflect those proposed in our original submission and whilst we are aware of alternative proposal from Cowbridge with Llanblethian Town Council [Discussed in detail below], we continue to welcome and support the changes as proposed in the Commission's report. Which we also note are supported by the Vale of Glamorgan Council.

2. **Ward names** – We have noted and support the Commission's proposals in regard to ward names.
3. **Community Council Electoral Arrangements** - We note that although the total electorate is increasing, The Commission is proposing to reduce the total number of Community councillors by 2. Taking account of the dispersed nature of the communities and wards within the Penllyn Community Council area, we believe such a reduction, whilst it may be numerically in accordance with the Council size policy, does not best serve the democratic interest of the community and whilst there may be argument for adjustment between the 3 wards, the total number of councillors should remain 11. Detail arguments for this are set out below.

**Details comment in regard to proposed boundary changes between Penllyn Ward and the Cowbridge North West Ward**

4. From the detail evidence and submission included in the Commissions Draft Report it is evident that whilst both parties supported the transfer of the Darren Farm Estate, there was a variance between the proposals of the Penllyn Community Council [PCC] and the Cowbridge with Llanblethian Town Council [CWLTC] in regard to area of land which should be transferred to achieve this. In essence the PCC recommended simple the area occupied by the Darren Farm estate bounded to the north by A48 and to the west by the B4270 link road from the A 48. IE the area now recommended by the Commission. Whereas the CWLTC wished to also included large areas of land, historically, communally and economically connected with Penllyn including St Frynach's church to the west of the B4270 and various properties and businesses, many of which form part of the Penllyn Estate, to the north of the A48.
5. Following publication of the draft report it became evident that whilst the PCC was content with the recommendations the CWLTC continued to wish to argue for its original proposals. Consequently an informal meeting was held on the 6<sup>th</sup> October between representatives of both Councils so we could more clearly understand the reasoning behind each other proposals and if there was any opportunity for common cause. Our understanding of those discussions is reflected below:
6. ALL parties agreed that the core area of the Darren Farm Estate, (as represented by the Commissions current draft proposal) should be transferred from penllyn ward to the Cowbridge north west ward.
7. The PCC maintained that it's (and the commissions) proposal to use the B4270 as a clear and permanent western boundary remains the most logical and that there is no social, geographic or economic reason for having the boundary any further to the west as originally proposed by CWLTC.

CWLTC Indicated that whilst they accepted St Frynach's church and all the land to the west of it should remain part of the Penllyn ward, they would now propose the boundary is not the B4720 but the track running from the A48 to and past St Frynach's church. This proposal being based on an understanding that the strip of land between the B4720 link road and the track forms part of the Daren Farm development in that it contains the drainage ponds for the estate and is managed and maintained on behalf of the residents by a company appointed by the developer.

Whilst the PCC still considers the B4720 would form the most clearly defined and sustainable boundary and we do not actively support the alternative proposed by the CWLTC, we would not object if the Commission decided their alternative formed a more appropriate boundary.

8. More contentiously the CWLTC originally proposed and continues to argue that a group of residential properties and commercial units to the North of the A 48 should also be moved from Penllyn ward into one of the Cowbridge wards.

CWLTC argue that the properties including Llwynhelyg House and for commercial operations run by Penllyn estates, Forage, The Holiday cottages, Chicken Farm and Composting plant, all lying to the North of the A48 and most within the Penllyn Estate, should be transferred because: They are immediately adjacent to Cowbridge, Have Cowbridge postal addresses and are considered by most local residents to be part of Cowbridge.

The PCC does not accept and actively refutes these argument. The properties in question are not, with the possible exception of Llwynhelyg House, any more immediately adjacent to Cowbridge than they are to Penllyn. Nor are they considered, certainly not by Penllyn and other residents outside Cowbridge town, to be part of Cowbridge. The majority and certainly the commercial properties form part of Penllyn Estate business and have a long historic, community and commercial links with Penllyn.

The CWLTC argues that its proposed northern boundary, which incidentally extends well beyond the properties they say they wish to include, was drawn to follow natural features. The PCC considers those features to random, ill-defined and unsustainable. We believe the only effective sustainable boundary is and will be the A48.

9. In summary, having sought to achieve a clear understanding with CWLTC and noting the support for the draft proposal from the VoGCPWG, the PCC has found no merit in the alternative proposals put forward by CWLTC. We therefore believe the boundaries as proposed by the Commission in their draft report ensure the most effective maintenance of local identity with effective and convenient local government.

10. **We would therefore urge the Commission NOT to make any changes to the Ward Boundaries proposed in the draft report for the Penllyn Community Council area.**

11. **Details comment in regard to proposed Community Council Electoral Arrangements**

12. As summarised in the introduction it is noted that although the total electorate is increasing the Commission is proposing to reduce the total

number of Community Councillors by 2, by reducing the number of councillors in the Penllyn and Ystradowen wards by 1 each.

13. Despite being repeated told during this review process, including most recently by the CEO of Vale of Glamorgan Council Rob Thomas, at their last Community Liaison Committee meeting 5<sup>th</sup> October 2023, that the Council Sizing policy was for guidance only and would not be used to disrupt effective democratic working arrangements in existing councils; this reduction appear to have been proposed purely to attempt to conform with that sizing policy without due regard for the geographic distribution of the community or the very effective working of the current council.
14. The PCC would argue that in all 3 wards there exist and will continue to exist, dispersed communities which can only be provided with effective democratic service if there are sufficient councillors to focus on all communities. The existing council of 11 members provides such an effective service for the dispersed communities within all 3 wards.
15. In Ystadowen ward the 5 existing councillors effectively split their resources to enable 2 to cover the main community of Ystradowen, whilst one covers Trerhygyl area and one the rural areas as well as assisting in the Ystradowen main community. Based on our historical experience and taking into account the proposed boundary changes with the addition of the Highgrove estate and other potential new builds, the PCC is firmly of the opinion that 5 remains the correct number of councillors to provide effective democratic services to residents in this ward
16. In Penllyn ward the 4 existing councillors split their resources with 3 covering the Penllyn and Craig Penllyn Communities and immediate surrounding area and one covering the Newton and Pen y lan areas (which are in fact currently included within the Ystradowen ward and are proposed to be transferred to Llansannor)
17. In Llansannor ward the 2 existing councillors have to split their resources between the very dispersed communities of Llansannor, City and the surrounding rural farms. With the proposed inclusion of Newton, Pen y lan and Trebetryn areas into the ward. It is difficult to see how there could be any reduction in Councillors without reducing democratic effectiveness. The only possible practical change could be to transfer one councillor from Penllyn to Llansannor thereby formalising the situation describer in para 13. We appreciate this generates a relative low value to the ratio of electors to councillor however it realistically reflects the very dispersed nature of the communities within this ward.
18. **We would therefore urge the commission to review its proposals in regard to a reduction in the number of Penllyn Community Councillors. We would propose the existing total number of councillors required to provide effective democratic services in this Community remains 11. The only possible practical change being to reduce the number for Penllyn ward from 4 to 3 and increase Llansannor ward from 2 to 3."**



(The Commission's confirmation of receipt was received by return.)

**521) Report of the meeting of the Council's Establishment Committee held 17<sup>th</sup> October 2023.**

The Chairman gave a verbal report on matters discussed which comprised of staffing issues, ongoing Member training, and the Independent Remuneration Panel Members Allowances 2023 report.

In respect of Member's Allowances it was noted that the only change from last year is a new allowance for costs of working from home and consumables £156 & £52 respectively

**Resolved:** Members be requested to indicate if they did not wish to claim the allowance/s as above.

## **522) Member's local resolution complaints policy and procedures.**

The Public Service Ombudsman for Wales has agreed to the principle of referring some complaints against Members back to Community and Town Councils for a local resolution. To assist town and Community Councils, One Voice Wales has drawn up a model protocol which any Community and Town Council can use in dealing with such complaints. In July 2017 The Standards Committee resolved that all Town and Community Councils in the Vale of Glamorgan be recommended to consider adopting the Model Local Resolution Protocol or to use the Model version to draw up their own Protocol. This has now been adopted by all but 2 TCC's (one of which was Penllyn) within the Vale of Glamorgan Council area.

### **"Policy**

It is the Community Council's policy to locally resolve low level complaints about Members including –

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing

Complaints which will not be considered under this Policy and will be directed to the Public Services Ombudsman for Wales are –

- Complaints instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct/failure to disclose interests/bullying/abuse of position or trust/repeated breaches
- Complaints made by the Clerk/Proper Officer
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal complaints process
- Repetitive low level complaints

### **Procedure**

For the purpose of clarification, the Proper Officer (Clerk/Responsible Financial Officer) is accountable to the Council as a whole, but on a day to day basis the Chair of the Council will act as the Line Manager where this Protocol refers to the Chair or Vice Chair of the Council.

### **The Process**

#### **The Complaint**

The complaint would need to be sent to the Clerk as the Proper Officer of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. If appropriate, therefore, the Clerk/Proper Officer should firstly seek an early resolution of any such dispute by liaising informally with the individual Members concerned prior to the resolution process described below. It is vitally important that the 'accused' Member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

#### **Resolution Process**

The involvement of the Chair/Vice Chair in the following process is not to adjudicate on the complaint, but to attempt to get the Members/officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis. The Clerk/Proper Officer will act as a facilitator for the resolution process below. If the complaint is between Members other than the Mayor, the Clerk/Proper Officer and the Mayor will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution. If the complaint is between Members, one of whom is the Chair, but not the Vice Chair, the Clerk/Proper Officer and the Vice Chair will meet with the complainant and Member subject of the complaint to seek an agreed resolution. If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against a Member other than the Chair, the Clerk/Proper Officer and the Chair will meet with the officer and the Member subject of the complaint to seek an agreed resolution. If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against the Chair, the Clerk/Proper Officer and the Vice Chair will meet with the officer and the Chair to seek an agreed resolution. If the complaint has been made by the Clerk/Proper Officer, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Ombudsman.

### **Possible Results of the Process**

If an agreement is reached by Members and/or officers during this stage then no further action is required. If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman. Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.

### **Time for the Process**

It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.

### **Recording of Meetings**

Any meetings held with a view to discussing the issues of complaints and/or resolving matters will be minuted and recorded. This is to ensure that agreements are captured. This will also be useful in the event that matters break down or escalate and need to be referred to the Ombudsman. It may also be useful as evidence in the event of further similar breaches of the conduct and future conduct.

### **Breaches of Code of Conduct**

The Community Council must be clear on its powers in respect of Code of Conduct matters. Investigations of possible breaches of the Code are matters for the

### **Ombudsman.**

The Local Government Act 2000 gives him the authority to carry out such investigations. The Council has no legal authority to undertake such investigations or to make findings of a breach of the Code of Conduct, which are decisions that can only be reached by a Standards Committee or the Adjudication panel for Wales.”

**Resolved:** That the policy as set out above be adopted.

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**Resolved:** That the policy as set out above be adopted.

### **523) Clerks Correspondence**

Nothing further.

**524) Member's training programme 2023/24 - Update**

See Minute 523 above.

**525) Any other business**

Nothing further

**526) Date time next meeting**

Next meeting Monday 4<sup>th</sup> December 2023, 7pm.

**Signed:**

**Chair**

**Date:**