

MAINDY PARK TRUST ADVISORY COMMITTEE

17 NOVEMBER 2022

Present: Independent Members:
Jason Bartlett (Chair), Arthur Hallett and David Mills

6 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

The following were also present:

Davina Fiore	Director, Governance and Legal Services and Monitoring Officer, Cardiff Council
Donna Jones	Assistant Director, County Estates, Cardiff Council
Eirian Jones	Operational Manager, Estates, Cardiff Council
Richard Crane	Principal Solicitor, Property, Cardiff Council
Kumi Ariyadasa	Governance Solicitor, Cardiff Council
Harriet Morgan	Geldard's Solicitors
Elizabeth Hill	Valuer, Cooke & Arkwright

7 : DECLARATIONS OF INTEREST

No declarations of interest were received.

8 : MINUTES

The minutes of the meeting on 12 October 2022 were approved as a correct record of the meeting subject to the amendment of minute 5, paragraph 33 by adding the date the Charity was registered, being 4th August 1966.

9 : PROPOSED LAND EXCHANGE AT MAINDY PARK - FURTHER INFORMATION

The Chair, through the Director of Governance and Legal Services and Monitoring Officer, advised that whilst the meeting would go ahead today, any decision on the recommendation to Cabinet on whether or not the proposed land swap would be in the best interests of the charity would be adjourned as, having considered the documentation and emails received, the Committee has asked for clarity in relation to a number of points:

- to receive a definitive site plan of the land that is to remain in the trust and that which is proposed for the land swap for the school development;
- to be provided with specific details in relation to any dual use of any of the land, as they understood that the proposals included some trust land and school use to run side by side – so they would like to know which land and which hours that would cover;
- to receive further valuation advice, specifically in relation to that definitive plan and the dual use;
- in terms of the alternative sites, given the view of the Committee is that Blackweir would not be suitable, the Committee would therefore like more

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

- information about Cae Delyn and whether there would be any potential conflict between the Maindy Trust objectives and current usage and conditions in relation to the Cae Delyn land;
- to be provided with information in relation to potential works that might be able to be undertaken to ensure that Cae Delyn would be better able to meet the current charitable objectives of the Maindy Trust; and
- to receive additional information in relation to the Equality Impact Assessment and the impact of the design of the new velodrome to be sure that, if there are any equality impacts in relation to that, they would be taken into account in the decision to make a recommendation to Cabinet (not to consider the design of the velodrome in itself, but just any equality implications of the design).

Mr Jeremy Sparks, speaking on behalf of the Vulnerable Users of Maindy Park Group, was invited to make oral representations to the Committee. He outlined concerns that those with chronic health conditions who use Maindy will not be in a position to use Cae Delyn, it being several miles away.

It was submitted that Councillor Thomas and the Council were aware that there was a conflict of interest and should not have had any involvement in making any decisions, including spending charity funds on commissioning a valuation, issuing the legal notice for the land swap and frustrating the ability of the community to know what was happening and to respond.

He said the Committee was set up hurriedly within a few days, but a request by vulnerable users to be heard at the first meeting was refused. At that meeting an invitation was made for the Committee to visit these places with vulnerable people themselves, so they could see it through their eyes, walk in their shoes or alongside their wheelchair or pram and understand their lived experience.

Those vulnerable people did not know what personal knowledge Committee Members have of being put in vulnerable positions, whether they have ever felt the need to cross the road, whether they had reached into a bag or pocket for a key just in case; the people most adversely affected by the decision have no way of knowing.

He said the vulnerable users do not believe that there was an open recruitment process for the committee to ensure it had the right skills and knowledge, nor that it is representative of the community most impacted by the decision. In the eyes of the vulnerable, the Committee is an integral part of the Council's governance, and this matter is outside the purpose of the Standards Committee to which they were appointed.

It was submitted that the Council, as Trustee, has discriminated against, and disadvantaged, the vulnerable and those with protected characteristics in a number of ways, including in how information was made available, the timescales allowed, the digital route for obtaining information and submitting responses, the lack of any public meeting or on-site interaction, being ignored and or given misleading and contradictory information, and no open, direct and transparent consultation.

Examples were provided of the benefits felt by those using the Maindy site and that to some it was a 'safe space'. Concerns were raised that if the site were no longer

available, it would deeply affect users' mental and physical well-being. The fact that Blackweir should even be considered as a potential site is wholly insensitive.

No part of Cardiff can be considered to be 100% immune from any level of crime, but users felt that the presence of the staffed facility and lit parking at Maindy Park made it a much safer option for girls, women and members of the LGBT community.

There are issues around accessibility for children, who have a safe space to reach and use from their doorsteps and for those with mobility difficulties.

It was submitted that the Council had been asked to provide evidence of the impact assessments undertaken to inform the choice of potential swap venues; but they have not been provided. The most vulnerable want to know why they are ignored and not considered. They believe that the process has not been undertaken correctly and that the Committee should say the same. The trustee must now follow the Charity Commission guidance on managing conflicts of interest and work with the Commission to have independent trustees appointed who can make such decisions truly on behalf of the beneficiaries.

The Committee did not have any questions of Mr Sparks, but confirmed that the Blackweir site has been ruled out.

The Chair said that it was important to confirm that the Committee is independent. There has been mention in correspondence of secret visits taking place; there was a visit to the sites, but it was not done in secret.

A discussion took place as to the timescales for the publication of the information requested by the Committee. Chris Lewis, on behalf of Save Maindy Velodrome requested three weeks' notice of the meeting date - it was agreed that as much notice as possible would be given of the date. Two weeks' notice was requested in respect of the further information which has been sought, or a week once the agenda and papers had been published to respond. However, it was explained that this could not be guaranteed due to time and resource constraints.

Christine Wyatt, on behalf of Save Maindy Velodrome queried the timings of the Committee's visits to the various sites to establish the differences in amenity value during the hours of darkness, explaining that Maindy is used extensively during the dark evenings for both formal and informal leisure and recreation activities. The alternative site is unusable during this period. The Committee confirmed that they left the last site at about 4.00 pm but would take the representations made about this into account.

The meeting terminated at 4.30 pm