

**TRUST COMMITTEE**

MINUTES of a meeting held on 6<sup>th</sup> November, 2006.

Present: Councillor F.T. Johnson (Chairman); Councillors J. Clifford and E.T. Williams.

474 APOLOGIES FOR ABSENCE -

These were received from Councillors Miss. J. Cole, A.G. Powell and Mrs. S.I. Sharpe.

475 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 11<sup>th</sup> September, 2006 be approved as a correct record.

476 DECLARATIONS OF INTEREST -

No declarations were received.

477 EXCLUSION OF PRESS AND PUBLIC -

RESOLVED - T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

478 COWBRIDGE COMPREHENSIVE SCHOOL TRUST (EXTERNAL LEGAL ADVISOR) (EXEMPT INFORMATION - PARAGRAPHS 20 AND 24) -

A meeting had been held on 18<sup>th</sup> September, 2006 between the Chairman of the Trust Committee, Giselle Davies of Geldards (independent solicitor to the Trust), Paul Madley (external valuer to the Trust), Martin Donovan (Vale of Glamorgan Council), David Kerfoot of Eversheds (external solicitor to the Trust), Philip Yapp (external valuer for the Vale of Glamorgan), Stuart Lyon and David Foote from the Vale of Glamorgan. At this meeting it was agreed after a discussion of valuation and charity law issues relating to the lower school Cowbridge Comprehensive School site that

- (i) Martin Donovan would prepare a report for the Vale of Glamorgan's Cabinet in respect of a proposal or offer to the Cowbridge Comprehensive

School Trust in relation to the redevelopment of Cowbridge Comprehensive School on one single site (at the upper school site).

(ii) On behalf of the Trust Committee Giselle Davies would request a meeting with the Charity Commission to obtain their views on the proposals which may be made by the Vale of Glamorgan County Borough Council.

Giselle Davies also attended a meeting with the Charity Commission on 29<sup>th</sup> September, 2006. The Commission had had the opportunity to consider in advance of the meeting the governing documents of the Trust, their previous file in relation to the sale of the old grammar school building and the granting of the 2001 scheme and the current valuation advice that had been prepared by the Trust Committee's valuer, Paul Madley. The Commission were of the view that the paramount principle to be considered was that a charity was not permitted to relieve a local authority of its statutory obligations. The Charity Commission advised Giselle Davies that a proposal to invest in the upper school site and any part of the proceeds of sale of the lower school site by the Trustees would be opposed by the Charity Commission on the present principle. The Commission did not consider an investment of the proceeds of the sale of the one site in the new consolidated school site to be used for a charitable purpose. Giselle Davies then went on to investigate with the Charity Commission whether it would be possible to obtain Charity Commission consent for an exchange of the lower school site for the upper school site in order that the local authority could sell the vacant site and use the funds to provide new or enhanced buildings on the upper school site. Their initial view was that this would be possible but only if the Trust would receive best value for their disposal by way of exchange and evidence would be needed as to the value of the upper school site and buildings offered by way of exchange and that that would be compared against the valuation advice received by the Trust in the report. The Trust Committee then

RESOLVED -

(1) T H A T the Chair, Councillor Clifford and the legal advisor to the Trust meet with officers of the Vale of Glamorgan for them to consider on behalf of the Council as the LA an exchange of the whole upper school site (and any new buildings) for the lower school site. An additional agreement between the Trust and the local authority be made with the conditions that an exchange would take place if

- (a) the local authority would build at their expense on the upper school site in accordance with the plans,
- (b) the Charity Commission consent being received under Section 36(1) of the Charities Act 1993
- (c) any other matters required to be dealt with in advance of Exchange.

(2) T H A T, should the local authority agree with the above proposals that the independent solicitor, Giselle Davies, be authorised to apply to the Charity

Commission for consent under Section 36(1) Charities Act 1993 and to supply the Charity Commission with valuation evidence of the upper school site and the draft conditional agreement.

(3) T H A T on condition of the proposals being acceptable by the Local Authority as detailed in (1+2) above, Geldards be authorised to arrange for Rawlins and Madley (independent surveyors) to provide the supporting valuation evidence of the upper school site.

(4) T H A T all costs in relation to recommendations (1), (2) and (3) above be met by the Local Authority.