

The Vale of Glamorgan Council

Trust Committee: 27th July 2015

Report of the Managing Director

Former Sixth Form Site - Cowbridge School

Purpose of the Report

1. To apprise the Committee of the outcome of consultation in relation to the scheme proposed in relation to the former sixth form site at Cowbridge.
2. To seek the Committee's formal resolution that the Committee formally approves the said scheme and approves an application to the Charity Commission for the Commission's authorisation of the scheme.

Recommendations

1. That Committee note the outcome of consultation in relation to the scheme.
2. That Committee resolve to approve the said scheme and consequent application to the Charity Commission for authorisation of the same.

Reasons for the Recommendations

1. To update the Committee in relation to the outcome of the consultation.
2. To enable the scheme to be authorised by the Charity Commission.

Background

3. The Council has held land comprising the former sixth form site at Cowbridge School on Trust as set out in the Board of Education Scheme dated 19th December 1912. The terms of that scheme are that the land comprised in the sixth form site is to be used for the purposes of a secondary school.
4. Following discontinuation of use of the site for school purposes, the sole object of the 1912 scheme can no longer be fulfilled and accordingly the Trust imposed by the scheme has failed.
5. The Charity Commission has previously agreed to a draft scheme - set out in Appendix 1; in accordance with the Commission's requirements, consultation has been carried out with schools in the area, namely:- Llancafarn Primary School, Llanfair Primary School, Llangan Primary School, Llansannor Church in Wales Primary School, Pendoylan Church in Wales Primary School, Peterstone-Super-Ely Church in Wales Primary School, St Brides Major Church in Wales Primary School,

St David's Church in Wales Primary School, St Nicholas Church in Wales Primary School, Y Bont Faen Church in Wales Primary School. There has been no substantive response to the consultation letters which were sent out on 24th July 2014.

6. Under the terms of the scheme, the objects of the scheme will be those of the Sir Thomas Mansel Franklin Trust. The land may be transferred to the Sir Thomas Mansel Franklin Trust or the land may be disposed of under the terms of the scheme by the Council and net proceeds paid to the Sir Thomas Mansel Franklin Trust. The terms of the Sir Thomas Mansel Franklin Trust are to apply the income of the Trust in one or both of the following ways:-
 - (i) in providing for the Cowbridge Comprehensive School the special benefits of any kind not normally covered by the Local Education Authority;
 - (ii) in promotion and education including social and physical training for the purpose of pupils who are, or were, pupils of the said school and who are in need of financial assistance.
7. At the Trust Committee meeting of 19th January, the Committee resolved to defer this report to a future date to enable certain enquiries to be made of the Charities Commission. Those enquiries are concluded.

Relevant Issues and Options

8. Given the failure of the objects of the 1912 scheme and the approval of the Charity Commission to the way forward proposed, it is considered that the only realistic option is as recommended.

Resource Implications (Financial and Employment)

9. The transfer of the land will enable cost savings to the Council in relation to security and ancillary costs in relation to the site.

Sustainability and Climate Change Implications

10. There are no such implications.

Legal Implications (to Include Human Rights Implications)

11. The Council in its Trustee role is required to comply with the statutory requirements set out in the Charities Acts 1993 and 2011.

Crime and Disorder Implications

12. There are no crime and disorder implications.

Equal Opportunities Implications (to include Welsh Language issues)

13. There are no Equal Opportunities implications.

Corporate/Service Objectives

14. The sole concern of the Trustee is to act in the best interests of the Trust.

Policy Framework and Budget

15. Not applicable.

Consultation (including Ward Member Consultation)

16.

Relevant Scrutiny Committee

17. None

Background Papers

Draft scheme at Appendix 1.

Contact Officer

Mike Walsh, Principal Officer, Property and Contracts Team, Legal Services.

Officers Consulted

Group Estates Officer and Principal Accountant

Responsible Officer:

Rob Thomas, Managing Director.