

TRUST COMMITTEE

Minutes of a meeting held on 27th July, 2015.

Present: Councillor H.C. Hamilton (Vice-Chairman in the Chair), Councillors T.H. Jarvie, G. John, K.P. Mahoney and A. Parker.

Also present: Councillor C.J. Williams.

286 APOLOGY FOR ABSENCE -

This was received from Councillor F.T. Johnson.

287 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 19th January, 2015 be approved as a correct record, subject to the amendment that Councillor C.J. Williams was present at the meeting.

288 DECLARATIONS OF INTEREST -

No declarations were received.

289 FORMER 6TH FORM SITE - COWBRIDGE SCHOOL (MD) -

The Committee received a report to apprise it of the outcome of the consultation which had been undertaken in relation to the scheme proposed in relation to the former sixth form site at Cowbridge. Furthermore, formal resolution was sought that the Committee formally approve the said scheme and approve an application to the Charity Commission for the Commission's authorisation of the scheme.

The Council had 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 were that the land comprised in the sixth form site was to be used for the purposes of a secondary school.

Following discontinuation of use of the site for school purposes, the sole object of the 1912 scheme could no longer be fulfilled and accordingly the Trust imposed by the scheme had failed.

The Charity Commission had previously agreed to draft a scheme, which was set out in Appendix 1 to the report. In accordance with the Commission's requirements, consultation had been carried out with schools in the area, namely, Llancarfan Primary School, Llanfair Primary School, Llangan Primary School, Llansannor Church in Wales Primary School, Pendoylan Church in Wales Primary School, Peterston-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 and Y Bont Faen Church in Wales Primary School. There had been no substantive response to the consultation letters which were sent out on 24th July, 2014.

Under the terms of the scheme, the objects of the scheme will be those of the Sir Thomas Mansel Franklen Trust. The land may be transferred to the Sir Thomas Mansel Franklen 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 Franklen Mansel Trust. The terms of the Sir Thomas Franklen Mansel 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.

At the Trust Committee meeting of 19th January 2015, the Committee resolved to defer this report to a future date to enable certain enquiries to be made of the Charities Commission. Those enquiries had been concluded.

Given the failure of the objects of the 1912 scheme, and the approval of the Charity Commission to the way forward proposed, it was considered that the only realistic option was, as set out in the report; that the Committee resolve to approve the said scheme and consequent application to the Charity Commission for authorisation of the same.

The Committee was informed that consideration had been given as to whether to request that costs be recovered which had been outlaid by the Council in terms of security and ancillary costs in relation to the site; however, it was determined not to do so as recently these costs had been minimal.

A Member expressed concern in that they were of the understanding that the trusteeship of the former sixth form site at Cowbridge Comprehensive School was to be transferred to the Sir Thomas Mansel Franklen Trust. However, a free standing Trust had been established by the Sir Thomas Franklen Mansel Trust, and the Terms of Reference of both Trusts stipulated that a member of a local Council within or serving the Vale of Glamorgan could not be a trustee of either Trust. The Member expressed the view that they did not want to delay matters in relation to the transfer of land yet felt that members of a local Council within or serving the Vale of Glamorgan should not be excluded from being Trustees of these Trusts and that this restriction should be lifted. Following a query from a Member in relation to this matter, the Member who raised the above concerns advised that they were not aware of a reason for the prohibition other than that the Sir Thomas Mansel Franklen Trust had been provided with legal advice from the solicitor that previously advised the Trust Committee.

Following discussion the Committee

RESOLVED -

- (1) T H A T the outcome of the consultation in relation to the scheme be noted.
- (2) T H A T the Trustees of the Cowbridge Comprehensive School Trust and the Sir Thomas Mansel Franklen Trust be requested to remove the prohibition on “a member of a local Council within or serving the Vale of Glamorgan” being eligible to act as a Trustee of either of the said Trusts.
- (3) T H A T subject to documentary evidence being received by the Council that the request mentioned in part (2) of this resolution has been implemented, the Committee resolve to approve the said scheme and submit application to the Charity Commission for authorisation of the same.

Reasons for decisions

- (1) To update the Committee in relation to the consultation on the scheme.
- (2&3) To have the prohibition on a local member of a Council within or serving the Vale of Glamorgan removed and ensure that it is removed prior to the scheme being approved and an application being made to the Charity Commission for authorisation of the scheme.