

WELSH CHURCH ACT ESTATE COMMITTEE

Minutes of an extraordinary meeting held on 24th February, 2020.

Present: Councillor G.A. Cox (Chairman); Councillor M.R. Wilson (Vice-Chairman); Councillors Mrs. J.E. Charles, R. Crowley, Mrs. P. Drake, K.P. Mahoney and S.T. Wiliam.

Also present: Councillor R.A. Penrose.

689 ANNOUNCEMENT –

The Chairman wished to thank Committee Members who had attended a site visit to Glebe Fields on the afternoon of Monday, 24th February, 2020 ahead of the current meeting, and to thank officers for having organised the visit. It was noted that Councillor S.T. Wiliam had given his apologies ahead of the site visit and that all other Members had attended.

690 DECLARATIONS OF INTEREST –

Councillor R.A. Penrose declared that he was attending the meeting as a Trustee of Sully and Lavernock Community Library Trust and not in his capacity as Ward Member for Sully.

691 LAND AT GLEBE FIELDS, SULLY (MD) –

The Operational Manager for Property presented the report, the purpose of which to seek confirmation of the way forward with the site following Committee's consideration of the Qualified Surveyors Report, which had now been received and was contained within the report under Part II of the agenda.

The officer began by reminding Members that during the Welsh Church Act Estate Committee meeting held on 23rd September, 2019, Committee considered formal presentations from parties who had previously expressed an interest in the site, including representatives from the Council's Directorate for Learning and Skills and a local Community Trust. A Planning Officer was also in attendance at Committee to present his findings in relation to possible alternative uses for the site and to answer any questions that Committee had in respect of planning matters. A summary had been provided to Committee of the key planning considerations and the possible alternative options for the site under Part II of the agenda for the meeting. Committee were also advised that the Trust remained responsible for ensuring that best consideration was received for the land, and that the advice of a "Qualified Surveyors' Report" (pursuant to Charity Regulations) was required before any decision could be made in respect of the land's future.

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Since the Committee meeting in September 2019, the officer advised that instructions had been drafted to obtain the required Qualified Surveyors' Report and quotations were sought from firms known to be able to provide such reports for Charitable Trusts. Subsequently, the appointed firm was provided with the background to the case and copies of relevant documents, including the Planning officers report. The officer advised that their report and recommendations had now been received, the details of which were reported under Part II of the agenda.

The officer concluded the report by reminding Members that the Trust had a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law, and that their decisions should be consistent with the Charity Objects and powers. There was also a Legal requirement for Trustees to:

- Act within their powers;
- Act in good faith and only in the interests of the charity;
- Make sure they are sufficiently informed;
- Take account of all relevant factors;
- Ignore any irrelevant factors;
- Manage conflicts of interest;
- Make decisions that are within the range of decisions that a reasonable trustee body could make.

There being no questions for the officer at this time, the Chairman subsequently invited Councillor Penrose, not a Member of the Committee but with permission to speak, to address Committee as a trustee of Sully and Lavernock Community Library Trust, a party with an interest in the site who had presented to Committee at the meeting held on 23rd September, 2019. All present were reminded of the confidentiality of Part II reports.

Councillor Penrose began by thanking the Chairman for allowing him to address Committee and continued by reminding Members of the scheme being proposed by the Trust, which was to acquire part or all of the site in question in order to undertake, as a Community Interest Company, the construction of a Health Centre and associated buildings, including a new Library and a Car Park. He highlighted that the project would meet the community needs of the growing population in Sully and Lavernock, as well as addressing the lack of social infrastructure in the Ward.

Councillor Penrose continued by highlighting that the land at Glebe Fields had historically served the collective community needs of the residents of Sully and surrounding areas by being available for a variety of uses such as Church Whitsun treats, sporting activities, picnics and dog walking. Furthermore, the Councillor emphasised that Glebe Fields was the only ideal site available in Sully for a new Health Centre and Library. He also noted that the site was of poor quality in terms of agricultural land as it was too small to be let for commercial farming, and would only be suitable as grazing land following the removal of existing ragwort.

Councillor Penrose advised that the Trust would be willing to negotiate for a couple of acres of the site on the boundary to South Road at prices reflecting agricultural usage, and would also consider a long-term lease of the land

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from the Welsh Church Act Estate Trust should selling not be an option. He also reminded Members that the Trust would be prepared to work on a joint project with the Education Department of the Vale of Glamorgan Council in order to attain their proposed scheme.

The Councillor concluded his address by expressing the Trust's hope that Committee would not reject the proposals of the parties who had expressed interest, as they could jointly offer many Education and Health benefits to the local community as well as other parts of the Vale of Glamorgan. He also advised that some residents of Sully and Lavernock were considering making an application for Village Green Status for the Glebe Fields pending an update as to how the Welsh Church Act Estate Trust would be moving forward with the site, and that some had indicated that any development other than that which was being proposed would not be welcomed by the local community.

A Committee Member asked Councillor Penrose to elaborate further as to what kind of joint project with the Council's Education Department the Trust would be willing to consider, and Councillor Penrose clarified that he was referring to a scheme as proposed by the Directorate for Learning and Skills, who had also presented as an interested party at the meeting held on 23rd September, 2019. He also suggested that the Trust's proposed scheme would tie in well with that of the Directorate for Learning and Skills, given that they had indicated there would be a surplus of land in their proposed development of the site.

The Member subsequently asked Councillor Penrose to confirm whether the Trust anticipated any financial issues arising in relation to their proposed development to which the Councillor replied that if the Trust's proposal went ahead as planned, the mortgage required for the development of the site would be covered by income generated through the leasing of the buildings associated with the Health Centre to healthcare organisations such as Nuffield Trust and Spire. He advised that not only would this revenue cover the mortgage repayments, but the Trust anticipated it could generate a financial surplus. He then added that the scheme could also be financed by investment from the local community, which would be welcomed and would give a yield of 9%.

There being no further questions, Councillor Penrose concluded his address to the Committee and thanked them for their time.

It was subsequently

RESOLVED –

(1) T H A T it be confirmed how Committee wished to proceed after consideration of the Qualified Surveyors' Report and recommendations which were outlined under Part II of the agenda.

(2) T H A T delegated authority be granted to the Head of Finance/Section 151 Officer in consultation with the Chairman to take forward the resolutions of Committee.

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Reasons for decisions

- (1) To provide officers with instructions on how Committee wished to proceed with the land following full consideration of the Qualified Surveyors' Report and recommendations.
- (2) In order that officers may proceed with Committee's instructions.

692 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 item of business on the grounds that it involves 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.

693 LAND AT GLEBE FIELDS, SULLY (MD) (EXEMPT INFORMATION – PARAGRAPHS 12 1ND 14) –

The Operational Manager for Property presented the report, the purpose of which was to update Committee regarding the recommendations contained within the Qualified Surveyors' Report and to seek confirmation of the way forward with the site following Committee's consideration thereof.

Having provided Committee with a summary of the recommendations contained within the Qualified Surveyors' Report, the officer concluded by advising that the report recommended that Committee consider all of the advice provided and determine the future of the site in question, bearing in mind the duty of the Trust to manage land and property held by them in accordance with the Scheme of Trust and with Charity Law.

Discussion ensued, with Members asking officers for guidance regarding a number of matters relating to the recommendations contained within the Qualified Surveyors' Report.

Having considered the report and all the recommendations contained therein, the Committee subsequently

RESOLVED –

- (1) T H A T the Principal Lawyer and Operational Manager for Property consult with Planning colleagues within the Council to clarify:
 - what options are available to Committee in terms of the promotion of the site in the next LDP review for a mixed use for housing and community facilities / amenities,
 - how best to proceed with such a promotion of the site if the Committee were minded to do so;

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with a view to reporting options to Members at a future meeting.

(2) T H A T having been advised of the options available for moving forward with the site, Committee then identify how they wish to proceed and, if such a decision is other than in accordance with the Qualified Surveyors' Report, write to the Charity Commission to obtain their approval.

(3) T H A T until Committee has identified how they would like to move forward with the site, the land may be considered for short term uses such as grazing licence / licence for cutting (subject to any planning requirements) in consultation with the Chairman.

Reasons for decisions

(1) To ensure that Committee Members are made fully aware of all Planning implications and requirements in relation to the options provided to them in the Qualified Surveyors' Report, ahead of making a decision regarding how they wish to proceed with the land.

(2) To ensure that Committee Members fulfil their obligations in accordance with the Scheme of Trust and with Charity Law, and in order that officers may proceed with Committee's instructions.

(3) In order that the site should not lie vacant and without use until such a time as the Committee has made a decision as to how they would like to proceed with the land.

N.B. Councillor R.A. Penrose, having addressed the Committee under Part I of the agenda, left the meeting and was not present for any subsequent Part II agenda item.