

Meeting of:	<b>Welsh Church Act Estate Committee</b>
Date of Meeting:	<b>Monday, 18 January 2021</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Land off Myrtle Close, Penarth
Purpose of Report:	To advise Committee of an enquiry relating to its land off Myrtle Close, Penarth and to seek instructions on a suitable response and way forward.
Report Owner:	Rob Thomas, Director of Resources
Responsible Officer:	Carys Lord, Head of Finance
Elected Member and Officer Consultation:	<p>Committee Reports - Legal OM Accountancy Head of Finance</p> <p>No ward member consultation - since Members of this Committee are acting as Committee Members independent of other Council's resolutions, no wider consultation has taken place</p>
Policy Framework:	The Trustees are working independently of other Council decisions and in accordance with the requirements of Charity Law.
<p>Executive Summary</p> <ul style="list-style-type: none"> <li>The report is intended to advise the Committee of an enquiry received regarding land in the Trusts ownership off Myrtle Close, Penarth and to seek instructions in respect of a suitable response and way forward.</li> </ul>	

## **Recommendation**

1. That the report is noted and considered so that a decision on this matter can be taken under Part II of this Committee agenda

## **Reason for Recommendation**

1. To enable a decision to be made under Part II of this agenda

## **1. Background**

- 1.1 The Trust owns a parcel of land near Cogan Hall Farm, off Myrtle Close, Penarth, which measures approximately 4.7 acres. The location of the land can be seen on the plan at Appendix A.
- 1.2 An email has recently been received which has asked whether the Trust had any intention to market/dispose of the land. Further details relating to the enquiry can be seen in the Part II report on this agenda.
- 1.3 As has been highlighted to Committee previously, the Trust have a general obligation to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers so any disposal outside of a usual open marketing process is normally not recommended, given that there would usually be more than one interested party who be interested in acquiring land on a competitive basis.

## **2. Key Issues for Consideration**

- 2.1 In the event that Committee are minded to progress towards a disposal of this land, under the requirements of s.117 and s.119 of the Charities Act 2011 the Committee as Trustees are to act in accordance with the Qualified Surveyors recommendation or to obtain permission from the Charities Commission to dispose of the site other than in accordance with the Qualified Surveyors recommendation.
- 2.2 The Committee are under no duty to dispose of the site.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The Trusts actions need to comply with Charity law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations Act.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1** There are no financial implications as a direct result of this report.

#### **Employment**

- 4.2** There are no employment implications arising from this report.

#### **Legal (Including Equalities)**

- 4.3** The Trust has a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers.
- 4.4** There is a Legal requirement for Trustees to:
- (a) Act within their powers;
  - (b) Act in good faith and only in the interests of the charity
  - (c) Make sure they are sufficiently informed
  - (d) Take account of all relevant factors
  - (e) Ignore any irrelevant factors
  - (f) Manage conflicts of interest
  - (g) Make decisions that are within the range of decisions that a reasonable trustee body could make

### **5. Background Papers**

None