

Meeting of:	Welsh Church Act Estate Committee
Date of Meeting:	Monday, 14 June 2021
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Land off Myrtle Close, Penarth - Update
Purpose of Report:	To update Committee as to the advice contained in the Qualified Surveyors report provided in accordance with s.119 of the Charities Act 2011 in respect of its land off Myrtle Close, Penarth and to seek instructions on a suitable 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"> The report is intended to update Committee following the receipt of the Qualified Surveyors report required in accordance with s.119 of the Charities Act 2011. 	

Recommendations

1. That Committee consider the Qualified Surveyors report and recommendations in the part II report on this agenda;
2. That having considered the part II report and recommendations, Committee consider next steps and how they wish to proceed.

Reasons for Recommendations

1. In order for the Qualified Surveyors report to be considered fully and in accordance with Charity Law;
2. In order to agree a way forward for the land in question having considered the recommendations within the Qualified Surveyors report and in line with Charity Law.

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 In its January meeting, Committee were advised of an email approach which enquired whether the Trust had any intention to market/dispose of the land at Myrtle Close.
- 1.3 The Trust were reminded that they 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 might be more than one interested party who be interested in acquiring land on a competitive basis.

With this in mind, it was officer's recommendations that if the Trust were minded to consider disposing of this site, a report should be procured from a "Qualified Surveyor" which would provide recommendations on disposal options prior to any decision being made on the lands future. This is consistent with the advice previously given in relation to other WCAE land recently.

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 recommendations 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.
- 2.3 The report and recommendations of the "Qualified Surveyor" has now been received and the details is reported under part II of this agenda.

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 Quotations were received from Qualified Surveyors. These quotations were discussed with the Vice Chairman of this Committee and the most competitive quotation accepted (the Chairman was not consulted given he had declared an interest in this matter).

Employment

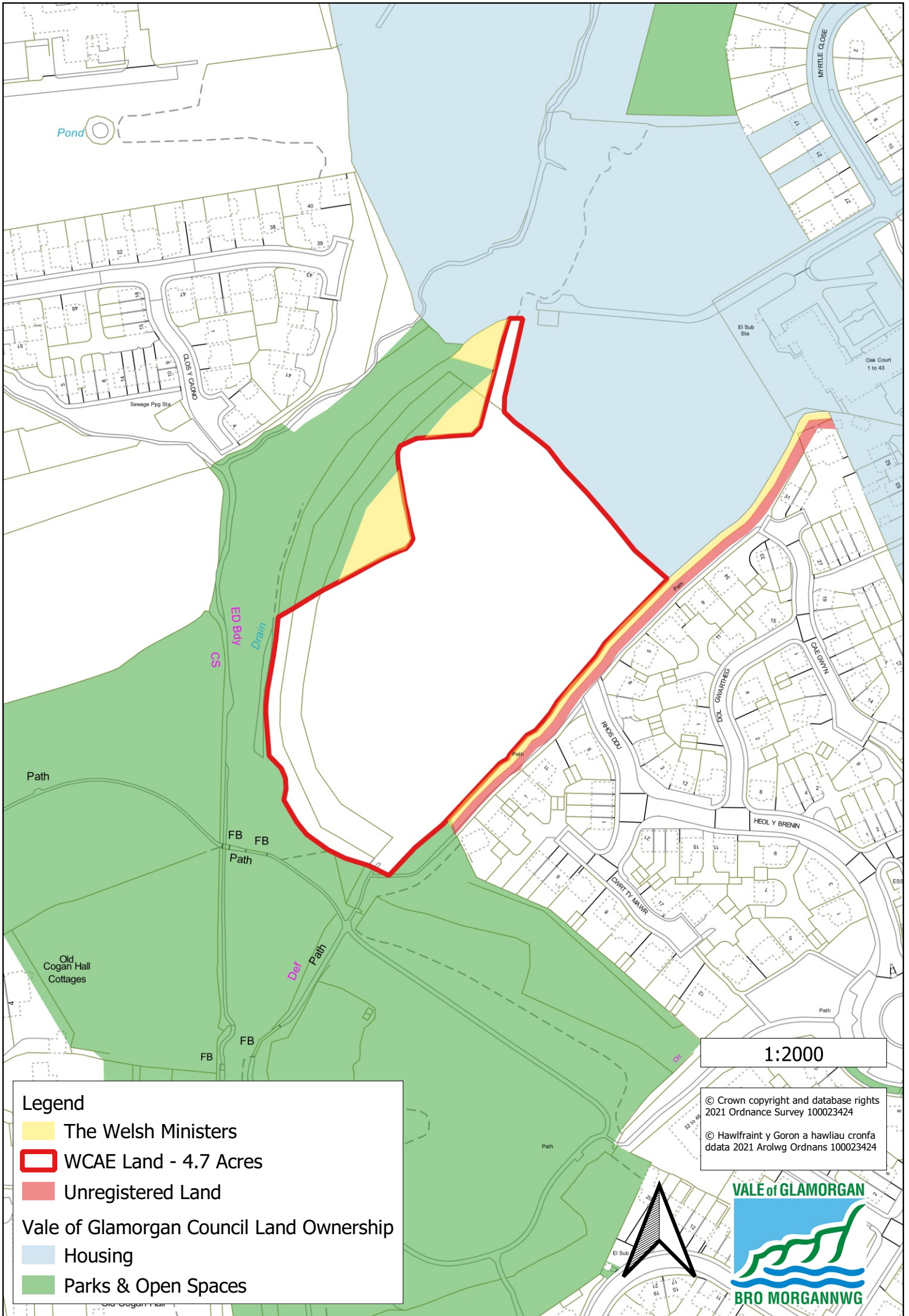
- 4.2 There are no employment implications arising from this report.

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



Legend

- The Welsh Ministers
- WCAE Land - 4.7 Acres
- Unregistered Land
- Vale of Glamorgan Council Land Ownership**
- Housing
- Parks & Open Spaces

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