

Public Document Pack



Cyngor Sir
CEREDIGION
County Council

Neuadd Cyngor Ceredigion, Penmorfa,
Aberaeron, Ceredigion SA46 0PA
ceredigion.gov.uk

15 March 2022

Dear Sir / Madam

I write to inform you that a Meeting of the Charity Trustee Committee will be held at NEUADD CYNGOR CEREDIGION, PENMORFA, ABERAERON AND REMOTELY VIA VIDEO CONFERENCE on Wednesday, 22 March 2023 at 11.30 am for the transaction of the following business:

- 1. Apologies**
- 2. Disclosures of personal interest**
- 3. To confirm the Minutes of the Meeting of the Charity Trustee Committee held on 26 September 2022 and to consider any matters arising from those minutes (Pages 3 - 6)**
- 4. To receive a report on the proposed amendments to the Terms of Reference of the Charity Trustee Committee (Pages 7 - 10)**
- 5. To receive a report on the Charity Trustee Committee Accounts (Pages 11 - 14)**
- 6. To receive a report on a request by New Quay town Council to locate a Christmas Tree on land adjacent to the New Quay Library and Reading Room (Pages 15 - 16)**

Members are reminded to sign the Attendance Register

A Translation Services will be provided at this meeting and those present are welcome to speak in Welsh or English at the meeting.

Yours faithfully

A handwritten signature in black ink that reads 'L Edwards'.

Miss Lowri Edwards
Corporate Lead Officer: Democratic Services

To: Chairman and Members of Charity Trustee Committee
The remaining Members of the Council for information only.

This page is intentionally left blank

Public Document Pack Agenda Item 3

Minutes of the Meeting of the CHARITY TRUSTEE COMMITTEE held at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron and remotely via video conference on Monday, 26 September 2022

PRESENT: Councillor Keith Evans (Chairman), Wyn Evans, Gwyn Wigley Evans, Rhodri Evans, Geraint Wyn Hughes, Chris James and Caryl Roberts

Also in attendance: Councillors Matthew Vaux

Officers in attendance: Louise Harries, Solicitor and Nia Jones, Democratic Services

(12.10pm - 1.00pm)

1 Apologies

Councillors Marc Davies, Endaf Edwards and Ceris Jones apologised for their inability to attend the meeting.

2 Disclosures of personal/prejudicial interest

Councillor Rhodri Evans declared a personal interest in relation to item 7 below.

3 Minutes of the Meeting of the Charity Trustee Committee held on 16 December 2021 and to consider any matters arising from those minutes

It was resolved to confirm as a true record the minutes of the meeting held 16th December 2021.

There were no matters arising.

4 Report on the Charity Trustee Committee Terms of Reference

Members considered the Terms and Conditions of the Charity Trustee Committee, noting that the recommended amendments have also been considered by the Constitution Working Group.

It was unanimously **RESOLVED:**

- a) to note the Terms of Reference of the Charity Trustee Committee as set out in Appendix 1;
- b) that Members of the Charity Trustee Committee recommend that Council considers the following amendments to the Terms and References as considered by the Constitution Working Group on 12 September 2022:
 - i. to replace the first sentence which reads “**to act as trustee in respect of all assets held by the Council on charitable trusts**” with the following: “**to act as trustee in respect of all trusts that the Council is a trustee of**”
 - ii. to include the following within the Constitution after the line '10 members: 5 voting and 5 non-voting: “**It is the Chairs of the Overview and Scrutiny Committees who hold the voting rights but in the absence of a Chair the Vice-Chair of that same Overview and Scrutiny Committee can then exercise the voting right**”

5 Report on the Annual New Quay Memorial Hall update 2020-2022

Louise Harries, Solicitor Legal Services presented the report to Committee noting that the Charitable Incorporated Organisation which leases the building is required under clause 26.6 of the lease to provide the trustee an annual summary setting out the use that the property has been put to during the preceding 12 months. It was noted that this latest report incorporates the use during the past 2 years.

Members of the Committee noted that they were satisfied that the use of the building met the obligations and congratulated the volunteers who work locally to benefit the local residents.

Councillor Matthew Vaux noted that the volunteers have been exceptionally busy painting the building and carrying out work resulting from grant funding to improve the building and thanked them for their work.

It was unanimously **RESOLVED** to note the update from the tenant covering the period 10th February 2020 - 9th February 2022.

6 Report on the New Quay Library and Reading Room

Louise Harries, Solicitor Legal Services, presented the report to the Committee and provided the historical background to the status of the trust and subsequent sale of part of the land in 1959. She noted that Library services have been run from the site until November 2021 when these services moved to the New Quay Memorial Hall and that this property held in trust has been vacant from that date. It was noted that the New Quay Town Council contribute towards the electricity costs of operating the Library from its now location and that Ceredigion County Council provides internet services, IT equipment and all books.

There are no rates payable due to the low rateable value of the property. Electricity is billed at present which the Council corporately is paying as part of its group account however following an inspection visit by Maintenance Services it's possible that the electricity will be disconnected to save costs, and costs recovered from the trust account as it is a trust liability not a corporate liability. The property is in a relatively good condition externally however there is a large crack which runs the length of the floor which may be critical if it affects the foundations of the building. The building does not have disabled facilities, toilets or running water, and the New Quay Community Library run by volunteers have confirmed that they have no plans to move back to the Trust site.

Councillor Caryl Roberts proposed that the consultation period was extended beyond 6 weeks, and Councillor Matthew Vaux noted that it would be good to receive the views of the people of the town. Members enquired as to whether proceeds of any sale would remain in New Quay, whether leasing the building could be considered and what would happen to any payments received in rent. It was noted that the consultation would need to take place prior to considering these options, however it may be possible to consider making a request to the Charity Commission to stipulate such terms upon the

sale of a building as had happened following the sale of the School in Tregaron, and it was also noted that any monies received in rent would go towards the objects of the trust.

Following discussion, the Committee **RESOLVED**:

1. that a cy-pres occasion has arisen under s.62(1)e(i) of the Charities Act 2011;
2. to propose, subject to consultation that the new purpose of the trust to be proposed to the Charity Commission be 'the advancement of education of the inhabitants of New Quay';
3. to resolve that Officers, on behalf of the trust, undertake a consultation exercise as set out in paragraphs 5.4 – 5.6 of this report including a consultation period which shall be longer than 6 weeks. The results of the consultations shall be brought back for consideration by Committee once complete.

7 Report on the Former Tregaron County School - sub group

Louise Harries, Solicitor Legal Services presented a report to the Committee providing the background to the sale of the property held in trust, and the current financial position following the sale and associated costs. It was noted that an appeal was submitted to the Valuation Office Agency in January 2020 asking that the rating be reduced to zero as the building had been vacant and then occupied only by the charity, not by the Council as Local Education Authority. The outcome of this appeal could affect the total amount held in trust.

In the meantime, it was noted that the Trustee will need to establish a sub-group to consider how the money held by the trustee could be utilised towards the objects of the charity. Any recommendations from the sub-group would then be brought before the Charity Trustee Committee for consideration and decision. It was also recommended that the Committee consider undertaking an online consultation exercise to obtain opinions from the public.

Following a discussion, it was **RESOLVED**:

1. to appoint Councillors Rhodri Evans, Gwyn Wigley Evans and Wyn Evans as Members of the Charity Trustee Committee to the sub-group due to the locality of their Wards, and to invite Councillor Endaf Edwards as Chairman of the Learning Communities Overview and Scrutiny Committee;
2. to invite the Headteacher of Ysgol Henry Richard, a representative from Cylch Meithrin Tregaron, Councillor Ifan Davies (Local Member), the Chairman of Tregaron Town Council, an Officer from Legal Services and an Officer from the LEA to join the sub-group;
3. For Officers, on the Trustee's behalf, to undertake an online public consultation as referred to in paragraph 3.5 of the report.

8 The Annual Trustee Reports 2021-2022

Louise Harries, Solicitor Legal Services presented the report noting that under section 162 of the Charities Act 2011, trustees of charities registered with the Charity Commission are required to prepare an annual report in relation to their charity in each financial year.

Where the charity's income is under £500,000 a simple report can be compiled which only has to be submitted to the Commission if the income is more than £25,000 a year. Legal Services recommend although none of the 5 registered charities for which the Council is sole trustee exceed this amount, reports will be prepared annually in order to be compliant with the legislation should the Commission request a copy.

It was also noted that the report asks that all Members of the Committee confirm that they have read Charity Commission Guidance documents PB2 and PB3 and that in future years, the annual reports will confirm this statement.

Members noted that in future years, the title for the named Finance Officer will need to be amended to Corporate Lead Officer to reflect a promotion by this person.

Following a discussion, Members **RESOLVED**:

1. to approve moving forward that Officers, on the trustee's behalf, produce yearly draft trustee annual report to the Charity Trustee Committee for consideration and approval in relation to any registered charities which the Council is sole trustee of;
2. to approve the 5 draft annual trustee reports set out in Appendices 1 – 5 of the report and that the Chair of the Charity Trustee Committee shall sign and date clean copies of the same on behalf of the charity trustee;
3. that all Members of the Charity Trustee Committee will read the two Charity Commission guidance documents (PB2 and PB3) set out at Appendix 6 of the report and confirm at the next Committee meeting that they have read the guidance.

9 Any other matter which the Chairman decides is for the urgent attention of the Committee

No other matters were raised. The Chairman thanked the Members and Officers for the contributions to the meeting.

**Confirmed at the Meeting of the Charity Trustee Committee held on
XX.XX.XXXX**

Chairman: _____

Date: _____

CEREDIGION COUNTY COUNCIL

Report to:	Charity Trustee Committee
Date of meeting:	22nd March 2023
Title:	Proposed Amendments to the Terms of Reference of the Charity Trustee Committee
Purpose of the report:	To receive recommendations to amend the wording as set out in the Council's Constitution
For:	Decision

Background

At a meeting of the Charity Trustee Committee dated 26th September 2022, it was agreed to amend the Terms and Reference of the Charity Trustee Committee, replacing the first sentence which reads “to act as trustee in respect of all assets held by the Council on charitable trusts” to **“To act as trustee in respect of all trusts that the Council is the trustee of”** and to include the following within the Constitution after the line ‘10 members: 5 voting and 5 non-voting’: **“It is the Chairs of the Overview and Scrutiny Committees who hold the voting rights but in the absence of a Chair the Vice-Chair of that same Overview and Scrutiny Committee can then exercise the voting right”**. The first change was approved by Council and a shortened version of the second proposal being **“Chairs are voting members and Vice-Chairs may vote in their absence”** at its meeting dated 20 October 2022 and Part 3.3, Table 3 of the Constitution amended accordingly.

Following a request at short notice for approval to place a Christmas Tree at the site held in trust at Uplands, New Quay, it is proposed that the Terms and References of the Charity Trustee Committee are further revised to include sections on:

- a) Delegation of trustee responsibilities; and
- b) Declarations of interest.

Delegation of Trustee Responsibilities

Trustees can generally delegate certain powers however they must always retain the ultimate responsibility for running the charity. If a trustee does decide to delegate, they should set out the terms of the delegation in writing recording the following information:

- Details of the powers delegated;
- To whom the power is delegated; and
- Procedure for reporting back to the trustees.

The trustees should keep the decision to delegate under constant review.

It is proposed that a power be delegated to the Chair of the Charity Trustee Committee (or to the Vice-Chair in the absence of the Chair) to decide upon any matters arising which require authorisation within a timeframe of 10 working days, as it would not be possible to convene a meeting and to prepare and publish reports within this short period of time. The following conditions would apply:

- a) The relevant power is to be exercised exclusively by the Chair (or Vice-Chair in the absence of the Chair); and
- b) No expenditure may be incurred on behalf of the charity unless it relates to emergency works on a trust asset to include, but not be limited to, making the same safe or avoiding harm to the public or neighbouring land.

Declarations of interest

In accordance with Section 81 of the Local Government Act 2000, all Councillors are required to complete a Register of Members Interests within 28 days of their election or appointment to office (whichever is the latter), and to register any new personal interest within 28 days of becoming aware of it.

Members are also required to declare their interests verbally during the meeting, stating which agenda item their declaration relates to, and stipulate whether their declaration is ‘personal’ or ‘personal and prejudicial’. Members who declare a ‘personal and prejudicial’ interest will leave the Council Chamber (if attending in person) or leave the meeting if attending remotely for the duration of the discussion on said agenda item. Members should also confirm if they have been given dispensation to speak or to speak and vote, as this would allow Members to remain in the meeting.

The wording of the Terms and References of the Charity Trustee Committee have been amended in Appendix A to reflect the proposed changes.

- Recommendation(s):**
- 1. That Members of the Charity Trustee Committee note the Terms of Reference in Appendix 1 ;
 - 2. That Members of the Charity Trustee Committee recommend that Council considers the amendments made to the Terms and References in Appendix 1 relating to:
 - a) Delegation of trustee responsibilities;
 - b) Declaration of interest.

Reasons for decision: To clarify the function of the Charity Trustee Committee as set out in the Council’s Constitution

Appendices: Appendix 1 – Terms of Reference of CTC

Head of Service: Ein Prysor – CLO Legal & Governance Services

Reporting Officer: Louise Harries – Solicitor

Date: 28.02.2023

Appendix 1

Terms of reference of the Charity Trustee Committee

Role:

- To act as trustee in respect of all trusts that the Council is the trustee of
- To make decisions in relation to charitable assets in the best interests of the charity.
- To receive reports on charitable issues and to ensure the requirements of the Charity Commission and charity law are adhered to in so far as they relate to the charitable assets held by the Council on trust.

Charitable trustees are required to act in the best interests of the charity when making decisions in respect of it and must exercise reasonable skill and care in doing so. The decisions of the Committee and responsibility for them will be collective. Members of the Committee will benefit from the general indemnity granted by the Council to Members and Officers, provided that they act honestly, within their powers and that of the charity, and in good faith.

Membership:

The 5 Chairmen of the Council's Overview and Scrutiny Committees will be members of the Committee, with voting rights. The 5 Vice Chairmen of the Overview and Scrutiny Committees will be observers however in the absence of the Chairman of a particular Overview and Scrutiny Committee during a Charity Trustee Committee meeting, the Vice-Chairman of that particular Overview and Scrutiny Committee shall have a voting right during that Committee.

The Chairman and Vice-Chairman of the Council's Overview and Scrutiny Coordinating Committee shall be the Chairman and Vice-Chairman of the Charity Trustee Committee.

Meetings:

Meetings of the Charity Trustee Committee be provisionally scheduled to take place immediately following each Overview and Scrutiny Co-ordinating Committee but not held if there is no trustee business to attend to.

Delegation of trustee responsibilities:

A power is delegated to the Chair of the Charity Trustee Committee (or the Vice-Chair in the Chair's absence) to decide on any matters arising which require authorisation within a timeframe of 10 working days subject to the following conditions:

- a) The relevant power is to be exercised exclusively by the Chair (or Vice-Chair during the Chair's absence);
- b) No expenditure may be incurred on behalf of the charity unless it relates to emergency works on a trust asset to include, but not be limited to, making the same safe or avoiding harm to the public or neighbouring land;

- c) The Chair (or Vice-Chair, where they Chair was absent during the time when the decision was taken) must report back the decision at the next meeting of the Charity Trustee Committee; and
- d) The trustees should keep the decision to delegate under constant review.

Declarations of interest:

All Councillors must complete a Register of Members' Interests within 28 days of their election or appointment of office and to register any new personal interest within 28 days of becoming aware of it. Members of the Charity Trustee Committee must also consider whether there are any conflicts between their personal interests and their role on the Committee and include this information in the Register.

Members of the Charity Trustee Committee must declare any interests verbally during the meeting, stating which agenda item their declaration relates to, and stipulate whether their declaration is 'personal' or 'personal and prejudicial'. Members who declare a 'personal and prejudicial' interest will leave the Council Chamber (if attending in person) or leave the meeting if attending remotely for the duration of the discussion on said agenda item. Members should also confirm if they have been given dispensation to speak or to speak and vote, as this would allow Members to remain in the meeting.

CEREDIGION COUNTY COUNCIL

Report to: Charity Trustee Committee

Date of meeting: 22 March 2023

Title: 2021-22 Financial Accounts

Purpose of the report: To bring the accounts to the attention of members
For: Noting

1. BACKGROUND

Under s.132 and s.133 of the Charities Act 2011 the charity trustees of a charity must prepare in respect of each financial year of the charity either a statement of accounts or, optionally for lower-income charities, a receipts and payments account plus a statement of assets and liabilities. All charities included in this report meet the criteria for lower-income charities and the accounts in the report have been prepared in accordance with the option available to such charities.

2. FINANCIAL ACCOUNTS

Accounts for the financial year ended 31 March 2022 are shown in appendix 1 with relevant receipts and payments totals for each of the following registered charities:

War Memorial Hall, New Quay;
New Quay Library and Reading Room;
The Coe Memorial Educational Foundation;
Cardiganshire Intermediate and Technical Education Fund; and
The Charity of Richard James Thomas.

3. ASSETS HELD

In addition to the cash balances shown in appendix 1, other assets held by individual charities are as follows:

War Memorial Hall, New Quay

The hall itself together with surrounding land

New Quay Library and Reading Room

The room itself together with surrounding land

The Coe Memorial Educational Foundation

Blaendyffryn Farm
National Savings Bonds

Cardiganshire Intermediate and Technical Education Fund

Part of the land holdings at each of:

Ysgol Bro Teifi, Ysgol Uwchradd Aberteifi and Aberaeron Secondary School
National Savings Bonds

The Charity of Richard James Thomas
Yr Hen Gapel, Tre'r Ddôl

Recommendation(s): Committee note the contents of the accounts

Reasons for decision: N/A

Appendices: Annual Accounts 2021-22

**Corporate Lead
Officer:** Duncan Hall

Reporting Officer: Chris Hywel Macey

Date: 28 February 2023

Fund	Charity Number	Opening Cash Balance	Receipts	Investment Sales	Payments	Investment Purchases	Closing Cash Balance	Receipts (last year)	Sales (last year)	Payments (last year)	Purchases (last year)
The Coe Memorial Educational Foundation	525324	£50,130	£7,946	£0	£0	£0	£58,076	£8,062	£0	£0	£0
Cardiganshire Intermediate & Technical Education Fund	514597	£299,580	£21	£160,000	£17,011	£0	£442,590	£184	£0	£16,986	£0
New Quay Library and Reading Room	525321	£1,016	£0	£0	£0	£0	£1,016	£0	£0	£0	£0
War Memorial Hall (New Quay)	503653	£12,100	£550	£0	£0	£0	£12,650	£550	£0	£0	£0
Charity of Richard James Thomas	1077218	£6,086	£0	£0	£1,250	£0	£4,836	£0	£0	£1,605	£0

This page is intentionally left blank

CEREDIGION COUNTY COUNCIL

Report to: Charity Trustee Committee

Date of meeting: 22nd March 2023

Title: Request by New Quay Town Council to locate Christmas Tree on land adjacent to the New Quay Library and Reading Room

Purpose of the report: To note the decision taken

For: Information

BACKGROUND

On Thursday 8 December 2022, Ceredigion County Council received a request from New Quay Town Council for permission to place a Christmas Tree on the grounds of the now empty New Quay Library at Uplands Square, New Quay. It was noted that this has been the location of the New Quay Christmas Tree for several years, and that they had planned to place the tree on 12 December 2022.

The land in question was conveyed and placed into trust in 1952, and as such, a decision would have to be made by the Charity Trustee Committee.

The application was submitted to Ceredigion County Council together with a risk assessment, noting that they had come to an arrangement with the nearby Costcutters store for electricity to light the tree.

Officer noted that subject to the decision of the Committee, a license would be provided by Ceredigion County Council in accordance with the usual procedure in relation to the use of assets.

Due to the short notice, it was not possible to schedule a meeting of the Trustees providing the statutory 3 working days' notice of a meeting, let alone the time required to prepare a report and translation. As such, an e-mail was circulated to all Members of the Charity Trustee Committee asking them to notify the Clerk of the Committee of any objections that they may have in relation to this request.

A number of Members responded to confirm that they did not have any objections subject to appropriate procedure being in place, however no objections were received. The New Quay Town Council were notified of the decision to allow them to place the Christmas Tree at the site of the New Quay Library at Upland Square for the duration of the 2022-23 festive period.

Recommendation(s): **To note the report, and decision taken in response to the request from New Quay Town Council**

Reasons for decision: Report for information only

Appendices: None

Head of Service: Russell Hughes-Pickering, Corporate Lead Officer, Economy and Regeneration

Reporting Officer: Arwyn Davies, Corporate Manager Economy and Regeneration

Date: 14th December 2023