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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: _____