

CEREDIGION COUNTY COUNCIL

<u>Report to:</u>	Charity Trustee Committee
<u>Date of meeting:</u>	27th March 2025
<u>Title:</u>	New Quay Memorial Hall – EV Charger Scheme
<u>Purpose of the report:</u>	Consent for alterations
<u>For:</u>	Decision

Background

The Council is the sole trustee of the charity known as the War Memorial Hall, New Quay (“Trust”) whose object is “*the provision and maintenance of a village hall and recreation grounds for the use of the inhabitants of New Quay and the neighbourhood thereof without distinction of political, religious or other opinions, including the use for meetings, lectures and classes, and for other forms of recreation and leisure-time occupation, with the object of improving the conditions of life for the said inhabitants*” (the “Object”).

As Members will be aware, the Hall was leased by the Council, as charity trustee, to ‘New Quay Memorial Hall’ a registered charitable incorporated organisation (“CIO”) from the 10th February 2020 for 99 years.

Under clause 23 of the lease the CIO cannot undertake certain alterations or additions to the property without landlord’s consent. A copy of clause 23 is attached as Appendix 1.

Members will recall the resolution of Committee on 07/11/2024 in relation to delegating authority as follows:

*“Following discussion, it was unanimously **RESOLVED** to:*

2. AUTHORISE Estates Services, on behalf of the trust, to grant or refuse landlord’s consent (subject to conditions and payment of reasonable fees as applicable) to a tenant request for consent for minor works under the New Quay Memorial Hall Lease dated 10/02/2020 in consultation with the Chair of the Charity Trustee Committee (or in their absence the Vice-Chair) AND to authorise Legal Services to undertake all necessary formalities to execute and complete Licences for Minor Works/Letter consents for minor works as instructed by Estates Services under this resolution. Any such grant/refusal of landlord consent shall be reported to Committee at the next available opportunity.”

Request for consent

The Council corporately are looking at sites across Ceredigion for installation of EV chargers. The CIO is in negotiation with the Council corporately to install an EV

charger at the property for 2 parking bays and has approached Officers (on the trust's behalf) for consent under the lease for the works to install the EV charger. The proposed site layout is attached at Appendix 2.

As part of the Council corporate scheme it is understood that the CIO would enter into a concession agreement with the EV provider which would enable it to receive 10% of the income generated by the EV charger.

As there is a conflict of interest here between the Council corporately and the Council as trustee, Officers did not feel it was appropriate to deal with this matter via the delegated powers above granted to Officers in November therefore the matter is being referred to Committee for consideration.

Property Services do not have any technical objections to the proposed works and Estates do not have any objections either provided that the apparatus is removed and area made good on expiry/termination of the lease.

As you are aware from previous requests for consent, landlords do charge fees for dealing with requests for consent. It is recommended that any consent granted be granted by way of simple letter consent and such a letter would currently attract a fee of £150 from Legal Services and £50 from Estates. As this is a Council corporate scheme, Highways Services have agreed to bear this cost on behalf of the CIO therefore there would be no cost to the tenant in this instance.

As Members will be aware, you must consider this matter in the best interests of the trust only and not take account of any policy or aspiration of the Council corporately relating to the EV charger scheme. Legal Services would recommend that granting consent for the installation of the EV charger would be in the best interests of the trust as it may increase footfall at the Hall from users of the charging points and it will also bring in additional income for the CIO which can be used towards the purposes of the Hall which align with the Object of the Trust.

Recommendation(s):

- 1. To APPROVE in-principle the tenant's request for consent for the installation of an EV charger for 2 parking bays referred to in the accompanying report subject to:**
 - a) payment by Highways Services of the £200 in relation to the professional costs of Legal Services and Estates in this matter; and**
 - b) Officers, on the Trust's behalf issuing a letter of consent to the proposed EV charger works which will require the apparatus to be removed and area made good on expiry/termination of the lease.**

Reasons for decision:

In compliance with clause 23 of the Lease dated 10th February 2020.

Appendices: Appendix 1 – Clause 23 of Lease 10/02/2020
Appendix 2 – Site Layout

Head of Service: Elin Prysor: CLO Legal & Governance Services

Reporting Officer: Louise Harries: Senior Lawyer – Non-contentious
(Property)

Date: 11/03/2025

APPENDIX 1 – CLAUSE 23 OF LEASE 10TH FEBRUARY 2020

23. ALTERATIONS

- 23.1 The Tenant shall not make any external or structural alteration or addition to the Property and shall not make any opening in any boundary structure of the Property.
- 23.2 The Tenant shall not install any Service Media on the exterior of the Property nor alter the route of any Service Media at the Property without the consent of the Landlord, such consent not to be unreasonably withheld.
- 23.3 The Tenant shall not make any internal, non-structural alteration to the Property without the consent of the Landlord, such consent not to be unreasonably withheld.
- 23.4 The Tenant shall not carry out any alteration to the Property which would, or may reasonably be expected to, have an adverse effect on the asset rating in any Energy Performance Certificate commissioned in respect of the Property.