

TRUSTEES OF FLINTSHIRE FURTHER EDUCATION TRUST FUND

Minutes of a meeting of the Trustees of Flintshire Further Education Trust Fund held in Council Chamber, County Hall, Ruthin on Tuesday, 7 October 2014 at 2.00 pm.

PRESENT

Councillors Hugh Evans, Bobby Feeley, Hugh Irving, Huw Jones, Barbara Smith, David Smith, Julian Thompson-Hill and Eryl Williams

ALSO PRESENT

Head of Legal and Democratic Services (GW), Business, Improvement and Modernisation, Project Manager (SLP), Principal Legal Officer (HW), Senior Valuation and Property Surveyor (RW) and Administrative Officer (CIW).

1 APOLOGIES

No apologies received.

2 APPOINTMENT OF CHAIR

Councillor Hugh Evans was nominated and seconded to preside as Chair at the meeting.

***RESOLVED** that Councillor Hugh Evans be appointed Chair for the meeting.*

3 DECLARATIONS OF INTEREST

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

4 RHYL HIGH SCHOOL - TRANSFER OF CHARITABLE TRUST STATUS OF LAND

A confidential report by Valuations and Estates, Property Services had been circulated with the papers for the meeting.

The report advised on the proposals for the redevelopment of Rhyl High School and the implications for the Trust land. It sought Trustee approval to the exchange of land so that the Charitable Status transferred from one site to another, both within the School boundary, in order to facilitate the construction of the new school.

The Rhyl High School site comprised of approximately 19.3 acres (7.81 Ha) and had been outlined in red for indicative purposes on the attached plan, Appendix 1. The land shaded in blue (9.7 acres (3.93 Ha)) was subject to an historic charitable trust and was held by Denbighshire County Council as Trustee on behalf of the Flintshire Further Education Trust Fund. The land had originally been acquired under 2 separate parcels, the first being conveyed in 1889 comprising of

approximately 4.5 acres, the second comprising of 5.2 acres, being conveyed in 1929 (totalling 9.7 acres).

The Leisure Centre was run by Denbighshire's Leisure Services. Rhyl School together with other schools had use of this facility during school hours and was subject to a Service Level Agreement (SLA) between the Leisure Department and Lifelong Learning, outside school hours the facility was used by the wider community. The Charity Commission appeared to be satisfied with regard to the presence of the Leisure Centre on the Charity's land.

The land shaded in green, approximately 9.96 acres (4.03 Ha), was within Denbighshire's freehold title. There were no restrictions on the registered title which would affect the use of the site for the construction and operation of a new school.

The proposal to redevelop the Rhyl High School site involved the reconfiguration of the whole site. The existing layout of the site would be flipped while the Leisure Centre would remain in situ, but the Youth Centre would be demolished. The proposals would affect the charitable land as the land presently held under charitable status would no longer be the site of the main Educational function of the school and would form part of the site predominately used for recreational uses. The proposal was to transfer the Charitable Status of the land to the site of the new School buildings on the Green land.

The Blue and Green sites were similar in size, planning designation, use, location, topography, value etc. The Green land had been considered to be a suitable alternative site as a recipient of the charitable status of the blue land, subject to Trustee approval. Cabinet had approved a business case for the redevelopment of Rhyl New School and a planning application had been approved. Appendix 2 to the report indicated the layout of the new development relative to the existing site and infrastructure.

The District Valuer had undertaken a valuation of both the Blue and Green shaded land to determine whether the charity's interests would be preserved if the transfer of the charitable status was to take place, and to provide assurances to the Trustees and the Charity Commission that the replacement land formed a suitable recipient of charitable status. The valuation had been of market value, in accordance with the RICS appraisal and valuation Manual Practice Statement 3.2 and guidance note UKGN4, and having regard to the Charities (Qualified Surveyors Report) Regulations 1992. The District Valuer's report, Appendix 3, concluded that the transfer of the charitable status from one site to another was financially viable and the replacement land was suitable replacement as recipient of the charitable status. The Charity Commission had indicated it was satisfied with both with the terms of the District Valuer's Report, and the proposal to transfer the charitable status from the Blue Land to the Green Land.

Following consideration of the report and accompanying documents the Trustees confirmed that they were satisfied that the proposals for the redevelopment of Rhyl High School and the exchange of land were in the best interests of the Charity. The Trustees approved the exchange of land, and the transfer of the charitable status of

the Blue land to the Green land, on the basis that the Charity Commission had accepted that the Green land was a suitable recipient of the charitable status. The Trustees requested the Charity Commission, if they consider it necessary, to make a scheme to enable the exchange to take place.

The Head of Legal and Democratic Services informed Members that independent legal advice had been sought, in respect of the Charitable Status, and a representative was available by telephone to provide advice to Members of the Trust if required.

Following a brief discussion, it was:-

RESOLVED – *that the Trustees agree to:-*

*(a) release the land as shown shaded in blue, 9.7 acres, from charitable status, and
(b) seek the approval of the Charity Commission that the status be transferred to the land owned by the Council and shaded in Green, 9.96 acres.*

The meeting concluded at 13.00 p.m.