

TRUSTEES OF DENBIGHSHIRE FURTHER EDUCATION TRUST FUND

Minutes of the meeting of Trustees of Denbighshire Further Education Trust Fund, held at 2.10pm on Tuesday, 27 September 2011, in Conference Room 1a, County Hall, Ruthin.

PRESENT

Councillors P A Dobb, H H Evans, S Frobisher, M M Jones, P J Marfleet, J Thompson-Hill and E W Williams

Observers: Councillors W L Cowie, M LI Davies, G C Evans and T R Hughes.

ALSO PRESENT

Acting Head of Corporate Governance, Corporate Director: Learning and Communities, Interim Head of Adult and Business Services, Head of Modernising Education, Unit Asset Manager (Modernising Education), Principal Legal Officer (A S Jones) and Scrutiny Coordinator (minute taker)

1) Apologies

Councillor D A J Thomas

2) Declarations of Interest

No interests were declared in the items of business under consideration.

In response to questions, the Acting Head of Corporate Governance, Principal Legal Officer, and Head of Modernising Education advised that, having received guidance from various bodies including the Charity Commission and as Denbighshire County Council was now the present trustee of the land comprising the site of the former Denbigh County School at Middle Lane, Denbigh (which land was an individual charity under the umbrella of the Denbighshire Further Education Trust Fund), it had been decided that Cabinet could convene a meeting for the purposes of the Charitable Trust to enable the initiation of a consultation process on the future of the Middle Lane site. Following the holding of the initial meeting and the commencement of the consultation process, the 'present' Trustees would oversee the consultation process, implement any recommendations emanating from it and consider the appointment of new Trustees for the purposes of conducting the future affairs of the Trust.

Members were advised that as they were meeting in the capacity of Trustees they were required to appoint a Chair for the meeting.

3) Appointment of Chair

Councillor H H Evans was nominated and seconded to preside at the meeting. No other nominations were received. It was:

Resolved: - *that Councillor H H Evans be appointed to chair the meeting*

The Trustees were advised that the information being considered at the meeting was at this stage deemed to be confidential. It was therefore:

Resolved: - *that pursuant to Section 100A(4) of the Local Government Act, 1972 that the press and public be excluded from the meeting during the following item of business because it was likely that exempt information, as defined in paragraph 14 of Part 4 of Schedule 12A of the Act, would be disclosed to them.*

4) Denbigh, Middle Lane – Proposed Consultation on the Future of the Site

The Head of Modernising Education introduced the report (previously circulated) the purpose of which was to seek the Trustees' approval to consider the future of the site. When introducing the report the Head of Modernising Education assured the Trustees that elected members representing wards in Denbigh had been made aware of the contents of the report being presented to the current meeting. Denbigh members had indicated their agreement with the proposed course of action and their wish to be involved with the process at a later date.

In response to questions from elected members observing the meeting the Head of Modernising Education advised that if the consultation process resulted in a decision to dispose of the asset on the grounds of it being surplus to requirements and no further educational use being found for it, all capital receipts realised less any costs incurred would be held by the Council on the Trust's behalf until such time as the Trustees determined how it should be utilised. It was further emphasised that, in the event of the Middle Lane site being sold, the net sale proceeds would need to be invested in a new charitable scheme, to be made by the Charity Commission following an application by the Trustees, whose objectives would be as close as possible to that of the original Trust – 'for the advancement of education for children in the area'. It was also explained that the Charity Commission had advised that it would not be possible for any such proceeds of sale to be applied for the benefit of any school which the County Council had a statutory duty to provide. Any monies received from a possible future sale would belong to the Trust and not the County Council.

Councillor G C Evans suggested to the Trustees that clarification be sought on the definition of '...children in the area', as the former County School benefited children from a far wider area than the town of Denbigh itself. The catchment area for the former County School included outlying villages and hamlets, some of which now lie outside the boundary of the present

Denbighshire. He was of the view that the Trustees would need clarity on this issue before they could determine future options for the site or capital receipt realised from any future sale. Councillor M LI Davies requested that consideration be given by the Trustees to safeguarding the house which lies within the grounds of the Middle Lane site lest it be demolished.

Officers were requested by the Trustees to contact the Charity Commission to seek timescales with respect to undertaking the consultation exercise as well as any resulting actions, and to seek guidance on the creation of any new constitution which might be required for the Trust

Following an in depth discussion the Trustees:

Resolved: -

- (a) to enter into a period of consultation on the future of the Middle Lane, Denbigh site with the Governors and staff of the schools within the catchment area, other educational establishments in the town, local members, portfolio holder, Denbigh Town Council and via the publication of Press Notices and Public notices in the Library and Civic Office;*
- (b) that the Charity Commission's approval be sought for the basis and method for the consultation process and for guidance on any new constitution which might be required for the Trust*
- (ch) that if, following the consultation process, the Trustees decided that the best interests of the trust would be served by a disposal of the Middle Lane site, the Trustees should then apply to the Charity Commission for the making of a scheme granting to the Trustees the necessary power of sale*
- (d) that it be recommended that members of the Denbigh Member Area Group should be appointed as trustees of the Trust for the purposes of the future management of the affairs of the Trust and, in particular, for the purpose of consideration as to how the proceeds of any disposal should be applied in the event of the sale of the Middle Lane site pursuant to a power of sale granted by the Charity Commission,*
- (dd) that clarification be sought on the definition of the 'area' served by the former Denbigh County School and from which potential beneficiaries of the Trust might be drawn*

Meeting concluded at 2.25pm.