

Meeting of:	Welsh Church Act Estate Committee
Date of Meeting:	Monday, 10 October 2022
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Cadoxton Community Orchard Proposal
Purpose of Report:	To update Committee further to the resolution of the last Committee meeting in respect of the proposal for land adjacent St Oswald's Road, Cadoxton for a Community Orchard proposal.
Report Owner:	Director of Corporate Resources
Responsible Officer:	Head of Finance/S151 Officer
Elected Member and Officer Consultation:	Committee Reports - Legal OM Accountancy No ward member consultation - since Members of this Committee are acting as Committee Members independent of other Council's resolutions, no wider consultation has taken place
Policy Framework:	The Trustees are working independently of other Council decisions and in accordance with the requirements of Charity Law.
<p>Executive Summary</p> <ul style="list-style-type: none"> To advise Committee of the outcome of planning and legal investigations further to the resolution of Committee when the proposal received from Barry Town Council relating to the Community Orchard on the Trusts land was last discussed. 	

Recommendation

1. That Committee notes the update relating to planning and legal investigations and considers the way forward under Part II of this Agenda.

Reason for Recommendation

1. To enable a decision to be made under Part II of this agenda.

1. Background

- 1.1 A proposal dated 21st November 2021 from Barry Town Council was received by officers on 24th November 2021 and is attached as Appendix B to the Part II report on this agenda.

2. Key Issues for Consideration

- 2.1 Committee considered the detail of the proposal received from Barry Town Council on the 31st January 2022.
- 2.2 Following consideration of the proposal, Committee resolved as follows:
 - (1) T H A T the proposal from Barry Town Council in respect of the land in the Trust's ownership at St Oswalds Rd, Cadoxton be noted.
 - (2) T H A T the Operational Manager for Property and Principal Lawyer be instructed to seek advice from the Council's Planning department in respect of the proposal and for that advice to be reported to Committee at a future meeting.
- 2.3 Since the resolution of the last Committee, the Trust Legal Officer has reviewed the title of the land under discussion and has also been in contact with the Planning Department of the Council to seek their views on the proposal. Further detail relating to the legal title investigation and planning comments, is set out in the Part II report.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Trusts actions need to comply with Charity law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations Act.

4. Resources and Legal Considerations

Financial

- 4.1** As referenced in the Part II report.

Employment

- 4.2** There are no employment implications arising from this report.

Legal (Including Equalities)

- 4.3** The Trust has a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers.
- 4.4** There is a Legal requirement for Trustees to:
- (a) Act within their powers;
 - (b) Act in good faith and only in the interests of the charity
 - (c) Make sure they are sufficiently informed
 - (d) Take account of all relevant factors
 - (e) Ignore any irrelevant factors
 - (f) Manage conflicts of interest
 - (g) Make decisions that are within the range of decisions that a reasonable trustee body could make

5. Background Papers

None