

Meeting of:	Welsh Church Act Estate Committee
Date of Meeting:	Monday, 19 June 2023
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Cadoxton Community Orchard Proposal
Purpose of Report:	To update Cabinet following receipt of the Qualified Surveyors report in relation to the proposal that was previously submitted in respect of land adjacent St Oswalds Road, Cadoxton in respect of a Community Orchard Proposal.
Report Owner:	Tom Bowring, Director of Corporate Resources
Responsible Officer:	Matt Bowmer, Head of Finance/S151 Officer
Elected Member and Officer Consultation:	<p>Committee Reports – Legal OM Accountancy</p> <p>No ward member consultation – since Members of this Committee are acting as Committee Members independent of other Council resolutions, no wider consultation has taken place.</p>
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"> This report is intended to update Committee following receipt of the Qualified Surveyors report that was requested by Committee at the meeting of 10th October 2022, following consideration of the proposal received from Barry Town Council in respect of the Trusts land adjacent to St Oswalds Road, Cadoxton. The applicants sought consent from the Trust to develop a Community Orchard and meadow on land owned by the Trust. 	

Recommendation

1. That Committee notes the receipt of the Qualified Surveyors report and considers the summary of recommendations set out in the Part II report on this agenda.

Reason for Recommendation

1. To enable consideration of this matter and 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 at Appendix B to the Part II report on this agenda. The proposal was to develop a community orchard and meadow on the Trust's land at the location shown on the plan attached at Appendix A. The proposal was reported to Committee on 31st January, 2022 and following a further update report on the 10th October 2022 to consider legal and planning considerations/implications, Committee instructed officers to procure a Qualified Surveyors report in line with the requirements as set out in the Charity Commission Guidance.

2. Key Issues for Consideration

- 2.1 Officers have sought the required Qualified Surveyors report and a summary of the recommendations is set out under Part II of this agenda.

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

- 3.1 The Trust's actions need to comply with Charity Law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations (Wales) Act.

4. Climate Change and Nature Implications

- 4.1 As set out in the Part II report on this agenda.

5. Resources and Legal Considerations

Financial

5.1 As set out in the Part II report included later on the agenda.

Employment

5.2 There are no employment implications arising from this report.

Legal (Including Equalities)

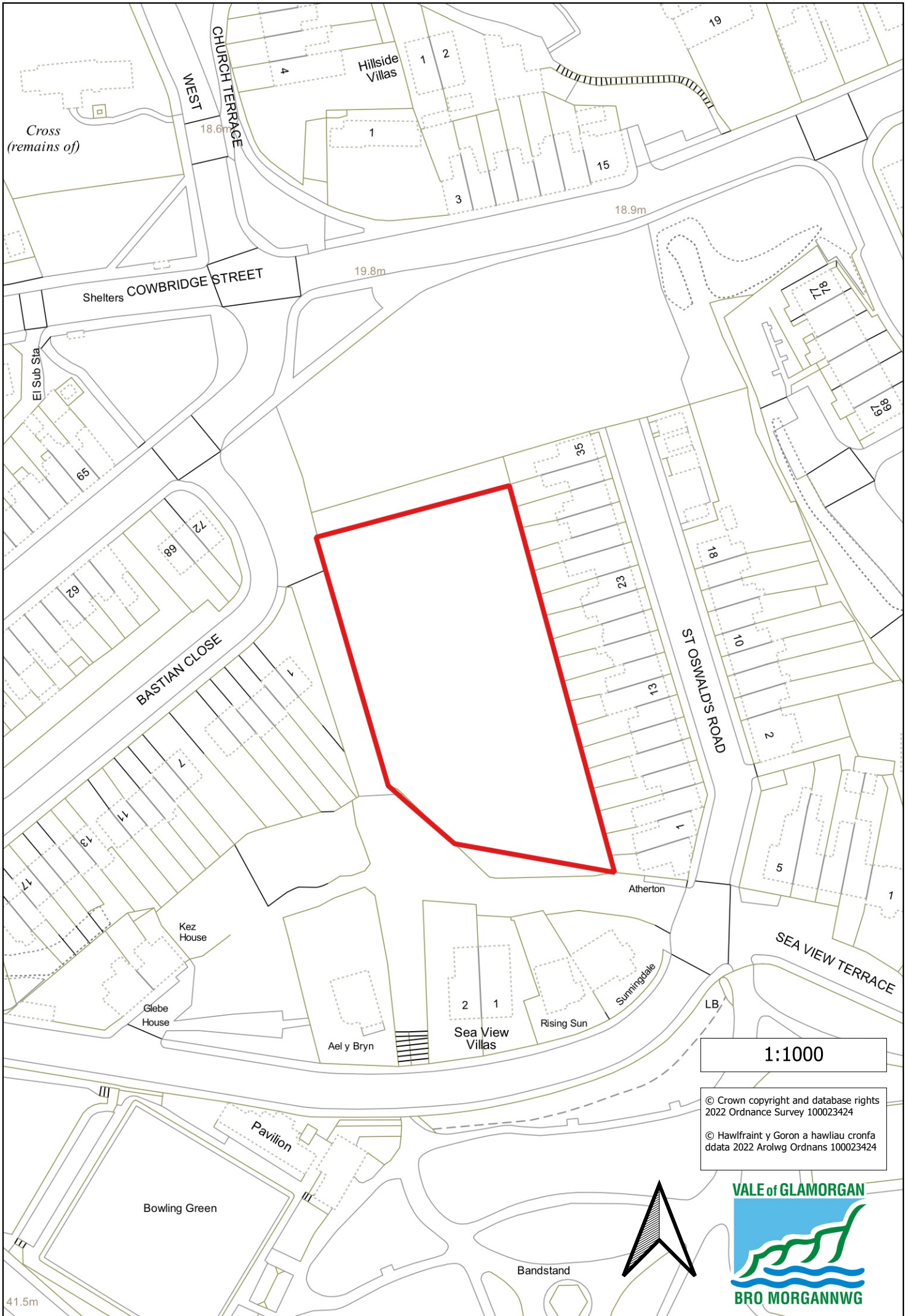
5.3 The Trust has a duty to manage lands and property held by them in accordance with the Scheme of trust and with Charity Law and decisions should be consistent with the Charity Objects and powers.

5.4 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.

6. Background Papers

None



Cross
(remains of)

CHURCH TERRACE
WEST

Hillside
Villas

Shelters COWBRIDGE STREET

El Sub Sta

BASTIAN CLOSE

ST OSWALD'S ROAD

Kez House

Glebe House

Ael y Bryn

Sea View
Villas

Rising Sun

Atherton

Summingdale

SEA VIEW TERRACE

Bowling Green

Pavilion

Bandstand

1:1000

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