

EXECUTIVE SUMMARY EXECUTIVE BOARD 23RD AUGUST, 2016

LAND HELD ON CHARITABLE TRUST– TRUSTEE CONSENT

By way of background information a substantial area of land situated at Trimsaran was acquired by the former Llanelli Borough Council from the Trustees of Trimsaran Welfare Association by virtue of a Conveyance dated the 22nd February 1995 ('the 1995 Conveyance'). Part of the land thereby acquired encompassed the Village Hall but the building itself was specifically excluded from the acquisition. The Carmarthenshire County Council is successor in title to the former Llanelli Borough Council by virtue of The Local Government (Wales) Act 1994 and pursuant thereto the Local Government Reorganisation (Wales) Property etc) Order 1996.

The Trustees of Trimsaran Welfare Association originally acquired the land from the National Coal Board by virtue of a Conveyance on the dated the 25th June 1966 ('the 1966 Conveyance').

The 1995 Conveyance stipulated that Llanelli Borough Council as the Grantee named therein should hold and maintain the land for the purpose specified in the 1966 Conveyance upon the trusts more particularly referred to in a Declaration of Trust dated the 10th April 1973 made by the Trustees of Trimsaran Welfare Association.

In the year 2000 there was a proposal to grant a Lease of a parcel of land comprised in the 1995 Conveyance to Trimsaran Forum (a registered charity no. 1081441). Investigations at the time confirmed that a previous Agreement for the management of the land was defective and to remedy the position two new Charitable Schemes were created; one relating to the Trimsaran Recreation Ground which affected the land comprised in the 1995 Conveyance and of which **the Carmarthenshire County Council is the Trustee** whilst the other related specifically to the Trimsaran Village Hall of which **the Trimsaran Community Council is the Trustee**. These two new Charitable Schemes replaced the trusts previously created by the Trimsaran Recreation Ground and Village Hall Charity.

The Trimsaran Recreation Ground is a charity registered with the Charity Commission under charity no. 1085975 and the pertinent scheme which governs this charity was made by the Charity

Commission on the 14th July 2000 and marked Case No: 15040a. The objects of the Trimsaran Recreation Ground Charity are described as follows:

'in the interests of social welfare, to improve the conditions of life for the inhabitants of the area of benefit without distinction of political, religious or other opinions by the provision and maintenance of a recreation ground.'

Following the creation of the two Charitable Schemes and after consultation with the Charity Commission and the Coal Industry Social Welfare Organisation (CISWO) a lease of part of the land contained in the 1995 Conveyance was granted to Trimsaran Village Forum (a registered charity) on the 25th July, 2000 for a term of 99 years ('the Lease') and upon which the present sports/welfare hall ('the Premises') was constructed.

The Lease contains an express provision which prohibits assigning, charging or under letting the whole or part only of the demised premises.

The Trustees of Trimsaran Village Forum have been in discussion with Awel Aman Tawe, a community energy charitable organisation, for the installation of solar panels on the roof of the Premises so that it may benefit from a feed in tariff. To achieve this there would be requirement to grant a sub-lease of the roof space to Awel Aman Tawe. Under the terms of the Lease this is prohibited but such provision does not preclude Carmarthenshire County Council, as trustee, from granting specific consent for a sub-letting to a third party when the circumstances are deemed appropriate, having regard to the permitted user and objectives of the charity. The terms of the Lease were originally agreed in consultation with CISWO and by granting consent to sub-let there is no intention to vary the terms of the Lease. Having consulted Corporate Property on the proposal to install solar panels on the Premises it was confirmed that there was no objection to doing so.

Recommendations

Having regard to the purposes for which the sub-letting is required and subject to you being satisfied that the objectives of the charity along with the permitted user specified in the Lease, which reflect those of the charitable scheme, are not compromised it is recommended that Carmarthenshire County Council as trustee be granted consent to issue a licence to Trimsaran Forum to sub-let the roof space for the purpose of installing solar panels.

DETAILED REPORT ATTACHED?

No

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Ian Jones

Head of Leisure

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

2. Legal

There is a requirement to issue specific consent to the tenant of a lease to enable the granting of a sub-lease of part of the premises subject of the demise.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: . Ian Jones

Head of Leisure

1. Scrutiny Committee

N/A

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

N/A

5. Staff Side Representatives and other Organisations

N/A

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

Yes

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Charitable Scheme relating to Trimsaran Recreation Ground	PLSP- 023	County Hall, Carmarthen SA31 1JP
Correspondence by e-mail received from Awel Aman Tawe and Trimsaran Forum	PLSP- 023	County Hall, Carmarthen SA31 1JP