

## **NOTICE OF MEETING**

A meeting of the **WELFARE HALL MANAGEMENT COMMITTEE** will be held at the **Welfare Hall, Woodlands Road, Loughor on Monday next the 3<sup>rd</sup> June 2019** commencing at 7.00pm for the transaction of the following business:-

1. To appoint a Chair.
2. To appoint a Vice Chair.
3. Apologies for absence.
4. To receive disclosures of Personal Interests from Members under the Council's Code of Conduct.  
(Note: Members are requested to identify the item number and subject matter that their interest relates to and to signify whether their interest is such that they remain and vote / remain and not vote / withdraw).
5. To confirm the Minutes of the previous meeting held on the 29th April 2019 (copy enclosed)
6. To consider matters arising from the Minutes, if any.
7. To consider the Report of the Clerk (copy attached).
8. Any other matter which the Chairman determines to be urgent.

**Would members please ensure that they sign the Attendance Register.**

Dated this 27<sup>th</sup> May,2019

Nigel G Havard  
Clerk to the Council

**CYNGOR TREF LLWCHWR**

**LLWCHWR TOWN COUNCIL**

**Minutes of the Welfare Hall Management Committee**

**Meeting held on the 29<sup>th</sup> April ,2019**

**Present:** Councillor I.James(Chair)

Councillors S.Beynon, J. Bowen, Will Evans, Wendy Evans, P.Parsons, C.Phillips,  
C.Richards, R.V.Smith, W.Smith, D.Walters, J.Williams,  
P.Williams and R.Williams

(Welfare Hall, Loughor: 7.00pm – 7.20pm)

**63. APOLOGIES**

There were no apologies for absence..

**64. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**65. MINUTES**

It was **RESOLVED** that the minutes of the meeting held on the  
1<sup>st</sup> April 2019 be confirmed as a correct record..

**66. MATTERS ARISING**

There were no matters arising.

**67. REPORT OF THE CLERK**

(a)Payments

It was **NOTED** that the following payment has been made by Direct  
Debit-

Virgin Media	£72.90
NPower-gas	£1,377.57

It was **RESOLVED** that the following payments be approved-

Swansea Council-Trade Waste	£364.00
Dawsons(incl.VAT)	£240.00
Bluerock-base slabs for top of pillars	£100.00
Swansea Council-crossover	£2,846.00
Swansea Council-resurfacing of footpath	£2,912.00
Swansea Council- H bar marking	£80.00

(b)Lift

The Clerk's Report was **NOTED**

(c)Former Police Office

The Clerk's Report was **NOTED** and it was **RESOLVED** that  
the draft Licence attached to the Report be approved.

The Clerk presented a verbal update to the effect that the Scheme no  
longer wished to proceed with the Licence.

The Clerk then confirmed that the Council could proceed with a new  
Licence to another Licensee (based on the NALC legal advice  
previously received) or secure a business tenant prepared to pay the full  
rental value as supplied by Dawsons.

The Clerk further reported that he had not as yet heard from the Charity

Commission so the Council could not proceed with a zero rent at present.

The Council **FURTHER RESOLVED** that in order to facilitate securing a new Licensee/Tenant that a thermostatic controlled radiator be installed in the premises.

(d) Works to the Hall-Frontage

The Clerk's Report was **NOTED** and it was **RESOLVED** that

i) the decision to purchase the bases referred to in the Report be ratified

ii) the Council accept the quotations for the construction of a crossover, resurfacing of the existing footpath and provision of H bar marking as referred to in the Report and authorise Swansea Council to proceed with the Works

(e) Welfare Hall Receipts and Payments

The Clerk's Report was **NOTED**

**68. URGENT ITEMS**

There were no urgent items.

**Chair**

**Agenda Item 7**

**LLWCHWR TOWN COUNCIL  
WELFARE HALL MANAGEMENT COMMITTEE/TRUSTEES  
Date 3<sup>rd</sup> June, 2019  
Report of the Clerk**

**CONTENTS**

**1-Payments**

The following payments have been made by Direct Debit

Virgin Media £72.90

NPower-electricity £382.39

The following payments need to be authorised

B & Q Weedkiller £10.00

Welsh Water £454.90

**2-Former Police Office**

Members will recall that at the last Meeting it was determined that the Clerk bring back a further Report outlining the possible options open to the Council. It is suggested that Members in their role as Trustees of the Parish Hall Charity formally consider these options before any further application is made to the Charity Commissioners for any possible consent as the Commissioners will themselves want the fullest possible information and confirmation that the Trustees have fully considered what is in the best interests of the Charity.

The Trustees will need to consider two documents-the first is the Scheme dated the 4<sup>th</sup> June 1992 (set out below) and the second is the Charity Commissioners Guidance on the leasing or disposal of charitable land and which the Clerk will paraphrase as appropriate.

Sealed 4th June 1992

N117(S)  
92



County - West Glamorgan  
Place - Loughor  
Charity - Parish Hall Charity



CD(Liv1)  
225,349 A/1

Adjudged not chargeable  
with stamp duty

Scheme

#### CHARITY COMMISSION

In the matter of the Charity called the Parish Hall Charity, at Loughor, in the County of West Glamorgan, comprised in Schemes of the Charity Commissioners of the 6th September 1932 and the 26th November 1943; and  
In the matter of the Charities Act 1960.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme be approved and established as the Scheme for the regulation of the above-mentioned Charity:-

#### S C H E M E

1. Administration of Charity. The above-mentioned Charity and the property thereof specified in the schedule hereto and all other the property (if any) of the Charity shall be administered and managed subject to and in accordance with the provisions of this Scheme.

#### TRUSTEES

2. Trustee. The Llŵchwr Town Council shall be the Trustee of the Charity.

3. Vesting. The land with the building thereon specified in the said schedule is hereby vested in the Trustee for all the estate and interest therein belonging to or held in trust for the Charity.

## OBJECT

4. Object of Charity. (1) The object of the Charity shall be the provision and maintenance of a community centre for the use of the inhabitants of the Town of Loughor (hereinafter called "the area of benefit") without distinction of political, religious or other opinions, including use for meetings, lectures and classes, and for other forms of recreation and leisure-time occupation, with the object of improving the conditions of life for the said inhabitants.

(2) The said land and building shall be held upon trust for the purposes of a community centre as aforesaid.

5. Rules. The Trustee may from time to time make and alter rules with reference to the terms and conditions upon which the said land and buildings may be used in furthering the said object by persons or bodies other than the Trustee and the sum (if any) to be paid for such use.

6. Insurance. The Trustee shall insure the said building and the furniture and effects therein to the full value thereof against fire and other usual risks arising out of the ownership of property and the employment of persons.

7. Receipts and expenditure. (1) The income of the Charity including all payments for the use of the said building and all donations for the benefit thereof shall be paid into a trust account at such bank as the Trustee shall from time to time prescribe.

(2) The moneys standing to the credit of the said account shall be applied as the Trustee shall decide in insuring as aforesaid, in maintaining and repairing the said building and the furniture and effects therein and in paying all rent (if any), rates, taxes, salaries of paid officers and servants and other outgoings and in otherwise furthering the object of the Charity.

8. Surplus cash. Sums of cash at any time belonging to the Charity not needed for immediate working purposes shall be invested in trust for the Charity.

9. Letting. Subject to the condition that the use of the remainder of the said land and building for the object of the Charity shall not be unduly interfered with, the Trustee may let any part thereof not for the time being required for use for the said object but the Committee shall not without the sanction of the Charity Commissioners or a competent court create any tenancy wholly or partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.

10. Sale. If at any time the Committee decide that on the grounds of expense or otherwise it is necessary or advisable to discontinue the use of the whole or part of the said land and building for the purposes of a community centre, and that decision is confirmed by a resolution passed by a majority of the inhabitants of the area of benefit of 18 years of age and upward attending and voting at a meeting of which public notice

has been given in the area of benefit at least 14 days before the date thereof, the Trustee may subject to the authority of a further Order or Orders of the Commissioners sell the said land and buildings or any part thereof and may do and execute all proper acts and assurances for carrying any such sale into effect.

11. Proceeds of sale. The Trustee shall -

- (1) subject as hereinafter provided, out of the clear proceeds of any such sale as aforesaid, pay over to the Council of the Coal Industry Social Welfare Organisation or its nominees for application for charitable purposes within the objects of the said organisation such proportion of the total amount of the grants made by the said organisation to the Charity as the value of the land or land and buildings sold bears to the value of all the land and buildings belonging to the Charity immediately prior to such sale; and
- (2) apply the remainder of such proceeds for such charitable purposes as the Commissioners may approve:

Provided that, if and when a sum equivalent to the total amount of the said grants shall have been paid to the said organisation, the whole of the clear proceeds of any further such sale shall be applied for such charitable purposes as the Commissioners may approve.

12. Donations. The Trustee may accept any donations or property for the general purposes of the Charity and they may also accept donations or property for any special objects connected with the Charity not inconsistent with the provisions of this Scheme.

13. Questions under Scheme. Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.

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SCHEDULE

Land situate at Loughor in the County of West Glamorgan with the building thereon known as the Welfare Hall.

Sealed by Order of the Commissioners this 4th day of June 1992.



N232 20.3.92 -PW

ASSISTANT COMMISSIONER

With regard to the Scheme-

1-the Council is clearly stated as the Trustee and therefore all the powers given to Trustees generally eg powers of disposal should apply equally to the Council

2-the combination of the Schedule and paragraph 3 of the Scheme clearly states that the Welfare Hall is vested in the Council as Trustee-this is important as the Clerk has been

unable to discover any other title document and any potential lessee/licensee will have to accept the Scheme as the Council's "title".

3-paragraph 4 states that the whole of the Welfare Hall should be used as a community centre but there is a let out in paragraph 9 which does allow the Trustees to "let any part thereof not for the time being required for the use for the said object" subject to the proviso that the remainder "shall not be unduly interfered with". Therefore as Trustees you need to consider taking into account your overriding duty to consider what is in the charity's best interests, whether first the Office is not for the time being required as part of a "community centre" and if it is not any potential letting would not unduly interfere with the remainder of the building's use as a community centre. These decisions should be formally recorded.

4-paragraph 9 is also important because it sets out three instances where regardless of the Guidance the Trustees will require the consent of the Commissioners to proceed. A fine in this context is a lump sum, other than rent, paid to the charity on a granting of a lease.

As Trustees you have now received valuation advice from Dawsons so you are aware of the rental value of the premises-it has also been previously indicated that the Office could be let at a zero rent to a "charitable institution"-this would require Commissioners consent. The Commissioners would probably enquire why the letting was to a particular institution eg is it going to be let to another registered charity (NB Gorseinon Community Car Scheme was not a registered charity) or eg does the institution share similar charitable objects as the Parish Hall Charity?

Turning now to the Guidance-

a) it is important that the terms of any proposed letting do not grant the occupier any security of tenure under the Landlord and Tenant Act 1954. A Licence had been originally proposed for the Car Scheme but possibly a new occupier might require eg a lease and eg exclusive possession in which case legal advice will be required to exclude the terms of the 1954 Act.  
b) the Guidance divides disposals into short and longer term leases. A shorter disposal covers disposals by way of a lease for seven years or less where no fine or premium is paid to the charity. These disposals do not generally require the Commissioners consent if certain requirements are met. The first is that the Trustees must obtain and consider a report from someone who has the ability and experience to advise them competently-it is a matter for the Trustees themselves that the person they have selected has the requisite qualities. There is no legal requirement for the adviser to possess professional qualifications in this type of disposal although it is recommended that such a person is eg a qualified surveyor. However the Guidance states "as trustees you will need to make your own choice of adviser and be prepared to justify your decision if you are challenged about it."

The second is that the Trustees have to be satisfied that the terms proposed for the disposal are the best that can reasonably be obtained.

c) the longer term disposal is a lease for more than seven years or a lease for seven years or less where a premium or fine is paid to the charity. In these cases the Trustees must-  
-obtain and consider a written report from a qualified surveyor  
-advertise the disposal following advice from a surveyor  
-decide that you are satisfied that the proposed terms are the best that can reasonably be obtained in the circumstances of the disposal

If the Trustees cannot comply with the above conditions then the Commissioners consent is required.

d) a disposal of property at an undervalue to a public authority who were intending to use the property for a purpose compatible with the objects of the charity will still require the Commissioners consent.

e) If an order is required from the Commission they will need to know-  
-the reasons why you think you need an order

- an assessment of the value of the land
  - details of any advertising or reasons for not advertising
  - minutes of the meetings where the decisions involved in the disposal process have been discussed
  - that a case has been made that the disposal is in the best interests of the charity
  - that you have obtained the best terms for the charity that you can reasonably do in the circumstances(which will include a consideration as to whether the property has been advertised).
- f)the disposal document may require formal certificates from two Trustees that eg the land is held in trust for the charity and power of disposal.

The Trustees views are sought generally as to the above and the nature and identity of any potential occupier and the terms of such occupation.

The Clerk has approached three firms to provide a quotation for the works necessary to install a radiator in the office;two of the firms have so far inspected the premises but at the time of writing this Report no formal quotations have been received.The Clerk may be able to give a verbal update at the Meeting.

### 3-Works to the Hall-Frontage

Members will recall that at the Meeting held on the 29<sup>th</sup> April Members approved the quotation prepared by Swansea Council in respect of the Works for the dropped kerb.Subsequently the Clerk forwarded the appropriate monies to Swansea Council but has not heard from them at all.

However as Members will be aware some works have been carried out to the frontage;the Caretaker reports that the Council intend to complete the Works on the 30<sup>th</sup> and 31<sup>st</sup> May.The Clerk will attempt to contact Swansea Highways Department for confirmation as to the position and may be able to give a verbal update at the Meeting.

### 4- Schedule of Meetings for 2019/2020

Attached is a suggested Schedule of Meetings for the current municipal year.

### 5-Receipts and Payments-The current receipts and payments are attached.

**Dated this 27<sup>th</sup> May,2019**

**Clerk to the Council**