

CYNGOR CYMUNED GORSLAS COMMUNITY COUNCIL
Notes of a meeting of the Gorslas Community Council Sub Committee with
Representatives of the Cefneithin and Foelgastell Welfare Association at
Cefneithin Hall on Monday,17th June,2019 at 18:30 hrs.

1.0 Agenda Item 1: Record of those Present/Apologies

- Representing the Sub-Cttee: Cllrs Tina Jukes, (Chair), Simon Martin, and Andrew King.
- Representing the Welfare Association: Darren Price (Chair) Karl Sedgwick, (Vice Chair) and Claire Sedgwick (Treasurer)
- Others: Mr Chris Worrall, Solicitor, CCW Law and Llew Thomas Clerk to the Council.

1.1 Welcome

- The meeting was declared open at 18:30hrs.

2.0 General.

- Background. Members of the Welfare Association provided an overview as to the building and operation of the Welfare Hall as well as its ambitions for the future.
- Lease: Mr Chris Worrall provided details regarding a 5-year lease between the Community Council and Welfare Association and commencing in 1995. The lease specified that the Community Council were the owners of the land and the building.
- Land Registration: The current registration states records that the land and building as being in the ownership of the Community Council.
- Registered Charity: Documentation indicates that the Welfare Association had been registered at one time but was de-registered in 2010.
- Constitution: Legislation requires that any agreement would be between two lawfully constituted bodies. The lawful adoption, operation, and appointment of Officials/Trustees by the Welfare Association in accordance with an approved constitution would need to be proved.

3.0 Options.

a) Long Term Lease:

- (i) Require the engagement of solicitors to advise and act for both parties,
- (ii) Require the drawing up of a scale plan of the area to be leased by a qualified surveyor.
- (iii) Require registration of the land with the Land Registry.
- (iv) Estimated Cost: £3k
- (v) Advantage: Security of tenure. Would meet requirements for any large-scale funding/grant application.

b) Short Term Lease.

- (i) Leases not exceeding five years would not require registration with the land registry.

- (ii) If the terms were acceptable to the Welfare Association, they would not require a survey or the engagement of a solicitor.
- (iii) The Association would have to swear an undertaking witnessed by a solicitor in relation to recognising that at the end of the lease the land and property would go back to the Community Council. Cost would be minimal.
- (iv) The lease could be terminated before the end of the five-year period by agreement between the two parties and the signing of a simple release document prepared by a solicitor.
- (v) At the end of the five year lease a new lease could be entered into with the agreement of both parties.
- (vi) Disadvantage. Does not provide long term security of tenure for the Association who would have to accept that at the end of the lease period the land and building would go back to the Community Council. The short period of the lease may not provide the security of tenure for large scale grant or funding applications.

c) Outright Sale/Purchase of the Hall and Land.

- (i) The requirements and costs would be the same as for a long-term lease.
- (ii) If the land were to be disposed of at market value then the purchase price could be significant and the Welfare Association would have to fund the sum required.
- (iii) If the land were to be sold at less than market value then there would be legal requirements which the Community Council would have to meet regarding the disposal of a public asset. The cost of so doing would be reflected in the sale price.
- (iv) Advantages: Security of tenure for the Association. Likely to meet the requirements of large-scale grant or funding providers.
- (v) Disadvantages: The Community Council may not be prepared to sell the asset, or may ask for a significant selling price. It could also ask for contributions to the maintenance of shared areas such as access road, car park or charge for services crossing its land. Responsibility and costs of maintaining boundary walls, hedges, fences etc would transfer to the Welfare Association. It is the most difficult to quantify and cost as the terms would have to be negotiated.

4.0 Moving Forward.

- (i) Welfare Association to formally record and adopt a constitution giving 5 weeks' written notice to members and the Secretary.
- (ii) General agreement that a short-term lease of five years was the preferred option. Each organisation to consider and determine at their next meetings.
- (iii) The Clerk to the Community Council to draw up draft Heads of Terms for discussion and decision by each body at its next formal meeting.
- (iv) Following agreement on the Heads of Terms the Clerk to contact and instruct CCW Law to draw up a formal lease for approval by both parties.

5.0 Closure of Meeting

- The business of the meeting being concluded the meeting was closed at 19:30 hrs.