

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Trustee Board of the Gilstrap and William Edward Knight Charities** held in the Broadcast from Castle House, Great North Road, Newark NG24 1BY on Thursday, 4 March 2021 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)

VOTING MEMBERS: Councillor M Cope, Councillor K Girling, Councillor L Goff, and Councillor M Skinner

NON VOTING MEMBERS: Councillor Mrs I Brown, Councillor R Crowe, Councillor Mrs G Dawn, Councillor D Lloyd

### REMOTE MEETING LEGISLATION

The meeting was held remotely, in accordance with the Local Authorities and Police & Crime Panels (Coronavirus) (Flexibility of Local Authority and Police & Crime Panel Meetings) (England & Wales) Regulations 2020.

#### 11 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

None

#### 12 DECLARATION OF INTENTION TO RECORD THE MEETING

The Chairman advised that the meeting was being livestreamed by the Council on social media.

#### 13 MINUTES OF THE MEETING HELD ON 2 OCTOBER 2020

AGREED that the Minutes of the meeting held on 2 October 2020 be approved as a correct record.

#### 14 LAND OFF CEDAR AVENUE/LINCOLN ROAD, NEWARK - UPDATE

The Trustees considered the report of the Clerk to the Trustees which provided various options for the future of the land owned by the Trust at Cedar Avenue, Newark. The options also included an alternative proposal received to develop the site as a 'Children's Wood and Wildlife Meadow'.

In considering the report Councillor D.J. Lloyd, a non-voting Trustee, noted that the recommendation of the report invited the Board of Trustees to debate the various options available and that a series of sequential decisions would be beneficial.

He commented that the trustees, in accordance with their duty to protect the assets of the Charity, had sought to get full financial yield from the land when marketing it to sell for housing development. He noted that the purpose of the bequest of the land when the Charity was first established in 1883, (at the time it was used for farming), had been to yield an income to support the original object of the Trust, which was to

provide a free library for Newark. The land had been allocated for housing development, however following an open marketing process and lengthy negotiations with a social housing company - which had submitted the successful tender for the land - the sale had fallen through. The social housing company receive grants from Government and others to support their business and therefore it could be argued that it was a subsidised bid. The developer had withdrawn its bid following several unsuccessful planning applications which suggested that the land would not be viable for housing development. He suggested therefore that the Trust seek the de-allocation of the land as unsuitable for residential development having undertaken a proper marketing exercise.

The taking of that decision would then mean that the value of the land should be revised, as reflected in the officer's report. The land could be retained as an open space and the Trustees should then consider whether the Charity should retain responsibility for the provision of the open space together with the continued financial responsibility this would place upon the Trust. In considering the financial interest of the Trust, it was noted that retention of the land caused expenditure but provided little return. Councillor Lloyd also noted that to lease it as open space would return little or no income. In considering the above he suggested that the Trust should formally designate the land as public open space.

Councillor Lloyd further stated that he would recommend that the Trust approach both the District and Newark Town Councils formally to explore if they would be interested in acquiring the land as open space to be protected, noting that such protection could be achieved by a number of options e.g. by covenant.

In clarifying the reasoning behind the above recommendations, Councillor Lloyd stated that should the land be designated as open space very few parties would be interested in purchasing it. In referring to the alternative proposal received to develop the site as a 'Children's Wood and Wildlife Meadow', he noted that this group would have to raise the money to purchase it and to sustain revenue costs going forward which would be quite a burden.

If either Council were to acquire it, this would better respect the wishes of Sir William Gilstrap, the original donor of the Charity, who had been keen to ensure that the Trust was overseen by a local authority as he felt they would best protect the public's interests. He noted the community's ongoing interest in, and proposals for, the land and suggested that if either Council acquired the land they would continue to work with the residents on their proposals. They could look to be supportive in drawing down different grants and help to shape the space and what it might look like. He stated that if the land was in local authority ownership, which was more accountable to the public than a Trust, it better enabled District and/or Town Councillors to receive, consider, reflect and respond in the manner which they had been elected.

In putting forward the above proposals Councillor Lloyd stated that advice would need to be sought from the Clerk to the Trustees. This was to ensure that the proposals he had put forward would meet the objectives of and protect the interests of the charity.

In considering the above, Councillors Mrs I. Brown and Mrs G. Dawn, (both non-voting Trustees), stated that they were supportive of the proposals put forward by Councillor Lloyd. They added that it would provide a favourable outcome for all concerned. It was suggested that formal appropriate legal advice be sought and that an approach be made to Newark Town Council and the District Council in relation to them acquiring the land following which contact be made with the community group. Councillor Mrs Dawn seconded Councillor Lloyd's recommendations.

In response to whether the proposals could be actioned, the Clerk to the Trustees stated that there was a logic and a rationale that fitted with the Trusts objectives in terms of reaching the point of concluding that the Trust would wish to retain the land as open space rather than it being disposed of for housing development. It was clear that it was necessary to seek advice from the Trust's Valuer on the options available. Some advice had already been sought but the new proposals gave a clearer steer about what the Board felt was in the best interests of the Trust and the beneficiaries of the Trust. This enabled more detailed advice to be sought from the external Valuers. The Clerk stated that she felt it proper for the Trust to ensure that it did not only target one potential purchaser and therefore it was advisable to keep within the terms of the original proposal and seek interest from different public bodies. She noted that in Newark those interested public bodies would most likely be the town council and possibly the district council.

In stating his support for the proposals, Councillor K. Girling sought reassurance as to what measures could be put in place to ensure that the future use of the land remained as open space. In noting the significant reduction in the value of the land resulting from it no longer being marked as suitable for residential development, he sought clarification as to the Trustees liability, suggesting that advice be sought on this point.

The Clerk advised that there were a range of restrictions which the Trust could apply on any disposal of the land and that these included covenants requiring the land to be used for a particular purpose. If, at any later date there was a change of use proposed resulting in an uplift in the value, e.g. by new owners looking to develop the land for residential purposes - there would clearly be an uplift in value that would result from that. She noted that it was common practise to utilise clawback clauses which would bring a percentage of any uplift in the value of the land back to the Trust. She also advised that there were legal restrictions that could be placed on the land to ensure that it was used for the purpose that the Trust felt that it should be used for in terms of open space.

The Clerk also advised that any sale of the land would not be undertaken quickly as there were processes that, should the Board decide to support the proposal, had to be followed, not least of all to find an appropriate purchaser who the Trust wished to sell the land to.

In relation to the liabilities of the Trustees and the change in value of the land, the Clerk advised that it was due to the change in the intended use from residential development to open space. She stated that, should the proposals be supported, it was advisable to seek advice from the Trust's external valuers to ensure that the Trustees' obligations were satisfied and that they were acting in a proper way. She

added that in order to protect the Council in its role as Trustee, it may be advisable to clarify with the Charity Commission that there were no issues with the intended course of action.

Councillor L. Goff referred to the alternative proposal for a Children's Wood and Wildlife Meadow and hoped that there would be a meeting with the GCWWM Committee in the future. He noted that this matter had been ongoing for some time and suggested that Sir William Gilstrap had given the land as open space. In response, Councillor Girling sought to correct Councillor Goff's statement in that the land was not given by William Gilstrap to the Trust as open space. It was originally gifted to the Charity as farming land to generate an income to support the Charity's objects.

In supporting the proposals, Councillor Skinner queried as to the potential liabilities for the Trust if there were further encampments in the short term, before the land was possibly sold. The Clerk advised that consideration had been given as to how the land may be future proofed from this, whilst recognising that there were limits on such future proofing whilst needing to retain unimpeded access for the public and residents to the site for recreation purposes. The Trust continued to have the liability for any costs of unlawful encampments and this would continue whilst it remained the owner of the site. For information, she advised that when unlawful incursions occurred, the District Council shared the cost of the clean-up with the Trust, paying half each. That was due to the historic arrangement whereby the Trust had permitted the District Council to site a multi-use games area on the land. The District Council contributed to the cost of maintaining the site in return.

AGREED (with 4 votes for and 1 against) that:

- (a) the Trust seek the deallocation of the land as not being suitable for residential development, having undertaken proper market activity;
- (b) the Trust look to formalise the use of the land as public open space;
- (c) the Trust do not consider that the continued maintenance and provision of the open space to be its core business; and
- (d) the Trust, taking into account that there is a financial strain with retaining the land, approach both the district and town councils to see if they would be interested in acquiring the land to be retained as protected open space.

In noting the Trustees' decision, the Clerk advised that an approach would be made to the town and district councils in relation to them acquiring the land as protected open space. When responses had been received a further report would be brought back to the Board of Trustees. The Clerk also advised that she would contact the Trust's Valuer to seek valuation advice on the proposals.

## 15 GRANTS AWARDED UPDATE

The Trustees considered the report of the Democratic Services Officer which sought to provide an update following the decisions taken at their previous meeting held on 2 October 2020 to allocate funding to the Newark Civic Trust and the Newark R&M

Cricket Club and the decision to request further details from the organiser of the Newark Book Festival.

The report set out the decisions taken and the responses received from the above mentioned organisations. In noting that the Newark Civic Trust had decided to accept the lower offer of £1,918, the Trustees wished to express their thanks for their continued efforts to promote the town through the work they undertook.

AGREED that the report be noted.

Meeting closed at 6.36 pm.

Chairman