

TRUSTEE BOARD OF THE GILSTRAP AND WILLIAM EDWARD KNIGHT CHARITIES

5 APRIL 2022

LAND OFF CEDAR AVENUE/LINCOLN ROAD, NEWARK - UPDATE

1.0 Purpose of Report

1.1 To update the Trustee Board on progress since the Board's last meeting on 11 January 2022.

2.0 Background Information

2.1 On 4 March 2021 the Trustee Board considered future options for the land owned by the Gilstrap Charity at Cedar Avenue/Lincoln Road, Newark (the Land). The Board resolved to seek to have the Land designated as public open space and to approach the District and Town Councils for expressions of interest in acquiring the Land.

2.2 On 19 October 2021 a valuation of £45,000, based on the Land being sold as public open space, was reported to the Trustee Board.

2.3 The Trustee Board was provided with a verbal update on 11 January. This confirmed that Newark Town Council had approved, in principle, the purchase of the Land. Further, that charities law advice regarding the potential land disposal was being obtained on behalf of the Council as Trustee to the Charity.

3.0 Update and Proposals

3.1 Legal advice was received on 22 March. A summary of key points is provided in the exempt appendix in order to maintain legal privilege.

3.2 In order to proceed with the proposal to sell the Land to the Town Council, the following steps will need to be taken prior to contracts being signed:

- Approach the Charity Commission for consent for the disposal and to assist with managing any potential conflicts of interest
- Consult with the Gilstrap/Macrae family prior to any sale, or undertake a public consultation if that is not possible
- The Charity Commission may require the Charity to commission a further, updated, surveyor's report

3.3 It is proposed for the Trustee Board to instruct the Clerk to the Trust to instruct external legal advisors to make the necessary submission to the Charities Commission. It is estimated that an initial response would be received within 1-2 months; the whole process could take up to a year.

3.4 In the meantime, further discussions should be held between the Town Council regarding the terms of any transfer, including the need for an overage clause in relation to any future development.

3.5 The Trustee Board will be interested to note that on 23 March 2022 the District Council's Economic Development Committee considered a report on the Allocations & Development

Management Development Plan Document and the outcome of the summer 2021 consultation. It approved the following:

- That consideration of consultation responses received in relation to NUA/Ho/3 (the Gilstrap Trust's Land) that the Council's approach will be to deallocate the site as a housing allocation.
- A timetable which envisages Full Council will consider a Draft DPD in July 2022 and publish this for a period of public representation in during summer 2022.

4.0 Financial Implications

4.1 The Trust will incur legal costs in relation to making a submission to the Charity Commission. A quote will be obtained. There are no fees for the application itself. If an additional survey is required that will cost in the region of £2,500 plus VAT. There may also be some costs, of around £200, for legal notices.

5.0 RECOMMENDATION

That a submission is made to the Charity Commission in respect of the potential disposal of Land off Cedar Avenue/Lincoln Road, that discussions with the Town Council continue, and that further update reports are brought to the Trustee Board as required.

Background Papers

Nil

For further information please contact Sue Bearman on 01636 655935 or sue.bearman@newark-sherwooddc.gov.uk.

Sue Bearman
Assistant Director - Legal & Democratic Services Newark & Sherwood District Council
Clerk to the Gilstrap Trust