

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL CABINET

DATE OF DECISION 28 October 2022

DATE DECISION PUBLISHED 4 November 2022

DATE DECISION WILL COME INTO FORCE and implemented,
unless the decision is called in, in accordance with section 7.25 of
the Gwynedd Council Constitution **11 November 2022**

CABINET MEMBER NAME AND TITLE

Councillor Craig ab Iago
Cabinet Member for Housing and Property

SUBJECT – Transfer of the freehold of Ysgol Clogau, Bontddu back to the beneficiaries of the original donors.

DECISION

That the freehold of the property known as Ysgol Clogau outlined in red on the attached plan, is transferred back to the successors in title of the original donors, in accordance with the requirements of the original transfer to the Council.

REASON WHY THE DECISION IS NEEDED

Please see attached Officer Report.

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE COUNCIL'S STANDARDS COMMITTEE

None

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Consultation with
Gwynedd Council Statutory Officers

The results of the consultations are reported upon in the attached report.

**DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD
COUNCIL'S CABINET – OFFICER'S REPORT**

Name and Title of Cabinet Member:	Councillor Craig ab Iago
Name and title of the Report's Author:	Lowri Cadwaladr Roberts Estates Manager
Date Decision was Taken:	28/10/2022
Cabinet Member's Signature:	

Subject:

Transfer of the freehold of Ysgol Clogau, Bontddu back to the beneficiaries of the original donors.

Recommendation for the Decision:

That the freehold of the property known as Ysgol Clogau outlined in red on the attached plan, is transferred back to the successors in title of the original donors, in accordance with the requirements of the original transfer to the Council.

The reason for the need for a Decision:

At its meeting on 15.09.2009 the Council Board adopted the Schools Reorganisation Post Closure Use Policy.

The Policy recognised that the Schools Reorganisation Plan was likely to lead to circumstances whereby school sites would be surplus to the Council's requirements to present a service.

It was resolved that sites declared as surplus to requirements as a result of the Schools Reorganisation Plan would be disposed, in accordance with the principles, property disposal policies and the usual statutory requirements. A core part of the post usage policy was to give the communities affected a fair opportunity when a school closes to consider formulating a business plan to support taking ownership of the property.

It was also resolved that a specific report on the sale should be submitted for each school site for the approval of the relevant Area Committee. Following the

constitutional reorganisation in 2012, the corresponding authority lies with the relevant Cabinet Member.

In the case of Ysgol Clogau we have to deviate from the above policy. The site was originally given to the predecessors of Gwynedd Council to develop a school on this site. A clause has been included in the original transfer that entails that the Council is required to transfer the property back to the beneficiaries of the original donors when the use of the site as a school ends.

Following an advertisements process in the local and national press, a beneficiary has been identified.

Rationale and justification for reaching the Decision:

The clause included in the original transfer means that it is not possible for the Council to deviate from the recommendation on this notice.

Record of any personal interest by any Cabinet Member consulted and any dispensations approved by the Standards Committee:

None.

Any consultations held before making the Decision:

None

Chief Executive – None

Chief Finance Officer – In this case the property will be transferred back to the successors to the original donor and there will be no capital receipts. This is the legal position to which the Council must adhere, and therefore I have no further comment.

Monitoring Officer – An appropriate process to review the law on a factual basis was followed to reach the recommendation. The requirement to transfer has been subject to specialised joint legal advice received in order to confirm propriety of beneficiary. I can therefore confirm that the report summarizes the legal position correctly.

Local Member/s - Councillor Delyth Lloyd Griffiths

Although that the Community are not happy, I understand the legal situation and that the Council must implement this.



1:800

Minafon



Ysgol Gynradd Bontddu
/ Bontddu Primary School (dis)

Blue Gardens

Winion

Shelter

n Tyddyndu

Garage

Glasfryn

13.9m

rain