

CABINET SUB-COMMITTEE (FTC)
21/02/2019 at 4.00 pm



Present: Councillor Fielding (Chair)
Councillors Roberts and Shah

Also in Attendance:

Ben Hill

Elizabeth Cunningham-Doyle

Sian Walter-Browne

Principal Regeneration Officer

Solicitor

Constitutional Services

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

Four public questions were received from Mr David Eyers, Chair of the Moston Brook Friends Group:-

1. On behalf of the Moston Brook Friends Group we would like to ask about the safety of the soil deposited on Trust land. All local residents are aware that the Lancaster Club site was a previous tipped site & will therefore be considered to be contaminated land. We would like formal reassurances & confirmation on the safety of the soil that has been deposited in a public space.

Councillor Fielding responded that the soil deposited on the land held in trust was top soil from the football pitches – it was not landfill or contaminated land. Independent soil sampling would be commissioned to be completed by an approved company and the results would be verified by the Council's land contamination officer. There was small amount of material from the installation of the outlet pipe which Bellway would be removing from site.

2. We would like to ask about the community consultation. The MB Friends group & other site users want to have every opportunity to be involved & publicise the consultation. Who will be leading the consultation & can we be given reassurances on full involvement of the community?

Councillor Fielding replied that representatives of the Council on behalf of the Trustees would be leading on the consultation. This would include the Moston Brook Project Officer, officers from Regeneration and the District Co-ordinator. All consultation events would be advertised and recorded. There would be full involvement

from the community and the Friends Group and other local interest groups would be very much welcomed to be fully involved.

3. As representative of the MB Friends group during early discussions we requested that the land for the basin revert to Oldham Council & the former GOALS site be swapped & passed to FTC. Can this be considered as part of the consultation.

Councillor Fielding replied that this proposal was set out in the report and was a matter for the Trustees to consider at the meeting of the Executive Sub-Committee.

4. We would like to have formal representation on the FTC. Can this be considered?

Councillor Fielding responded that the Lower Memorial Park Trust was managed through the Cabinet Sub-Committee and the Moston Brook Friends Group could make representations to the Committee at each meeting. The Friends Group could also provide independent advice to the Trustees for their consideration.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 17th September 2018 be approved as a correct record.

6 **LOWER MEMORIAL PARK FAILSWORTH**

The Sub-Committee gave consideration to a report of the Principal Regeneration Officer which requested it, acting in its capacity as charitable trustee, to make resolutions to regularise the procedural steps taken regarding works to the Lower Memorial Park Failsworth.

The Sub-Committee was informed that, as part of the development of the Lancaster Club, Bellway Homes had constructed a drainage attenuation basin and relocated top soil on part of the adjoining Lower Memorial Park Trust/Centenary Fields land. A complaint had been received from a member of the Friends of Moston Brook group concerning the works taking place and the condition of the land as a result of the works.

In September 2018, the Trustees authorised officers to inform the Charity Commission of the serious incident and obtain professional independent advice on the dis-amenity and appropriate compensation resulting from the works.

The Charity Commission had confirmed that they were confident that Trustees had taken the correct steps in reporting the incident to the Commission and that following the recommendations of the independent examiner's report would represent appropriate handling of the case moving forward. Further advice was given that the Trust should consider a

consultation exercise to allow public representation on the future of the park. The expectation was that the Trustees should follow the advice.



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The independent report did not suggest that there should be monetary compensation for any loss of amenity to the trust, but the landscape architect had made recommendations with regards to the remediation of the land and the safety of the attenuation basin. The independent landscape architect was of the opinion that the ground was capable of fulfilling recreational purposes.

A meeting had taken place with the former Leader and representatives from the Friends Group in April 2018 where they had requested that the land previously allocated as a Goals! Soccer Centre located between the Memorial Trust land, the Lancaster Club, Broadway and the new allotments should be gifted to and thus become part of the Charity Land. This was not a recommendation of the Independent landscape Architect, however the Trustees were asked to consider the option as part of the consultation exercise.

Options/Alternatives considered:-

Option1 – Follow the advice from the independent landscape architect and the Charity Commission.

Option 2 – Do not follow the advice from the independent landscape architect and the Charity Commission.

RESOLVED that:

1. The dialogue with the Charity Commission be noted and the disclosure be authorised of the decision of the Charity Commission as and when required.
2. The contents of the independent architect's amenity report be noted and the disclosure be authorised of the report and consultation with the Friends Group and local residents and wider members of the public on the following:
 - The recommendations in the independent landscape architect's report listed in paragraph 2.3 of the report, and
 - The proposal to transfer additional land to the charitable trust for the Lower Memorial Park Failsworth.

The meeting started at 4.00 pm and ended at 4.20 pm