

**CHARITABLE TRUST COMMITTEE**  
**13/06/2019 at 5.00 pm**



**Present:** Councillor Iqbal (Chair)  
Councillors F Hussain, Ali and Hamblett

Also in Attendance:

Elizabeth Cunningham Doyle	Legal Services
Rebecca Boyle	Legal Services
Mark Hardman	Constitutional Services
Mark Prestwich	Strategic Regeneration
Zaiem Khan	District Co-ordinator
Justine Race	Northern Roots Project

1           **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Stretton.

2           **APPOINTMENT OF VICE CHAIR**

**RESOLVED** that Councillor Stretton be appointed Vice Chair of the Committee for the 2019/20 Municipal Year.

3           **URGENT BUSINESS**

There were no items of urgent business received.

4           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5           **PUBLIC QUESTION TIME**

There were no public questions received.

6           **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting of the Charitable Trust Committee held on 26<sup>th</sup> November 2018 be approved as a correct record.

7           **LAND AT SHAW ROAD END PARK, BROADWAY,  
ROYTON**

Further to Minute 7 of the meeting of the Committee held on 26<sup>th</sup> November 2018, consideration was given to a report providing an update of actions taken following that meeting and seeking approval of the Order of the Charity Commission authorising Oldham Borough Council to enter into land swap arrangements and the grant of authority to Officers of the Council to execute the Order and enter into the agreements for the land swap.

Following application to the Charity Commission the Council received confirmation on 14<sup>th</sup> May 2019 that the Charity Commission was minded to grant an Order that would allow the

land swap to take place. The draft Order, attached at Appendix 2 to the submitted report, was now in an agreed form and the Council was in a position to complete the agreement. The Committee was therefore asked to give final authority to proceed with the swap on the basis of the drafted Order and documentation shared previously with the Committee.

It was considered to be in the interest of the Trust to proceed with the land swap arrangement as described at paragraph 4.1 and Appendix 1 to the submitted report. This approach would safeguard the continued use of the land coming to the Trust which the Committee had recognised previously as forming the most active part of the formal Shaw Road End Park. As such, a 'do nothing' option on behalf of the Trust was discounted.

**RESOLVED** that Officers be authorised to execute the Order of the Charity Commission and complete the necessary arrangements to swap the land belonging to the Shaw Road End Park Trust shaded pink with the land owned by the Council shaded green as indicated on the plan attached at Appendix 1 to the submitted report.

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**FORMER DSO BUILDING, ADJOINING LAND AND PUBLIC CONVENIENCE BLOCK - HIGH CROMPTON PARK, ROCHDALE ROAD, SHAW**

Further to Minute 6 of the meeting held on 26 November 2018, consideration was given to a report providing an update of activities undertaken since that meeting, advising of the independent valuation of the Trust and Council Land and of the results of a consultation exercise in relation to the land swap proposal, and seeking approval for a further phase of works by the developer under a Licence to stabilise the former DSO building.

The Council had proposed a land swap arrangement and the areas of land at High Crompton Park under the control of the Council and the Trust respectively were indicated on a plan attached at Appendix 2 to the submitted report which further highlighted the parcels of land under consideration for the swap arrangement. The Committee was advised of the independent valuation of the Trust and Council land proposed to be swapped that had been undertaken by Breakey and Nuttall, a copy of which was available for Members' inspection at the meeting. The valuation indicated an opportunity for the Trust to increase the value of its assets by £1,000 as a result of the proposed land swap.

With regard to consultation on the proposal, a formal notice was published in the Manchester Evening News on 5<sup>th</sup> March 2019 under section 121(2) of the Charities Act 2011. Public notices had been placed in the park notice boards as part of a formal public consultation process to consider whether to do nothing or to proceed with the proposed land swap. The Council had received no responses in respect of either exercise.

The Committee was further asked to note the dilapidated state of the former DSO building and that the developer was seeking to undertake a further phase of works to continue to stabilise the building and ensure that the internal accommodation is safe.

The Committee considered options in light of the outcomes of the valuation exercise and the consultation process and whether it would be in the best interests of the charitable trust to proceed with the disposal of the site. The Committee could determine to do nothing or to proceed by instructing Officers to request an Order from the Charity Commission for the disposal of the charitable land. With regard to works to the former DSO building, the Committee needed to consider the condition of the building and the risks associated with that condition as outlined in the submitted report.

**RESOLVED** that (1) the findings of the independent valuation which has confirmed the value of the parcels of land subject to the proposed land swap, and that the land offered to the Trust is of a greater value than the subject land, be noted;

(2) the results of the public advertisement under Section 121 Charities Act be noted;

(3) Officers be instructed to make an application to the Charity Commission for an Order for the disposal of the charity land by means of a land swap with a connected person (the Council);

(4) a further phase of works to the former DSO building by means of a licence for works be approved.

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## **WERNETH PARK MUSIC ROOMS**

The Committee considered a report advising that a bid, led by the Greater Manchester Building Preservation Trust in partnership with Oldham Council, for a Project Viability Grant in order to engage professionals to undertake a Feasibility Study of Werneth Park Music Rooms had been approved by the Architectural Heritage Fund.

The study would, under the terms of the approval, require completion by September 2019. The scope of the study had been determined as “To identify and secure a viable and sustainable use for the vacant Werneth Music Rooms building, which will contribute positively to the economic, social, and cultural regeneration of Werneth and the Borough of Oldham” and a brief for the Project Viability Report/Appraisal was attached at Appendix 1 to the submitted report for Members’ consideration.

A requirement of the bid approval was that engagement with local stakeholders needed to be undertaken. Ward Councillors and local community groups had provided supportive comments in their wish to see the Music Rooms regenerated.

With regard to options, it could be argued that under current conditions the Council was not discharging its duty to promote the purposes of the charity. The feasibility study would assist

the Committee in considering options available with regard to possible approaches to the Charity Commission to widen the objectives of the charity and/or seek an Order for the sale of the premises.

**RESOLVED** the report be noted and the undertaking of a Feasibility Study of Werneth Park Music Rooms be supported.

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### **146 WERNETH HALL ROAD, WERNETH**

Further to Minute 9 of the meeting of the Committee held on 26<sup>th</sup> November 2018, the Committee received a report providing an update on the consultation exercise undertaken on the proposal to widen the objects of the charity comprising the use of 146 Werneth Hall Road, Oldham.

Consultation had taken place between 4<sup>th</sup> March and 3<sup>rd</sup> June 2019 and details of the consultation material, the consultation process and the organisations and individual consulted were detailed in the report. The four responses received had all agreed that the current charitable objectives were outdated and were supportive of the proposed widened objectives put forward by the Committee in November 2018. Further comments forwarded in response to the consultation exercise were presented within the submitted report. It was noted that some of the comments might restrict the future operation of the charity and that broader objectives would be preferable.

The Committee was invited to consider the outcome of the consultation and determine whether to make a cy-pres scheme application to the Charity Commission to widen the objectives of the charity. In considering whether an approach should be made for a power of sale, it was noted that the Charity Commission would not normally include this in a cy-pres scheme unless public notice of the proposed disposal had been published. It was suggested that an approach could be made to the Charity Commission on the basis that the proposed sale of the 146 Werneth Hall Road had been the subject of public consideration in the consultation exercise undertaken with regard to the objectives of the charity, as shown at Appendix 1 to the submitted report.

**RESOLVED** that (1) it be noted that, although the response rate was low, the consultation exercise on the proposal to change the objects of the charity had not returned any objections and that the comments provided did not contradict or oppose the proposed new objects but offered suggestions to widen the proposed objectives of the charity;

(2) in light of the outcome of the consultation process and the comments and feedback received, a cy-pres scheme application be made to the Charity Commission to change the objectives of the charity to “To advance the education of the public by grant funding charities offering training and learning in the life skills necessary to manage financial hardship, social or economic deprivation, social exclusion or poor mental or physical health”, the Committee considering there was

agreement that the current objectives were outdated, that the proposed objectives remained close to the original when considering current social and economic circumstances, and that the scheme was not controversial as evidenced by the consultation responses;

(3) Officers be authorised to make an application to the Charity Commission for the Cy-pres scheme to widen the objectives of the charity and to apply for a waiver from issuing a public notice in addition to the advertisement for sale.

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### **CHARITABLE USE OF LEES RECREATION GROUND WITHIN THE SNIPE CLOUGH AREA - CONSULTATION**

The Committee received a report advising of the Northern Roots project, a proposal to develop the UK's largest urban farm and eco-park on 160 acres of land at Snipe Clough, immediately adjacent to the Alexandra Park depot. Within the Northern Roots project, work was ongoing to clarify the position with regards to land title and permissions in the area which had identified land known as Lees Recreation Ground, shown on a Land Registry Plan appended to the submitted report, that was subject to a charitable covenant requiring it to be used for purposes of secondary school recreational activities. The land was not being used for the designated purposes as there is no longer a secondary school adjacent to the land and the primary school adjacent to Snipe Clough has its own recreational land.

The Northern Roots project team was seeking the permission of the Committee to conduct a consultation exercise with local communities and stakeholders with a view to possibly widening the objectives of the charitable use of the Lees Recreation Ground land and considering whether or not to swap the location of the land to a more accessible/suitable location within the proposed Northern Roots site.

In considering options for the site, the Committee noted the requirements of the Charity Commission in relation to an application for a Cy-pres scheme to widen the objectives of the charity and the requirements pertaining to any consultation exercise. It was noted that the land was no longer required for the designated purpose and that a land swap arrangement might make the land better accessible for wider community use. It was further noted that Northern Roots planned to consult on the ambitions of the project which provided an opportunity to consult the public on the widening of the objects of the Lees Recreation Ground charity.

**RESOLVED** that Officers be authorised to conduct a consultation exercise to seek feedback from the public on the possibility of extending the objectives of the Lees Recreation Ground charity.