

***CHARITABLE TRUST COMMITTEE
Regulatory Committee
Agenda***

Date Tuesday 15 October 2019

Time 6.00 pm

Venue Shaw Room, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Sian Walter-Browne in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Sian Walter-Browne Tel. 0161 770 5151 or email sian.walter-browne@oldham.gov.uk

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Thursday, 10 October 2019.

4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE CHARITABLE TRUST COMMITTEE IS AS FOLLOWS:

Councillors F Hussain, Ali, Hamblett, Iqbal (Chair) and Stretton

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)
The Minutes of the meeting of the Charitable Trust Committee held on 5th September 2019 are attached for approval.
- 6 Former DSO Building, Adjoining Land & Public Convenience Block, High Crompton Park, Rochdale Road, Shaw. (Pages 5 - 12)



CHARITABLE TRUST COMMITTEE
05/09/2019 at 6.00 pm

Present: Councillor Iqbal (Chair) (From Item 7)
Councillors F Hussain (From Item 7), Ali, Stretton (Vice-Chair in the Chair for Items 1-6) and C. Gloster (Substitute)

Also in Attendance:

Elizabeth Cunningham-Doyle Legal Services
Sian Walter-Browne Principal Constitutional Services Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Hamblett.
Councillor C Gloster attended as a substitute.

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**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting of the Charitable Trustee Committee held on 13th June 2019 be approved as a correct record.

6 **CLAYTON PLAYING FIELDS**

The Committee gave consideration to a report of the Director of Finance which recommended approval of the accounts attached to the report, to enable the Trustees to make an appropriate resolution at their Annual General Meeting, approving the accounts of the Clayton Playing Fields Trust for the year ended 31 March 2019.

The Committee was informed that the Charity Commission required all charities to hold an annual general meeting and approve the latest year's financial statement at the meeting. It was also a requirement that an annual return was sent to the Charity Commission with, amongst other things, the main financial details. The presentation of the report and approval of its recommendations would enable the Trustees to discharge this requirement.

The Committee noted the following key points:

- Expenses of £37,985 were incurred which were higher than the £35,085 incurred in 2017/18.
- Income from lettings was £8,625 which is £1,643 higher than the £6,962 received in 2017/18.
- Interest on investments was £360, the same as 2017/18.

- The Council is required to make up the deficit this year of £29,000, which is an increase of £1,237 compared to 2017/18. This is funded from the Councils Asset Management budget.
- The Trust has investments of £54,000 which are managed by the Council.

Options/Alternatives considered:-

- To approve the accounts as set out in Appendix A and make the appropriate annual submission to the Charity Commission by 31 January 2020.
- To not approve the accounts as set out in Appendix A. This would mean that the Trust would not be able to make a resolution at their Annual General Meeting and comply with the financial requirements of the Charity Commission.

RESOLVED that the Trustees approved the Clayton Playing Fields Trust accounts for the year ended 31 March 2019.

7

CONSULTATION WITH REGARDS TO CHARITABLE USE OF LEES RECREATION GROUND WITHIN THE SNIPE CLOUGH AREA

Consideration was given to a report of the Strategic Director of Reform which provided the Committee with an update on the consultation undertaken, as advised by the Charitable Trustees.

The Committee was informed that Lees Recreation Ground was gifted on 21st February 1911 between Samuel Whitehead and Charles Whitehead of the first part, Charles Collinge Spencer of the second part, Edwards Trustram of the third part, Sarah Ann Lees and the Donor, Marjory Lees of the fourth part and the Corporation of the fifth part.

A sealed order of the Charity Commission Board for the recreation ground for secondary schools was agreed on 26th May 1911, to continue to use Lees Recreation Ground exclusively for any secondary or other school or schools, the whole of the endowment to be applied to educational purposes. An amendment followed on 3rd June 1938, trusted to the Corporation that they would use the land thereby assigned for a recreation ground for the Municipal secondary School of the Borough of Oldham or for any additional secondary school or schools of a like character.

At its last meeting, the Committee granted permission to the Northern Roots project team 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 to consider whether or not to swap the location of the land to a more accessible/suitable location within the proposed Northern Roots site.

The consultation took place from 24th June 2019 to 23rd August 2019 and three responses were received. One response ticked

the box for nature-based educational activities, but no further comments were provided. The other two responses ticked the box for a multi-functional use sports pitch and again no further comments were provided.

The Committee was informed that the Council had received written advice from the Charity Commission with regard to amending the objects of a charity.

The advice which was given was:

When deciding the new purposes of a charity the Trustees had to consider

- The spirit of the original gift;
- The desirability of providing new purposes that are close to the original; and
- The necessity for the new purposes to be suitable and effective in light of current social and economic circumstances

The Trustees of the charity were required to set out what they thought the new purposes of the charitable trust should be and explain how they related to the three considerations. The Trustees were required to provide minutes of the meeting at which these matters were considered and concluded.

The Charity Commission expected Trustees to have carried out an appropriate consultation exercise to help them inform their decision making regarding whether any of the criteria for making a scheme had been met and if so, what new purposes were appropriate. The advice went on to say that the consultation would need to be appropriate to the situation.

The advice listed what needed to be done namely:

- Consult with stakeholders and consider the results and make any necessary modification to the proposals.
- Pass a resolution at a meeting of the Trustees to formally apply for the scheme.

The Trustees were recommended consider the outcome of the informal consultation which had taken place in the light of the conditions and make a decision with regard to a proposal to widen the objectives of the Lees Recreation Ground which would form the basis for a formal consultation process as appropriate to the situation.

RESOLVED that:

1. The report and the outcome of the informal consultation process which has taken place to date with regard to the use of the Lees Recreation Ground be noted.
2. The proposal to widen the objects of the Lees Recreation Ground Trust to nature-based educational activities, as both close to and in the spirit of the original gift and in the light of current social and economic circumstances, be agreed.

3. Officers were instructed to carry out a consultation on the proposal to widen the objects of the Lees Recreation Ground Trust on behalf of the Trustees to nature-based educational activities and report back to the Trustees the outcome of the consultation process.

8

146 WERNETH HALL ROAD, WERNETH

The Committee gave consideration to a report of the Director of Legal Services which provided an update on the consultation undertaken as advised by the Charity Commission.

The Committee was informed that 146 Werneth Hall Road was a former residential property which was gifted to the Council by Sarah Lees by a deed dated 8th January 1914, with the specific request that it be “assured as a site for a school for the teaching of housewifery and other domestic tasks”.

At the meeting of the Committee on 13th June 2019, the Committee authorised officers to make an application to the Charity Commission for a Cy-pres Scheme to widen the objects of the Sarah Lees Charity and to seek an order for sale of the premises known as 146 Werneth Hall Road.

The Charity Commission had considered the application and had provided a draft Cy-pres Scheme. The draft scheme authorised the sale of the premises, with a caveat that the net proceeds should be held upon trust as an endowment. This meant that the interest only on the capital investment could be distributed to further the objects of the Charity.

The proposed new objects of the Charity had been accepted by the Charity Commission as *“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 was recommended to approve the draft Cy-pres scheme and authorise officers to proceed with a marketing exercise to sell the premises known as 146 Werneth Hall Road for market value once the scheme has been finalised by the Charity Commission.

RESOLVED that ;-

1. The draft Cy-pres scheme be approved
2. Officers be authorised to proceed with a marketing exercise to sell the premises known as 146 Werneth Hall Road for market value once the scheme has been finalised by the Charity Commission.

The meeting started at 6.00 pm and ended at 6.28 pm



Report to CHARITABLE TRUST COMMITTEE

Former DSO Building, Adjoining Land & Public Convenience Block, High Crompton Park, Rochdale Road, Shaw.

Portfolio Holder:

Cllr Ateeque Ur-Rehman
Cabinet Member for Neighbourhoods Services

Officer Contact: Nikolaj Dockree, Senior Consultant Surveyor,
Unity Partnership Ex.4146

15th October 2019

Reason for Decision

The purpose of the report is to:

- Provide the Charitable Trust Committee with an update in respect to an area of land and a building known as the Former DSO building.
- Seek Trustees approval for a further phase of works by the developer under a Licence to stabilise the building.
- Report details of the independent valuation for the Trust and Council Land
- Advise the Trust of the results of the advertisement for the land swap.

Recommendations

It is recommended that the Charitable Trust Committee:

1. Notes the findings of the independent valuation which has confirmed the value of both parcels of land and that the land offered to the Trust is of a greater value than the subject land.
2. Notes the results of the Public Advertisement under Section 121 Charities Act 2011.
3. Instructs officers 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.
4. Approves a further phase of works to the building by means of a licence for works.

Land at High Crompton Park – (The former DSO Building)

1. Background

- 1.1. The former DSO Building is situated on the Charity Land edged blue on the plan appended to this report (Appendix 1).
- 1.2. The Parks Service currently uses the ground floor space in the DSO Building for the storage of equipment and materials, but this could possibly be relocated to the nearby compound.
- 1.3. Re-provision of the public conveniences within the DSO building would present an opportunity to prevent anti-social behaviour as well as drastically reducing the health & safety and insurance risks associated with such activity.
- 1.4. The DSO building is in a state of dilapidation albeit the developer has concluded roofing works as authorised by the Charitable Trust Committee in November 2018.

2. Current Position

- 2.1. Oldham Council (in its statutory capacity) owns sections of the Park, as shown marked "OBC" on the plan in Appendix 2. It has come to light that part of the land being offered for sale by the Council, via a 250 year lease, happens to sit on Charitable Trust land and therefore requires the consent of the Charitable Trust Committee and the Charity Commission to dispose of the site.
- 2.2. The remainder of the Charity Land and the remaining Council Land would be unaffected by the proposal to dispose of the site.
- 2.3. Rather than making a financial payment to the Charitable Trust, the Council (in its statutory capacity) would like to enter into a land swap arrangement whereby, it would swap the Blue Land for the Green Land which, whilst forming part of the current park area, is not subject to the Charitable Trust. (See the plan at Appendix 2)
- 2.4. As such, the offer is one whereby, the Trust would swap the Blue Land, (measuring 320 sq.m or thereabouts), for the Green Land (measuring 566 sq.m or thereabouts).
- 2.5. An independent valuation was commissioned by the Charitable Trustees and undertaken by Breakey & Nuttall. This concluded that the Green Land (OBC) is valued at £14,000 and the Blue Land (Trust) is valued at £13,000. This provides the Trust with an increase in the value of its assets of £1,000.
- 2.6. The developer is seeking to undertake a further phase of works to continue to stabilise the building and ensure the internal accommodation is safe. At present the staircase and first floor is unsafe and requires further works to avoid deterioration or possible collapse.

3. Consultation

- 3.1. A formal notice was published in the Manchester Evening News on the 5th March 2019 under section 121(2) Charities Act 2011. In parallel a public notice was placed in the park notice boards, as part of a formal public consultation process to consider whether to do nothing or swap the Blue Land with the Green Land.
- 3.2. In response to the above advert and public notices, the Council received no responses.

4. **Financial Implications**

4.1. Revenue Comments

4.2. The purpose of this report is to engage with the Charitable Trust Committee with the proposal of a land swap.

4.3. The Council does not hold revenue budgets for the asset and is not currently incurring expenditure on the asset. The asset is maintained by Environmental Services and will continue to do so after the land swap and up until future disposal.

Any disposal costs will initially be funded by Oldham Council, but a further report will be needed on the full disposal of the site. (Jamie Kelly)

4.4. Capital Comments

There are no capital financial implications for the proposed transaction. However there will be a change to the asset in relation to categorisation, from 100% land and buildings to be part land and buildings and part infrastructure asset. (Jit Kara)

5. **Legal Services Comments**

5.1. The Council acting in its capacity as a charitable trustee is advised to follow the guidance published by the Charity Commission in seeking to dispose of charity land.

5.2. The Council has sought an independent valuation of both of the sites to be exchanged and as such has followed the recommendation in the guidance.

5.3. The Council has also followed the guidance and conducted the statutory consultation process under Section 121 (2) Charities Act 2011. However, there have been no responses to the formal consultation exercise.

5.4. The Charitable Trustee Committee now needs to consider the outcome of the valuation exercise and the consultation process and if they decide that it would be in the best interests of the charitable trust to proceed with the disposal of the site, to instruct officers to request an order from the Charity Commission for the disposal of the charitable land. This is because the Council owns both the Blue Land and the Green Land (albeit in different capacities) which are both the subject of the proposed land swap and as such the Council would be making a disposal to a connected person which requires the permission of the Charity Commission. (Elizabeth Cunningham Doyle)

6. **Co-operative Agenda**

7. None.

8. **IT Implications**

8.1. None.

9. **Property Implications**

9.1. All Property implications are covered in this report. (Rosalyn Smith)

10. **Environmental and Health & Safety Implications**

10.1. None.

11. **Equality, community cohesion and crime implications**

11.1. None.

12. **Equality Impact Assessment Completed?**

12.1. No.

13. **Key Decision**

13.1. No.

14. **Key Decision Reference**

14.1. Not applicable.

15. **Background Papers**

15.1. None.

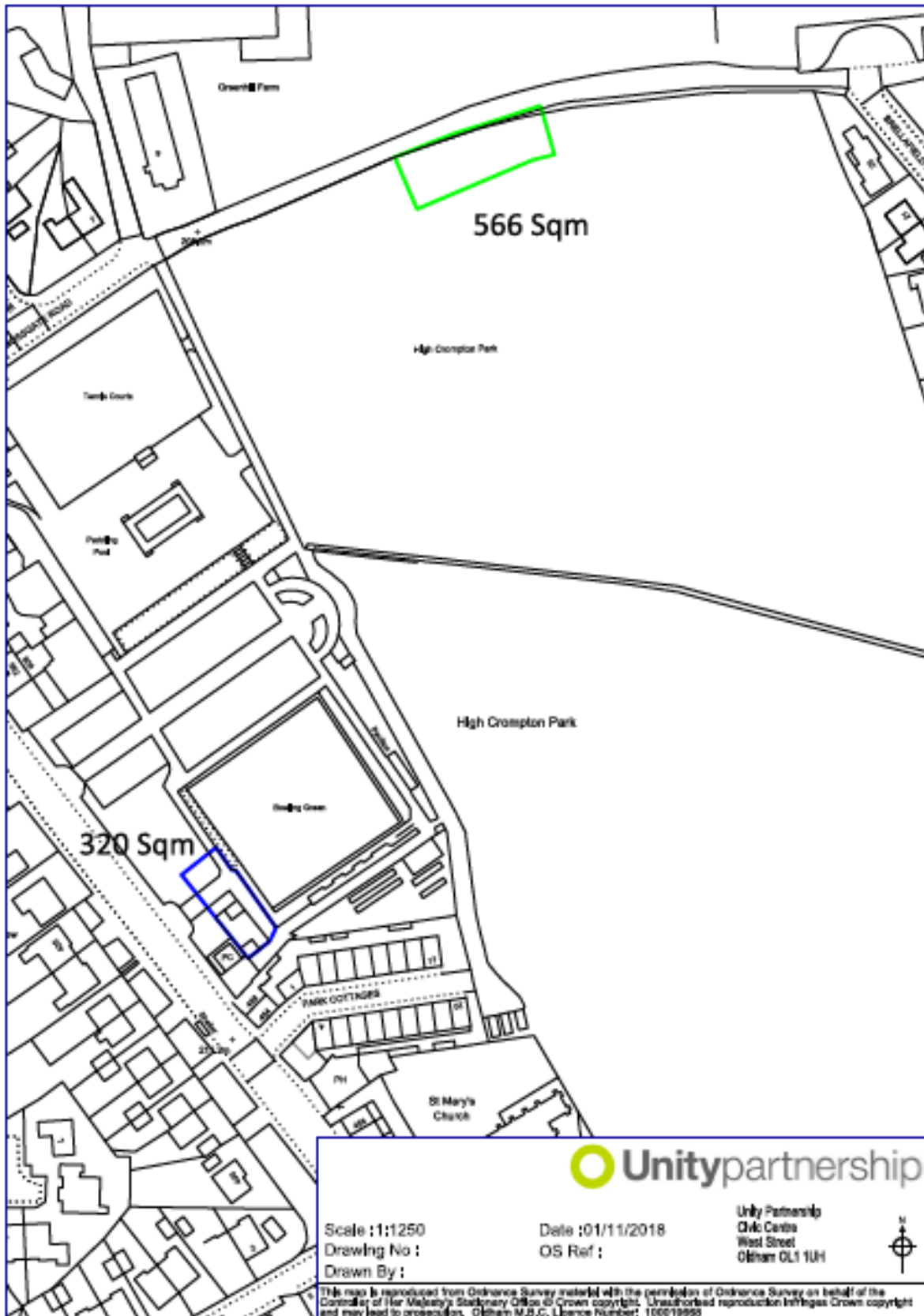
16. **Appendices**

16.1. Appendix One – Plan

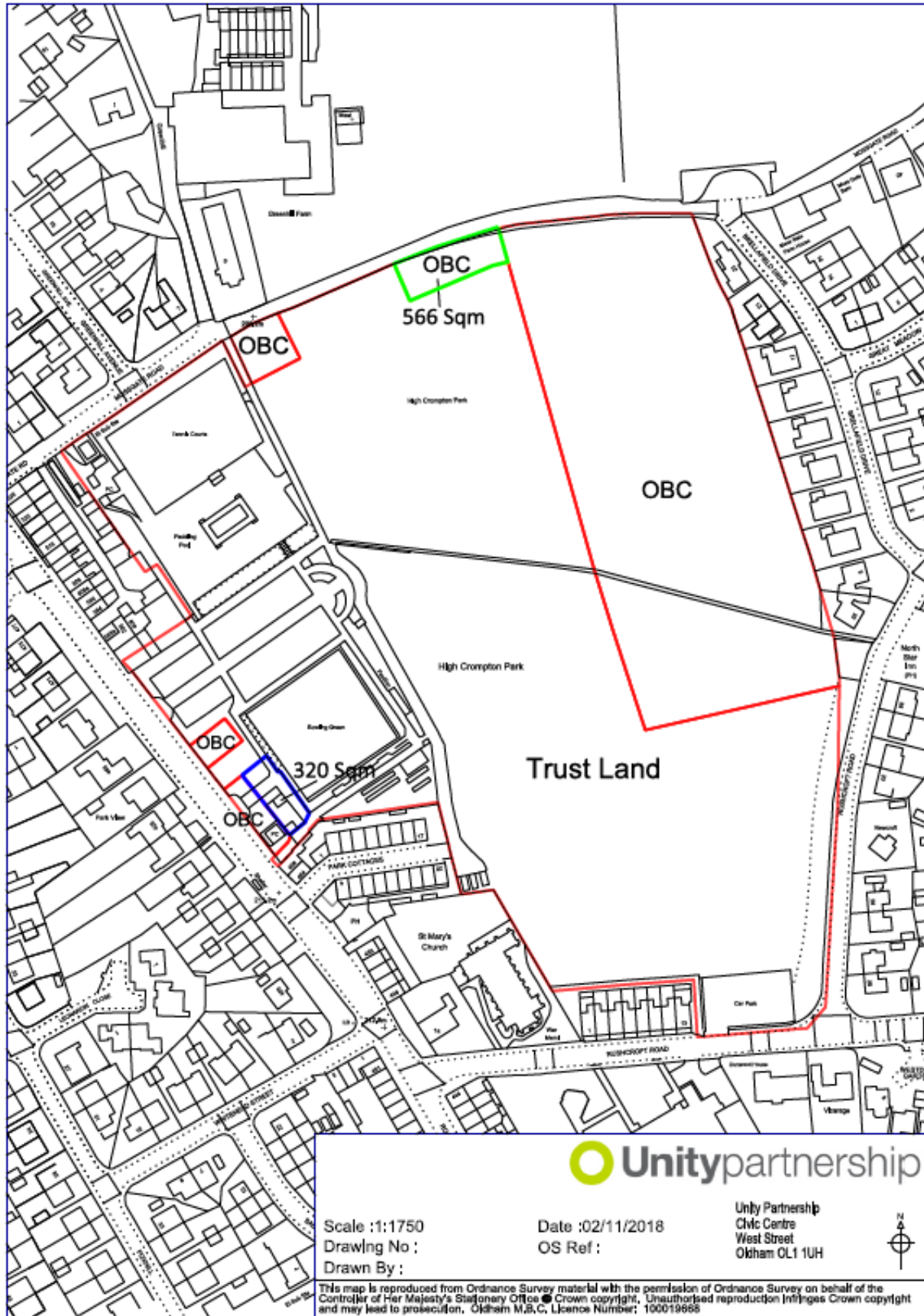
16.2. Appendix Two – Land Ownership – High Crompton Park

16.3. Appendix Three – Site Photographs

Appendix One



Appendix Two



Unitypartnership

Scale :1:1750
 Drawing No :
 Drawn By :

Date :02/11/2018
 OS Ref :

Unity Partnership
 Civic Centre
 West Street
 Okham OL1 1UH



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Appendix Three



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