

**CABINET SUB-COMMITTEE (FTC)**  
**17/09/2018 at 10.00 am**



**Present:** Councillor Fielding (Chair)  
Councillor Shah

Also in Attendance:

Ben Hill

Head of Regeneration and Development

Rebecca Boyle

Group Solicitor (Corporate)

Elizabeth Cunningham-Doyle

Solicitor

Sian Walter-Browne

Constitutional Services

1           **ELECTION OF CHAIR**

**RESOLVED** that Councillor Fielding be elected Chair of the Failsworth Trust Committee for the municipal year 2018/19.

2           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Roberts.

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 Cabinet Sub-Committee (FTC) held on 30<sup>th</sup> March 2017 be approved as a correct record.

7           **LOWER MEMORIAL PARK FAILSWORTH**

The Trustees gave consideration to a report of the Head of Regeneration and Development asking them to make resolutions to authorise certain actions by the trustees to regularise the procedural steps taken to allow the installation of a drainage ditch and the placing of topsoil on the land from the adjoining residential development site.

The Trustees were 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. Discussions were ongoing with this group to address the concerns and issues raised, and to resolve these.

Options/Alternatives considered:

Option 1 – Agree all the recommendations

Option 2 – Agree some of the recommendations

Option 3 – Do not agree the recommendations

**RESOLVED that:**

1. Legal officers be authorised to inform the Charity Commission of the procedural omissions in relation to the granting of an easement over part of the land to include the construction and laying of an attenuation basin and drainage pipes and the dumping of top soil from the neighbouring playing fields, and the proposals as to how these omissions will be remedied.
2. Officers be authorised to appoint an independent Charities Act surveyor to advise the trustees generally in relation to the issues arising and in particular to review the terms of the easement and consider appropriate compensation to the charity for any disamenity to the land caused by the works, taking into account all pertinent events and circumstances including, but not limited to the, requests of the complainant and any other representations made and the offer by the Council to gift additional land into the trust.
3. Officers be authorised to provide all necessary support and assistance to the trustees in this matter to enable them to avoid any possible conflict of interest and to fulfil their statutory duties in relation to the trust land.
4. Officers be requested to arrange a further meeting with the Friends of Moston Brook and agree who should attend.
5. Officers be authorised to arrange public consultation on the proposals for compensation and any other proposals put forward by the Friends of Moston Brook or other members of the public.

The meeting started at 10.00 am and ended at 10.12 am