

CHARITABLE TRUST COMMITTEE
05/09/2019 at 6.00 pm



Oldham
Council

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