

Report to CABINET

Appointments to the Failsworth Trust Cabinet Sub-Committee

Portfolio Holder:

Councillor Sean Fielding, Leader of the Council and Cabinet
Member for Economy and Enterprise

Officer Contact: Director of Legal Services

Report Author: Sian Walter-Browne, Principal Constitutional
Services Officer

Ext. 4710

20th August 2018

Reason for Decision

To seek appointments from the Cabinet to the Failsworth Trust Cabinet Sub-Committee

Recommendations

That the Cabinet appoint Councillors Fielding, Shah and Roberts to the Cabinet Sub-Committee, with full delegated powers to consider the next steps for the land which is held on charitable trust.

Appointments to the Failsworth Trust Cabinet Sub-Committee

1 Background

- 1.1 The Failsworth Trust Committee is a sub-committee of the Cabinet which deals with the land in Failsworth which is held by the Council on charitable trust.
- 1.2 The Council holds the freehold title in trust for the subject site shown edged red on the plan at Appendix 2.
- 1.3 The charitable trust extends to two areas – the formal Lower Memorial Park area which measures circa 9.4 acres and acquired by the Council in 1922 and the naturalised area to the North of the Lancaster Club which measures circa 11.75 acres and acquired by the Council in 1924.
- 1.4 The formal Lower Memorial Park was registered by the Charity Commission on 19 January 2011 (1139908) and the area to the North of the Lancaster Club was registered with the Charity Commission on 24 June 2010 (1136597). The purpose of both charitable trusts is to provide a recreational ground.

2 Current Position

- 2.1 The Cabinet previously established a sub-committee to consider issues relating to the trust. Given the new composition of the Cabinet, new members of the sub-committee are requested to be appointed. It is proposed that Councillors Fielding, Shah and Roberts are appointed as members of the sub-committee.
- 2.2 The terms of reference of the Sub - Committee are attached at Appendix 1

3 Options/Alternatives

- 3.1 Option 1 – appoint new members to the Sub-Committee, with full delegated powers.
- Option 2 – do nothing. The Cabinet could make decisions in relation to the land.

4 Preferred Option

- 4.1 Option 1 – appoint new members to the Sub-Committee, with full delegated powers.

5 Consultation

- 5.1 n/a

6 Financial Implications

- 6.1 n/a

7 Legal Services Comments

- 7.1 These are contained within the body of the report.
-

-
8. **Co-operative Agenda**
- 8.1 Appointing new members will enable the Council to meet its duties in relation to the charitable trusts most efficiently.
- 9 **Human Resources Comments**
- 9.1 n/a
- 10 **Risk Assessments**
- 10.1 n/a
- 11 **IT Implications**
- 11.1 n/a
- 12 **Property Implications**
- 12.1 n/a
- 13 **Procurement Implications**
- 13.1 n/a
- 14 **Environmental and Health & Safety Implications**
- 14.1 n/a
- 15 **Equality, community cohesion and crime implications**
- 15.1 None
- 16 **Equality Impact Assessment Completed?**
- 16.1 No
- 17 **Key Decision**
- 17.1 No
- 18 **Key Decision Reference**
- 18.1 n/a
- 19 **Background Papers**
- 19.1 None
- 20 **Appendices**
- 20.1 Appendix 1 – Failsworth Trust Sub-Committee Terms of Reference
Appendix 2 - Plan
-

Terms of Reference

- 4.1 The Failsworth Trust Committee (“the Trust”) will at all times act in the best interests of the Trust and in accordance with the provisions of the Charities Act 1993 and other applicable statutes and legal principles relating to the management of land which is held for charitable purposes.
 - 4.2 The Trust will use all reasonable endeavours to further the object of the Trust which is that the land to the north of the Lancaster Club (comprising 11 ¾ acres of land acquired by the former Failsworth Urban District Council on 4 January 1924 from Constance Mary Solly Flood) be used for the purposes of a recreation ground.
 - 4.3 The Committee will comprise 3 Members of the Council's Cabinet, appointed by the Cabinet. The Chair will be appointed by the Committee from among their number at their first meeting.
 - 4.4 Meetings will normally be held in a location which is accessible and acceptable to all members. Where possible the accommodation will be provided by Oldham Borough Council.
 - 4.5 Meetings will be held quarterly provided that the Chair is of the opinion there is sufficient business to consider.
 - 4.6 Any items for the agenda should be sent to the Chair four weeks before the meeting.
 - 4.7 An agenda and other relevant papers will be dispatched to all members at least five working days before the meeting, by Oldham Borough Council's Head of Constitutional Services.
 - 4.8 Meetings will be administered by the Head of Constitutional Services.
 - 4.9 All meetings will be minuted by the Head of Constitutional Services and the minutes sent to all members within ten working days of the meeting.
 - 4.10 Any members of the Failsworth Trust Committee must declare at the beginning of the meeting, or at any other appropriate stage, whether they are affected by a conflict of interest or conflict of duties in relation to any item on the agenda. If they have a personal interest, they must not speak or vote on the item. If a potential conflict of interest or duty arises from any matter, a member shall consider whether to withdraw. However, provided that the all members agree and the member acts in the best interests of the Trust and after receiving independent advice or recommendations, a member is permitted to consider and vote on the matter.
 - 4.11 Any proposal for alteration of the arrangements of the meetings of the Failsworth Trust Committee shall be considered by the Failsworth Trust Committee. Any such proposal should be subject to one month's notice, and the proposed alteration sent with the Agenda to all members.
 - 4.12 **Voting Procedures and Quorum** - Each of the Trust Committee members shall have one vote, each vote carries equal weight and decisions of the Failsworth Trust Committee shall be made on a majority vote. A meeting of the Failsworth Trust Committee will only
-

be considered quorate if at least two voting members are present. In the event of a tied vote the Chair shall have the casting vote.

- 4.13 The Failsworth Trust Committee has legal capacity to make and implement decisions in its own right without the need for ratification by the Council.
- 4.14 Decisions of the Failsworth Trust Committee will be binding both on the said Committee and on Oldham Borough Council.
- 4.15 **Administration and Support** - The Head of Constitutional Services for Oldham Borough Council will service the Failsworth Trust Committee. Meetings of the Failsworth Trust Committee will be convened by and attended by the Head of Constitutional Services, or such other officer as the Head of Constitutional Services so appoints, and other officers of Oldham Borough Council may be required to attend as and when required.

