

CHARITABLE TRUST COMMITTEE
Agenda

Date Wednesday 11 March 2020

Time 4.00 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 Friday, 6 March 2020.
 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

- 6 Consultation with regards to Charitable use of Lees Recreation Ground within the Snipe Clough area (Pages 1 - 18)

Updated report attached.
- 7 Proposed sale of 146 Werneth Hall Road, Werneth (L00220) (Pages 19 - 30)



Oldham
Council



Report to Charitable Trust Committee

Consultation with regards to Charitable use of Lees Recreation Ground within the Snipe Clough area

Officer Contact: Rebekah Sutcliffe, Strategic Director of Reform

Report Author: Anna da Silva, Project Director, Northern Roots
Ext. N/A

11 March 2020

Reason for Decision

To provide the committee with an update on the formal consultation undertaken as advised by the Charitable Trustees.

Recommendations

- To note the report and consider the outcome of the formal consultation which has taken place with regard to the use of the Lees Recreation Ground.
- To authorize an application to the Charity Commission to broaden the objectives of the charity to Nature-based educational activities.

Lees Recreation Ground within the Snipe Clough area

1 Background

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 At the meeting of the Council's Charitable Trust Committee which took place on 13th June 2019 the Northern Roots project team were granted permission 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 consider whether or not to swap the location of the land to a more accessible/suitable location within the proposed Northern Roots site.
- 1.5 At the last meeting of the Council's Charitable Trust Committee which took place on the 5th September, Trustees authorised officers to commence a formal consultation process on widening the objectives of the charity to nature based educational activities.

2 Current Position

- 2.1 The consultation took place from 1st November 2019 to 31st January 2020.
- 2.2 The consultation form was sent out via email to organisations and individuals through the following methods:
 - Voluntary and Community Sector organisations and charities in Oldham via Action Together (local support organisation for the sector)
 - Local secondary and primary schools.
 - Ward Councillors, Alexandra, St. Mary's and Medlock Vale.
 - Mosques Alexandra, St. Mary's and Medlock Vale.
 - Youth council
 - Ghazali Trust
 - Director of Public Health
 - Director of Education
 - Head of Environmental Services
- 2.3 Reminders were issued encouraging people to take the opportunity to provide feedback via the consultation form on 2 separate occasions.
- 2.4 At the close of the consultation 17 responses were received.

3 Consultation Feedback

- 3.1 Feedback was provided by return of a completed form responding to the following questions:

- Do you believe nature-based educational activities such as forest school, bushcraft and outdoor recreation reflect the spirit of the original gift?
- Are the proposed nature-based educational activities sufficiently close to the original gift?
- Would nature-based educational activities be an effective use of the charity land in the light of health and wellbeing and economic circumstances?
- Do you agree with the proposal to widen the scope to that of nature-based educational activities?
- Space was provided for further comments.

3.2 Details of the consultation process and outcomes can be found in section 5 below.

4 Recommendations

4.1 The Charitable Trust is asked to:

- Consider the outcome of the formal consultation exercise which has taken place and in light of the comments and feedback received, grant permission to apply for a cy-pres scheme to the Charity Commission to broaden the objectives of the charity to nature-based educational activities.
- To give an explanation for its decision in the light of the legal commitments below.

5 Consultation

5.1 Consultation was carried out with key local stakeholders on the proposed changes to the charitable objectives. The consultation form was sent out via email to organisations and individuals through the following methods:

- Voluntary and Community Sector organisations and charities in Oldham via Action Together (local support organisation for the sector)
- Local secondary and primary schools.
- Ward Councillors, Alexandra, St. Mary's and Medlock Vale.
- Mosques Alexandra, St. Mary's and Medlock Vale.
- Youth council
- Ghazali Trust
- Director of Public Health
- Director of Education
- Head of Environmental Services

Out of the 17 responses received, 15 agreed that nature-based educational activities such as forest school, bushcraft and outdoor recreation reflected the spirit of the original gift, this includes 1 response with a caveat that the existing football pitches on Snipe Clough remain where they are. 2 responses received disagreed with no additional comments.

Out of the 17 responses received, 15 agreed that the proposed nature-based educational activities were sufficiently close to the original gift, this includes 1 response with a caveat that the existing sports provision on Snipe Clough is maintained. There was also a comment stating that the nearest place is Alexandra Park, however nature based activity has always been carried out in the Lees Recreation Ground area and its surround, so do not feel that this goes against the spirit of the proposal. 2 responses received disagreed with no additional comments.

Out of the 17 responses received, 15 agreed that nature-based educational activities would be an effective use of the charity land in the light of health and wellbeing and economic circumstances, this includes 1 with a caveat that the existing sports provision

on Snipe Clough be maintained. 2 responses received disagreed with no additional comments.

Out of the 17 responses received, 15 agreed with the proposal to widen the scope to that of nature-based educational activities, this includes 1 with a caveat that the existing sports provision on Snipe Clough be maintained. 2 responses received disagreed with no additional comments.

From the responses received, 6 people added additional comments within the free text box as detailed below:

1. *I have read the proposed ideas and think that this venture would be totally beneficial for everyone to utilise the space and encourage wellbeing collaborative activities. Particularly good if linking schools could be involved together.*
2. *The area's surrounding snipe clough such as Alt and Fitton Hill have slowly been losing their sense of community spirit and could do with something or somewhere to spend time and get to know their neighbour's and communities again. If anything could be in place for volunteer work, or part of the budget to have all ages gathered, having children helping our elders with their advantage of youth and the same in return with knowledge and experience, I would like to see this in place please. Our elderly are often kept indoors by a lack of social activities, some by a lack of ability to, and on occasion fear of the youth making their own entertainment at other's property or persons. Bringing these two generations together with mediation of generations in between would hopefully see the community being brought together. Youths creating less of their own entertainment at the expense of others should recede, the elderly should be more comfortable if they see youths hanging around that they know, and the middle generations getting along with both. Some of the elderly would have a logistical problem, and may require transport to be provided, could this also be budgeted for? All in all, this is a wonderful project, and feel good about it. Thank you.*
3. *I agree so long as the land is still free for 'free' no cost exploration and adventure by local children and families. Though the land might not be currently 'used' in your eyes, there is a lot of nature there in the summer months. Please look after and protect our green spaces.*
4. *As part of our wellbeing programme for children at Alexandra Park Junior School, we aim in the future to train our staff to be part of Forest Schools. This land would be of great benefit to our school community.*
5. *My perspective is that of Parish Priest of Hathershaw. I do not know whether the land on the Glodwick side of the site would have an impact on that community. Although I suspect that this site is not currently used for this purpose, as the Hathershaw site is.*
6. *Forest School and Outdoor Learning have many educational and health and wellbeing benefits for our children today. The site is situated relatively close to several schools within the Oldham area. The site could be used to provide a place for Forest School sessions to take place.*

A follow up email was sent to the 2 not in favour of widening the objects of the Covenant requesting they elaborate on why they did not agree with the proposal so that we could better understand their reasoning to present all findings back to the Charitable Trustees. 1 of the 2 failed to respond.

The second responded to say *"I had no idea that the land was held in Trust, the Trustees should be looking to identify schools who can use the facilities. Bluecoat School is looking for a new school site, maybe these playing fields will end up near the new school? My own personal opinion is that the covenants should not be changed for any reason even if this may have a detrimental effect on our clubs' ambitions by default. To be clear, this is my personal opinion only."*

6 Financial Implications

Capital Comments

- 6.1 The land (asset no L00387) is held in Trust and has a net book value of £7,100 as at 31 March 2019. The land is adjacent to asset known as Snipe Clough. The land cannot be sold unless under the conditions held under Trust and therefore there is no opportunity for the Council to realise a capital receipt for investment. Should the scope of the conditions relating the land held in Trust be changed there will be a requirement to revalue the asset on its proposed use and any such valuation will be recorded accordingly in the financial statements.

(Jit Kara)

7 Legal Services Comments

- 7.1 The Council has received written advice from the Charity Commission with regard to amending the objects of a charity. The advice which was given is as follows:

When deciding the new purposes of a charity they have 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

- 7.2 The Trustees of the charity are required to set out what the trustees think the new purposes of the charitable trust should be and explain how they relate to the three considerations in paragraph 7.1 above. The Trustees are required to provide minutes of the meeting at which these matters were considered and concluded.

- 7.3 The Charity Commission expects 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 have been met and if so, what new purposes are appropriate. It goes on to say that the consultation would need to be appropriate to the situation.

- 7.4 The advice lists what needs 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.

- 7.5 Legal Services would recommend that the Trustees consider the outcome of the informal consultation which has taken place to date in the light of the conditions set out in paragraph 7.1 above and make a decision with regard to a proposal to widen the objectives of the Lees Recreation Ground.

- 7.6 The Trustees are advised to consider the outcome of the consultation process and give reasons for their decision as to whether or not to widen the objects of the charity in the light of the outcome of the consultation.

(Elizabeth Cunningham-Doyle)

8. Co-operative Agenda

- 8.1 N/A

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 Roger Frith - No Comments

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 N/A

16 **Equality Impact Assessment Completed?**

16.1 N/A

17 **Key Decision**

17.1 NO

18 **Key Decision Reference**

18.1 N/A

19 **Background Papers**

19.1 N/A

20 **Appendices**

20.1 Appendix A – Recreation Ground for Secondary Schools – Charity Commission.

Signed _____ Cabinet Member (specify whom)	Dated _____
Signed _____ Executive Director	Dated _____

This page is intentionally left blank

T H I S A G R E E M E N T is made the *third* day of *June* One thousand nine hundred and thirty eight BETWEEN MARJORY LEES of "Westholme" Newport Street Werneth in the COUNTY BOROUGH OF OLDHAM (hereinafter called "the Donor") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF OLDHAM (hereinafter called "the Corporation") of the other part WHEREAS by an Assignment dated the twenty first day of February One thousand nine hundred and eleven made between SAMUEL WHITEHEAD and CHARLES WHITEHEAD of the first part, CHARLES COLLINGE SPENCER of the second part, EDWARD TRUSTRAM of the third part SARAH ANN LEES and the Donor of the fourth part and the CORPORATION of the fifth part a plot of land situate at Nether Hey in Oldham aforesaid containing six acres or thereabouts was assigned ^{unto} ~~under~~ the Corporation for the residue then unexpired of a term of nine hundred and ninety nine years granted by a Lease dated the first day of December One thousand nine hundred and eight made between the Reverend Walter Muirhead Hope of the first part the Ecclesiastical Commissioners for England of the second part the Reverend Frederick Wilson Cooper of the third part and the said Charles Collinge Spencer of the fourth part WHEREAS the Corporation in the said Assignment covenanted with the said Sarah Ann Lees and the Donor and each of them that they the Corporation would use the land thereby assigned as and for a recreation ground for the Municipal Secondary School of the Borough of Oldham held at the Municipal School in Greengate Street Oldham or for any additional secondary



school or schools of a like character which might in the future be provided and maintained by the Corporation AND WHEREAS it was provided in the said assignment that the covenant therein contained for the use of the land thereby assigned as a recreation ground might be altered or varied during the joint lives of the said Sarah Ann Lees and the Donor and during the life of the survivor of them by Deed executed by the Corporation and by the said Sarah Ann Lees and the Donor or by the survivor of them provided that under such alteration or variation the land thereby assigned should be continued to be used as a recreation ground or playground for some specific or general purpose or purposes AND WHEREAS the said Sarah Ann Lees died on the fourteenth day of April One thousand nine hundred and thirty five AND WHEREAS the Board of Charity Commissioner on the twenty sixth day of May one thousand nine hundred and eleven ordered and determined that if and so long as the recreation ground comprised in the said assignment in judgement of the Board of Education continued to be used exclusively for any secondary school or schools the whole of the endowment of the said charity was to be held for and ought to be applied to educational purposes AND WHEREAS the Corporation as the Local Education Authority for the County Borough of Oldham being now desirous of using the said recreation ground for the use of the scholars of the elementary and secondary schools some of which are not schools provided and maintained by the

Corporation have requested the Donor to vary the covenant contained in the said assignment in manner hereinafter appearing which the Donor has agreed to do.

NOW THIS DEED WITNESSETH AS FOLLOWS :-

IN PURSUANCE of the said agreement and in consideration of the Premises the Donor hereby declares that the Corporation shall (notwithstanding any covenant contained in the said assignment) be at liberty to use the said piece of land comprised therein for the use of the use of the scholars of the said elementary and secondary schools or any other school or schools.

IN WITNESS whereof the Donor has hereunto set her hand and seal and the Corporation have caused their Corporate Seal to be hereunto affixed the day and year first before written.

Signed, Sealed and Delivered
by the said MARJORY LEES in
the presence of :-

Marjory Lees.

H. M. Vigors.
Withholding St.
Newport St.
Uldham.
(widow)

THE CORPORATE SEAL of the
Mayor Aldermen and Burgesses
of the County Borough of
Oldham was hereunto affixed
in the presence of :-

Town Clerk.

Dated 3rd June 1938

64

MISS MARJORY LEES

and

THE CORPORATION OF OLDHAM.

— A G R E E M E N T. —

Relating to the variation
and alteration of Conveyance.

T. Alker,
Town Clerk,
Oldham.



OLDHAM BC
CIVIC CENTRE PO BOX 33 OLDHAM
710000

Delivered by



Date
13 February 2019

Your ref
1911

Our ref
RCS/MAN331886

Completion of registration

Title number **MAN331886**

Property **land lying to the east of Brook Lane,
Oldham**

Registered proprietor **Oldham Borough Council**

Your application lodged on 12 February 2019 has been completed. An official copy of the register is enclosed together with an official copy of the title plan.

The official copy shows the entries in the individual register of title as at the date and time stated on it. You do not need to reply unless you think a mistake has been made in completing your application.

An owner's property is probably their most valuable asset so it's important to protect it from the risk of fraud. Please read our property fraud advice at www.gov.uk/protect-land-property-from-fraud

Important information about the address for service

If we need to write to an owner, a mortgage lender or other party who has an interest noted in the register, we will write to them at their address shown in the register. We will also use this address if we need to issue any formal notice to an owner or other party as a result of an application being made. Notices are often sent as a safeguard against fraud so it is important that this address is correct and up-to-date. If it is not, the property owner or other party may not receive our letter or notice and could suffer a loss as a result.

Up to three addresses for service can be entered in the register. At least one of these must be a postal address, but this does not have to be in the United Kingdom; the other two may be a DX address, a UK or overseas postal address or an email address.

Please let us know at once of any changes to an address for service.

For information on how a property owner can apply to change their contact details or add an address, please see www.gov.uk/government/publications/updating-registered-owners-contact-address on GOV.UK (or search for "COG1") or contact HM Land Registry Customer Support (0300 006 0411) (0300 006 0422 for Welsh speakers service) from Monday to Friday between 8am and 6pm.

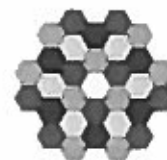
If you require this correspondence in an alternative format, please let us know.

HM Land Registry
Fylde Office
PO Box 75
Gloucester
GL14 9BD

DX 321601 Gloucester 33

Tel 0300 006 0411
fylde.office
@landregistry.gov.uk

www.gov.uk/land-registry



Official copy of register of title

Title number MAN331886

Edition date 12.02.2019

- This official copy shows the entries in the register of title on 13 February 2019 at 08:08:33.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 13 February 2019.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title, see www.gov.uk/land-registry.
- This title is dealt with by HM Land Registry Fylde Office.

A: Property register

This register describes the land and estate comprised in the title.

GREATER MANCHESTER : OLDHAM

- 1 (12.02.2019) The Leasehold land demised by the lease referred to below which lies within the area shown edged with red on the plan of the above Title filed at the Registry and being land lying to the east of Brook Lane, Oldham.
- 2 (12.02.2019) The mines and minerals excepted by the Lease are excluded from this registration.
- 3 (12.02.2019) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 - Date : 1 December 1908
 - Term : 999 years from 1 November 1908
 - Parties : (1) The Reverend Walter Muirhead Hope
 - (2) The Ecclesiastical Commissioners For England
 - (3) The Reverend Frederic Wilson Cooper
 - (4) Charles Collinge Spencer

NOTE: The lease comprises also other land.
- 4 (12.02.2019) The land has the benefit of any legal easements granted by a Assignment of the land in this title dated 21 February 1911 made between (1) Sam Whitehead and James Whitehead (2) Charles Collinge Spencer (3) Edward Trustram (4) Sarah Anne Lees and Marjory Lees and (5) Oldham Corporation.

NOTE: Copy filed.

B: Proprietorship register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title good leasehold

- 1 (12.02.2019) PROPRIETOR: OLDHAM BOROUGH COUNCIL of PO Box 33, Civic Centre, West Street, Oldham OL1 1UL.
- 2 (12.02.2019) RESTRICTION: No disposition by the proprietor of the registered estate to which section 117-121 or section 124 of the Charities Act 2011 applies is to be registered unless the instrument contains a certificate complying with section 122(3) or section 125(2) of that Act as appropriate.

C: Charges register

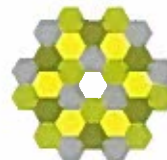
This register contains any charges and other matters that affect the land.

- 1 (12.02.2019) The land is subject to any rights that are reserved by the registered lease dated 1 December 1908 and affect the registered land.

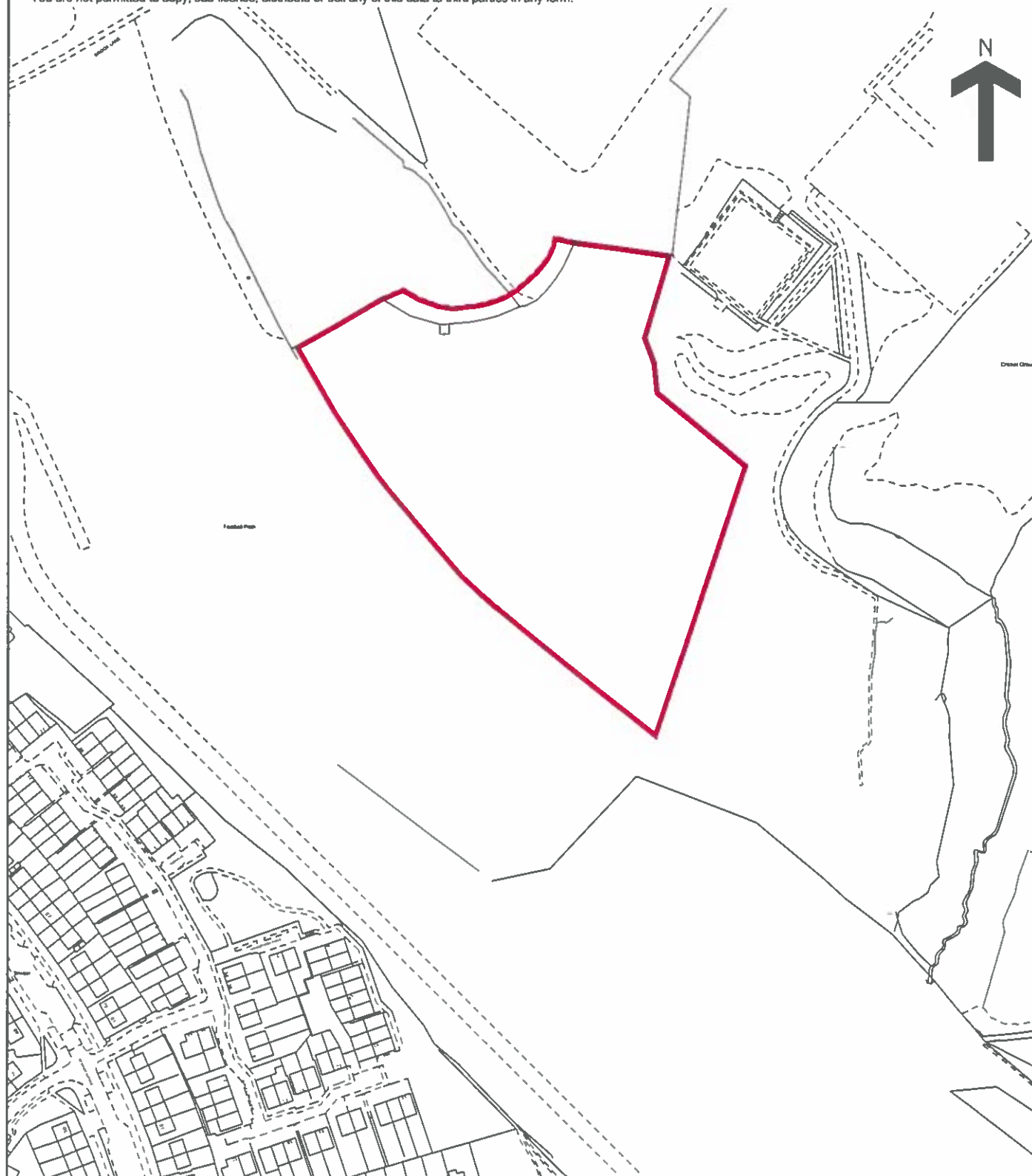
End of register

HM Land Registry
Official copy of
title plan

Title number **MAN331886**
Ordnance Survey map reference **SD9303NE**
Scale **1:2500** reduced from 1:1250
Administrative area **Greater Manchester: Oldham**



© Crown copyright and database rights 2019 Ordnance Survey 100026316.
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



This official copy issued on 13 February 2019 shows the state of this title plan on 13 February 2019 at 08:22:18.

It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Fylde Office.

This page is intentionally left blank



Report to Charitable Trustee Committee

Proposed sale of 146 Werneth Hall Road, Werneth (L00220)

Report Author: Keith Moss – Senior Estates Surveyor
Ext. 1131

11 March 2020

Reason for Decision

To seek approval to the sale of 146 Werneth Hall Road, Werneth to the highest unconditional bid with confirmed funding support.

Recommendations

This report informs the Charitable Trustees of the outcome of the marketing exercise and makes recommendations to proceed to sell to the highest bidder.

It is recommended that the Committee agree:

- a. that the sale of the freehold interest with vacant possession of 146 Werneth Hall Road to the highest bidder as listed in the supplementary report be circulated prior to the meeting after completion of the due diligence exercise.
- b. that the Director of Legal Services proceeds with the completion of the conveyance in an expeditious timescale.
- c. that the net proceeds of sale be moved into an escrow interest earning account from which the Charitable Trust Committee can utilise the annual interest earned for specific purposes in accordance with the objectives of the Sarah Anne Lees Charity
- d. that the costs of sale and any expenditure in connection with the upkeep of the building authorized by the Charity Commission be deducted from the capital sum.

1. **Background**

- 1.1 This former residential property more recently used as a youth centre was originally gifted to the Council by Sarah Anne Lees by a deed of gift 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”.
- 1.2 In the summer of 2019 the Charity Commission considered an application by the Council to vary the charitable objectives of the trust and provided a Cy-pres Scheme. The Scheme dated 11th September 2019 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.
- 1.3 The new objects of the Sarah Anne Lees Charity accepted by the Charity Commission in the Scheme were *“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”*
- 1.4 The Charitable Trust Committee meeting on 5 September 2019 authorised Council officers to market the above property. Under the specific provisions of section 121 Charities Act 2011 a public notice was placed in MEN on 17 December 2019 for a 28 day consultation period to invite comment upon the intended disposal.. Notices were also placed upon the property on 18 December 2019. No objections or comments upon the procedure were received.
- 1.5 Further, under the provisions of section 117 Charities Act 2011 no sale may proceed with a connected person, namely any party that is associated with the Charity or the Council. To this end, bidders were asked to sign a declaration form confirming that they were not a connected person (see appendix 2)
- 1.6 In accordance with the Charity Commission’s guidance for sales of charitable properties an independent valuation report was obtained. The report made recommendations that the Council could put the property to auction or seek informal tenders and valued it in its existing condition at £ 100,000 with a suggestion then to market the property with a guide price of £ 190,000.
- 1.7 The approach which officers adopted was to offer the property by informal tender but did not set a guide price.
- 1.8 It should be noted that the property has a poor layout as a house having been adapted on the ground floor for youth centre purposes has no bathroom. The upper floor rooms are poorly arranged and effectively could only provide 2 or perhaps 3 bedrooms. However, there may be scope for extensions or redevelopment. There is some structural cracking, from possible nearby tree root damage and there will be a need to carry out the removal of historic asbestos materials or their encapsulation.

2 **Current Position**

- 2.1 As a result of the above and in line with Charity Commission’s published guidance for disposal of charitable land, a tender exercise was completed with bidders were asked to provide their purchase offer figure with evidence of having funds available for the purchase. An advertisement was placed in MEN and on the Unity Partnership Website.

The opportunity was marketed for a period of 4 weeks approximately until 2 March 2020.

- 2.2 Particulars prepared in January were issued to the 29 known interested parties who had previously expressed interest in this property. In addition, particulars were sent to the independent valuer and to all of the 95 addressees on the Council's disposals mailing list. Open day viewings took place, each for 2-hour slots, and over 71 attendees provided contact details.
- 2.3 At least 40 tender return form packs were issued and 7 copies of the structural and asbestos reports were known to be downloaded.
- 2.4 The advertised tender included provisions for the purchaser to contribute £4000 towards the Council's legal and surveyor fees.
- 2.5 The expectation is that there will be an early exchange of contracts within a month or so of the decision being made by the Trustees with a 10% deposit which should be followed by completion 28 days thereafter.
- 2.6 32 bids were received and opened on 2nd March 2020, of which 3 envelopes were considered void. One bid was received from the brother of a Councillor and therefore, as a connected person under the definition in the Charities Act, was not accepted. As it transpired, all of the figures contained in the rejected bids were well below the figures received from the several highest bids. One outstanding bid, from a local business with substantial finance available, is recommended subject to due diligence review.

3 **Financial Implications**

3.1 Capital Implications

- 3.1.1 The proposal would be full disposal of asset number 220 which has a current net book value of £1 as at 31st March 2019 in the Council's asset register and balance sheet.
- 3.1.2 The asset is classed as Land and Buildings.
- 3.1.3 The disposal would realise a potential capital receipt. As the asset is held in trust the Capital receipt will be held in trust as an endowment. Any interest accrued on the endowment would be available for charitable distribution in accordance with Charity Commission conditions. (Jit Kara)

3.2 Revenue Implications

- 3.2.1 None

4 **Legal Services Comments**

- 4.1 The Trustees will recall that the Council sought the permission of the Charity Commission to sell the premises known as 146 Werneth Hall Road, Werneth. The Charity Commission granted the Council an order for sale of the premises in the Cy-Pres Scheme, a copy of which is appended to this report. The order for sale was caveated with the following provisions:

"Sale of land

(1) Subject to the requirements of part 7 of the Charities Act 2011, the trustees may sell the land identified in the schedule to this scheme.

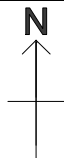
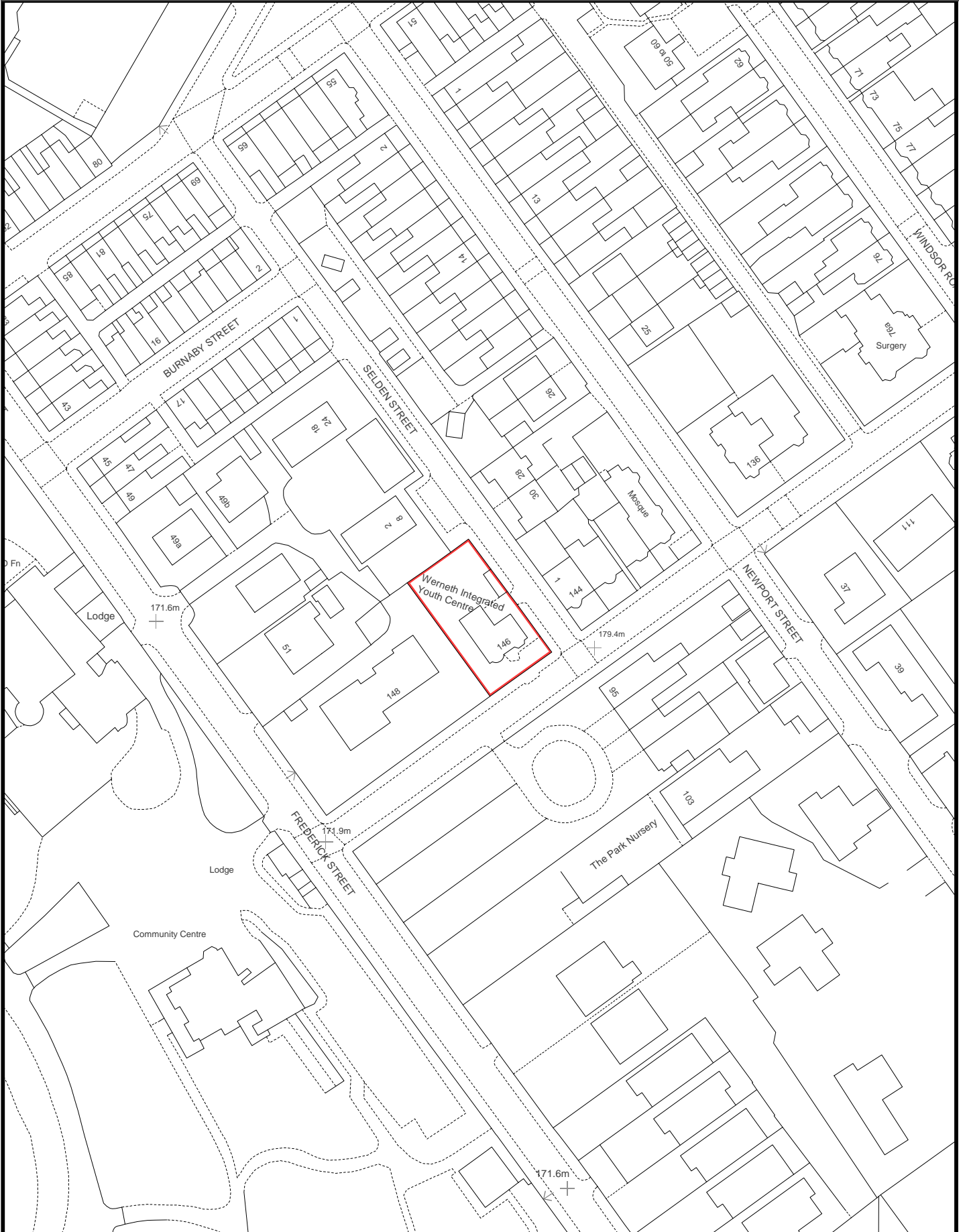
(2) The proceeds of any such sale must be invested".

4.2 The Council has followed the provisions set out in Part 7 of the Charities Act 2011 as specified in the Cy-res Scheme. The Council has advertised the proposed sale of the premises on premises and in the Manchester Evening News and invited representations on the proposed sale from members of the public over a period of one month. The Council has sought the advice of an independent valuer with RICS accreditation as to the value and marketing of the premises and has followed the advice given in his report to invite informal tenders for the property. The Council has widely advertised the sale of the premises in the Manchester Evening News and on the Unity Partnership website and sent details to interested parties on the Council's mailing list. The Council has sought a declaration from each bidder seeking confirmation that no one is a connected person within the definition set out in section 118 Charities Act 2011. Therefore, in the circumstances, the Council has abided by the specific terms of the Cy-pres scheme.

4.3 The Trustees now have to decide whether they are satisfied that the proposed terms of sale are the best that can reasonably be obtained in the circumstances of the disposal. If the Trustees are satisfied, the Council has the permission of the Charity Commission to sell the property provided that the net proceeds of sale are invested. The Trustees will note that the moneys will have to be invested in accordance with the provisions set out in the Cy-pres scheme. (Elizabeth Cunningham Doyle)

5 **Appendices**

- 5.1 Appendix 1 Red line plan of site.
- 5.2 Appendix 2. Copy of purchasers statutory declaration sheet
- 5.3 Appendix 3 Copy Cy-pres Scheme dated 11th September 2019



This page is intentionally left blank

Statement

I

Of

Representing (company/organisation name if applicable)

As prospective purchaser of 146 Werneth Hall road OL8 1QZ have read the following:-

the purchaser confirms that he/ she or they (any company or organisation) is not connected with the council or the Council Charitable Trust committee or the Trust body and can demonstrate he/she or they are not a connected person as prescribed below :-

- (a) a charity trustee or someone else who holds assets on trust for the charity,*
- (b) a person who is the donor of any land to the charity (whether the gift was made on or after the establishment of the charity),*
- (c) a child, parent, grandchild, grandparent, brother or sister of any such trustee or donor,*
- (d) an officer, agent or employee of the charity,*
- (e) the spouse or civil partner of any person falling within any of paragraphs (a) to (d),*
- (f) a person carrying on business in partnership with any person falling within any of paragraphs (a) to (e),*
- (g) an institution which is controlled (meaning that a person is able to secure that its affairs are conducted in accordance with his or her wishes):*
 - (i) by any person falling within any of paragraphs (a) to (f), or*
 - (ii) by two or more such persons taken together, or*
- (h) a body corporate in which—*
 - (i) any connected person falling within any of paragraphs (a) to (g) has a substantial interest (i.e. more than 20% of the shares or voting rights), or*
 - (ii) two or more such persons, taken together, have a substantial interest.*

And confirm that I/We do not have any connections with the Charity and Trust as specified in (a) – (h) above

SIGNED

PRINT NAME

This page is intentionally left blank

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 2011

Orders that from today, the

11 September 2019

this

SCHEME

will govern the charity

known as

THE TRUST OF MRS SARAH ANNE LEES

at

Oldham, Greater Manchester

Tim Reese

**A member of staff of the Charity Commission authorised to act on behalf of the
Charity Commission**

1. Definitions

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

“the Commission” means the Charity Commission for England and Wales.

“the trustee” means the trustee of the charity acting under this scheme.

“former trusts” means the indenture of 8 January 1914.

2. Administration

The charity is to be administered in accordance with this scheme. This scheme replaces the former trusts of the charity.

3. Trustee

Oldham Council acting in accordance with its own procedures is the trustee of the charity.

4. Object of the charity

The object of the charity is 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.

5. Sale of land

(1) Subject to the requirements of part 7 of the Charities Act 2011, the trustees may sell the land identified in the schedule to this scheme.

(2) The proceeds of any such sale must be invested.

6. Use of income and capital

(1) The trustees must firstly apply:

(a) the charity’s income; and

(b) if the trustees think fit, expendable endowment; and

(c) when the expenditure can properly be charged to it, its permanent endowment

in meeting the proper costs of administering the charity and of managing its assets including the repair and insurance of its buildings.

(2) After payment of these costs, the trustees must apply the remaining income in furthering the object of the charity.

(3) The trustees may also apply for the object of the charity:

- (a) expendable endowment; and
- (b) permanent endowment, but only:
 - (i) where it is permitted in accordance with (and subject to the conditions in) the Charities Act 2011; or
 - (ii) on such terms (including for the replacement of the amount spent) as the Commission may approve in advance.

7. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

146 Werneth Hall Road, Oldham being registered at HM Land Registry under title number MAN254824.