CHARITABLE TRUST COMMITTEE
Supplementary Agenda

Date Monday 17 March 2025

Time 6.00 pm

Venue Lees Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes

1. DECLARATIONS OF INTEREST- If a Member requires 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 Alex Bougatef or Constitutional Services at least 24 hours in advance of the meeting.

2. CONTACT OFFICER for this agenda is Constitutional Services email constitutional.services@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 Wednesday, 12 March 2025.

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.

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE CHARITABLE TRUST COMMITTEE
Councillors Byrne, Marland, Bashforth, Iqbal, Rustidge (Chair) and Ball

Item No

9 Sarah Anne Lees Update (Pages 3 - 6)

The Trust of Mrs Sarah Anne Lees – Update on Charity Commission authority regarding expenditure of capital money.

THE TRUST OF MRS SARAH ANNE LEES

BRIEFING FOR UPDATE AT CHARITABLE TRUST COMMITTEE ("CTC") MEETING TO BE HELD ON 17 MARCH 2025

Background/Reminder

This Charitable Trust originally owned a property at 146 Werneth Hall Road. Given the state of the property and the anachronistic nature of the objects, a scheme was obtained from the Charity Commission on 11 September 2019 which enabled (a) a sale of this Property and (b) a change of the objects of the Charity. The objects of the Charity are now:

"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"

Resolutions passed by CTC at meeting on 5 March 2024

"*IT IS HEREBY RESOLVED that in respect of the charitable trust known as "The Sarah Anne Lees Charitable Trust" ("the Charity") an application to the Charity Commission shall be made to seek for authority for the Charity to spend up to 100% of its capital funds (which is permanent endowment) via donations and/or (on application)grant funding, to appropriate bodies or organisations that provide assistance or services in keeping with the objects of the charity.*

IT IS FURTHER RESOLVED that Oldham Borough Council Legal Services are instructed by the Charitable Trust Committee to apply for this authority on behalf of the Charity and to submit a Statement of Reasons as per the Report to the Charitable Trust Committee dated 21 February 2024"

UPDATE FOR CTC at 17 March 2025 meeting

The Charity Commission have issued an authority by letter on 11 March 2025 in the following terms ("our underlining"):

"This letter may be taken as the Commission's notification that it concurs with the trustees' resolution under s.282 of the Charities Act 2011. The resolution is effective from the date of this letter. This means that from today the resolution becomes part of the trusts of the charity and the trustees can spend the capital subject to the resolution as if it were income. In this case the resolution applies to all of the permanent endowment. The resolution and this concurrence should be retained as part of the records of the charity."

As stated in the Charity Commission's letter, it is important that the resolutions passed by the CTC on 5 March 2024 (referred to in the Background) and this "concurrence" or authority from the Charity Commission (which has been forwarded in full to Constitutional Services) are retained as part of the records of the Charity.

It must be emphasised that the CTC needs actively to consider now how the capital monies (and accrued income) should be spent taking into account the revised objects of the Charity following the 2019 Scheme and as set out above and provide instructions to the Finance Team of Oldham Borough Council in connection with decisions made. Careful records need to be kept of the decisions made and the reasons for making them which need to be recorded in the form of CTC resolutions.

Legal Services, Oldham Borough Council

11 March 2025

CHARITY COMMISSION
FOR ENGLAND AND WALES

Zoe Theofilopoulos
Via email only

Charity Commission
PO Box 211
Bootle
L20 7YX

T: 0300 066 9197

Your ref:
Our ref: TMS/C-160478/RA

Date: 11th March 2025

Dear Zoe Theofilopoulos

The Trust of Mrs Sarah Anne Lees

This letter may be taken as the Commission's notification that it concurs with the trustees' resolution under s.282 of the Charities Act 2011. The resolution is effective from the date of this letter. This means that from today the resolution becomes part of the trusts of the charity and the trustees can spend the capital subject to the resolution as if it were income. In this case the resolution applies to all of the permanent endowment. The resolution and this concurrence should be retained as part of the records of the charity.

Yours sincerely

Tracey Monaghan-Smith
Regulatory Authority Casework

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