

CHARITABLE TRUST COMMITTEE
05/09/2018 at 6.30 pm



Present: Councillors Turner, Davis (Substitute), Brownridge and Moores

Also in Attendance:

Elizabeth Cunningham-Doyle	Legal Services
Ben Hill	Strategic Regeneration
Lori Hughes	Constitutional Services
Zaiem Khan	District Co-ordinator
Keith Moss	Unity Partnership
Mark Prestwich	Strategic Regeneration
Rebecca Boyle	Group Solicitor (Corporate)

1 **ELECTION OF CHAIR**

RESOLVED that Councillor Brownridge be elected Chair of the Charitable Trust Committee for the duration of the Municipal Year 2018/19.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Brock and Councillor F. Hussain.

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 Charitable Trust Committee meeting held on 19th September 2017 be noted.

7 **CLAYTON PLAYING FIELDS - ANNUAL REPORT FOR THE YEAR ENDED 31ST MARCH 2018**

The Committee gave consideration to the accounts of the Clayton Playing Fields Trust for the year ended 31st March 2018

The Charity Commission required all charities to hold an annual general meeting and approve the latest year's financial statements at the meeting. It is a requirement to send the annual return to the Charity Commission with the main financial details.

Options Considered

1. To approve the accounts as set out at Appendix A of the report and make the appropriate annual submission to the Charity Commission by 31st January 2019.

2. To not approve the accounts as set out in Appendix A of the report. 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 Clayton Playing Fields Trust Accounts for the year ended 31st March 2018 be approved.

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LAND AT SHAW ROAD END CAR PARK, BROADWAY ROYTON

The Committee gave consideration to a report which provide an overview in respect of an area of land known as Shaw Road End Park which had been acquired by the Council subject to Trusts requiring it to be used for the purposes of exercise and recreation ('Charity Land').

The background to the site and the future proposals for the site were outlined in the report.

Members were informed that most of the land had been set out as a park since 1934 but that the trust had not been registered with the Charity Commission. Members sought and received clarification on the land outlined in green which was confirmed as being part of the charitable trust which would be formalised. Members were also informed that the Council would need permission from the Charity Commission for the land swap.

Options Considered

1. The Committee could choose to do nothing and not proceed with the Land Swap. In proceeding with this approach, the Charitable Trust would continue to own the area outlined in pink as outlined in the report and the Council (in its statutory capacity) would continue to own the area outlined in Green. As indicated at Section 1 of the report, the current use of the area outlined in pink as an area of informal car parking, would be considered to be a breach of the charitable trust (to use the land for the purposes of exercise and recreation) and therefore, in doing nothing, the current arrangements would continue to breach the charitable trust objectives.
2. The Committee could choose to obtain independent advice from a surveyor acting on behalf of the Charitable Trust. The advice would have to be compliant with the Charities (Qualified Surveyors' Reports) Regulations 1992 and would determine whether it would be more advantageous to market the land outlined in pink in the report. The cost of the advice would be borne by the Council.

RESOLVED that:

1. The background in respect of the acquisition of the land shown edged red and edged blue at outlined at Appendix 1 of the report that formed the Charity Land be noted.
2. Council officers be authorised to take steps for the arrangements for the charitable trusts affecting Charity Land be registered with the Charity Commission.
3. The request from the Council to enter into an agreement for the Land Swap with the Charitable Trust involving the land shown coloured in pink on the Plan which was part of the Charity Land be noted.
4. Stannybrook Property Consultants be appointed as the independent chartered surveyor in order to prepare valuations of the Charity Land, together with the area of land owned by the Council in its statutory capacity being shown edged green on the Plan ("Green Land"). The valuation reports were to be prepared in accordance with the Charities (Qualified Surveyors' Reports) Regulations 1992.
5. The proposal to proceed with the Land Swap involving the exchanging the "Pink Land" and the "Green Land" be advertised in accordance with the consultation strategy detailed in Section 4.2 of the report.
6. A further report be prepared for the Charitable Trust Committee when the independent surveyor's report had been received and the public consultation completed.

9 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraph 3 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

10 **WILLIAM HAGUE TRUST - PROPOSED SALE OF THE HOLLIES, FREDERICK STREET, OLDHAM**

The Committee gave consideration to a report which sought approval for the sale of the "The Hollies", Frederick Street, Werneth.

The Hollies was a former Day Care Centre and had a gross site area of some 3.20 acres. The centre was vacated in 2005 and had suffered extensive vandalism. The premises were subject to a Trust (William Taylor Hague bequest) and Oldham Council was the Charitable Trustee.

Options Considered

1. To approve the bid of the highest value for the site.
2. To approve the second highest bid.

3. To re-market the site.

RESOLVED that the recommendation as set out in the within the commercially sensitive report be approved subject to public consultation.



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146 WERNETH HALL ROAD

The Committee gave consideration to a report which proved an update on the communications with the Charity Commission related to 146 Werneth Hall Road.

RESOLVED that:

1. An informal approach be made to the Charity Commission as per the recommendation as set out within the commercially sensitive report be approved.
2. Upon confirmation from the Charity Commission of the approach to be taken forward, the course of actions as set out in the commercially sensitive report be approved following public consultation.

The meeting started at 6.30 pm and ended at 6.46 pm