

***CHARITABLE TRUST COMMITTEE
Regulatory Committee
Agenda***

Date Wednesday 23 September 2020

Time 6.00 pm

Venue <https://www.oldham.gov.uk/livemeetings>. The meeting will be streamed live as a virtual meeting

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 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, 18 September 2020.

4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council’s website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

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

1 Apologies For Absence

2 Urgent Business

Urgent business, if any, introduced by the Chair

3 **Declarations of Interest**

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

4 **Public Question Time**

To receive Questions from the Public, in accordance with the Council's Constitution.

5 **Minutes of Previous Meeting (Pages 1 - 4)**

The Minutes of the meeting of the Charitable Trust Committee held on Wednesday 11th March are attached for approval.

6 **Clayton Playing Fields Trust - Annual Report for the Year Ended 31 March 2020 (Pages 5 - 10)**

7 **Consideration of the objects of the draft Cy-pres scheme with regards to Charitable use of Lees Recreation Ground within the Snipe Clough area (Pages 11 - 16)**

8 **Sarah Anne Lees Charitable Endowment (Pages 17 - 26)**



Present: Councillor Iqbal (Chair)
Councillors Ali and Hamblett

Also in Attendance:

Elizabeth Cunningham-Doyle	Solicitor
Keith Moss	Estates Surveyor
Justine Race	Northern Roots
Sian Walter-Browne	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

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 Trust Committee held on 18th December 2019 be approved as a correct record.

6 **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 Communities and Reform which provided the Committee with an update on the formal consultation undertaken as advised by the Charitable Trustees.

The Committee was reminded that, at its meeting 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.

At its meeting on 5th September 2019, the Committee authorised officers to begin a formal consultation process on widening the objectives of the charity to nature-based educational activities.

This consultation had taken place between 1st November 2019 and 31st January 2020, with a consultation form being sent out via email to organisations and individuals. Reminders were issued, encouraging people to take the opportunity to provide

feedback via the consultation form on two separate occasions and, at the close of the consultation, seventeen responses were received.

Of the seventeen responses, fifteen agreed with the proposals and two disagreed. The Committee noted the outcome of the consultation and the comments received.

The Committee considered the reasons put forward to support or not support the proposal and decided that it was in the best interests of the charity to widen the charity's objects to facilitate greater use of the ground. Previously the scope was too narrow and the widened objectives would mean that the ground would be accessible for wider community use.

RESOLVED that:

1. The report and the outcome of the formal consultation be noted.
2. An application be made to the Charity Commission to broaden the objectives of the charity to include nature-based educational activities.

7

**PROPOSED SALE OF 146 WERNETH HALL ROAD,
WERNETH (L00220)**

The Committee gave consideration to a report of the Senior Estates Surveyor which sought approval to the sale of 146 Werneth Hall Road, Werneth to the highest unconditional bid with confirmed funding support.

The Committee were reminded that, in 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 must be held upon trust as an endowment. This meant that only the interest on the capital investment could be distributed to further the objects of the Charity.

New objectives were agreed *“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”*

At its meeting on 5th September 2019 the Committee authorised officers to market the property.

The property was offered to the market by informal tender, with no guide price. Bidders were advised that a sale would not proceed with a connected person, namely any party that was associated with the Charity or the Council. Bidders were asked to sign a declaration form confirming that they were not a connected person.

On completion of the tender exercise, one outstanding bid was received, from a local business with substantial finance

available. Acceptance of that bid was recommended, subject to a due diligence review.



Oldham
Council

RESOLVED that:

1. The freehold interest with vacant possession of 146 Werneth Hall Road be sold to the highest bidder after completion of the due diligence exercise.
2. The Director of Legal Services be authorised to proceed with the completion of the conveyance in an expeditious timescale.
3. The net proceeds of sale be moved into an escrow interest-earning account from which the Charitable Trust Committee can use the annual interest for specific purposes, in accordance with the objectives of the Sarah Anne Lees Charity.
4. The costs of sale and any expenditure in connection with the upkeep of the building as authorised by the Charity Commission be deducted from the capital sum.

The meeting started at 4.05 pm and ended at 4.28 pm

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Oldham
Council

Trustee Annual General Meeting

Clayton Playing Fields Trust - Annual Report for the Year Ended 31 March 2020

Officer Contact: Anne Ryans – Director of Finance

Report Author: Jamie Kelly - Accountant
Ext: 1090

23rd September 2020

Reason for the Decision

The purpose of this report is to recommend approval of the attached accounts (Appendix A) so that the Trustees can make an appropriate resolution at their Annual General Meeting approving the accounts of the Clayton Playing Fields Trust for the year ended 31 March 2020.

Recommendations

It is recommended that Trustees approve the Clayton Playing Fields Trust accounts for the year ended 31 March 2020.

Clayton Playing Fields Trust – Annual Report for the Year Ended 31 March 2020

1 Background

- 1.1 The Charity Commission requires all charities to hold an annual general meeting and approve the latest year's financial statement at the meeting. It is also a requirement that an annual return is sent to the Charity Commission with, amongst other things, the main financial details. The presentation of this report and approval of its recommendations will enable the Trustees to discharge this requirement.

2 Current Position

- 2.1 The tables below summarise the financial position of the Trust as at 31 March 2020 (with a comparison to the accounts for 2018/19). The accounts are presented in full at Appendix A.

Table 1 – Revenue Account

Revenue Account	2019/20 £	2018/19 £
Expenses	39,132	37,985
Income from Lettings	(8,540)	(8,625)
Interest on Investments	(465)	(360)
Total income from Activities	(9,005)	(8,985)
Deficit Before OMBC Contribution	30,127	29,000
OMBC Contribution	30,127	29,000

Table 2 – Balance Sheet

Balance Sheet	2019/20 £	2018/19 £
Investments	54,500	54,500
Accumulated Fund	54,500	54,500

- 2.2 The key points to note are:

- Expenses of £39,132 were incurred which were higher than the £37,985 incurred in 2018/19.
- Income from lettings was £8,540 which is a reduction of £85 from the £8,625 received in 2018/19.
- Interest on investments was £465, an increase of £105 from 2018/19.

-
- The Council is required to make up the deficit which for 2019/20 was £30,127, which is an increase of £1,127 compared to 2018/19. This is funded from the Councils Asset Management budget.
 - The Trust has investments of £54,000 which are managed by the Council.

3 Options/Alternatives

3.1 The options available to the Trustees are:

- (a) To approve the accounts as set out in Appendix A and make the appropriate annual submission to the Charity Commission by 31 January 2021
- (b) 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

4 Preferred Option

4.1 The preferred option is for the Trustees to approve the accounts so that the Trustees can make an appropriate resolution at their annual general meeting as required by the Charity Commission.

5 Consultation

5.1 Appropriate officers have been consulted in compiling this report.

6 Financial implications

6.1 The total Oldham Council contribution towards administering Clayton Playing Fields for the financial year 2019/20 (as set out in Appendix A) was £30,127. A budget to support this contribution is held within the Councils Asset Management Service as part of the People and Place Directorate.

6.2 The accounts show an increase in revenue support by the Council to Clayton Playing Fields. This is mainly due to an increase in administration costs including a small increase in the annual insurance costs.

6.3 On approval of the accounts, an annual return for the year ended 31 March 2020 will be submitted to the Charity Commission to comply with the deadline of 31 January 2021. (Matthew Kearns)

7 Legal Services Comments

None

8 Co-operative Agenda

- 8.1 The operation of the playing fields supports the Council's co-operative agenda by providing a facility for local clubs which they would not individually be able to sustain.

9 Human Resources Comments

- 9.1 None

10 Risk Assessments

- 10.1 None Required

11 IT Implications

- 11.1 None.

12 Property Implications

- 12.1 Revenue corporate property budgets have supported the works at Clayton Playing Fields in 2019/20.

- 12.2 Going forward, health & safety day-to-day repairs and maintenance will be picked up by the Corporate Landlord budget. It is not currently anticipated that further capital will be required. (Peter Wood)

13 Procurement Implications

- 13.1 None.

14 Environmental and Health & Safety Implications

- 14.1 None

15 Equality, community cohesion and crime implications

- 15.1 None

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 None

20 Appendices

20.1 Appendix A – Clayton Playing Fields Trust Accounts

Clayton Playing Fields Trust

Revenue Account for the Year Ended 31 March 2020

Detail	Notes	2019/20 £	2018/19 £
Expenditure			
Grounds Maintenance	1	30,562	29,817
Insurance	2	617	593
Administration	3	7,953	7,575
Total Expenditure		<u>39,132</u>	<u>37,985</u>
Income			
Football Pitches	4	(8,540)	(8,625)
Interest on Investments	5	(465)	(360)
Total Income (excl. Oldham Council contribution)		(9,005)	(8,985)
Contribution from Oldham Council (Asset Management revenue budget)		(30,127)	(29,000)
Total Income		<u>(39,132)</u>	<u>(37,985)</u>

Notes to the Revenue Account

- 1 The Grounds Maintenance charge is the cost of maintaining the pitch.
- 2 A nominal amount has been charged for insurance
- 3 Administration charges are based on clerical assistance provided through the People and Place Directorate and equates to 0.25 FTE.
- 4 A certain level of free use is provided, which has not been quantified. But the amount included is from regular club football use.
- 5 Investment income is derived from the investment of the Trust's accumulated fund as part of the Council's overall cash balances. Interest is credited in line with the investment rate received by the Council.

Balance Sheet for the Year Ended 31 March 2020

Detail	2019/20 £	2018/19 £
Investments	54,500	54,500
Accumulated Fund	54,500	54,500



Report to Charitable Trust Committee

Consideration of the objects of the draft Cy-pres scheme with regards to Charitable use of Lees Recreation Ground within the Snipe Clough area

Officer Contact: Rebekah Sutcliffe, Strategic Director of Reform

Report Author: Justine Race, Project Officer, Northern Roots

23 September 2020

Reason for Decision

To provide the committee with an update on the application to the Charity Commission to broaden the objectives of the charity to Nature-based educational activities as advised by the Charitable Trustees.

Recommendation:

To note the report and approve the draft Cy-Pres Scheme.

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 Anne 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 meeting of the Council's Charitable Trust Committee which took place on the 5th September 2019, Trustees authorised officers to commence a formal consultation process on widening the objectives of the charity to nature based educational activities.
- 1.6 At the last meeting of the Council's Charitable Trust Committee which took place on the 11th March 2020 the Northern Roots project team were granted permission to apply for a Cy-Pres Scheme with the Charity Commission.
- 1.7 Further to the resolution of the Charitable Trust Committee, an application was made to the Charity Commission to broaden the objects of the charity with some proposed new objects for its consideration. The Charity Commission declined the proposed new objects but suggested its own new objects as set out in the draft Cy-pres scheme appended to this report.
- 1.8 The new objects are as follows: "to promote for the benefit of the inhabitants of the borough of Oldham and the surrounding area the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the object of improving the condition of life of the said inhabitants."
- 1.9 The recreation ground lies in the centre of the land covered by the Northern Roots Project and the release of the limited objects for the use of the land and the widening of the objects proposed by the Charity Commission will enable the Northern Roots Project to make better use of the site in alignment with the overall development of the area.

2 Recommendations

The Charitable Trust Committee is asked to approve the draft Cy-pres scheme appended to this report in order to update the objects of the Charity “*to promote for the benefit of the inhabitants of the borough of Oldham and the surrounding area the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the object of improving the condition of life of the said inhabitants.*”

3 Financial Implications

Capital Comments

- 3.1 The land (asset no L00387) is held in Trust and has a net book value of £7,100 as at 31 March 2020. 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. (Lee Walsh)

4 Legal Services Comments

- 4.1 The Charitable Trust Committee is invited to consider the draft Cy pres scheme and the proposed new objects for the Sarah Anne Lees charity and if the trustees are satisfied with the wider objectives to formally approve the draft Cy pres scheme. (Elizabeth Cunningham Doyle)

5 Co-operative Agenda

- 5.1 N/A

6 Human Resources Comments

- 6.1 N/A

7 Risk Assessments

- 7.1 N/A

8 IT Implications

- 8.1 N/A

9 Property Implications

- 9.1 The proposed course of action and recommendations within this report are supported from a property perspective. (Mark Elton)

10 Procurement Implications

- 10.1 N/A

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- 11 **Environmental and Health & Safety Implications**
 - 11.1 N/A
 - 12 **Equality, community cohesion and crime implications**
 - 12.1 N/A
 - 13 **Equality Impact Assessment Completed?**
 - 13.1 N/A
 - 14 **Key Decision**
 - 14.1 NO
 - 15 **Key Decision Reference**
 - 15.1 N/A
 - 16 **Background Papers**
 - 16.1 N/A
 - 17 **Appendices**
 - 17.1 Appendix A – Draft Scheme.

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 2011

Orders that from today, the

this

SCHEME

will alter or affect the existing trusts of the charity

known as

LEES RECREATION GROUND

DRAFT

**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 governing document” means the Trust Deed dated 3 June 1938.

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

2. Administration

The charity is to be administered in accordance with its existing trusts as altered or affected by this scheme.

3. Objects of the Charity

The objects of the charity are:

To promote for the benefit of the inhabitants of in the borough of Oldham and the surrounding area the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the object of improving the condition of life of the said inhabitants

4. 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.



Report to CHARITABLE TRUST COMMITTEE

Sarah Anne Lees Charitable Endowment

Officer Contact: Rebekah Sutcliffe, Strategic Director of Communities and Reform

Report Author: Rachel Dyson, Thriving Communities Hub Lead
Ext. 07989714759

23rd September 2020

Recommendation:

That an application be made to the Charity Commission to release the permanent endowment of the Sarah Anne Lees Charity for distribution via means of grants to local voluntary and community organisations who can demonstrate their activity meets the charitable objects.

Sarah Anne Lees Charitable Endowment

1 Background

- 1.1 The Oldham Council Charitable Trust Committee acts as the Charitable Trustee for the Sarah Anne Lees Charity.
- 1.2 The Charity's capital asset, 146 Werneth Hall Road, has recently been sold with funds of £277,069.22 now held in the charitable trust account.
- 1.3 The Charity has the following objects which all funds must seek to achieve: 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.

2 Current Position

- 2.1 It is proposed that an application is made to the Charities Commission to release the endowment to enable these funds to be distributed according to the charitable objects.
- 2.2 Income from the investment of these funds at the current time is minimal and insufficient to achieve the charitable purposes.
- 2.3 There are more than 1,200 voluntary and community organisations in Oldham, and significant proportion of which undertake activity which would be aligned to the objects of the charity.
- 2.4 Covid19 has presented a further challenge with regards the financial resilience and long-term viability of those organisations due to reducing their ability to fundraise, generate income whilst demand for their services has increased.
- 2.5 More than half of organisations surveyed in Oldham during the crisis had concerns about their financial sustainability over the next 3-6 months. Although emergency funds have been made available nationally and locally these are largely focused on crisis response, rather than maintaining vital core activities which continue to be needed more than ever.
- 2.6 This presents an opportune time to invest in the sector to deliver the objects of the Charity, which are clearly in line with the needs of our communities at the current time.
- 2.7 It is proposed that a mechanism is established to enable community and voluntary organisations to bid for grants, and through this bid to demonstrate how their project or activity meets the charitable objective, how the funds will be used, how the activity will be sustained and how the impact of the activity will be evaluated. A panel would be convened to review bids and make recommendations for a final decision to award by the Charitable Trust Committee.

3 Options/Alternatives

- 3.1 **Option 1** – An application is made to release the permanent endowment in order that funds can be distributed to voluntary and community organisations in order to achieve the charitable objectives of the Sarah Anne Lees Charity. The advantage of this option is it provides a means to use the endowment to achieve its intended objectives.

Option 2 – The endowment remains invested and any income is distributed to support the charitable objectives of the Sarah Anne Lees Charity. This option has the benefit of protecting the endowment for use in future, however, given the limited current return on investment this option is unlikely to realise the maximum benefit in terms of achieving the charitable objects from this endowment.

4 **Preferred Option**

4.1 Option 1 is the preferred option as this will enable the funds to be distributed to organisations whose activities are aligned with charitable aims of the Sarah Anne Lees Charity.

5 **Consultation**

5.1 Consultation has been undertaken with Districts, and with Action Together. Both were supportive of the proposal to release the endowment and were able to identify organisations in the community who would be able to make use of such funds for the benefit of Oldham residents.

6 **Financial Implications**

6.1 The property 146 Werneth Hall Road was sold 24 June 2020 and the capital amount of £277,069.22 is currently held in Trust within the Councils accounts. Any transfer of capital funds will receive accrued interest at the current rate. *Paula Buckley – Senior Accountant*

7 **Legal Services Comments**

7.1 Legal Services was in regular communication with the Charity Commission leading up to the granting of the Cy – pres scheme and the order for the sale of the premises known as 146 Werneth Hall Road. Mr Tim Reese from the Commission kindly explained the procedures for the Council to follow in correspondence. His advice to the trustees was as follows:

“The proceeds of sale will be permanent endowment. This means that only the income obtained from the proceeds (e.g. through investment) will be available to further the new objects of the charity.

If the trustees would like to be able to spend the proceeds, rather than just the income, please set out why the trustees believe this would be expedient in the interests of the charity. In doing this, the trustees will need to explain:

- *how spending the proceeds of sale is consistent with the spirit of the original gift; and*
- *why being able to spend the permanent endowment itself, rather than just the income, would allow the charity to carry out its new purposes more effectively.*

We can then consider releasing the permanent endowment restriction in the scheme.

Alternatively, if, after the scheme is authorised and the land sold, the trustees believe it would be in the charity’s best interests to release the permanent endowment restriction, they could apply to us then”.

Mr Reese referred the Council to the Charity Commission’s guidance on spending permanent endowment which stated the following:

“When to get the Charity Commission’s consent

Many charities can spend part or all of an investment held as permanent endowment. But you must apply for the commission's consent if:

- *your charity's income is above £1,000 and*
- *the whole of the permanent endowment is worth more than £10,000."*

7.2 In view of the value of the net proceeds of sale from the disposal of the capital asset is over ten thousand pounds the trustees will need to seek the consent of the Charity Commission to spend the permanent endowment. The trustees must give their reasons for doing so and the circumstances surrounding the current COVID-19 pandemic and the abnormally low interest rates from capital investments may provide sufficient grounds for the Charity Commission to grant its consent. However, it has to be said that this is not a foregone conclusion owing to the fact that it is a permanent endowment which is supposed to be held in perpetuity. (Elizabeth Cunningham Doyle)

8. **Co-operative Agenda**

8.1 This is a decision of the Charitable Trust Committee and therefore is made independently of Council policy.

9 **Human Resources Comments**

9.1 There are no human resources implications of this proposal.

10 **Risk Assessments**

10.1 This report does not relate to Council budgets.

11 **IT Implications**

11.1 There are no IT implications of this proposal.

12 **Property Implications**

12.1 The capital asset belonging to the Sarah Anne Lees Charity was sold on the 24 June 2020 and the proceeds are currently held in trust. Consequently, there are no direct property implications in respect of this report. (Mark Elton)

13 **Procurement Implications**

13.1 There are no procurement implications of this proposal.

14 **Environmental and Health & Safety Implications**

14.1 There are no direct environmental or health and safety implications of the release of the endowment. These issues will be considered within the mechanism established to distribute the funds.

15 **Equality, community cohesion and crime implications**

15.1 This decision has the potential to positively impact on those experiencing socio economic disadvantage, as the charitable objectives include supporting people to manage financial hardship, social or economic deprivation, social exclusion or poor mental or physical health.

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- 16 **Equality Impact Assessment Completed?**
 - 16.1 No
 - 17 **Key Decision**
 - 17.1 No
 - 18 **Key Decision Reference**
 - 18.1 N/A
 - 19 **Appendices**
 - 19.1 Appendix 1 - Cy-Pres Scheme Document – Sarah Anne Lees Charity

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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.