

CHARITABLE TRUST COMMITTEE
10/03/2021 at 6.00 pm



Present: Councillor Stretton (Chair)
Councillors Ali, Hamblett and Iqbal

Also in Attendance:

Elizabeth Cunningham- Doyle	Legal Services
Daniel Meadowcroft	Environmental Services
Sian Walter-Browne	Principal Constitutional Services Officer

1 **APOLOGIES FOR ABSENCE**

Councillor Stretton was elected Chair for the duration of the meeting.

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 2nd December 2020 be approved as a correct record.

6 **HIGH CROMPTON PARK TRUST**

The Committee gave consideration to a report which asked for the permission of the Charitable Trust Committee for the Director of Legal Services to execute the Declaration of Trust on behalf of the Charitable Trustees.

Members were informed that, on 7th January 2021, the Charity Commission made a final order pursuant to a request made by the Charitable Trust Committee for permission to exchange one area of land in High Crompton Park with another area of land in High Crompton Park which was not the subject of the charitable trust.

The order of the Charity Commission was appended to the report and the terms of the order were:

“Being satisfied that it is expedient in the interest of the charity to do so, the Commission authorises Oldham Borough Council as trustee of the charity to enter into a land swap of the land described in Part 1 of the schedule to this order with the land described in Part 2 of the schedule, which is owned by Oldham

Borough Council, even though Oldham Borough Council is a connected party (as defined in section 118 of the Charities Act 2011) SCHEDULE PART 1”



Following receipt of the final order from the Charity Commission officers of the Council endeavoured to execute the order and register the land swap at HM Land Registry. However, before the Land Registry would register the title to the exchanged land in the name of the High Crompton Part Trust, it required the Charitable Trustees to make a declaration of trust. The declaration of trust was appended to the report.

The Trustees were invited to peruse the declaration of trust and, if they were satisfied with the terms of the trust as drawn, to authorise the Director of Legal Services to execute the document on behalf of the Charitable Trustees.

Members queried the timescale for completion and were informed that this would depend on how quickly the Land Registry could complete the registration.

RESOLVED that the draft Declaration of Trust be approved and the Director of Legal Services be authorised to execute the Declaration of Trust on behalf of the Charitable Trustees.

7

WERNETH LIFELONG LEARNING CENTRE, WERNETH PARK, FREDERICK STREET, OLDHAM

The Committee gave consideration to a report which sought permission to obtain the necessary agreements, including a disposal of land, to install a fibre-optic cable and associated infrastructure into Werneth Lifelong Learning Centre located in Werneth Park.

Members were informed that Werneth Park, including the Lifelong Learning Centre, was gifted to the Council on the 8th January 1936, by Dame Marjory Lees. The Council consequently held the park and its associated buildings in Trust and this was registered with the Charity Commission under Registered Number 521273 (described as Werneth Park).

Oldham Council was taking part in a Greater Manchester wide Local Full Fibre Network (LFFN) programme to provide fibre connectivity to public buildings, partly funded by a grant from central government and partly funded by the council. Virgin Media Business Limited was awarded the contract to deliver this infrastructure following a competitive tender process.

Werneth Lifelong Learning Centre was situated on the charity land and the building was currently used by the Community / Adult Learning Section as an Education Centre for adults. The provision of the infrastructure would support the Centre in delivering its services to Oldham residents, helping them to improve their skillset – an objective in the Oldham Plan.

Werneth Lifelong Learning Centre had been put forward for inclusion in the LFFN programme. A preliminary survey of the site had been undertaken to identify a proposed route into the building.



Oldham Council would need to enter into a wayleave agreement with Virgin Media Business Limited (the supplier) and Virgin Media Limited (the operator) to allow the required infrastructure and cable to be laid both within the grounds of Werneth Park and in Werneth Lifelong Learning Centre. The route identified for the proposed connection and Wayleave Agreement was appended to the report.

As the land was held by the Council as a Charitable Trust, the Council was required to seek consent from the trustees (Charitable Trust Committee) to agree a disposal which would enable it to enter into the proposed wayleave agreement. Although the proposed granting of a wayleave was not a disposal in property law, the Charity Commission's guidance stated that the granting of a wayleave on charitable land should be considered a disposal.

In order to agree to the disposal the trustees were required to:

- Instruct a qualified surveyor acting exclusively for the charity to write a report on the proposed disposal
- Advertise the proposed disposal for such period and in such manner as is advised in the surveyor's report
- Consider the surveyor's report and decide that they are satisfied that the terms of the proposed disposal are the best that can reasonably be obtained for the charity.

The Committee was advised that it would only be necessary for the trustees to advertise the proposed disposal if advised to do so by the surveyor in their report.

RESOLVED that:

1. Officers be instructed to commission a surveyor's report on behalf of the Trustees for the proposed disposal

And, should the surveyor's report advise that the proposed disposal should be advertised,

2. The advertisement of the proposed disposal for such period and in such manner as is advised in the surveyor's report be approved.

The meeting started at 6.00 pm and ended at 6.24 pm