

CHARITABLE TRUST COMMITTEE
Agenda

Date Monday 12 July 2021

Time 1.00 pm

Venue Lees Suite, 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 Constitutional Services 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, 7 July 2021.

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 Byrne, Hamblett, F Hussain (Vice-Chair), Iqbal (Chair) and Phythian

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 10th March 2021 are attached for approval.
- 6 Werneth Lifelong Learning Centre, Werneth Park, Frederick Street, Oldham (Pages 5 - 24)



CHARITABLE TRUST COMMITTEE
10/03/2021 at 6.00 pm

Present: Councillor Stretton (Chair)
Councillors Ali, Hamblett and Iqbal (from Item 7)

Also in Attendance:

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

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

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

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Report to CHARITABLE TRUST COMMITTEE

Werneth Lifelong Learning Centre, Werneth Park, Frederick Street, Oldham

Officer Contact: Dominic Whelan, Chief Operating Officer, Unity Partnership

Report Author: Daniel Meadowcroft, Highways Lead and Monitoring Officer
Ext. 2049

16 June 2021

Reason for Decision

To seek permission from the Charitable Trust Committee 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

Recommendations

It is recommended that the Charitable Trust Committee considers the content of the Surveyor's Report and makes a decision

1. As to whether or not it would be in the best interests of the charity to agree to the proposed disposal and wayleave agreement to allow the LFFN connection to proceed and
2. That the terms of the wayleave are the best that could reasonably be obtained for the Charity.

Werneth Lifelong Learning Centre

1 Background

- 1.1 Werneth Park, including the Lifelong Learning Centre, was gifted to the Council on the 8th January 1936, by Dame Marjory Lees. The Council consequently holds the park and its associated buildings in Trust and this is registered with the Charity Commission under Registered Number 521273 (described as Werneth Park).
- 1.2 Oldham Council is 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.
- 1.3 Werneth Lifelong Learning Centre is situated on the charity land edged red on the plan appended to this report, labelled "Community Centre" on the plan (Appendix 1).

2 Current Position

- 2.1 Werneth Lifelong Learning Centre has been put forward for inclusion in the LFFN programme. A preliminary survey of the site has been undertaken to identify a proposed route into the building
 - 2.2 Oldham Council will 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 is appended to this report (Appendix 2).
 - 2.3 The land is owned by the Council in its capacity as a Charitable Trust. The Council is therefore required to seek consent from the trustees (Charitable Trust Committee) to agree a disposal which will enable the Council to enter into the proposed wayleave agreement.
 - 2.4 Although the proposed granting of a wayleave is not a disposal in property law, the Charity Commission's guidance states that the granting of a wayleave on charitable land should be considered a disposal.
 - 2.5 In order to agree to the disposal the trustees are 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.
- * N.B. It is only necessary for the trustees to advertise the proposed disposal if advised to do so by the surveyor in their report.

3 Surveyor's Report

- 3.1 At the meeting on 10 March 2021, the committee instructed Council officers to commission a surveyor's report on its behalf. The committee was advised that the

surveyor's report would be brought back to the committee for its consideration along with comments received (if any) following the advertisement.

3.2 Following the meeting on 10 March 2021 Fletcher CRE was instructed to carry out a survey on behalf of the committee. The survey was carried out by John Fletcher, who is a suitably qualified surveyor and experienced in providing surveys for charitable land disposals. He has also carried out surveys for the LFFN project on behalf of another Greater Manchester Authority.

3.3 The survey took place on 7 May 2021, following which the surveyor has provided a report for the committee's consideration. The report complies with the Charities (Qualified Surveyors Reports) Regulations 1992 and is appended to this document (Appendix 3).

3.4 Surveyors Report – Key Points

3.4.1 The surveyor has advised that in this case there is no requirement to advertise as the proposals (paragraph 1.9.5):

- a) Have no effect on the open market value
- b) Require no structural alterations
- c) Involve no change of use

3.4.2 The surveyor has advised that the terms of the wayleave are the best that the charity could reasonably obtain (paragraph 1.9.6)

3.4.3 The surveyor has confirmed that the proposed disposal and entering into the wayleaves with Virgin Media does not prejudice the market value of the property (paragraphs 1.11.1 and 8.1.5)

3.4.4 The surveyor considers that the installation of the fibre cable would not be to the detriment of the building (paragraph 7.1.2).

3.4.5 The Regulations require that both pre-disposal and post-disposal valuations are provided. The charity could then consider whether or not it is in their best interests to agree to the disposal. In this case the surveyor has advised that no value needs to be provided as the building is not being sold (paragraph 8.1.6).

3.4.6 The surveyor submits that there should be no premium paid for entering into the wayleave agreement and the building will benefit from the fibre installation (paragraph 8.1.6).

3.4.7 The surveyor has confirmed that it would be in the best interests of the charity to proceed with the proposed disposition (paragraph 8.1.7).

3.5 Since the surveyor advised that there was no requirement to advertise (see 3.4.1), the proposals were not advertised and therefore no comments have been received for the committee's consideration.

4 Decisions and Options

4.1 In order to comply with the Charity Commission guidance, and to agree to the proposed wayleave / disposition, the committee is asked to consider the surveyor's report and make two decisions:

4.1.1 Consider whether or not it would be in the best interests of the Charity to agree to the disposal. The surveyor has advised that it would be in the best interests of the Charity. (see paragraph 3.4.7)

4.1.2 Consider whether or not the terms of the disposal are the best that could reasonably be obtained for the charity. The surveyor submits that there should be no premium paid as the building will benefit from the fibre installation. (see paragraph 3.4.6) and that the terms of the wayleave are the best that could reasonably be achieved for the charity. (see paragraph 3.4.2)

4.2 The Committee is therefore asked to decide:

Option 1

- Agree that it would be in the best interests of the charity to agree to the proposed disposal,
- Agree that the terms of the disposal are the best that could reasonably be obtained for the charity
- Give its consent to Council officers to enter into the wayleave agreement with Virgin Media Business Ltd and Virgin Media Ltd to enable a fibre-optic cable to Werneth Lifelong Learning Centre through Werneth Park

Option 2

- Not to agree that it would be in the best interest of the charity to agree to the proposed disposal or not to agree that the terms of disposal are the best that could reasonably be obtained

5 Preferred Option

5.1 The preferred Option is Option 1 – to agree that it is in the best interests of the Charity to agree to the proposed disposal and wayleave agreement and that the terms of the disposal are the best that could reasonably be obtained for the charity.

5.2 Agreeing a disposal is a necessary to grant a wayleave agreement to Virgin Media Ltd and Virgin Media Business Ltd which will allow the fibre-optic cable to be installed into the building.

6 Next Steps

6.1 If the committee agrees to Option 1 then the Council will enter into the wayleave agreement with Virgin Media Ltd and Virgin Media Business Ltd and proceed with the installation.

6.2 If the committee agrees to Option 2 for either of the decisions then the disposal and wayleave will not be able to proceed and the proposed fibre connection will not be provided into the building.

7 Financial Implications

7.1 The Cabinet report 'Local Full Fibre Networks Programme' approved on 19 August 2019, approved a project sum of £1,585k, including £60k specifically for project management resources, it was subsequently agreed in March 21 that a small part these resources would be committed to fund the surveyors report, which was subsequently commissioned and now forms part of the consideration herein and an advert which it is now confirmed as being not being required.

The proposal is to agree to the proposed disposal and wayleave agreement; on the basis that the terms of the disposal are the best that could reasonably be obtained for the charity to enable Werneth Lifelong Learning Centre to be included in the LFFN programme for Oldham. The Regulations require that both pre-disposal and post-

disposal valuations are provided, in this case the surveyor has advised that no value needs to be provided as the building is not being sold, as a consequence there are no direct financial implications arising from the recommended option. (Andy Cooper).

8 Legal Services Comments

8.1 The recommendations in the report follow the Charity Commission's Operational Guidance on Disposals of charity land. The guidance confirms that the requirements of Section 119 of Charities Act 2011 also apply to the grant of a wayleave.

8.2 " Section 119 requires the charity trustees to:

- *Obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by the trustees and acting exclusively for the charity (section 119(1)(a), ChA 2011); and*
- *Advertise the proposed disposition for such period and in such manner as is advised in the surveyor's report (unless the surveyor advises that it would not be in the best interests of the charity to advertise the proposed disposition) (section 119(1)(b), ChA 2011); and*
- *Decide that they are satisfied, having considered the surveyor's report, that the terms on which the disposition is proposed to be made are the best that can reasonably be obtained for the charity (section 119(1)(c), ChA 2011).*

8.3 It is therefore only necessary for the charity's trustees to advertise the proposed disposition, if advised to do so by the surveyor in their report.

8.4 The surveyor's report must cover the prescribed matters referred to in the Schedule to the Charities (Qualified Surveyors' Reports) Regulations 1992".

8.5 Provided the Charitable Trustees follow the guidance issued by the Charity Commission the Trustees will be in compliance with the legal requirements of Section 119 Charities Act 2011 in relation to the disposal of land including a wayleave. (Elizabeth Cunningham Doyle)

9. Co-operative Agenda

9.1 N/A - The co-operative agenda relates to Executive functions of the Council and is not applicable to charitable assets

10 Human Resources Comments

10.1 N/A

11 Risk Assessments

11.1 N/A

12 IT Implications

12.1 IT active equipment is located within the Comms Cabinet within the basement. The only changes required for the future would be upgrades / replacements to active equipment already in use. (John Cook)

13 Property Implications

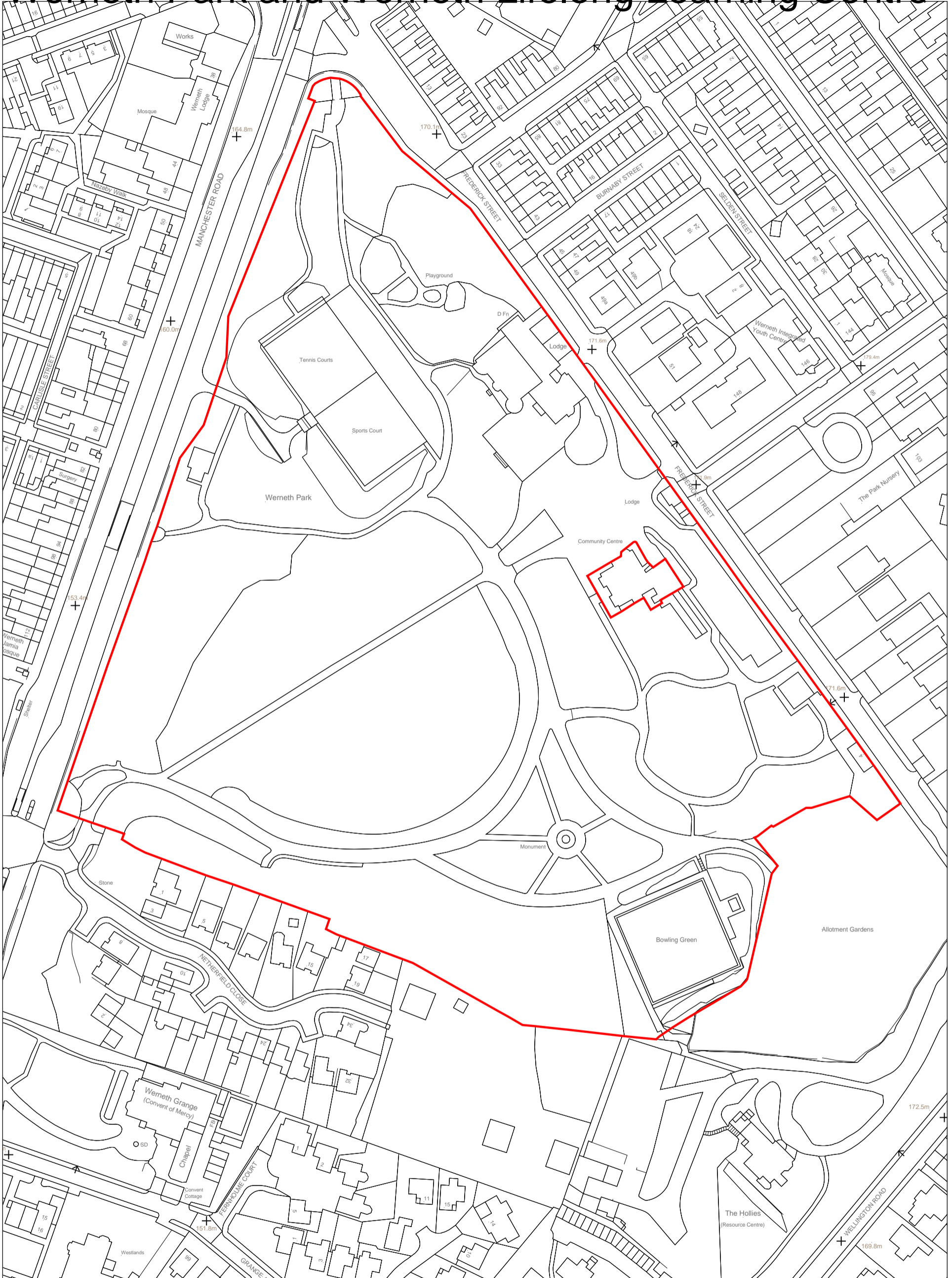
13.1 The installation of LFFN fibre connectivity to the building, would not be to the detriment of the building as detailed within this report and will benefit from the fibre installation. (Peter Wood)

14 Procurement Implications

14.1 None

-
- 15 **Environmental and Health & Safety Implications**
- 15.1 The proposed connection will involve excavating a tarmac section of the car park at the Frederick Road entrance to the park to lay ducting to the building for the cable to run into. The proposed route will follow existing communication routes into the building and the tarmac will be reinstated like-for-like. The ducting will be installed directly into the cellar where the IT network cabinet is located so there will be zero visual impact to the outside of the building.
- 15.2 All works will be carried out according to approved risk assessments and method statements, and the works area and excavation will be appropriately signed and guarded to ensure safety of service users, park users and operatives during the works.
- 16 **Equality, community cohesion and crime implications**
- 16.1 None
- 17 **Implications for Children and Young People**
- 17.1 None.
- 18 **Equality Impact Assessment Completed?**
- 18.1 No
- 19 **Key Decision**
- 19.1 No
- 20 **Key Decision Reference**
- 20.1 N/A
- 21 **Background Papers**
- 21.1 Deed of Gift – Werneth Park, 8 January 1936
- 22 **Appendices**
- 22.1 Appendix 1 – Red edged plan of Werneth Park and Werneth Lifelong Learning Centre
Appendix 2 – Proposed route for wayleave agreement
Appendix 3 – Surveyor’s Report

Werneth Park and Werneth Lifelong Learning Centre



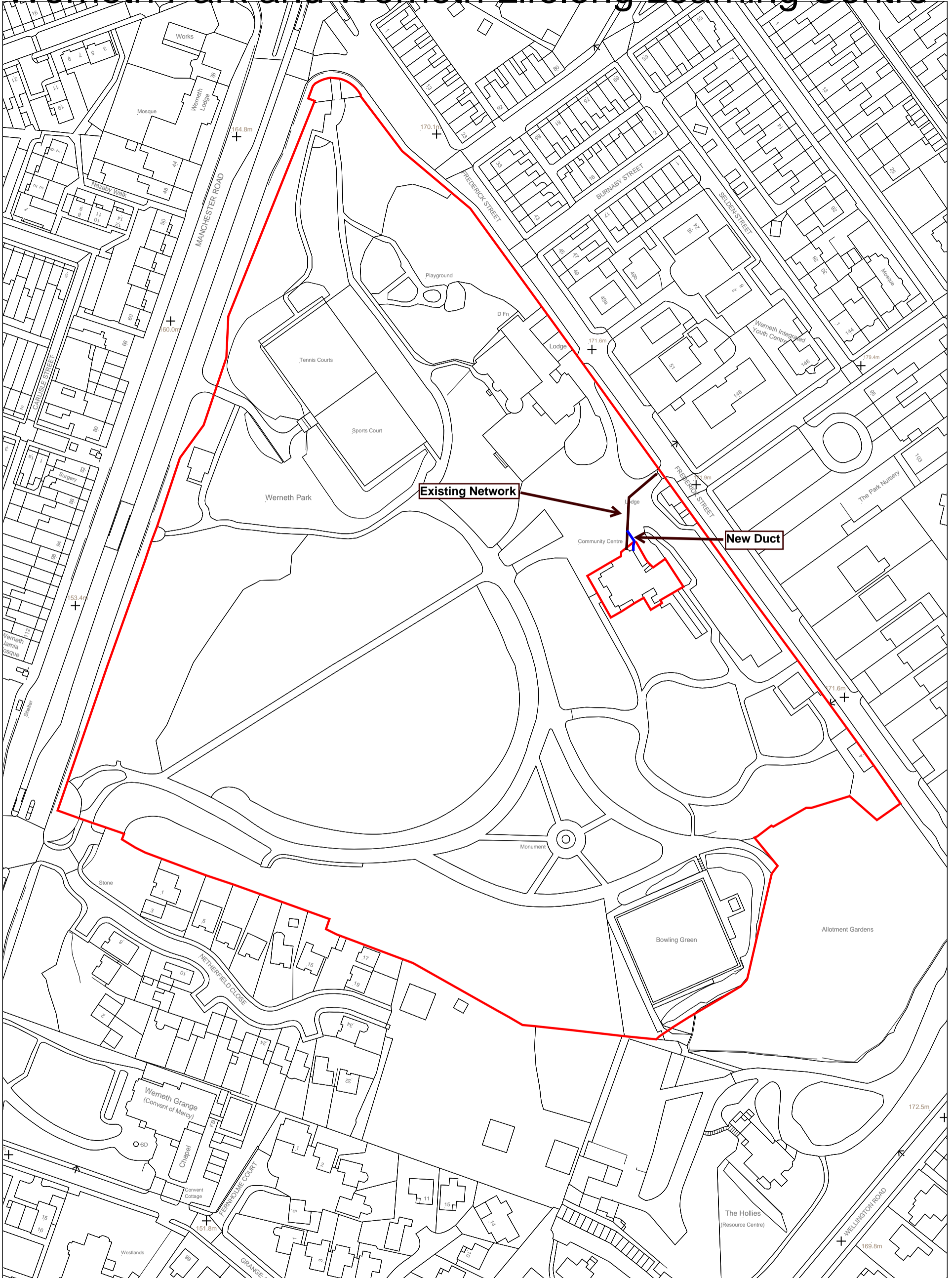
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Oldham Council
Civic Centre
West Street
Oldham
OL1 1UH



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Werneth Park and Werneth Lifelong Learning Centre



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QUALIFIED SURVEYORS REPORT

TO COMPLY WITH THE CHARITIES ACT.

ON

THE BOROUGH COUNCIL OF OLDHAM CHARITABLE BUILDING FOR INSTALLATION OF FULL FIBRE NETWORK ON WERNETH LIFELONG LEARNING CENTRE, WERNETH PARK, FREDERICK STREET, OLDHAM OL8 1RB



Prepared on Behalf of:

**The Borough Council of Oldham Acting As
Trustees of Charitable Land Civic Centre,
West Street, Oldham, OL1 1UT**

Fletcher CRE

Unit B
Lostock
Bolton
BL6 4SG

T: 01204 221030

1 INTRODUCTION

1.1 INSTRUCTIONS

1.2 In accordance with your letter of instruction dated 15th July 2020, we have externally inspected the subject properties to comply with the Charities Act. on the following bases:

1.3 Confirmation that entering into the wayleaves with Virgin Media does not prejudice the market value of the property if The Borough Council of Oldham were to dispose of the property.

1.4 This report assesses:

- The property
- Tenure and existing leases
- Easements and restrictive covenants
- Conditions of buildings and needs of repair.
- Alterations to the building
- Confirmation Whether the wayleave prejudices the market value of the property if The Borough Council of Oldham were to dispose of the property.
- VAT

1.5 INSPECTION

1.5.1 The property was externally inspected on 7 May 2021 by John Fletcher who is the author of this report. We confirm that this surveyor has the necessary experience in this type of property in this location in order to undertake this report.

1.6 STATUS OF VALUER

1.6.1 In preparing this report, we confirm that Fletcher CRE are acting as external valuers as defined in the Standards. We can also confirm that we consider ourselves to be independent for the purposes of this instruction.

1.7 REPORT DATE

1.7.1 The date of the report is 7th May 2021.

1.8 CONFLICT OF INTEREST

1.8.1 We confirm that we have had no prior formal involvement with the property or with the client during the past 24 months. We consider, therefore, that we do not have any conflict of interest in providing the advice that you have requested.

1.9 COMPLIANCE WITH THE CHARITIES (QUALIFIED SURVEYORS' REPORTS) REGULATIONS 1992

1.9.1 In preparing this report, we confirm that Fletcher CRE have had regard to The Charities (Qualified Surveyors' Reports) Regulations 1992, required when providing a Charity with advice regarding their property assets.

1.9.2 These regulations require the surveyor to address a number of issues including the condition of the property in current condition, any restrictions, and easements the property is subject to and whether the property has development potential.

1.9.3 We have attempted to address all requirements of these regulations and have highlighted areas where additional information should be sought prior to the installation of the Wayleave.

1.9.4 There is a requirement for Charity Trustees to obtain a written report on a proposed disposition in this case the grant of the wayleave agreement from a qualified surveyor and the authority must advertise the disposal in accordance with the advice in the report.

1.9.5 In this case there is no requirement to advertise due to there being no effect on the open market value, no structural alterations, and no change of use. In addition, the benefits can also be outlined that the installation of the fast fibre cable will improve local broadband connectivity to users and also the wider community.

1.9.6 The Charities Act also requires confirmation the marketing has achieved best value. The tender was procured through OJEU and was advertised by the Greater Manchester Combined Authority for the Greater Manchester Full Fibre Network Programme including Oldham Council. As result we feel best value has been achieved through the advertising of the tender document through OJEU as it will have been advertised to the relevant and competent service providers who are able to install the full fast fibre broadband. We therefore recommend the terms of the wayleave are the best that the charity could reasonably obtain.

1.10 QUALIFICATIONS AND EXPERIENCE OF SURVEYOR

1.10.1 This report and advice has been prepared by John Fletcher MA MRICS, Director, Fletcher CRE, who will act as lead surveyor with this instruction. John is also a RICS Accredited Valuer.

1.10.2 John has been a Member of the Royal Institution of Chartered Surveyors for more than 10 years and has considerable experience in providing consultancy and valuation advice and disposing of sites and properties throughout the region.

1.11 WAYLEAVE AGREEMENT

1.11.1 This report is to Confirm that entering into the wayleaves with Virgin Media does not prejudice the market value of the property if The Borough Council of Oldham were to dispose of the property in order to comply with the Charities Act.

1.11.2 We have received a copy of the draft Wayleave Agreement which will be in place for the property listed in this report. We have also attached a copy of the draft Wayleave Agreement in Annex 1 of this report.

1.11.3 The draft Wayleave Agreement is summarised as per the below:

1.11.4 The draft Wayleave agreement in respect of Installation of electronic communication apparatus is made between The Borough Council of Oldham (Grantor), Virgin Media Business Ltd (Supplier) and Virgin Media Limited (Operator).

1.11.5 We understand this agreement provides for a permitted strip which comprises one metre or thereabouts in width running over and either side of the Route.

1.11.6 Plans of the Route can be provided and are edged in red and are contained within this report.

1.11.7 There is a clause in the agreement that enables the relocation of the apparatus on either a temporary or permanent basis. Both parties shall use reasonable endeavours to collaborate with a view to providing acceptable solutions. Further information on this is contained with the agreement. There is also termination clause contained within the agreement which provides further information in relation to this agreement.

1.11.8 We feel that this Wayleave agreement should not prejudice the market value of the property should The Borough Council of Oldham dispose of the property. This is provided the Agreement is reviewed by a competent solicitor and the installation of the cables are undertaken by a competent professional trades person and no damage is caused to the building during the installation process. Any damage that is caused should be repaired immediately by a competent trade's person.

1.12 COVID 19

The outbreak of the Novel Coronavirus (COVID-19), declared by the World Health Organisation as a 'Global Pandemic' on the 11th of March 2020, has impacted many aspects of daily life and the global economy – with some real estate markets experiencing significantly lower levels of transactional activity and liquidity.

As at the valuation date, in the case of the subject property there is a shortage of market evidence for comparison purposes, to inform opinions of value. Our valuation of this property is therefore reported as being subject to 'material valuation uncertainty' as set out in VPS 3 and VPGA 10 of the RICS Valuation – Global Standards. Consequently, less certainty – and a higher degree of caution – should be attached to our valuation than would normally be the case. For the avoidance of doubt, the inclusion of the 'material valuation uncertainty' declaration above does not mean that the valuation cannot be relied upon. Rather, the declaration has been included to ensure transparency of the fact that – in the current extraordinary circumstances – less certainty can be attached to the valuation than would otherwise be the case.

The material uncertainty clause is to serve as a precaution and does not invalidate the valuation. Given the unknown future impact that COVID-19 might have on the real estate market and the difficulty in differentiating between short term impacts and long-term structural changes, we recommend that you keep the valuation[s] contained within this report under frequent review.

2 THE PROPERTY WHERE THE WAYLEAVE IS INSTALLED?

2.1 LOCATION

2.1.1 The premises are located in Werneth Hall Park, accessed via Frederick Street, Oldham. Frederick Street connects on to the A62 Manchester Road. Here this provides access to Oldham Town Centre and the M60 Motorway. It also ultimately provides access to Manchester City Centre.

2.2 DESCRIPTION

2.2.1 The subject property is a Grade II Listed building used as an adult education centre. Our inspection was limited to an external inspection only. He we observed the property is a two-story detached property, which appeared to have been extended in parts of the years. It is located at Werneth Hall Park, which is an 18-acre public park and provides a number of outdoor recreational facilities.

2.3 ACCOMMODATION

2.3.1 We have relied upon the floor areas provided to us by the Valuation Office Agency (VOA). We understand that these are on a Gross Internal basis and are as follows:

BUILDING / FLOOR	DESCRIPTION	NIA (M²)	NIA (FT²)
Werneth Park Community Education Centre	Education Centre	698	7,522
TOTAL		698	7,522

2.3.2 We would recommend the floor areas are verified and the building is measured in accordance with the latest version of the RICS Code of Measuring Practice on a Net Internal area basis. If the floor areas vary from the above, this may have an impact on the valuation alter the figures detailed below.

3 TENURE

3.1.1 We understand that the property is held freehold. We have assumed that there are no encumbrances easements, restrictions, outgoings, or conditions that are likely to have an adverse effect on the value of the property and we have assumed that there is a good marketable title.

3.1.2 would recommend that the tenure is verified by your legal advisors and we would, of course, be prepared to comment further on receipt of a Report on Title. Clearly, you will appreciate that if our assumptions on title are not confirmed then our valuation may be adversely affected.

4 EXISTING LEASES

4.1.1 We are not aware of any occupational tenancies or leases that pertain to the site.

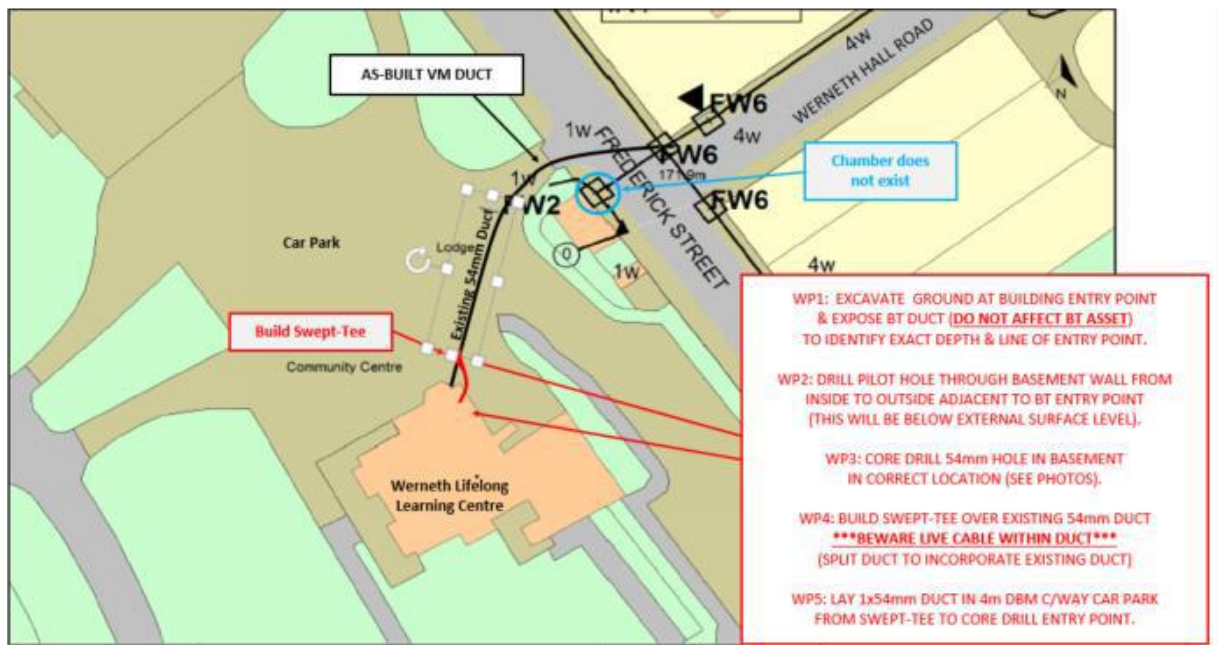
5 EASEMENTS AND RESTRICTIVE COVENANTS

5.1.1 We are not aware of any easements or restrictive covenants on the property.

5.1.2 We would be happy to comment further on this matter on receipt of a Report on Title. Clearly, you will appreciate that if our assumptions on title are not confirmed then our valuation may be adversely affected.

5.1.3 There is a Wayleave to be granted that will enable a fibre network to be installed in the building.

5.1.4 Please see plan of the building below:



6 CONDITION OF THE BUILDING AND NEEDS OF REPAIR

6.1.1 We have not carried out a detailed building inspection or condition or structural survey, however, based upon our limited inspection of the premises, overall, we consider that externally the premises appear to be in a reasonable state of repair, commensurate with their age, use and form of construction.

- 6.1.2 However, in our opinion, the main fabric and structure of the premises will have a future life of approximately 20 years, assuming adequate maintenance in accordance with good estate management practices is undertaken during this period.
- 6.1.3 We have not been able to determine whether any deleterious materials have been used in the original construction or in any subsequent refurbishments of this property. Should there be further concerns with regard to the presence of potentially deleterious materials within the building, we would recommend the appointment of a suitable specialist to advise accordingly.

7 ALTERATIONS TO THE BUILDING

- 7.1.1 We understand the installation of the Fibre Cables will require some minor works to the building.
- 7.1.2 We have in this regard assumed these works will be minor, will not be to the detriment of the building and can be repaired and reinstated if the fibre cables are removed or relocated elsewhere in the building.

8 CONFIRMATION WHETHER THE WAYLEAVE WILL HAVE A DETRIMENT TO THE MARKET VALUE OF THE SUBJECT PROPERTY SHOULD OLDHAM MBC DECIDE TO DISPOSE OF THE PROPERTY.

- 8.1.1 Based on the information provided the wayleaves run underneath the car park along part of the exterior of the building and then along the internal wall. The fibre cables will be installed on the basis of the agreement detailed in section one of the report and in the locations details in the plans provided by Virgin Media under their reference 1285811-2373093.
- 8.1.2 From the images provided these do not appear to be to the detriment of the building and its day-to-day use. It would appear these also could be relocated to other parts of the building which the Wayleave agreement should allow for.
- 8.1.3 We would recommend the Wayleave agreement is reviewed by a competent solicitor to ensure this will not cause any complications in relation to the title and the wayleave can be relocated elsewhere on the subject property should the occupier require it to be relocated.
- 8.1.4 We would also recommend the works are carried out by a competent and professional trades person.
- 8.1.5 In conclusion, if the property were to be disposed of in the future and based on the information received and subject to the above comments. The wayleave agreement does not appear to reduce the value of the property should Oldham MBC decided to dispose of the property in the future.

8.1.6 The charity are not disposing of the building therefore we do not feel a value needs to be provided on the building. There is no premium to be paid by entering into the wayleave agreement and as the building will benefit from the installation of the fibre optic cabling we would recommend no premium should be paid.

8.1.7 We can also confirm the disposition as proposed would be in the best interests of the charity to proceed.

9 VAT

9.1.1 We understand there is no VAT on the property.

10 CONFIDENTIALITY

10.1.1 This Valuation Report is provided for the use only of the party to whom it is addressed, and no responsibility is accepted to any third party for the whole or any part of its content. The basis of valuation may not be appropriate for other purposes and should not be so used without prior consultation with us.

10.1.2 Neither the whole nor any part of this Valuation Report nor any reference thereto may be included in any published document, circular or statement, nor published in any way without our written approval of the form and context in which it may appear.

John Fletcher

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