

CHARITABLE TRUST COMMITTEE
Agenda

Date Wednesday 1 December 2021

Time 6.00 pm

Venue Crompton 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 Tel. 0161 770 5151 or 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 Friday, 26 November 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 C. 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 12th July 2021 are attached for approval.

6 Clayton Playing Fields Trust - Annual Report for the Year Ended 31 March 2021 (Pages 5 - 10)

7 Werneth Park Music Rooms (Pages 11 - 14)

8 Exclusion of the Press and Public

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.

9 Werneth Park Music Rooms (Pages 15 - 20)



CHARITABLE TRUST COMMITTEE
12/07/2021 at 1.00 pm

Present: Councillor Iqbal (Chair)
Councillors Byrne, Hamblett, F Hussain (Vice-Chair) and Garry
(Substitute)

Also in Attendance:

Rebecca Butterworth – Legal Services
Daniel Meadowcroft – Environmental Services
Christine Wood – Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Phythian.

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**

No public questions had been received.

5 **MINUTES OF PREVIOUS MEETING - 10TH MARCH 2021**

RESOLVED - That the minutes of the meeting held on 10th
March 2021 be approved as a correct record.

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

The Committee considered a report requesting permission from the Charitable Trust Committee, to obtain the necessary agreement, including a disposal of land, to install a fibre-optic cable and associated infrastructure into Werneth Lifelong Learning Centre, located in Werneth Park.

The Committee was reminded that at the meeting of the Charitable Trust Committee held on 10th March 2021 that it had been 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 Committee was advised that following meeting of the Charitable Trust Committee on 10th March, 2021, Fletcher CRE had been instructed to carry out a survey on behalf of the Committee. The survey had been carried out by John Fletcher, a suitably qualified surveyor, experienced in providing surveys for charitable land disposals. The survey had taken place on 7th May 2021, following which the surveyor had provided a report for the Committee's consideration which was attached to the reported at Appendix 3.

Key points from the surveyor's report were outlined to the Committee as follows:

That in this case there was no requirement to advertise as the proposals:

- a) Had no effect on the open market value; and
- b) Required no structural alterations; and
- c) Involved no change of use.

That the terms of the wayleave are the best that the charity could reasonably obtain. It was confirmed that the proposed disposal and entering the wayleaves with Virgin Media did not prejudice the market value of the property and that the installation of the fibre cable would not be to the detriment of the building.

The regulations required that both pre-disposal and post-disposal valuations were provided. The charity could then consider whether it was in their best interests to agree to the disposal. The surveyor had advised that no value needed to be provided, as the building was not being sold.

The surveyor had submitted that there should be no premium paid for entering into the wayleave agreement and the building would benefit from the fibre installation.

The survey had confirmed that it would be in the best interests of the charity to proceed with the proposed disposition and that as there had been no requirement to advertise the proposals, it had not been advertised and there were therefore no comments received for the Committee to consider.

The Committee was advised that to comply with the Charity Commission guidance, and to agree to the proposed wayleave/disposition, the Committee was requested to consider the surveyor's report and make two decisions:

Consider whether it would be in the best interests of the Charity to agree to the disposal. The surveyor had advised that it would be in the best interest of the Charity; and

Consider whether the terms of the disposal were the best that could reasonably be obtained for the charity which would enable Werneth Lifelong Learning Centre to be included in the Local

Full Fibre Networks Programme (LFFN). The surveyor had submitted that there should be no premium paid as the building would benefit from the fibre installation and that the terms of the wayleave were the best that could reasonably be achieved for the charity.

The Committee was requested to consider authorising one of the following two options:

Option 1 (Preferred Option)

- Agree that it would be in the best interest of the charity to agree to the proposed disposal; and
- Agree that the terms of the disposal are the best that could reasonably be obtained for the charity; and
- 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.

Property, Procurement, IT, Financial, legal, environmental and health and safety implications in relation to the proposals were outlined within the report and to the Committee.

In response to queries around current and future internet access, it was confirmed that currently, there was not a dark fibre service provided but that Virgin Media was the provider of the dark cable. It was also confirmed that the Council would have a 30 year right to the cable and was free to use the service provider of choice. Existing providers would be phased out, but not ceased until new providers were in place.

It was also confirmed in response to queries, that there was no requirement for planning permission for this project. In response to concerns around car parking whilst work was being undertaken, it was agreed that Daniel Meadowcroft would feedback comments in relation to these concerns at the next project meeting in relation to this issue.

RESOLVED – That the Charitable Trust Committee Approve Option 1 as follows:

1. Agree that it would be in the best interests of the charity to agree to the proposed disposal; and
2. Agree that the terms of the disposal are the best that could reasonably be obtained for the charity; and

3. Gives 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.



The meeting started at 1pm and ended at 1.40pm



Oldham
Council

Trustee Annual General Meeting

Clayton Playing Fields Trust - Annual Report for the Year Ended 31 March 2021

Officer Contact: Anne Ryans – Director of Finance

Report Author: John Edisbury - Accountant

1st December 2021

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 2021.

Recommendations

It is recommended that the Trustees approve the Clayton Playing Fields Trust accounts for the year ended 31 March 2021.

Clayton Playing Fields Trust – Annual Report for the Year Ended 31 March 2021

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 for the financial year 2020/21 and the balance sheet position as at 31 March 2021. For comparison purposes, this is presented alongside the position for the previous financial year (2019/20). The accounts are presented in full at Appendix A.

Table 1 – Revenue Account

Revenue Account	2020/21 £	2019/20 £
Expenses	40,680	39,132
Income from Lettings	(10,692)	(8,540)
Interest on Investments	(168)	(465)
Total income for activities	(10,860)	(9,005)
Deficit prior to OMBC contribution	29,820	30,127
OMBC contribution	29,820	30,127

Balance Sheet	31 March 2021 £	31 March 2020 £
Investments	54,500	54,500
Accumulated fund	54,500	54,500

- 2.2 The key points to note are:
- Expenses of £40,680 were incurred which was £1,548 higher than the £39,132 incurred in 2019/20.
 - Income from lettings was £10,692 which was an increase of £2,152 compared to the £8,540 received in 2019/20.
 - Interest on investments was £168, a decrease of £297 compared to the 2019/20 figure of £465.
 - The Council is required to make up the deficit this year of £29,820, which is a decrease of £307 compared to the 2019/20 deficit of £30,127. This is funded from the Councils Asset Management revenue budget.
 - The Trust has investments of £54,500 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 2022.
 - (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 it's Annual General Meeting and would not therefore 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 Council's contribution towards administering Clayton Playing Fields for the financial year 2020/21 (as set out in Appendix A) was £29,820. This is marginally lower than the previous year's support figure of £30,127. The reduction is mainly the result of increased income received for the hire of pitches. A revenue budget to fund this contribution is held within the Councils Asset Management Service as part of the People and Place Directorate.
- 6.2 On approval of the accounts, an annual return for the year ended 31 March 2021 will be submitted to the Charity Commission to comply with the deadline of 31 January 2022. (Nigel Howard)

7 Legal Services Comments

- 7.1 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 2020/21.
- 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 works 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

Appendix A

Clayton Playing Fields Trust

Revenue Account for the Year Ended 31 March 2021

Detail	Notes	2020/21 £	2019/20 £
Expenditure			
Grounds Maintenance	1	31,326	30,562
Insurance	2	642	617
Administration	3	8,712	7,953
Total Expenditure		<u>40,680</u>	<u>39,132</u>
Income			
Football pitches	4	(10,692)	(8,540)
Interest on Investments	5	(168)	(465)
Total Income (excl. Oldham Council contribution)		(10,860)	(9,005)
Contribution from Oldham Council (Asset Management revenue budget)		(29,820)	(30,127)
Total Income		<u>(40,680)</u>	<u>(39,132)</u>

Notes to the Revenue Account

- 1 The Grounds Maintenance charge covers the cost of maintaining the pitches.
- 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. 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 2021

Detail	2020/21 £	2019/20 £
Investments	54,500	54,500
Accumulated Fund	54,500	54,500

Report to Charitable Trust Committee

Werneth Park Music Rooms

Officer Contact: Brian Enright

1st December 2021

Executive Summary:

Following concerns about the future of the Werneth Park Music Rooms from the local community, approval was obtained from the Charitable Trust Committee in June 2019 to authorise a bid to the Architectural Heritage Fund for a grant to engage professionals to undertake a Project Viability Report concerning the future of the asset.

An initial consultation of key stakeholders was undertaken via Teams in April 2021, and following on from this exercise, the architects explored a number of options, including a wedding/events/conference centre and a performance/rehearsal venue that could include a museum outreach facility or an accompanying commercial use.

The findings were reported to the Corporate Property Board, with endorsement for further engagement with the community and to soft market test the proposals to help determine future interest and viability.

This report seeks approval from the Charitable Trust Committee to undertake the soft marketing and consultation exercise on the future of Werneth Music Rooms.

Recommendations:

That the Charitable Trust Committee approves Council officers undertaking, on its behalf, a soft marketing and consultation exercise in relation to the Werneth Park Music Rooms.

Werneth Park Music Rooms

1 Background

1.1 A briefing paper was circulated to the Charitable Trust Committee in June 2019 to authorise a bid to the Architectural Heritage Fund for a Grant in order to engage professionals to undertake a Project Viability Report concerning the Werneth Park Music Rooms.

1.2 A bid was subsequently submitted led by the Greater Manchester Building Preservation Trust, in partnership with Oldham Council. The Council was duly awarded a grant towards the cost of the report. Following a compliant tender process, Buttress Architects were appointed to complete the report

2. Current Position

2.1 One of the requirements of the bid was that there needed to be engagement with local stakeholders from the community of Oldham. An initial consultation of key stakeholders was undertaken via Teams in April 2021.

2.2 Approval is sought from the Charitable Trust Committee to undertake further consultation, along with a soft marketing exercise. For the purposes of clarity, all decisions in relation to the Music Rooms are for the Charitable Trust Committee to take with reference to the Charities Act requirements. The proposed soft marketing and consultation exercises will, subject to the Committee's approval, be carried out by the Council on behalf of the Trust.

3. Soft Marketing and Consultation Exercise

3.1 In order to identify a preferred option for the future of the Music Rooms, it is proposed that a soft marketing exercise is carried in the first instance, along with a subsequent and separate consultation exercise. This will give the local community in particular an opportunity to indicate what it sees as its preferred end use for the building.

3.2 Both soft marketing and the consultation exercise will be undertaken with the assistance of the Marketing and Communications and Procurement Teams and local community groups. Importantly, as stated above, both the soft marketing and consultation exercise will need to make clear that the preferred end use will be contingent upon external funding being secured.

4. Financial Implications

4.1 Finance implications are covered in the report in the restricted part of this agenda.

5. Legal Services Comments

5.1 Legal implications are covered in the report in the restricted part of this agenda.

6. Co-operative Agenda

6.1 Not applicable

7. Human Resources Comments

7.1 Not applicable

8. Risk Assessments

8.1 Given there is no specific funding identified to presently support this scheme there is a risk the Council is not presently in a position where it can facilitate the preferred option identified via the soft market testing for this building. (Mark Stenson)

9. IT Implications

9.1 Not applicable

10. Property Implications

10.1 Noted within the body of the report. (Brian Enright)

11. Procurement Implications

11.1 Due diligence needs to be undertaken to understand the full implications on potential uses for the building, particularly as it was gifted to the Council.

11.2 The procurement team will lead on a formal market engagement exercise to help shape and inform a strategy for this project. Once a strategy has been agreed, all necessary appointments for professional services and works will be procured in full compliance with the public contract regulations, contract procedure rules, and any external funding conditions.

12. Environmental and Health & Safety Implications

12.1 Not applicable

13. Marketing and Communications Implications

13.1 All comments subject to approval from the Charitable Trust Committee. The soft market testing would be undertaken first.

13.2 Once the exercise has completed, and we have a clearer understanding of market interest/capabilities - in addition to data gathered from the previous consultation - this should inform the next steps in terms of further consultation.

13.3 A communications and engagement plan should be created. A consultation exercise would be designed with consideration to the above. It could include an online survey, along with community face to face engagement. This could also be tied into the Big Oldham Conversation meet the leader sessions depending on dates.

13.4 Consultation would be supported by communications which outline our commitment to bringing the building back into use – subject to available funds. As well as providing a clearer way forward, the consultation may support future funding bids and/or additional reach to potential private/third sector partners via the publicity.

14. Key Decision

14.1 Not applicable

15. Background Papers

15.1 Report to Corporate Property Board, 26th August 2021 (restricted)

16 Reason(s) for exemption from publication:

16.1 The restricted report contains information relating to the financial or business affairs of any particular person including the Council.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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