

**CHARITABLE TRUST COMMITTEE**  
**23/03/2022 at 6.00 pm**



**Present:** Councillor Iqbal (Chair)  
Councillors Hamblett and F Hussain

Also in Attendance:  
Rebecca Butterworth – Legal Services  
Daniel Meadowcroft – Environmental Management Services  
Peter Thompson – Constitutional Services

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Byrne and C. Phythian.

2           **URGENT BUSINESS**

There were no urgent items of business for this meeting of the Committee to consider.

3           **DECLARATIONS OF INTERESTS**

Councillor Hamblett declared an 'other registerable' interest at agenda Item 7 (Dunwood Park) by virtue of being a member of the Friends of Dunwood Park.

4           **PUBLIC QUESTION TIME**

No public questions were received.

5           **MINUTES**

Resolved:  
That the minutes of the meeting of the Charitable Trust Committee, held 12<sup>th</sup> July 2021, be approved as a correct record.

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

The Committee considered a report of Unity Partnership's Chief Operating Officer that sought the Committee's agreement to amend the route that a fibre-optic cable would take through Werneth Park into Werneth Lifelong Learning Centre, and to obtain the necessary agreements from the Committee to amend the wayleave agreement.

Werneth Park, including the Lifelong Learning Centre, had been gifted to the Council on 8<sup>th</sup> January 1936, by Dame Marjory Lees. The Council consequently held the park and its associated buildings in Trust and is thus registered as such with the Charity Commission.

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 edged red on the plan appended to this report, labelled “Community Centre” on the plan, marked ‘Appendix 1’. Physical Infrastructure Access (PIA) was a mechanism that allowed third party communications providers, including Virgin Media, to utilise Openreach’s existing access infrastructure.

Further to the Committee’s last meeting, on 12<sup>th</sup> July 2021, Members were advised that there was an existing Openreach duct running from Frederick Street, through Werneth Park, which presented itself in the cellar of Werneth Lifelong Learning Centre. To minimize disruption, Virgin Media proposed to amend the route for the LFFN connection. The proposed route could take advantage of PIA to utilise the existing Openreach duct to route its cable directly into the cellar of Werneth Lifelong Learning Centre – as detailed at Appendix 3 to the report.

If Virgin Media are permitted by this Committee to route their cable through the Openreach ducting, this would mean that the cable could be fed through existing ducting for the full route through the park, directly into the cellar of the Lifelong Learning Centre. Using the existing Openreach ducting would reduce disruption to users of the park and the Lifelong Learning Centre as it would not be necessary to excavate a section of the car park to install ducting.

Making use the Openreach ducting would also be beneficial to the fabric of the building, since it already presents into the cellar. Therefore, there would no longer be a need to drill a new hole in the wall for the new ducting.

Resolved:

1. The Committee agrees to agree to the proposed amended route as identified in Appendix 3 of the report
2. The Committee authorises appropriate Council Officers to amend the wayleave agreement to reflect the new route.

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## **DUNWOOD PARK**

The Committee received a report concerning proposed future operations of Dunwood Park. Dunwood Park was a mixed formal and informal park situated at Woodend in the Beal Valley in Shaw; and ran along the side of the Metrolink line. The park was originally opened on 14<sup>th</sup> September 1914 but had been transformed in 2011/2012 by a grant of over £1 million of Heritage Lottery Funding, and supporting Council funds, which completely renovated the facilities.

The park was effectively separated into two parts; the larger, northern section of the park was formed by a long strip of land leading to the Jubilee area on the edge of the Borough; and was largely wooded. The southern element is a formal park providing a children’s play area, bowling green and pavilion, tennis courts/multi-use game court, growing hub, formal gardens with public art and a meeting room with public conveniences building. The meeting room building has been named The McGrother

Building after Michael McGrother, the former Chair of the Friends of Dunwood Park who died as the park was being renovated. It is a relatively recently constructed community meeting room/public convenience building of traditional brick construction with a multi-pitched tile roof and is approximately 96 m<sup>2</sup>. Of this 96 m<sup>2</sup> approximately 40 m<sup>2</sup> is occupied by the public conveniences and approximately 56 m<sup>2</sup> by the cafe.

The McGrother Building has been let for the last few years as a café. However, the current tenant has given notice to terminate the lease and their occupation will end on 21<sup>st</sup> July 2022.

The café is an important facility for the park and the surrounding community. Shaw and Crompton Ward Councillors were keen to ensure that the café service continues to be provided continuously through the summer and beyond. Several parties have expressed an interest in leasing the premises and therefore because of the tight deadline to secure a new tenant for July 2022 Unity Partnership (UPL) had started a marketing exercise, including preparing letting particulars, advertising the café on the UPL website and erecting a “To Let board” at the property. Rental offers were sought for the building with some use of a forecourt area based on:

- A. a 3-year lease, “contracted out” of the security of tenure provisions of the Landlord and Tenant Act 1954.
- B. the tenant being responsible for internal repair and decoration.
- C. the tenant to be responsible for business rates and utility charges.
- D. the tenant making the toilets available for public use, every day, and be responsible for their cleaning.
- E. the tenant shall not make any structural alterations to the premises.
- F. to be used as a café, with possible community use.
- G. the landlord will ensure the building is appropriately insured and carry out repairs and decorations to the exterior.

The property was currently let at £5,000 per annum, but with rising occupational costs it is optimistic to think that this can be achieved this now through this letting process. All applicants would be asked to give a rental offer, demonstrate their experience, business plan, community benefit and conditions attached to enable an assessment of each application and assess which potential occupier will provide the best café operation and best enhance the park and surrounding area.

Resolved:

1. That Charitable Trust Committee, in respect of this matter grants authority for appropriate staff within Unity Partnership and the Council’s Estates Service to continue with the marketing of the café and in consultation with Shaw and Crompton Ward Members to proceed with the selection of the most suitable tenant for the café and to negotiate and complete a lease by July 2022.

2. That the Committee delegate authority to the Director of Legal Services to determine this matter.

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### **SARAH ANNE LEES CHARITABLE ENDOWMENT**

The Committee considered a previous decision they had made regarding this matter (minute 8 of the meeting held 20<sup>th</sup> September 2020 refers): ... “Resolved 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 could demonstrate their activity met the charitable objects.”

The Director of Legal Services’ report advised that the Charitable Trust Committee had requested that the Council’s Legal Services Department make the appropriate application on behalf of this Charity to the Charity Commission for an appropriate consent or scheme to enable this Charity to establish a mechanism to enable community and voluntary organisations to bid for grants from this Charity, and through their bids to demonstrate how their project or activity meets the Charity’s objectives, how the funds would be used, how the activity would be sustained and how the impact of the activity would be evaluated.

Resolved:

That the Council’s Director of Legal Services be authorised to apply to the Charity Commission to facilitate the release of the permanent endowment of the Sarah Anne Lees Charity for distribution via means of grants to local voluntary and community organisations who could demonstrate that their activities meet with the charities stated objectives.

The meeting started at 6.00pm and ended at 6.20pm