

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

- Date            Wednesday 28<sup>th</sup> September 2022
- 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 team in advance of the meeting.
2. CONTACT details for this meeting are available from the Constitutional Services team, telephone - 0161 770 5151 or email – [constitutional.services@oldham.gov.uk](mailto: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, 23<sup>rd</sup> September 2022.
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.

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[https://www.oldham.gov.uk/homepage/1449/attending\\_council\\_meetings](https://www.oldham.gov.uk/homepage/1449/attending_council_meetings)

MEMBERSHIP OF THE CHARITABLE TRUST COMMITTEE IS AS FOLLOWS:  
Councillors Birch, Byrne, Hamblett, Ali and Munroe



Item No

- 1 Appointment of Chair
- 2 Apologies for Absence
- 3 Declarations of Interests
- 4 Urgent Business
- 5 Public Question Time  
To consider any public questions
- 6 Minutes (Pages 1 - 4)  
To consider the Minutes of the meeting of the Committee held 23<sup>rd</sup> March 2022
- 7 Clayton Playing Fields Trust - Annual Report for the Year Ended 31 March 2022  
(Pages 5 - 12)



**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 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



**Oldham**  
Council

## **Trustee Annual General Meeting**

### **Clayton Playing Fields Trust - Annual Report for the Year Ended 31 March 2022**

**Officer Contact:** Anne Ryans – Director of Finance

**Report Author:** John Edisbury - Accountant

**28th September 2022**

#### **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 2022.

#### **Recommendations**

It is recommended that Trustees approve the Clayton Playing Fields Trust accounts for the year ended 31 March 2022.

## Clayton Playing Fields Trust – Annual Report for the Year Ended 31 March 2022

### 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 2022. The accounts are presented in full at Appendix A.

**Table 1 – Revenue Account**

Revenue Account	2021/22 £	2020/21 £
Expenses	41,061	40,680
Income from Lettings	(14,228)	(10,692)
Interest on Investments	(168)	(168)
Total income for activities	<u>(14,396)</u>	<u>(10,860)</u>
Deficit prior to OMBC contribution	26,665	29,820
OMBC contribution	26,665	29,820

Balance Sheet	2021/22 £	2020/21 £
Investments	54,500	54,500
Accumulated fund	54,500	54,500



2.2 The key points to note are:

- Expenses of £41,061 were incurred which were higher than the £40,680 incurred in 2020/21.
- Income from lettings were £14,228 which is an increase of £3,536 from the £10,692 received in 2020/21.
- Interest on investments was £168, therefore no change from 2020/21.
- The Council is required to make up the deficit this year of £26,665, which is a decrease of £3,155 compared to 2020/21.
- The deficit is funded from the Councils Asset Management budget.
- The Trust has investments of £54,500 which are managed by the Council and generated the £168 as highlighted above.

### **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 2023.
- (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 (a), that the Trustees 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 2021/22 (as set out in Appendix A) was £26,665. This is less than the previous year's support figure of £29,820. The reduction is mainly the result of increased income received for the hire of pitches due to the lifting of pandemic restrictions.

6.2 This contribution was met from a permanent dedicated revenue budget within the Council's Asset Management Service (Place & Economic Growth Directorate).

6.3 On approval of the accounts, an annual return for the year ended 31 March 2022 will be submitted to the Charity Commission to comply with the deadline of 31 January 2023.

(James Postle)

## **6 Legal Services Comments**

None

## **7 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 Corporate property revenue budgets have supported the works at Clayton Playing Fields in 2021/22.

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.

(Rosalyn Smith)

## **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 2022

Detail	Notes	2021/22 £	2020/21 £
<b>Expenditure</b>			
Grounds Maintenance	1	32,109	31,526
Insurance	2	668	642
Administration	3	8,284	8,712
<b>Total Expenditure</b>		<b><u>41,061</u></b>	<b><u>40,680</u></b>
<b>Income</b>			
Football pitches	4	(14,228)	(10,692)
Interest on Investments	5	(168)	(168)
<b>Total Income (excl. Oldham Council contribution)</b>		<b>(14,396)</b>	<b>(10,860)</b>
Contribution from Oldham Council (Asset Management revenue budget)		(26,665)	(29,820)
<b>Total Income</b>		<b><u>(41,061)</u></b>	<b><u>(40,680)</u></b>

#### Notes to the Revenue Account

- 1 The Grounds Maintenance charge is calculated based on the fees & charges percentage uplift applied.
- 2 A nominal amount has been charged for insurance.
- 3 Administration charges are based on clerical assistance provided through the Place & Economic Growth Directorate and equates to 0.25 FTE.
- 4 A certain level of free use is provided, which has not been quantified.
- 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 2022

Detail		2021/22 £	2020/21 £
<b>Investments</b>		<b>54,500</b>	<b>54,500</b>
<b>Accumulated Fund</b>		<b>54,500</b>	<b>54,500</b>



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