

CHARITABLE TRUST COMMITTEE
Agenda

Date Wednesday 27th September 2023

Time 6.00 pm

Venue Crompton Suite, Civic Centre, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires 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 at least 24 hours in advance of the meeting.

2. CONTACT details for this agenda are available from the Constitutional Services team: telephone - 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 12.00 noon on Monday, 25th September 2023.

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.

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE CHARITABLE TRUST COMMITTEE
Councillors Birch, Byrne (Chair), J. Harrison, Malik and Marland

1 Apologies For Absence

2 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

3 Urgent Business

Urgent business, if any, introduced by the Chair

4 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

5 Minutes (Pages 1 - 4)

The Minutes of the meeting of the Charitable Trust Committee held on 13th June 2023 are attached for approval.

a Clayton Playing Fields Trust - Annual Report for the Year Ended 31 March 2023 (Pages 5 - 12)

Annual Report attached

6 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 two 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.

7 The Archie Brown Charitable Trust (Pages 13 - 18)

Proposals regarding the operations of the Charitable Trust

8 Sarah Anne Lees Charitable Trust (Pages 19 - 26)

Report attached



CHARITABLE TRUST COMMITTEE
13/06/2023 at 6.00 pm

Present: Councillors Byrne, J. Harrison, Malik and Marland

Also in Attendance:

Katy Webster – Assistant Director (Property and Projects)

Matt Bredin MRICS - Senior Estates Surveyor

Mark Draper - Senior Estates Surveyor

Zoe Theofilopoulos – Solicitor (Legal and Democratic Services)

Peter Thompson – Constitutional Services

1 **ELECTION OF CHAIR**

Resolved that Councillor Byrne be appointed Chair of the Charitable Trust Committee for the 2023/2024 Municipal Year.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Birch.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **URGENT BUSINESS**

The Chair agreed to accept an Item of Business, Clayton Playing Fields, as a matter of urgency in accordance with S100B(4) of the Local Government Act 1972. An urgent decision was required to enable the Council to ensure that the detail and approvals, requested in the submitted report, were considered as soon as possible and the decision could not reasonably wait until the next meeting of the Committee. The matter in question was considered at Items 8 and 10 on the agenda.

5 **PUBLIC QUESTION TIME**

There were no public questions for this meeting of the Committee to consider.

6 **MINUTES**

Resolved:

That the Minutes of the meeting of the Charitable Trust Committee, held 22nd March 2023, be approved as a correct record.

7 **439 MIDDLETON ROAD, CHADDERTON**

The Committee considered a report of the Executive Director – Place and Economic Growth which followed up on the last report to the Committee on this matter. A report had been submitted to the Charities Trust Committee on 22nd March regarding the sale of 439 Middleton Road, an asset that is held in charitable trust. The Charitable Trust Committee agreed at the meeting to move forward with a disposal of that property. It was noted at that committee meeting that further work would be required before the sale could be commenced.

In order to progress the disposal, the Charity Commission needed to be approached with background information including the original acquisition of the asset, the occupation and use of the property, in order to obtain a “Scheme” from the Charity Commission. The Charities Trust were therefore required to endorse the sale and alter the objectives of the trust to enable the net proceeds of the sale to be re-used as either grant funding or a donation to local voluntary organisations who provide services to people of pensionable age.

The draft outline submission was set out in Appendix A to the report and the use and income of the property were set out in Schedule B.

Resolved that:

1. The Committee authorises and requests that the Council’s Legal Services submit a report and request for Scheme to the Charity Commission substantially in the form of the attached submission (allowing for the possibility of more financial and practical information being forthcoming and added, as detailed at Appendix A of the report).
2. That the Committee authorises and requests that the Council’s Estates Service procure a section 119 Report (Charities Act 2011) from an independent surveyor to in effect approve the proposed sale of the Property by auction and to indicate the appropriate reserve price for a sale by auction.
3. That the Committee authorises and requests that the Council’s Legal Services to issue the statutory section 121 Notice (Charities Act 2011) for the proposed disposal of designated charity land (unless this may be dispensed with owing to the Commission issuing the necessary Scheme etc allowing for the disposal).
4. That the Committee authorises and requests that the Council’s Legal Services and Estates Service inform the Co-op as to the charitable asset status of the Council’s occupational under leasehold interest 439 Middleton Road and to explain the need for delay in renewing their lease of the garage pending obtaining Charity Commission authorisation.

8

CLAYTON PLAYING FIELDS

The Committee considered a report of the Executive Director – Place and Economic Growth, that sought approval to change the maintenance and pitch hire arrangements (for two pitches Monday to Friday: 9.00am to 5.00pm) at no cost to the council/charity.

Asset number L00096 was held upon charitable trusts and was known as ‘The Clayton Playing Fields’. The ownership originally comprised in a deed of gift dated 6 April 1962 made between (1) Ina Clayton (“Donor”) and (2) The Mayor Aldermen and Burgesses of the County Borough of Oldham, the Urban District Council of Chadderton and the Urban District Council of Royton (“Donees”) (“the Charity”).

The objects of the Charity were set out in the deed of gift and are as follows:

“To preserve and manage the same at all times hereafter as playing fields to be known as “the Clayton Playing Fields” for the benefit and enjoyment of the inhabitants of Oldham, Chadderton and Royton...”.

Concerns have been noted from community football groups that they had to play ‘home’ matches outside of Oldham as there are no suitable pitches available within the boundaries of the borough.

To help resolve this, two pitches on Clayton Playing Fields could be used for a maximum of circa 40 weeks for junior and Academy training and matches. The same seasonal pitch booking fees would apply. To bring the pitches up to the required standard the pitches would be re-laid and a spectator barrier would be installed to stop cycles/motorcycles accessing the pitch. The existing fixed goal posts would be replaced by high quality wheeled Goal Posts.

The exact maintenance specification had yet to be agreed but it would include the current Council standards as a minimum, and it was intended that through enhanced community usage, they would be maintained to a substantially higher standard. It was intended that the improved maintenance regime would allow more intensive use of the pitches. quality pitches.

There were seven other pitches that would continue to be available for wider community/general public use – based on current usage.

All local teams that currently play or train at Clayton Playing Fields would still have access to the pitches on evenings and weekends. Currently only two pitches were booked out mid-week to Oldham Sixth form College on Wednesday afternoons. This booking can be accommodated on the other pitches at Clayton Fields. However, the pitches would still be accessible to the public when not booked.

Resolved:

That the Committee would consider the commercially sensitive information contained in the report at item 10 before making a decision.

9

EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

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 item of business on the grounds it contains 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 report.

10

The Committee gave consideration to the commercially sensitive information in relation to Item 8 – Clayton Playing Fields. In this regard the Committee were presented with two options. Option 1 was to agree a Hire and Maintenance Agreement with Oldham Athletic Football Club. Option 2 was to not enter into any agreement with Oldham Athletic Football Club.



Resolved:

1. That the Committee approves a Hire and Maintenance Agreement with Oldham Athletic Football Club (O AFC) and delegates authority to the Council's Director of Economy, on the Charity's behalf, to:
 - (a) Approve and implement the proposed updated annual hire fee of £515.90 per pitch for 1 session per week at Clayton Playing Fields;
 - (b) Authorise O AFC to enter onto Clayton Playing Fields to carry out the improvement works and cyclical maintenance, as detailed in this report,
 - (c) Negotiate, finalise and enter into an agreement with O AFC to formalise the hire of 2 pitches Monday to Friday 9.00am to 5.00pm for 40 weeks per annum and the improvement works and cyclical maintenance detailed in this report.
2. That the Committee delegates authority to the Director of Legal Services to draft and complete such documentation as is required to formalise the arrangements above in the Charity's best interests.

The meeting started at 6.00pm and ended at 6.25pm



Oldham
Council

Trustee Annual General Meeting

Clayton Playing Fields Trust - Annual Report for the Year Ended 31 March 2023

Officer Contact: Anne Ryans – Director of Finance

Report Author: John Edisbury - Accountant

27th September 2023

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 2023.

Recommendations

It is recommended that Trustees approve the Clayton Playing Fields Trust accounts for the year ended 31 March 2023.

Clayton Playing Fields Trust – Annual Report for the Year Ended 31 March 2023

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 2023. The accounts are presented in full at Appendix A.

Table 1 – Revenue Account

Revenue Account	2022/23 £	2021/22 £
Expenses	43,522	41,061
Income from Lettings	(10,299)	(14,228)
Interest on Investments	(168)	(168)
Total income for activities	(10,467)	(14,396)
Deficit prior to OMBC contribution	33,055	26,665
OMBC contribution	(33,055)	(26,665)

Balance Sheet	2022/23 £	2021/22 £
Investments	54,500	54,500
Accumulated fund	54,500	54,500

2.2 The key points to note are:

- Expenses of £43,522 were incurred which were higher than the £41,061 incurred in 2021/22.
- Income from lettings were £10,299 which is a decrease of £3,929 from the £14,228 received in 2021/22.
- Interest on investments was £168, therefore no change from 2021/22
- The Council is required to make up the deficit this year of £33,055 which is an increase of £6,389 compared to 2021/22.
- 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 2024.
- (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 2022/23 (as set out in Appendix A) was £33,054. This is more than the previous year's support figure of £26,665. The increase of £6.3k is the result of decreased income received for the hire of pitches (£3.9k), which is in line with 2019'20's pre Covid bookings and an increase in ground maintenance and labour charges (£2.4k).

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 2023 will be submitted to the Charity Commission to comply with the deadline of 31 January 2024.

(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 2022/23.

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.

(Katy Webster)

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 2023

Detail	Notes	2022/23 £	2021/22 £
Expenditure			
Grounds Maintenance	1	34,830	32,109
Insurance	2	695	668
Administration	3	7,997	8,284
Total Expenditure		<u>(43,522)</u>	<u>41,061</u>
Income			
Football pitches	4	(10,299)	(14,228)
Interest on Investments	5	(168)	(168)
Total Income (excl. Oldham Council contribution)		<u>(10,467)</u>	<u>(14,396)</u>
Contribution from Oldham Council (Asset Management revenue budget)		(33,055)	(26,665)
Total Income		<u>(43,522)</u>	<u>(41,061)</u>

Notes to the Revenue Account

- 1 The Grounds Maintenance charge is calculated based on the application of the fees and charges percentage uplift.
- 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 2023

Detail		2022/23 £	2021/22 £
Investments		54,500	54,500
Accumulated Fund		54,500	54,500

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