

CHARITABLE TRUST COMMITTEE
Agenda

Date Tuesday 5 March 2024

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 Thursday, 29 February 2024.

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 IS AS FOLLOWS:

Councillors Birch, Byrne, J. Harrison, Malik and Marland

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

 The Minutes of the Charitable Trust Committee Meeting held on 29th November 2023 are attached for approval.
- 6 The Sarah Anne Lees Charitable Trust (Pages 1 - 4)

 Requirement for Amended Resolution
- 7 Archie Brown Charitable Trust Update

 The Charity Commission Scheme/Order has not been processed allowing for formal sale of the property at 439 Middleton Road and thereafter the ability to use all proceeds for grants and donations to suitable charities.

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

Also in Attendance:

Paul Rogers	Constitutional Services
Zoe Theofilopoulos	Solicitor
Ann Bates	Moston Brook Project Officer, Environmental Services

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

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 for the for the Committee to consider.

5 **MINUTES**

RESOLVED: that the minutes of the Charitable Trust Committee held on 27 September 2023 be approved as a correct record.

6 **EXCLUSION OF 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 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 **LOWER MEMORIAL PARK**

The Committee considered a report submitted by Ann Bates, Moston Brook Project Officer, Environmental Services, regarding the latest developments and proposals for three parcels of land at Lower Memorial Park more particularly referred to in paragraphs 1 and 2 of the report.

RESOLVED: that the Committee approves the proposals substantially in the terms set out in the Appendix to the report and to award the Section 106 funding to be done by a delegated officer report to the Director of Environment. The award of contracts will be done in accordance with Oldham Council's

procurement procedure, details of which will be included in the delegated report.



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**SARAH ANNE LEES CHARITABLE TRUST -
REQUIREMENT FOR AMENDED RESOLUTION**

The Committee considered a report submitted by Zoe Theofilopoulos, Solicitor, regarding the proceeds of sale of designated land (permanent endowment) at 146 Werneth Hall Road, Werneth, Oldham.

RESOLVED: that

- (i) the Charitable Trust Committee is satisfied that it can
- (ii) achieve the purposes of the Charity more effectively by spending the fund (ie the capital monies referred to in Paragraph 2 of the report) rather than just spending the income from the fund, and
- (iii) the Charity Commission's authority be sought to enable all or any of the capital monies referred to in (i) above to be spent.

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**ARCHIE BROWN CHARITABLE TRUST - UPDATE ON THE
PROGRESS OF CONSULTATION**

The Committee considered a report submitted by Zoe Theofilopoulos, Solicitor, regarding consultation being carried out regarding a proposal to change objects of the charity.

RESOLVED: that

- (i) the Charitable Trust Committee (CTC) approves the change objects of the charity as set out in paragraph 1 of the report; and
- (ii) the Charity Commission be informed as to the consultation carried out as to the proposed changes to the objects of Archie Brown Charitable Trust and to the responses to the consultation and how these have informed the CTC's decision to proceed with the change to the objects of the Charitable Trust.

The meeting started at 6.00 pm and ended at 6.30pm

BRIEFING NOTE FROM LEGAL SERVICES, OLDHAM BOROUGH COUNCIL TO CHARITABLE TRUST COMMITTEE REGARDING REQUIREMENTS FOR SPENDING PERMANENT ENDOWMENT – 21 FEBRUARY 2024

CHARITY: SARAH ANNE LEES CHARITABLE TRUST

ASSET: PROCEEDS OF SALE OF DESIGNATED LAND (PERMANENT ENDOWMENT) AT 146 WERNETH HALL ROAD, WERNETH, OLDHAM (“PROPERTY”)

1. Reason for Briefing Note

At the last meeting of the Charitable Trust Committee in November 2023 it had been indicated in our Briefing Note for that meeting that a resolution is needed from the Charitable Trust Committee in the form set out in the Appendix to this note in order to seek authority from the Charity Commission on behalf of the Charitable Trust Committee for this charitable trust to spend its permanent endowment (ie, the capital monies held by it following the sale of the property), but the resolution which was set out in the Minutes did not match the required wording.

Therefore the CTC is asked to pass a resolution using the wording set out in the Appendix to this note.

APPENDIX – FORM OF RESOLUTION REQUIRED TO BE PASSED BY THE CTC

IT IS HEREBY RESOLVED that in respect of the charitable trust known as “The Sarah Anne Lees Charitable Trust” (“the Charity”) an application to the Charity Commission shall be made to seek for authority for the Charity to spend up to 100% of its capital funds (which is **permanent endowment**) via donations and/or (on application) grant funding, to appropriate bodies or organisations that provide assistance or services in keeping with the objects of the charity.

IT IS FURTHER RESOLVED that Oldham Borough Council Legal Services are instructed by the Charitable Trust Committee to apply for this authority on behalf of the Charity and to submit a Statement of Reasons substantially in the form of those set out below (with figures updated to a time closer to the submission of the Statement):

STATEMENT OF REASONS (TO ACCOMPANY APPLICATION FOR AUTHORITY TO SPEND THE WHOLE OR PART OF THE PERMANENT ENDOWMENT OF THE CHARITY)

1. The original gift of a freehold property to the Council (then the County Borough of Oldham) in 2014 stated that the property was to be used as a site for a school for the teaching of housewifery and other domestic subjects.
2. On 11 September 2019 the Charity Commission issued a Scheme (Reference Number: 761/1920 Case Number: C-469965). This authorised the sale of 146 Werneth Hall Road and confirmed the Charity's objects as follows: " to advance the education of the public by grant funding charities offering training and learning in the life skills necessary to manage financial hardship, social or economic deprivation, social exclusion or poor mental or physical health".

3. Financial Position of the Charity's Fund

The capital monies held by the Fund remain are £ 277,069. The Charity has received interest (up to 31 March 2023) on the capital monies held since the sale of 146 Werneth Hall Road of £[6,383.52] [TO BE UPDATED]

4. The endowment fund, and how circumstances have changed since the fund was set up.

Since the original gift of the freehold premises at 146 Werneth Hall Road in 1914, Society across the world and in the UK in particular has changed dramatically and there is no longer any need for any school to teach housewifery and other domestic subjects and the premises would not have been suitable for education in any event. This is why in 2019, the Charity Commission gave authority for the sale of this freehold property and for the alteration of the original objects of the Charity.

The objects of the Charity are now "to advance the education of the public by grant funding charities offering training and learning in the life skills necessary to manage financial hardship, social or economic deprivation, social exclusion or poor mental or physical health".

5. Why the Charity can achieve the objects of the Charity more effectively by spending it rather than keeping it.

The Charity (via the Charitable Trust Committee ("CTC")) believes that the Charity can assist appropriate organisations more effectively if access can be had not only to small amount of income receivable but also to the capital funds.

The CTC would like not only to make donations where it considers it appropriate to suitable organisations and in accordance the revised Charity objects but also to offer grant funding (to be made available on application by appropriate organisations). In the event of grants being made the CTC proposes to consider carefully the conditions to be attached to any grants made to ensure that the Charity's objects are respected and complied with and in what circumstances it would expect any funding to be refunded to the Charity.

6. The current market value of the fund.

As at [31 March 2023] the total value of the fund was £[283,452.74] [to be updated] held as to:

6.1 £,227,069.22 as to capital and

6.2 £[6,383.52] (to be updated) as to interest

LEGAL SERVICES, OLDHAM BOROUGH COUNCIL BRIEFING REPORT TO CHARITABLE TRUST COMMITTEE AS AT 21 FEBRUARY 2024

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