

***CHARITABLE TRUST COMMITTEE***  
***Agenda***

Date Tuesday 16 July 2024

Time 6.00 pm

Venue Lees Room A, Civic Centre, Oldham, 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 OFFICER for this agenda is Constitutional Services Tel. or email
  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, 11 July 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](https://www.oldham.gov.uk/homepage/1449/attending_council_meetings)

MEMBERSHIP OF THE CHARITABLE TRUST COMMITTEE  
Councillors Byrne (Chair), Marland, Bashforth, Iqbal, Rustidge and Ball

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 3 - 4)  
              The Minutes of the meeting held on 15<sup>th</sup> April 2024 are attached for approval.
- 6            Land at Snipe Clough (Pages 5 - 6)
- 7            Charitable Land/Trusts for General Annual Review (Pages 7 - 12)

**Present:** Councillors Birch, Byrne, J. Harrison and Marland

Also in Attendance:  
Zoe Theofilopoulos- Solicitor  
Durga Paul- Constitutional Services

1           **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

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 meeting to consider.

5           **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting held on 5<sup>th</sup> March 2024 be approved as a correct record.

6           **ARCHIE BROWN CHARITABLE TRUST**

Members of the Charitable Trust Committee were provided with a briefing on the Archie Brown Charitable Trust and the Draft Scheme issued by the Charity Commission for approval.

Legal Services explained to the Committee that the Charity Commission may request that the draft Scheme for the Archie Brown Charitable Trust be the subject of a public notice and as such there are two possible resolutions from the Committee.

**RESOLVED**

1. IT IS HEREBY RESOLVED that the draft Scheme issued by the Charity Commission and sent to Legal Services with their covering letter dated 25 March 2024 is approved by the CTC and that Legal Services are hereby Page 4 authorised and instructed to notify the Charity Commission accordingly and request the issue of the final Scheme as soon as possible.

and

2. IT IS HEREBY RESOLVED THAT if the Charity Commission request that the draft Scheme for the Archie Brown Charitable Trust issued by the Charity Commission be the subject of a public notice that Legal Services are authorised and instructed by the Charitable Trust Committee to arrange for such public notice.

7           **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** To consider that the press and public be excluded from the meeting for the following item of business, pursuant to Section 100A(4) of the Local Government Act 1972 on the grounds that discussions may involve the likely disclosure of exempt information, under paragraph(s) 3 as defined in the provisions of Part 1 of Schedule 12A of the Act, to the Local Government Act 1972 and public interest would not be served in publishing the information.

8

**CLAYTON PLAYING FIELDS**

The Charitable Trust Committee received a report on the Clayton Playing Fields which proposed new agreement with Oldham Athletic Football Club for mid week use and maintenance of 2 football pitches.

**RESOLVED**

That the Charitable Trust Committee delegate authority to Director of Economy, on the Charity's behalf, to:

- (a) Approve and implement the proposed updated agreement for the period 1st June 2024 to 31st May 2025 at the increased fee of £11,134.44
- (b) Authorise subsequent annual renewals of the agreement so long as the hire fee is increased in a manner approved by the Oldham Borough Council Estates Team as being the appropriate level of fee to comply with the requirements of the Charities Act.

AND

Delegate 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 6.06pm and ended at 6.15pm

## BRIEFING TO CHARITABLE TRUST COMMITTEE FOR MEETING ON 16 JULY 2024

**CHARITABLE TRUST: Land at Snipe Clough gifted to the Corporation of Oldham by Ms Sarah Anne Lees by a deed of gift dated 16 February 1910 (“Deed of Gift”).**

### Background

By the above-mentioned Deed of Gift land at Snipe Clough comprising in area approximately 4,630 square yards was gifted to the Corporation of Oldham (now Oldham Borough Council).

The Deed of Gift required the Corporation to permit the land gifted to be temporarily used and enjoyed by the inhabitants of the County Borough of Oldham as and for a Pleasure Walk Recreation Ground or Open Space until such time as the land shall be required by the Corporation for other purposes.

In view of the possibility of the need to use this land as facility land for the Northern Roots project, the Council contacted the Charity Commission regarding the nature of the deed of gift and the Charity Commission has confirmed to the Council that it is its view that the land concerned is not held on a charitable trust because the provisions on which it is held (in the conveyance) are recreational for a temporary period with the Council being able to decide to use the land for a different purpose at their discretion. For the land to be charitable it must be established for exclusively charitable purposes. The provision that allows the Council to decide to use it for a different purpose (which could be non-charitable) means that, in our view, it is not held exclusively for charitable purposes.

The purpose of this briefing is to formally notify the Committee in the interests of openness and transparency that, therefore, it is the view of the Council that this land is not subject to any charitable trust but merely subject to a covenant with the donor and her descendants that, until the Council wishes to utilise the land for some other purpose, it will permit the land to be used as a pleasure walk, recreation ground or open space.

Legal and Democratic Services

11 July 2024.

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**CHARITABLE TRUSTS FOR GENERAL ANNUAL REVIEW BY CHARITABLE TRUST COMMITTEE ON 16 JULY 2024**

<b>NAME OF CHARITY</b>	<b>WHEN CREATED</b>	<b>CHARITY'S OBJECTS</b>	<b>CHARITY'S CURRENT USES</b>	<b>NET INCOME (Y/N)</b>	<b>PROPOSALS FOR FUTURE USE (IE CHANGE) OR OTHER PROPOSALS</b>
<b>Clayton Playing Fields</b> (Town Green) – Registered Charity No: 703067	6 April 1962. Revised by Charity Commission Scheme dated 20 July 1995	“...preserve and manage the land at all times as playing fields to be known as “the Clayton Playing Fields” for the benefit and enjoyment of the inhabitants of Oldham Chadderton and Royton”	Playing Fields with cabin changing rooms and car park	<b>N</b> Current loss of £10,467 after deducting expenses (paid by Oldham Borough Council)	No change proposed

<p><b>Dunwood Park</b> (inc King George V Field) (King George's Field Shaw (Wren's Nest))  <b>Registered Charity No: 1096949</b></p>	<p>Deed of Gift 31 December 1920   Deed of Dedication dated 16 July 1951</p>	<p>For the purpose of public pleasure grounds upon the trusts of the 1920 Deed of Gift – namely:  To support improve and maintain the property gifted for the purpose of public pleasure or recreation grounds...with the Council providing suitable fencing and entrance gates at its own expense.  This was dedicated on 16 July 1951 as a recreation and playing field to be preserved in perpetuity as a memorial to King George V under the provisions of the King George's Fields Foundation</p>	<p>Formal park with children's play area, small management building, growing hub and greenhouse.</p>	<p><b>N</b></p>	<p>No change proposed</p>



<b>Werneth Park and Lodges</b> <b>Registered Charity</b> <b>No: 521273</b>	Deed of Gift – 8 January 1936	To be kept as "...an open space known as Werneth Park for the recreation and enjoyment of the people of Oldham in such manner and subject to such regulations in all respects as the Council of the Corporation may from time to time think proper but so that only such buildings may be erected thereon as will add to the existing amenities of the said Park."	Formal park, children's adventure playground, bowling green, large grassed areas, pavillion building and timber shed	Net loss of £2,003 after deducting expenditure (paid by Oldham Borough Council)	No change proposed

<p><b>Sheraton Road Playing Fields (Sandys Recreation Ground (Otherwise known as Red Flats) Registered Charity No 810062</b></p>	<p>Deed of Gift dated 16 September 1913 as varied by a CC Scheme 7 August 1991</p>	<p>Land to be dedicated and freely and exclusively used and enjoyed in perpetuity by the inhabitants of the County Borough of Oldham as and for an Open Space Public Garden or Recreation Ground and for no other purpose whatsoever subject to such reasonable bye laws or regulations as the Corporation may from time to time prescribe</p>	<p>Land used as open space and public garden or recreation ground</p>	<p><b>N</b></p>	<p>No change proposed</p>
<p><b>Bardsley War Memorial Registered Charity No 226388</b></p>	<p>Indenture (as gift) dated 31/10/1924.</p>	<p>Forever after maintain the same as and for the site of a war memorial to those inhabitants of the Parish of Bardsley who died whilst serving in His Majesty's forces in the Great War</p>	<p>Used for site of war memorial and is maintained as war memorial</p>	<p><b>N</b></p>	<p>No change proposed</p>

<p><b>Land at Edward Street/Tamworth Street ("Pocket Park")</b>  <b>Registered Charity No 521265</b></p>	<p>Deed dated 27th October 1909.</p>	<p>To be dedicated and freely and exclusively used and enjoyed in perpetuity by the inhabitants of the County Borough of Oldham as and for an Open Space Public Garden or Recreation Ground and for no other purpose whatsoever subject to such reasonable bye laws or regulations as the Corporation may from time to time prescribe (and the Council is to maintain this at its own expense)</p>	<p>Area of landscaped land laid to grass with trees and shrubs and pieces of artwork open to the public.</p>	<p><b>N</b></p>	<p>No change proposed</p>
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