

**CHARITABLE TRUST COMMITTEE**  
**26/11/2018 at 6.00 pm**



**Present:** Councillor Brownridge (Chair)  
Councillors Turner, Davis (Substitute), Goodwin (Substitute) and  
Harrison (Substitute)

Also in Attendance:

Elizabeth Cunningham- Doyle	Legal Services
Lori Hughes	Constitutional Services
Ben Hill	Strategic Regeneration
Zaiem Khan	District Co-ordinator
Mark Prestwich	Strategic Regeneration

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor F. Hussain  
and Councillor Moores.

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 received.

5           **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting held on 5<sup>th</sup>  
September 2018 be approved as a correct record.

6           **FORMER DSO BUILDING, ADJOINING LAND AND PUBLIC  
CONVENIENCE BLOCK, HIGH CROMPTON PARK,  
ROCHDALE ROAD, SHAW**

Consideration was given to a report which provided an overview  
in respect to an area of land and building known as the "Former  
DSO Building" and details of a recent request from the Council  
to enter into a land swap agreement which would be exchanged  
with other land owned by Council not covered by the charitable  
trust.

The background to the site and the proposals were outlined in  
the report.

The former DSO Building was situated on Charity Land and had  
been part of various marketing campaigns since 2014 with only  
limited interest. A fresh marketing exercise had been  
undertaken and tenders received.

Members were informed that the sale had not yet been  
approved, the members as trustees would approve any sale  
after a statutory process had been followed. Members were

informed that the building was in a poor state and in urgent need of repair. Members were requested to authorise the sealing of a deed to grant the licence to allow emergency repairs by the developer at their own risk.

### Options Considered

1. The Committee could choose to do nothing and not proceed with the land swap.
2. The Committee could choose to obtain independent valuation advice from a surveyor acting on behalf of the Charitable Trust.

### **RESOLVED that:**

1. The background in respect to the acquisition of the land shown edged red at Appendix One to the report that formed what was the 'Charity Lane' be noted.
2. The request from the Council to enter into an agreement for the Land Swap with the Charitable Trust which involved the land show edged blue on the plan contained with the report which was part of the Charity Land be noted.
3. An independent chartered surveyor be appointed to prepare valuations of the area of Charity Land in question, together with the area of land owned by the Council in its statutory capacity being shown edged green on the plan ("Green Land") in the report. The valuation reports to be prepared in accordance with the Charities (Qualified Surveyors' Reports) Regulations 1992.
4. The proposal to proceed with the land swap which involves exchanging the "Blue Land" with the "Green Land" as outlined in the report be advertised in accordance with the statutory consultation strategy detailed in Section 5.1 of the report.
5. A further report be prepared for consideration by the Charitable Trust Committee when the independent surveyor's report had been received and the public consultation completed.
6. A licence be granted to the developer to enter onto Charity Land to undertake the essential works to the former DSO building.

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### **LAND AT SHAW ROAD END PARK, BROADWAY, ROYTON**

Consideration was given to a report which provided an update on the activities following the previous Charitable Trust Committee meeting held in September 2018 which included the result of the consultation and an independent valuation prepared on behalf of the Charity. The Committee was asked, after noting the results of the consultation and independent valuation advice, to provide authority for officers to proceed with the proposed land swap.

The background to the site and current position were outlined in the report. Legal officers had taken steps to formally register the subject charity with the Charity Commission. As the Charity did not generate an income in excess of £5,000 and there were no 'exceptional circumstances', the trust could not be registered.

Consultation had been undertaken which included site notices and a notice in the Manchester Evening News. A written representation was provided and included at Appendix 3 of the report.

Members sought and received clarification on the car park, how it contributed to the park and the terms of the deed. Members also sought and received clarification on the representations received. Car parking in the area was at a premium. Any development would be addressed through a planning application. There was a desire for provision of parking to support the park. The formal recreational areas of the park would be safeguarded and through any discussions of redevelopment of the former Our Lady's site, S.106 funding would be investigated and the adjoining park could be an obvious beneficiary.

#### Options Considered

1. The Committee could choose to do nothing and not proceed with the swap.
2. The Committee could choose to accept the advice contained in the independent surveyor's report that it would be in the financial interest of the Trust to proceed with the swap.

#### **RESOLVED that:**

1. The position related to the formal registration of the charity with the Charity Commission be noted.
2. The responses received following the consultation under S.121 of the Charities Act into the land swap proposal were fully considered. Members considered that the proposed land swap would be in the best interests of the charitable trust because the land to be exchanged is an area of the park which is most intensively used for recreation.
3. The contents of the independent valuation report prepared in accordance with the Charities (Qualified Surveyors' Reports) Regulations 1992 in respect to the two areas of land due for possible inclusion within any land swap proposals be noted.
4. Council officers be authorised to apply for an order from the Charity Commission for a disposal to a connected person so that the land swap could be completed.

Consideration was given to an update on the sale of the Hollies, Frederick Street, Werneth.



**Oldham**  
Council

The background to the site was outlined in the report.

A Section 121 Notice was placed on site and in the Manchester Evening News between 5 October and 6 November 2018. No representations or objections were received.

Progress with the sale of the property had been slow. To date no firm commitment had been given to accept or sign the Heads of Terms. The developer has requested changes and engagement has taken place through solicitors.

It was confirmed that the Charity Commission did not have any objection to the sale of the property. Members were informed of the independent panel which had been established to manage the Trust whilst it was being used by the Council in its executive capacity. It had met on 22<sup>nd</sup> November 2018 and a decision to proceed with the sale with a longstop date for exchange of contract prior to Christmas had been agreed at that meeting.

Members sought and received information on the preferred bidder and were informed that proof of funds had been provided. Members were also informed of funds which had been set up in a separate charitable trust and were advised that the money was available to be distributed.

#### Options Considered

1. Continue with the sale of the land to Greenstone Construction Ltd. But if no exchange of contracts on the sale has taken place by Christmas 2018, the site was to be remarketed.
2. Re-market the site.
3. Continue with the sale to Greenstone with no deadline for substantial progress.

#### **RESOLVED that:**

1. The slow progress made with regards to the sale of the Hollies to Greenstone Construction Ltd be noted.
2. Delegated authority be given to officers for the site to be remarketed in January 2019 in accordance with Charity Commission's Guidance if an exchange of contracts on the sale has not taken place by Christmas 2018.
3. Funding which had been received and held in a separate charitable trust could be distributed.

#### **146 WERNETH HALL ROAD, WERNETH**

Consideration to a report which provided an update, following an informal approach to the Charity Commission, to advise of positive discussions with Action Together who had confirmed a willingness to work with the Council for a targeted public consultation to be undertaken to ascertain where funds from a future sale of the property could be distributed. The Charity

Commission had confirmed that the approach, if adopted, would not be inconsistent with the provisions of Section 67 of the Charities Act 2011 and provided guidance as to how the consultation should proceed. If the consultation proceeded with the Commission's directions and provided clear research of evidence and need, and compatibility amongst local charities, there was every expectation that the Council would grant a scheme which provided a power of sale to allow the distribution of proceeds from a future sale of the property.

The Committee was asked to consider the response from the Charity Commission, and if satisfied, proceed to instruct officers to commence a formal targeted consultation exercise and report back to the Committee on the outcome of the consultation process in due course. Consultees included Action Together and the Oldham Interfaith Forum and others. Members also suggested Oldham Youth Council and Uniformed Organisations for engagement with young people.

#### Option Considered

The Committee were not required to consider options in this case owing to the fact that the Council was acting in its capacity as Charitable Trustee and not in its capacity as a statutory body acting under local government legislation.

**RESOLVED** that officers be authorised to carry out a consultation exercise on behalf of the Charitable Trustees of 146 Werneth Hall Road on the proposal to widen the objects of the charity to include:

“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.”

The meeting started at 6.00 pm and ended at 6.30 pm