

## **REPORT TO CHARITABLE TRUST COMMITTEE**

# **FORMER DSO BUILDING, ADJOINING LAND & PUBLIC CONVENIENCE BLOCK. HIGH CROMPTON PARK, ROCHDALE ROAD, SHAW.**

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Ex.4146**

**13<sup>th</sup> June 2019**

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### **Reason for Decision**

The purpose of the report is to:

- Provide the Charitable Trust Committee with an update in respect to an area of land and a building known as the Former DSO building.
- Seek Trustees approval for a further phase of works by the developer under a Licence to stabilise the building.
- Report details of the independent valuation for the Trust and Council Land
- Advise the Trust of the results of the advertisement for the land swap.

### **Recommendations**

It is recommended that the Charitable Trust Committee:

- Notes the findings of the independent valuation which has confirmed the value of both parcels of land and that the land offered to the Trust is of a greater value than the subject land.
- Notes the results of the Public Advertisement under Section 121 Charities Act 2011.
- Instructs officers to make an application to the Charity Commission for an order for the disposal of the charity land by means of a land swap with a connected person.
- Approves a further phase of works to the building by means of a licence for works

## **Land at High Crompton Park – (The former DSO Building)**

### **1. Background**

- 1.1. The former DSO Building is situated on the Charity Land edged blue on the plan appended to this report (Appendix 1).
- 1.2. The Parks Service currently uses the ground floor space in the DSO Building for the storage of equipment and materials, but this could possibly be relocated to the nearby compound.
- 1.3. Re-provision of the public conveniences within the DSO building would present an opportunity to prevent anti-social behaviour as well as drastically reducing the health & safety and insurance risks associated with such activity.
- 1.4. The DSO building is in a state of dilapidation albeit the developer has concluded roofing works as authorised by the Charitable Trust Committee in November 2018.

### **2. Current Position**

- 2.1. Oldham Council (in its statutory capacity) owns sections of the Park, as shown marked "OBC" on the plan in Appendix 2. It has come to light that part of the land being offered for sale by the Council, via a 250 year lease, happens to sit on Charitable Trust land and therefore requires the consent of the Charitable Trust Committee and the Charity Commission to dispose of the site.
- 2.2. The remainder of the Charity Land and the remaining Council Land would be unaffected by the proposal to dispose of the site.
- 2.3. Rather than making a financial payment to the Charitable Trust, the Council (in its statutory capacity) would like to enter into a land swap arrangement whereby, it would swap the Blue Land for the Green Land which, whilst forming part of the current park area, is not subject to the Charitable Trust. (See the plan at Appendix 2)
- 2.4. As such, the offer is one whereby, the Trust would swap the Blue Land, (measuring 320 sq.m or thereabouts), for the Green Land (measuring 566 sq.m or thereabouts).
- 2.5. An independent valuation was commissioned by the Charitable Trustees and undertaken by Breakey & Nuttall. This concluded that the Green Land (OBC) is valued at £14,000 and the Blue Land (Trust) is valued at £13,000. This provides the Trust with an increase in the value of its assets of £1,000.
- 2.6. The developer is seeking to undertake a further phase of works to continue to stabilise the building and ensure the internal accommodation is safe. At present the staircase and first floor is unsafe and requires further works to avoid deterioration or possible collapse.

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### 3. **Consultation**

- 3.1. A formal notice was published in the Manchester Evening News on the 5<sup>th</sup> March 2019 under section 121(2) Charities Act 2011. In parallel a public notice was placed in the park notice boards, as part of a formal public consultation process to consider whether to do nothing or swap the Blue Land with the Green Land.
- 3.2. In response to the above advert and public notices, the Council received no responses.

### 4. **Financial Implications**

#### 4.1. Revenue Comments

- 4.2. The purpose of this report is to engage with the Charitable Trust Committee with the proposal of a land swap.
- 4.3. The Council does not hold revenue budgets for the asset and is not currently incurring expenditure on the asset. The asset is maintained by Environmental Services and will continue to do so after the land swap and up until future disposal.

Any disposal costs will initially be funded by Oldham Council, but a further report will be needed on the full disposal of the site. [Jamie Kelly – Accountant]

#### 4.4. Capital Comments

There are no capital financial implications for the proposed transaction. However there will be a change to the asset in relation to categorisation, from 100% land and buildings to be part land and buildings and part infrastructure asset. [Jit Kara]

### 5. **Legal Services Comments**

- 5.1. The Council acting in its capacity as a charitable trustee is advised to follow the guidance published by the Charity Commission in seeking to dispose of charity land.
- 5.2. The Council has sought an independent valuation of both of the sites to be exchanged and as such has followed the recommendation in the guidance.
- 5.3. The Council has also followed the guidance and conducted the statutory consultation process under Section 121 (2) Charities Act 2011. However, there have been no responses to the formal consultation exercise.
- 5.4. The Charitable Trustee Committee now needs to consider the outcome of the valuation exercise and the consultation process and if they decide that it would be in the best interests of the charitable trust to proceed with the disposal of the site, to instruct officers to request an order from the Charity Commission for the disposal of the charitable land. This is because the Council owns both the Blue Land and the Green Land (albeit in different capacities) which are both the subject

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of the proposed land swap and as such the Council would be making a disposal to a connected person which requires the permission of the Charity Commission. Elizabeth Cunningham Doyle]

6. **Co-operative Agenda**

7. None.

8. **IT Implications**

8.1. None.

9. **Property Implications**

9.1. All Property implications are covered in this report. [Roslayn Smith]

10. **Environmental and Health & Safety Implications**

10.1. None.

11. **Equality, community cohesion and crime implications**

11.1. None.

12. **Equality Impact Assessment Completed?**

12.1. No.

13. **Key Decision**

13.1. No.

14. **Key Decision Reference**

14.1. Not applicable.

15. **Background Papers**

15.1. None.

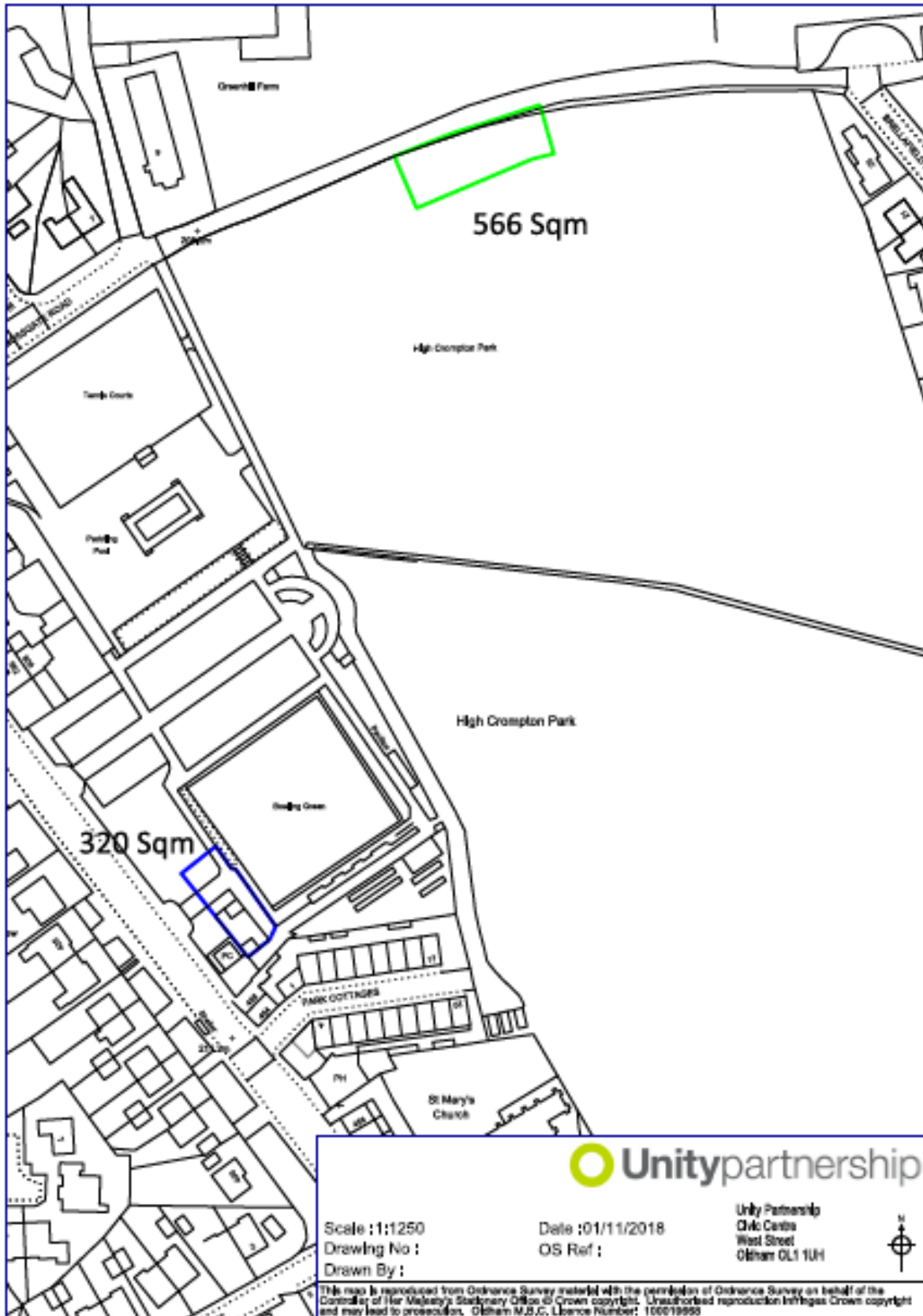
16. **Appendices**

16.1. Appendix One – Plan

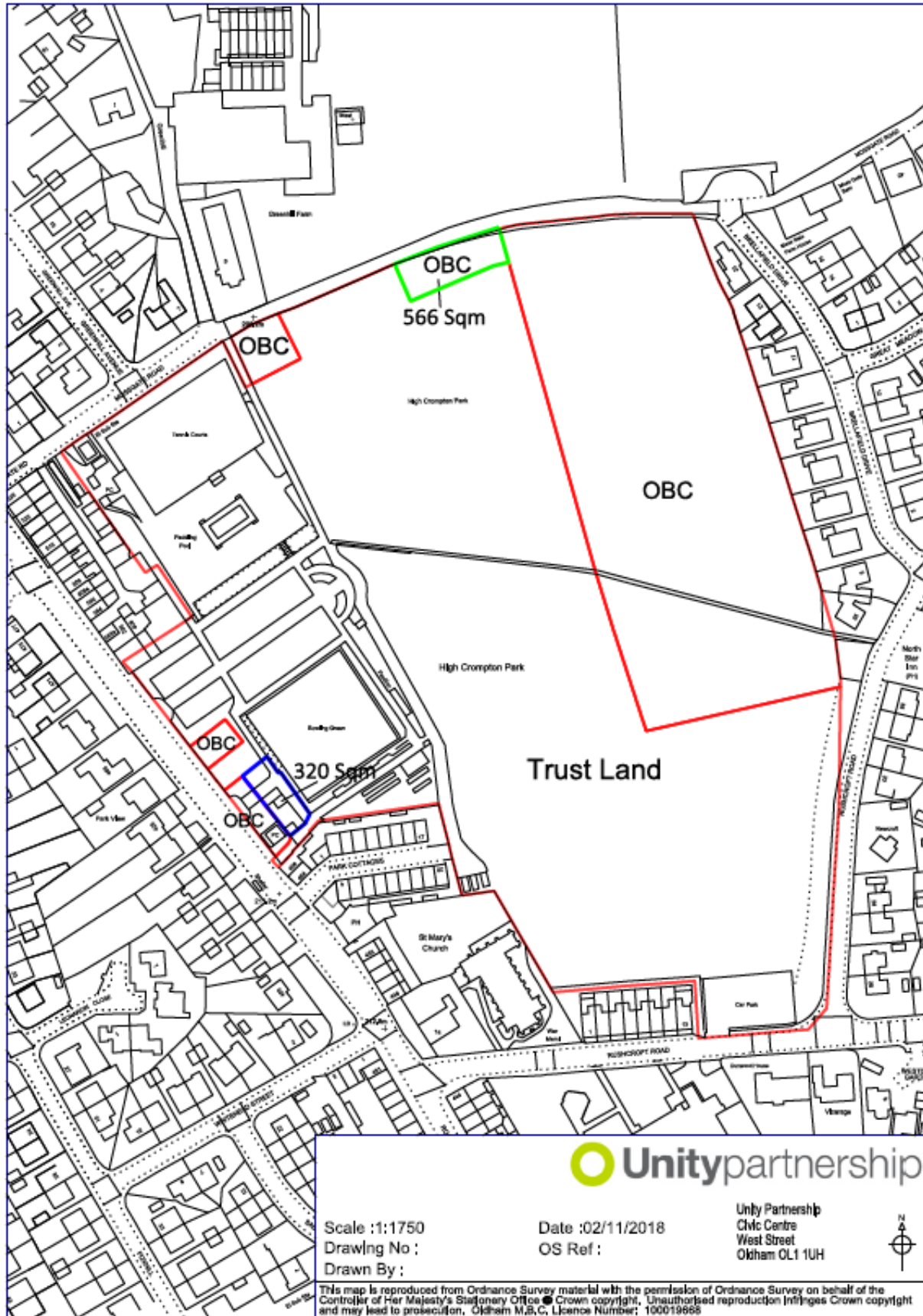
16.2. Appendix Two – Land Ownership – High Crompton Park

16.3. Appendix Three – Site Photographs

**Appendix One**



**Appendix Two**



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**Appendix Three**

