
FOR PUBLICATION



Report to CHARITABLE TRUST COMMITTEE

146 Werneth Hall Road, Werneth

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Reason for Report

To provide the committee with an update on the consultation undertaken as advised by the Charity Commission.

Recommendation

To note the report.

146 Werneth Hall Road, Werneth

1 Background

1.1 146 Werneth Hall Road is a former residential property which was gifted to the Council by Sarah Lees by a deed dated 8th January 1914 with the specific request that it be “assured as a site for a school for the teaching of housewifery and other domestic tasks”. A decision is now required regarding the future of the property particularly in light of the charitable use contained within the Council’s title to the property.

1.2 At the last meeting of the Council’s Charitable Trust Committee which took place on 26th November 2018:

“consideration was given 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.

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.”

2 Current Position

2.1 The requisite consultation took place from 4th March 2019 to 3rd June 2019. A specific email address was set up for the purpose of the consultation to receive responses.

2.2 The consultation form was sent out via email to organisations and individuals through the following methods:

- Voluntary and Community Sector organisations and charities in Oldham via ActionTogether (local support organisation for the sector)
- Faith sector through Oldham Interfaith Forum

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- Children and young people through Oldham Youth Council and Mahdlo (local youth works organisation)
 - Oldham Historical Research Group and researchers via the Oldham Council Archives service
 - Ward Councillors and West Oldham District Executive

2.3 Reminders were sent out encouraging people to take the opportunity to provide feedback via the consultation form.

2.4 At the close of the consultation 4 responses were received.

3 Consultation Feedback

3.1 Feedback was provided by return of a completed form responding to the following questions:

Whether the respondent agreed that the previous charitable objectives were outdated

If the respondent agreed with the proposed new objectives

If the respondent didn't agree with the proposed new objectives

Respondents were given the choice to suggest new objectives

Space was provided on the form for any further comments.

3.2 All respondents were in agreement that the previous charitable objects of a place "assured as a site for a school for the teaching of housewifery and other domestic tasks" were outdated.

3.3 All responses were in favour of widening the objectives from a school for housewifery to ***"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."***

3.4 However, one response suggested that the suggested charitable objectives be extended with the following wording:
and or merge with current objectives to specifically support women and children services in the area.

3.5 The consultation form gave people the opportunity to make any other comments:
The following comments were made:

"Oldham Youth Council have seen issues around homelessness and knife crime rise for young people. Would the change of objective allow for work in these issue areas? If so we would love opportunity to work with the trust to help young people in Oldham."

"The building is now, no longer used & therefore should be offered to wider community to utilise, either by way of sale or lease."

"As an interested stakeholder in this premise please keep me informed and up to date with any changes or proposed letting/sale of these premises. We are a not for profit Charity in Oldham that already work with local families on social and educational issues and would seek to accommodate further families by use of this space. We are able to fulfil the charitable objectives proposed and would look to use this space to continue as a Trust to the local borough."

Could Good Interfaith Relation Building be added to the objective of the charity.

4 Recommendations

- 4.1 To note the consultation exercise which has not returned any objections although the response rate was low. The comments provided do not contradict or oppose the proposed new objects but offer suggestions to widen the proposed objectives of the charity.
- 4.2 The Charitable Trust Committee is asked to:
- consider the outcome of the consultation process and in the light of the comments and feedback received to resolve that a cy-pres scheme application should be made to the Charity Commission to change the objectives below as follows and to include any broader objectives which it thinks appropriate:
“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.”
 - To give an explanation for its decision in the light of the legal comments below.
 - To authorize officers to make the application to the Charity Commission for the Cy-pres scheme to widen the objectives of the charity and to apply for a waiver from issuing a public notice in additions to the advertisement for sale.

5 Financial Implications

- 5.1 There are no capital finance implication at this time, only staff time in undertaking the necessary application for the cy-pres scheme. Further financial comments will be added to a future report following the consultation.

(Jit Kara)

6. Legal Services Comments

- 6.1 Legal Services have been in consultation with the Charity Commission at the behest of the Charitable Trust Committee and have received a comprehensive response from Mr Tim Reese at the Charity Commission who has confirmed the advice given in his letter of 20th June 2018 a copy of which is appended to this report at Appendix 2.
- 6.2 In his letter he confirms that he is satisfied that the criteria for making a Cy-pres Scheme under Section 62 Charities Act 2011 are met.
- 6.3 In the accompanying email dated 22nd October 2018 (see Appendix 3) the Charity Commission has indicated that it may be willing to grant a Cy-pres scheme provided the trustees follow the advice given in its letter of 20th June. The Commission has also suggested some widened objects for the charity. However, the Commission expects trustees to have carried out a consultation exercise appropriate to the situation to help inform their decision making as to whether or not the new purposes are appropriate.
- 6.4 The Trustees are now invited to consider the outcome of the consultation exercise and to make a decision with regard to the proposed objectives for the charity in the light of the responses received. In making its decision the Trustees should explain how the revised objectives relate to the three considerations below namely:
- The spirit of the original gift
 - The desirability of providing the new purposes that are closest to the original and

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- The necessity for the new purposes to be suitable and effective in light of current social and economic circumstances.
 - Whether the Trustees believe the scheme to be controversial.

6.5 Once the Trustees have made a resolution in relation to the proposed objectives they should then consider authorizing officers to make an application to the Charity Commission for a Cy-pres scheme to widen the objectives of the charity and at the same time make an order for the disposal of the premises.

6.6 Normally the Charity Commission would not consider an application for a power of sale to be included with the Cy-pres scheme unless a public notice of the proposed disposal had been published in addition to advertising the property for sale in order to obtain the best price. However, the Charity Commission may consider waiving this requirement upon request in writing if it considers that there has already been public discussion of the proposed disposal. Therefore, the Trustees are invited to authorize Officers to make an application in writing to waive the requirement for a further public notice in addition to any advertisement for sale.

(Elizabeth Cunningham Doyle)

7. **Co-operative Agenda**

7.1 Not applicable

8 **Human Resources Comments**

8.1 Not applicable

9 **Risk Assessments**

9.1 None

10 **IT Implications**

10.1 Not applicable

11 **Property Implications**

11.1 There are no immediate property implications arising from the content of this report.
(Mark Elton)

12 **Procurement Implications**

12.1 Not applicable

13 **Environmental and Health & Safety Implications**

13.1 Not applicable

14 **Equality, community cohesion and crime implications**

14.1 Not applicable

15 **Equality Impact Assessment Completed?**

15.1 Not applicable

16 **Key Decision**

16.1 Not applicable

17 **Key Decision Reference**

17.1 Not applicable

18 **Background Papers**

18.1 Report to the Charitable Trustees Committee meeting – 19th September 2017.

18.2 Report to Charitable Trust Committee meeting – 26th November 2018

19 **Appendices**

19.1 Appendix 1 Consultation Form