

Report to CHARITABLE TRUST COMMITTEE

Consultation with regards to Charitable Use of Lees Recreation Ground within the Snipe Clough area

Officer Contact: Rebekah Sutcliffe, Strategic Director of Reform

Report Author: Anna da Silva, Project Director, Northern Roots
Ext. N/A

13th June 2019

Reason for Decision

The land which is the subject of charitable trusts is no longer being used as a recreational ground for secondary school pupils or other school pupils. Permission is sought to carry out a consultation exercise with the public to ascertain whether or not there is interest in broadening the scope of the charitable objectives to ensure the charitable use of the land in question.

Recommendations

Authorize officers of the Council to conduct a consultation exercise to seek feedback from the public on the possibility of extending the objectives of the :Lees Recreation Ground charity.

Consultation with regards to Charitable Use of Lees Recreation Ground within the Snipe Clough area

1 Background

- 1.1 The Northern Roots project is a proposal to develop the UK's largest urban farm and eco-park, on 160 acres of land at Snipe Clough, immediately adjacent to the Alexandra Park depot. Northern Roots presents a significant opportunity to further develop and establish Oldham as a green and growing town for the benefit of residents, Greater Manchester and beyond.

More work is needed to further develop ideas and interest in the project, as well as identifying sites and opportunities for events, investment and activities. Getting communities involved is key to the success of this project as well as seeking engagement and interest from other organisations, investors and experts.

2 Current Position

- 2.1 Within the Northern Roots project, work is ongoing to clarify the position with regards to land title and permissions, and implications for developing facilities and activities on Snipe Clough. The process of setting up a Northern Roots Charitable company is underway. Conversations have been initiated with potential funders and supporters, and planning is underway for community and stakeholder engagement, and for the delivery of early stage pilot projects.
- 2.2 Within the context of this exploratory work, the project team has become aware of the fact that an area of land within the proposed Northern Roots site, identified on the appended H.M Land Registry Plan, is subject to a charitable covenant requiring it to be used for purposes of secondary school recreational activities. The land in question known as Lees Recreation Ground was subject to a charitable endowment registered with the Charity Commission on 26th May 1911 to be used exclusively for any secondary or other school or schools. The land is no longer being used for the designated purposes owing to the fact that there is no longer a secondary school adjacent to the land in question and the primary school adjacent to Snipe Clough has its own recreational land.
- 2.3 The Northern Roots project team is, therefore, requesting permission from the Charitable Trust Committee to conduct a consultation exercise with local communities and stakeholders with a view to possibly widening the objectives of the charitable use of this parcel of land and at the same time considering whether or not to swap the location of the land to a more accessible/suitable location within the proposed Northern Roots site.

3 Options/Alternatives

- 3.1 N/A

4 **Preferred Option**

4.1 N/A

5 **Consultation**

5.1 The project team is seeking permission to carry out a consultation exercise about the possibility of updating the charitable purposes for the parcel of land in question and considering the options for repositioning the site within the Northern Roots project boundary.

6 **Financial Implications**

6.1 A budget has been established to progress the project through feasibility of £705k. This is across financial years 2019/20 and 2020/21 with the first allocation being £365k.

6.2 There is an allocation within each year for community engagement and events of £25k. All costs for consultation discussed in this report can be incurred through this budget line.

(Sam Smith)

7 **Legal Services Comments**

7.1 The Council has received the following advice from the Charity Commission in relation to applying for a Cy-pres scheme to widen the objectives of the charity.

“In altering the purpose of a charity by a scheme the steps to be followed are set out in the Charities Act 2011. In summary, it is necessary to :

- Firstly identify the circumstances that make it necessary to alter the present purposes and ensure they meet the criteria for making a scheme; and
- Secondly, consider the similar purposes that the charity should now have – that is the use to which the charity’s property might now be put.
- Consult with stakeholders and consider the results if this has not already been done and make any necessary modification to the proposals.”

The Guidance from the Charity Commission explains that the Commission “expects Trustees to carry out a consultation exercise to consider whether any new purposes align with the spirit of the original gift, the desirability of providing new purposes that are close to the original and the necessity for the new purposes to be suitable and effective in light of current social and economic circumstances.”

The Guidance explains that the Commission “expects trustees to have carried out appropriate consultation to help inform their decision-making regarding whether any of the criteria for making a scheme have been met and if so what new purposes are appropriate. The consultation would need to be appropriate to the situation.”

The Northern Roots project is planning to consult on the ambitions of the project over the summer period and it was felt that it would be appropriate to use this opportunity to consult members of the public on widening the objectives of the charity at the same time to ascertain whether or not there is public interest in broadening the objective so that the land in question can be fully utilized in line with the spirit of the gift. (Elizabeth Cunningham Doyle)

-
8. **Co-operative Agenda**
- 8.1 N/A
- 9 **Human Resources Comments**
- 9.1 None
- 10 **Risk Assessments**
- 10.1 None
- 11 **IT Implications**
- 11.1 None
- 12 **Property Implications**
- 12.1 The land is not currently in use, or under active management. The proposal is the broaden access to the land, and increase its use for the benefit of the residents in the borough of Oldham. (Roger Frith)
- 13 **Procurement Implications**
- 13.1 None
- 14 **Environmental and Health & Safety Implications**
- 14.1 None
- 15 **Equality, community cohesion and crime implications**
- 15.1 Any potential implications, and mitigations for those implications, will be explored through the consultation about the charitable use of the land in question. The objective is to broaden access to and use of the land, and reduce anti-social behaviour.
- 16 **Equality Impact Assessment Completed?**
- 16.1 No
- 17 **Key Decision**
- 17.1 No
- 18 **Key Decision Reference**
- 18.1 N/A
- 19 **Background Papers**
- 19.1 None
- 20 **Appendices**
- 20.1 Title Deed for the land in question
-

20.2 Charity commission order with regards to the land in question

20.3 Covenant agreement setting out the conditions on the usage of the land in question.