



**Oldham**  
Council

**Report to CABINET**

## **Failsworth Trust Cabinet Sub-Committee - Appointment of Members**

**Portfolio Holder:** Councillor Sean Fielding, Leader of the Council

**Officer Contact:** Elizabeth Drogan, Head of Democratic Services

**Report Author:** Sian Walter-Browne, Principal Constitutional Services Officer

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

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### **Reason for Decision**

To appoint Cabinet Members onto the Failsworth Trust Cabinet Sub-Committee.

### **Recommendations**

That the Cabinet appoints Members of Cabinet to the Cabinet Sub-Committee with full delegated powers to consider the next steps for the land which is held on charitable trust.

**Failsworth Trust Cabinet Sub-Committee - Appointment of Members****1 Background**

1.1 The Failsworth Trust Committee is a sub-committee of the Cabinet which deals with the land in Failsworth which is held by the Council on charitable trust. The terms of Reference are attached at Appendix 1.

1.2 Cabinet previously established a sub-committee of three Members to consider issues relating to the trust and appointments to the sub-committee are requested.

**2 Options/Alternatives**

2.1 Two options are presented in relation to this matter. The two options are:

- Option 1 – Appoint Members to sit on the Sub-Committee.
- Option 2 – Do not appoint Members to sit on the Sub-Committee. The Council would need to consider an alternative method by which the Council would exercise its controlling interest in the Unity Partnership Ltd.

**3 Preferred Option**

3.1 The preferred option is that the Cabinet appoints Cabinet Members to the Sub- Committee.

**4 Consultation**

4.1 N/A

**5 Financial Implications**

5.1 N/A

**6 Legal Services Comments**

6.1 N/A

**7 Cooperative Agenda**

7.1 N/A.

**8 Human Resources Comments**

8.1 N/A.

**9 Risk Assessments**

9.1 N/A

**10 IT Implications**

10.1 N/A.

**11 Property Implications**

11.1 N/A.

**12 Procurement Implications**

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- 12.1 N/A.
  - 13 **Environmental and Health & Safety Implications**
  - 13.1 N/A.
  - 14 **Equality, community cohesion and crime implications**
  - 14.1 N/A.
  - 15 **Equality Impact Assessment Completed?**
  - 15.1 N/A.
  - 16 **Key Decision**
  - 16.1 N/A.
  - 17 **Forward Plan Reference**
  - 17.1 N/A.
  - 18 **Background Papers**
  - 18.1 None
  - 19 **Appendices**
  - 19.1 Appendix 1 Terms of Reference
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## Appendix 1

### Terms of Reference

- 1 The Failsworth Trust Committee (“the Trust”) will at all times act in the best interests of the Trust and in accordance with the provisions of the Charities Act 1993 and other applicable statutes and legal principles relating to the management of land which is held for charitable purposes.
  - 2 The Trust will use all reasonable endeavours to further the object of the Trust which is that the land to the north of the Lancaster Club (comprising 11 ¾ acres of land acquired by the former Failsworth Urban District Council on 4 January 1924 from Constance Mary Solly Flood) be used for the purposes of a recreation ground.
  - 3 The Committee will comprise 3 Members of the Council’s Cabinet, appointed by the Cabinet. The Chair will be appointed by the Committee from among their number at their first meeting.
  - 4 Meetings will normally be held in a location which is accessible and acceptable to all members. Where possible the accommodation will be provided by Oldham Borough Council.
  - 5 Meetings will be held quarterly provided that the Chair is of the opinion there is sufficient business to consider.
  - 6 Any items for the agenda should be sent to the Chair four weeks before the meeting.
  - 7 An agenda and other relevant papers will be dispatched to all members at least five working days before the meeting, by Oldham Borough Council’s Head of Constitutional Services.
  - 8 Meetings will be administered by the Head of Constitutional Services.
  - 9 All meetings will be minuted by the Head of Constitutional Services and the minutes sent to all members within ten working days of the meeting.
  - 10 Any members of the Failsworth Trust Committee must declare at the beginning of the meeting, or at any other appropriate stage, whether they are affected by a conflict of interest or conflict of duties in relation to any item on the agenda. If they have a personal interest, they must not speak or vote on the item. If a potential conflict of interest or duty arises from any matter, a member shall consider whether to withdraw. However, provided that the all members agree and the member acts in the best interests of the Trust and after receiving independent advice or recommendations, a member is permitted to consider and vote on the matter.
  - 11 Any proposal for alteration of the arrangements of the meetings of the Failsworth Trust Committee shall be considered by the Failsworth Trust Committee. Any such proposal should be subject to one month’s notice, and the proposed alteration sent with the Agenda to all members.
  - 12 **Voting Procedures and Quorum** - Each of the Trust Committee members shall have one vote, each vote carries equal weight and decisions of the Failsworth Trust Committee shall be made on a majority vote. A meeting of the Failsworth Trust Committee will only be considered quorate if at least two voting members are present. In the event of a tied vote the Chair shall have the casting vote.
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- 13 The Failsworth Trust Committee has legal capacity to make and implement decisions in its own right without the need for ratification by the Council.
  - 14 Decisions of the Failsworth Trust Committee will be binding both on the said Committee and on Oldham Borough Council.