

Report to Charitable Trust Committee

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

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Reason for Decision

To provide the committee with an update on the consultation undertaken as advised by the Charitable Trustees.

Recommendations:-

1. To note the report and consider the outcome of the informal consultation process which has taken place to date with regard to the use of the Lees Recreation Ground.
2. Decide upon the scope of any proposal to widen the objects of the Lees Recreation Ground Trust which are both close to and in the spirit of the original gift in the light of current social and economic circumstances.
3. Instruct officers to carry out a consultation on any proposal to widen the objects of the Lees Recreation Ground Trust on behalf of the Trustees and report back to the Trustees on the outcome of the consultation process.

Lees Recreation Ground within the Snipe Clough area

1 Background

- 1.1 Lees Recreation Ground was gifted on 21st February 1911 between Samuel Whitehead and Charles Whitehead of the first part, Charles Collinge Spencer of the second part, Edwards Trustram of the third part, Sarah Ann Lees and the Donor, Marjory Lees of the fourth part and the Corporation of the fifth part.
- 1.2 A sealed order of the Charity Commission Board for the recreation ground for secondary schools was agreed on 26th May 1911, to continue to use Lees Recreation Ground exclusively for any secondary or other school or schools, the whole of the endowment to be applied to educational purposes.
- 1.3 An amendment followed on 3rd June 1938, trusted to the Corporation that they would use the land thereby assigned for a recreation ground for the Municipal secondary School of the Borough of Oldham or for any additional secondary school or schools of a like character.
- 1.4 At the last meeting of the Council's Charitable Trust Committee which took place on 13th June 2019 the Northern Roots project team were granted permission to conduct a consultation exercise with local communities and stakeholders with a view to possibly widening the objectives of the charitable use of the Lees Recreation Ground land and consider whether or not to swap the location of the land to a more accessible/suitable location within the proposed Northern Roots site.

2 Current Position

- 2.1 The consultation took place from 24th June 2019 to 23rd August 2019.
- 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 Action Together (local support organisation for the sector)
 - Local secondary and primary schools.
- 2.3 Reminders were issued encouraging people to take the opportunity to provide feedback via the consultation form.
- 2.4 At the close of the consultation 3 responses were received.

3 Consultation Feedback

- 3.1 Feedback was provided by return of a completed form responding to the following questions:
 - Should the original charitable objectives of the land be changed
 - If so to,
 - Multi-functional use sports pitch
 - Nature-based educational activities
 - Community growing – edible
 - Community growing – non-edible
 - Other.
 - Space was provided for further comments.
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3.2 Details of the consultation process and outcomes can be found in paragraph 5 below.

4 Recommendations

4.1 The Charitable Trust Committee is asked to:

- Consider the outcome of the consultation exercise and in light of the comments and feedback received grant permission to carry out a formal consultation to alter the purposes of the charity and authorize a cy-pres scheme application to the Charity Commission to broaden the objectives of the charity to Nature-based educational activities.
- To give an explanation for its decision in the light of the legal commitments below.

5 Consultation

5.1 Consultation to relocate the recreation ground to another site close to Fitton Hill was carried out with 17 local schools. Out of the 4 responses received, it was unanimous that the ground would still not be used by schools even if it was relocated to a more convenient location closer to two of the schools consulted.

5.2 Further consultation was carried out with key local stakeholders on the proposed changes to the charitable objectives. 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 Action Together (local support organisation for the voluntary sector)
- Local secondary and primary schools.

To date there have only been three responses to the consultation exercise. One response ticked the box for nature based educational activities, but no further comments were provided. The other two responses ticked the box for a multi-functional use sports pitch and again no further comments were provided.

6 Financial Implications

Capital Comments

6.1 The land is held in Trust and forms part of a wider asset which is valued as landscaped categorized as land and buildings at a net book value of £147.5k. The land cannot be sold unless under the conditions held under Trust and therefore there is no opportunity for the Council to realise a capital receipt for investment. Should the scope of the conditions relating the land held in Trust be changed there will be a requirement to revalue the asset on its proposed use and any such valuation will be recorded accordingly in the financial statements. (Lee Walsh)

Revenue Comments

6..2 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.

6.3 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. (James Postle)

7 **Legal Services Comments**

7.1 The Council has received written advice from the Charity Commission with regard to amending the objects of a charity. The advice which was given is as follows:

When deciding the new purposes of a charity they have to consider

- 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

7.2 The Trustees of the charity are required to set out what the trustees think the new purposes of the charitable trust should be and explain how they relate to the three considerations in paragraph 7.1 above. The Trustees are required to provide minutes of the meeting at which these matters were considered and concluded.

7.3 The Charity Commission expects Trustees to have carried out an appropriate consultation exercise to help them 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. It goes on to say that the consultation would need to be appropriate to the situation.

7.4 The advice lists what needs to be done namely:

- Consult with stakeholders and consider the results and make any necessary modification to the proposals.
- Pass a resolution at a meeting of the Trustees to formally apply for the scheme.

7.5 Legal Services would recommend that the Trustees consider the outcome of the informal consultation which has taken place to date in the light of the conditions set out in paragraph 7.1 above and make a decision with regard to a proposal to widen the objectives of the Lees Recreation Ground which would form the basis for a formal consultation process as appropriate to the situation.

7.6 Legal Services will provide advice with regard to the consultation process once the Trustees have made their decision on the scope of the proposal to widen the objects of the charity. (Elizabeth Cunningham-Doyle)

8. **Co-operative Agenda**

8.1 N/A

9 **Human Resources Comments**

9.1 N/A

10 **Risk Assessments**

10.1 N/A

11 **IT Implications**

11.1 N/A

12 **Property Implications**

12.1 Roger Frith - No Comments

13	Procurement Implications
13.1	N/A
14	Environmental and Health & Safety Implications
14.1	N/A
15	Equality, community cohesion and crime implications
15.1	N/A
16	Equality Impact Assessment Completed?
16.1	N/A
17	Key Decision
17.1	No
18	Key Decision Reference
18.1	N/A
19	Background Papers
19.1	N/A
20	Appendices
20.1	Appendix A – Recreation Ground for Secondary Schools – Charity Commission.
