

## Report to CHARITABLE TRUST COMMITTEE

# Former DSO Building, Adjoining Land & Public Convenience Block, High Crompton Park, Rochdale Road, Shaw.

### Portfolio Holder:

Cllr Ateeque Ur-Rehman  
Cabinet Member for Neighbourhoods Services

**Officer Contact:** Nikolaj Dockree, Senior Consultant Surveyor, Unity Partnership Ex.4146

18<sup>th</sup> December 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 of the application to the Charity Commission for an Order permitting the disposal of the subject land to the Council as a connected person.

### Recommendations

It is recommended that the Charitable Trust Committee considers and approves the draft Order provided by the Charity Commission appended to this report.

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## **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 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 1. 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 is not affected by the proposal to dispose of the site.
- 2.3. Rather than making a financial payment to the Charitable Trust, the Council acting in its statutory capacity would like to enter into a land swap arrangement with the Council acting in its capacity as a charitable trustee to swap the Blue Land for the Green Land which, whilst forming part of the current park area, is not subject to a Charitable Trust. (See the plan at Appendix 1)
- 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. Further to the meeting of the Charitable Trust Committee in June 2019 legal officers, acting on behalf of the Charitable Trustees, submitted an application to the Charity Commission for an Order for the disposal of the subject land to the Council as a connected person. The Charity Commission made some preliminary requisitions and subsequently drafted the Order permitting the land swap. The draft order is appended to this report at Appendix 2.
- 2.6. The Charitable Trust Committee is now requested to consider and approve the Order as drafted so that the purchaser of the DSO building can complete the renovation works to the building in order to open the premises as a Café/Eatery for the benefit of the general public.

### **3. Consultation**

N/A

### **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.
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- 4.3. The Council does not hold revenue budgets for the asset and is not currently incurring expenditure on the asset. The asset is currently 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)

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 should follow any guidance published by the Charity Commission in seeking to dispose of any charity land. The Council followed the recommendations made in the guidance and sought an independent valuation of both sites to be exchanged and carried out a statutory consultation exercise.

- 5.2. At its meeting in June 2019, the Charitable Trustee Committee considered the outcome of the independent valuation exercise and the statutory consultation exercise and decided that it would be in the best interests of the charitable trust to proceed with the disposal of the site and to instruct officers to request an order from the Charity Commission for the disposal of the charitable land. This was because the Council owns both the Blue Land and the Green Land (albeit in different capacities) and as such, the Council would be making a disposal to a connected person which would require the permission of the Charity Commission.

- 5.3. Legal Services on behalf of the charitable trustees, applied to the Charity Commission for an Order for the disposal of the subject land to a connected person, namely the Council, and the Charity Commission has provided a draft Order for the Charitable Trustees to approve. A copy of the draft Order is appended to this report at Appendix 2

- 5.4. The Charity Commission requires confirmation of the formal approval of the draft Order by way of a resolution of the Charitable Trust Committee. (Elizabeth Cunningham Doyle)

6. **Co-operative Agenda**

7. None.

8. **IT Implications**

- 8.1. None.

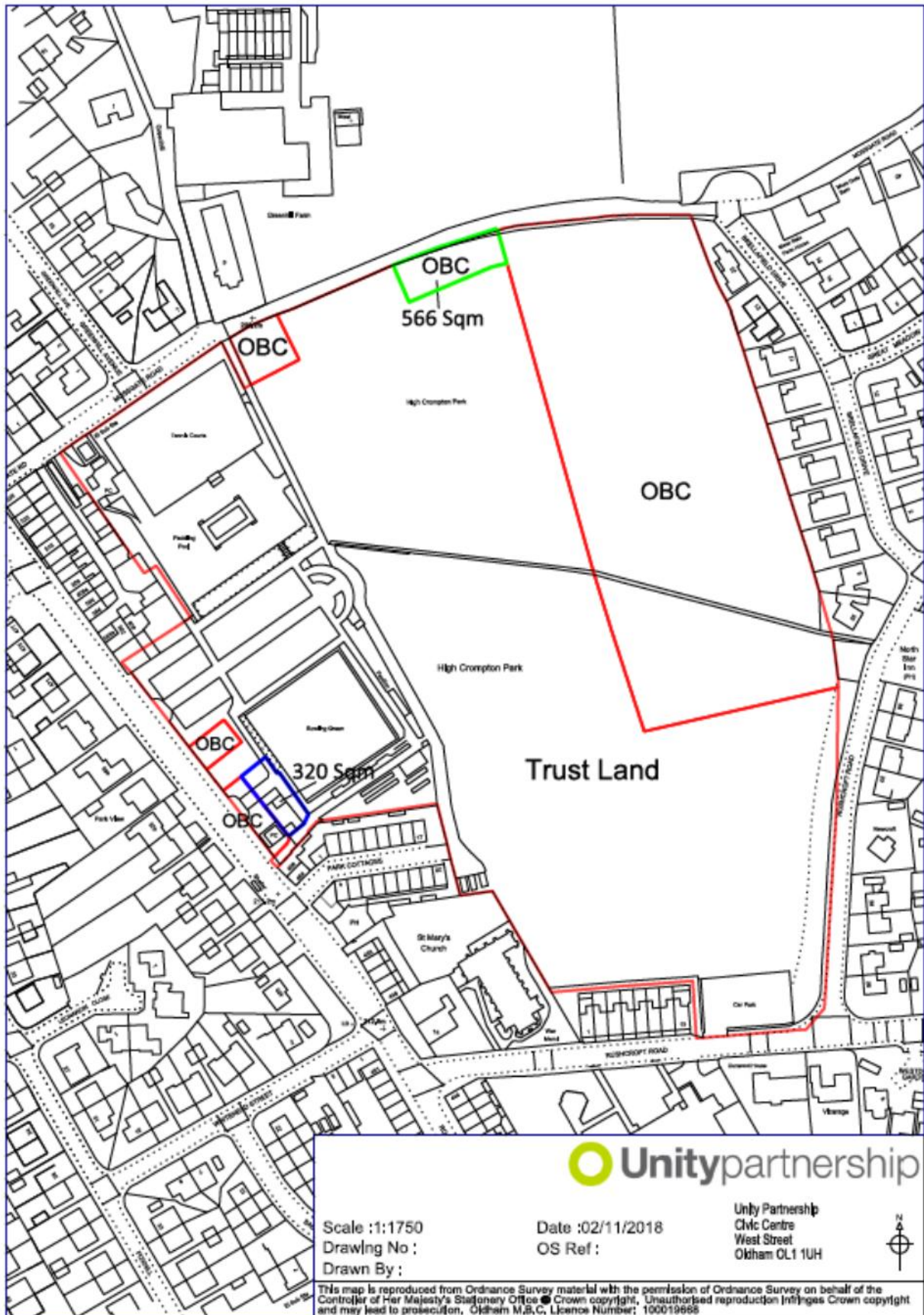
9. **Property Implications**

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

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

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- 9.3. None.
  - 9.4. **Equality, community cohesion and crime implications**
  - 9.5. None.
  - 9.6. **Equality Impact Assessment Completed?**
  - 9.7. No.
  - 9.8. **Key Decision**
  - 9.9. No.
  - 9.10. **Key Decision Reference**
  - 9.11. Not applicable.
  - 10. **Background Papers**
  - 10.1. None.
  - 11. **Appendices**
  - 11.1. Appendix One – Plan
  - 11.2. Appendix Two - Order
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**Unitypartnership**

Scale :1:1750  
 Drawing No :  
 Drawn By :

Date :02/11/2018  
 OS Ref :

Unity Partnership  
 Civic Centre  
 West Street  
 Oldham OL1 1UH



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**ORDER OF  
THE CHARITY COMMISSION FOR ENGLAND AND WALES**

to authorise the disposal of charity land under the powers given in the Charities Act 2011

dated the

**[Date]**

for the charity known as

**HIGH CROMPTON PARK TRUST**

**A member of staff of the Charity Commission authorised to act on behalf of the  
Charity Commission**

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## **ORDER**

Being satisfied that it is expedient in the interest of the charity to do so, the Commission authorises Oldham Borough Council as trustee of the charity to enter into a land swap of the land described in Part 1 of the schedule to this order with the land described in Part 2 of the schedule, which is owned by Oldham Borough Council, even though Oldham Borough Council is a connected party (as defined in section 118 of the Charities Act 2011).

## **SCHEDULE**

### **PART 1**

Land at High Crompton Park, Rochdale Road, Shaw, Oldham registered at HM Land Registry under title number MAN321088 which is subject to a deed of gift on part of the land including the subject land which totals 320 square metres.

### **PART 2**

Land at High Crompton Park, Rochdale Road, Shaw, Oldham registered at HM Land Registry under title number MAN321088 which lies adjacent to the northern boundary of the park which is not subject to a deed of gift which totals 566 square metres.

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