

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 formal consultation undertaken as advised by the Charitable Trustees.

Recommendations

- To note the report and consider the outcome of the formal consultation which has taken place with regard to the use of the Lees Recreation Ground.
- To authorize an application to the Charity Commission to broaden the objectives of the charity to Nature-based educational activities.

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 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.
- 1.5 At the last meeting of the Council's Charitable Trust Committee which took place on the 5th September, Trustees authorised officers to commence a formal consultation process on widening the objectives of the charity to nature based educational activities.

2 Current Position

- 2.1 The consultation took place from 1st November 2019 to 31st January 2020.
- 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.
 - Ward Councillors, Alexandra, St. Mary's and Medlock Vale.
 - Mosques Alexandra, St. Mary's and Medlock Vale.
 - Youth council
 - Ghazali Trust
 - Director of Public Health
 - Director of Education
 - Head of Environmental Services
- 2.3 Reminders were issued encouraging people to take the opportunity to provide feedback via the consultation form on 2 separate occasions.
- 2.4 At the close of the consultation 17 responses were received.

3 Consultation Feedback

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

- Do you believe nature-based educational activities such as forest school, bushcraft and outdoor recreation reflect the spirit of the original gift?
- Are the proposed nature-based educational activities sufficiently close to the original gift?
- Would nature-based educational activities be an effective use of the charity land in the light of health and wellbeing and economic circumstances?
- Do you agree with the proposal to widen the scope to that of nature-based educational activities?
- Space was provided for further comments.

3.2 Details of the consultation process and outcomes can be found in section 5 below.

4 Recommendations

4.1 The Charitable Trust is asked to:

- Consider the outcome of the formal consultation exercise which has taken place and in light of the comments and feedback received, grant permission to apply for a cy-pres scheme 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 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 sector)
- Local secondary and primary schools.
- Ward Councillors, Alexandra, St. Mary's and Medlock Vale.
- Mosques Alexandra, St. Mary's and Medlock Vale.
- Youth council
- Ghazali Trust
- Director of Public Health
- Director of Education
- Head of Environmental Services

Out of the 17 responses received, 15 agreed that nature-based educational activities such as forest school, bushcraft and outdoor recreation reflected the spirit of the original gift, this includes 1 response with a caveat that the existing football pitches on Snipe Clough remain where they are. 2 responses received disagreed with no additional comments.

Out of the 17 responses received, 15 agreed that the proposed nature-based educational activities were sufficiently close to the original gift, this includes 1 response with a caveat that the existing sports provision on Snipe Clough is maintained. There was also a comment stating that the nearest place is Alexandra Park, however nature based activity has always been carried out in the Lees Recreation Ground area and its surround, so do not feel that this goes against the spirit of the proposal. 2 responses received disagreed with no additional comments.

Out of the 17 responses received, 15 agreed that nature-based educational activities would be an effective use of the charity land in the light of health and wellbeing and economic circumstances, this includes 1 with a caveat that the existing sports provision

on Snipe Clough be maintained. 2 responses received disagreed with no additional comments.

Out of the 17 responses received, 15 agreed with the proposal to widen the scope to that of nature-based educational activities, this includes 1 with a caveat that the existing sports provision on Snipe Clough be maintained. 2 responses received disagreed with no additional comments.

From the responses received, 6 people added additional comments within the free text box as detailed below:

- 1. I have read the proposed ideas and think that this venture would be totally beneficial for everyone to utilise the space and encourage wellbeing collaborative activities. Particularly good if linking schools could be involved together.*
- 2. The area's surrounding snipe clough such as Alt and Fitton Hill have slowly been losing their sense of community spirit and could do with something or somewhere to spend time and get to know their neighbour's and communities again. If anything could be in place for volunteer work, or part of the budget to have all ages gathered, having children helping our elders with their advantage of youth and the same in return with knowledge and experience, I would like to see this in place please. Our elderly are often kept indoors by a lack of social activities, some by a lack of ability to, and on occasion fear of the youth making their own entertainment at other's property or persons. Bringing these two generations together with mediation of generations in between would hopefully see the community being brought together. Youths creating less of their own entertainment at the expense of others should recede, the elderly should be more comfortable if they see youths hanging around that they know, and the middle generations getting along with both. Some of the elderly would have a logistical problem, and may require transport to be provided, could this also be budgeted for? All in all, this is a wonderful project, and feel good about it. Thank you.*
- 3. I agree so long as the land is still free for 'free' no cost exploration and adventure by local children and families. Though the land might not be currently 'used' in your eyes, there is a lot of nature there in the summer months. Please look after and protect our green spaces.*
- 4. As part of our wellbeing programme for children at Alexandra Park Junior School, we aim in the future to train our staff to be part of Forest Schools. This land would be of great benefit to our school community.*
- 5. My perspective is that of Parish Priest of Hathershaw. I do not know whether the land on the Glodwick side of the site would have an impact on that community. Although I suspect that this site is not currently used for this purpose, as the Hathershaw site is.*
- 6. Forest School and Outdoor Learning have many educational and health and wellbeing benefits for our children today. The site is situated relatively close to several schools within the Oldham area. The site could be used to provide a place for Forest School sessions to take place.*

A follow up email was sent to the 2 not in favour of widening the objects of the Covenant requesting they elaborate on why they did not agree with the proposal so that we could better understand their reasoning to present all findings back to the Charitable Trustees. 1 of the 2 failed to respond.

The second responded to say *"I had no idea that the land was held in Trust, the Trustees should be looking to identify schools who can use the facilities. Bluecoat School is looking for a new school site, maybe these playing fields will end up near the new school? My own personal opinion is that the covenants should not be changed for any reason even if this may have a detrimental effect on our clubs' ambitions by default. To be clear, this is my personal opinion only."*

6 Financial Implications

Capital Comments

- 6.1 The land (asset no L00387) is held in Trust and has a net book value of £7,100 as at 31 March 2019. The land is adjacent to asset known as Snipe Clough. 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.

(Jit Kara)

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.

- 7.6 The Trustees are advised to consider the outcome of the consultation process and give reasons for their decision as to whether or not to widen the objects of the charity in the light of the outcome of the consultation.

(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.

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| Signed _____ Cabinet Member (specify whom) | Dated _____ |
| Signed _____ Executive Director | Dated _____ |