

Report to Charitable Trust Committee

Consideration of the objects of the draft Cy-pres scheme 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 application to the Charity Commission to broaden the objectives of the charity to Nature-based educational activities as advised by the Charitable Trustees.

Recommendation:

To note the report and approve the draft Cy-Pres Scheme.

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 Anne 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 meeting of the Council's Charitable Trust Committee which took place on the 5th September 2019, Trustees authorised officers to commence a formal consultation process on widening the objectives of the charity to nature based educational activities.
 - 1.6 At the last meeting of the Council's Charitable Trust Committee which took place on the 11th March 2020 the Northern Roots project team were granted permission to apply for a Cy-Pres Scheme with the Charity Commission.
 - 1.7 Further to the resolution of the Charitable Trust Committee, an application was made to the Charity Commission to broaden the objects of the charity with some proposed new objects for its consideration. The Charity Commission declined the proposed new objects but suggested its own new objects as set out in the draft Cy-pres scheme appended to this report.
 - 1.8 The new objects are as follows: "to promote for the benefit of the inhabitants of the borough of Oldham and the surrounding area the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the object of improving the condition of life of the said inhabitants."
 - 1.9 The recreation ground lies in the centre of the land covered by the Northern Roots Project and the release of the limited objects for the use of the land and the widening of the objects proposed by the Charity Commission will enable the Northern Roots Project to make better use of the site in alignment with the overall development of the area.
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2 Recommendations

The Charitable Trust Committee is asked to approve the draft Cy-pres scheme appended to this report in order to update the objects of the Charity “*to promote for the benefit of the inhabitants of the borough of Oldham and the surrounding area the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the object of improving the condition of life of the said inhabitants.*”

3 Financial Implications

Capital Comments

- 3.1 The land (asset no L00387) is held in Trust and has a net book value of £7,100 as at 31 March 2020. 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. (Lee Walsh)

4 Legal Services Comments

- 4.1 The Charitable Trust Committee is invited to consider the draft Cy pres scheme and the proposed new objects for the Sarah Anne Lees charity and if the trustees are satisfied with the wider objectives to formally approve the draft Cy pres scheme. (Elizabeth Cunningham Doyle)

5 Co-operative Agenda

- 5.1 N/A

6 Human Resources Comments

- 6.1 N/A

7 Risk Assessments

- 7.1 N/A

8 IT Implications

- 8.1 N/A

9 Property Implications

- 9.1 The proposed course of action and recommendations within this report are supported from a property perspective. (Mark Elton)

10 Procurement Implications

- 10.1 N/A
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- 11 **Environmental and Health & Safety Implications**
 - 11.1 N/A
 - 12 **Equality, community cohesion and crime implications**
 - 12.1 N/A
 - 13 **Equality Impact Assessment Completed?**
 - 13.1 N/A
 - 14 **Key Decision**
 - 14.1 NO
 - 15 **Key Decision Reference**
 - 15.1 N/A
 - 16 **Background Papers**
 - 16.1 N/A
 - 17 **Appendices**
 - 17.1 Appendix A – Draft Scheme.
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