

## **REPORT TO CHARITABLE TRUST COMMITTEE**

# **HIGH CROMPTON PARK TRUST**

**Elizabeth Cunningham Doyle, Solicitor**

**10<sup>th</sup> March 2021**

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### **Reason for Decision**

The purpose of the report is to:

- To seek the permission of the Charitable Trust Committee for the Director of Legal Services to execute the Declaration of Trust on behalf of the Charitable Trustees.

### **Recommendations**

It is recommended that the Charitable Trust Committee:

- Approves the draft Declaration of Trust and authorises the Director of Legal Services to execute the Declaration of Trust on behalf of the Charitable Trustees.

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## 1. Background

1.1 On 7<sup>th</sup> January the Charity Commission made a final order pursuant to a request made by the Charitable Trust Committee for permission to exchange one area of land in High Crompton Park with another area of land in High Crompton Park which was not the subject of the charitable trust. A plan showing the boundary of the High Crompton Park edged red and the two areas of land in question hatched green and yellow is appended to this report at Appendix 1. The exchanged land the which is the subject of this report is hatched green.

1.2 The order of the Charity Commission is appended to this report at Appendix 2. The terms of the order are as follows:

*“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”**

1.2 Following receipt of the final order from the Charity Commission officers of the Council endeavoured to execute the order and register the land swap at HM Land Registry. However, before the Land Registry will register the title to the exchanged land hatched green on the plan, in the name of the High Crompton Part Trust, it requires the Charitable Trustees to make a declaration of trust. The declaration of trust is appended to this report at Appendix 3.

1.3 The Trustees are invited to peruse the declaration of trust and if they are satisfied with the terms of the trust as drawn to authorise the Director of Legal Services to execute the document on behalf of the Charitable Trustees.

## 2. Consultation

N/A

## 3. Financial Implications

Disbursement costs of £40, which have already been defrayed from within existing budgets, no further disbursements are expected. (J Kara)

## 4. Legal Services Comments

4.1 Notwithstanding the Charity Commission’s Order. authorising the land swap HM Land Registry requires the Charitable Trustees to make a declaration of trust before the Land Registry will make the necessary changes to the Land Register and the Title Plan

4.2 A copy of the draft Declaration of Trust and the plan showing the area of exchanged land is appended to this report.

4.3 Therefore, in order to complete the land swap and to ensure that the exchanged land is included in the title for High Crompton Park Trust it is recommended that the Charitable Trustees approve the draft Declaration of Trust and authorise the Director of Legal Services for Oldham Council to execute the Declaration of Trust on behalf of the Charitable Trustees.

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5. **Co-operative Agenda**
  6. N/A
  7. **IT Implications**
  - 7.1. N/A
  8. **Property Implications**
  - 8.1. All Property implications are covered in this report. (Roslayn Smith)
  - 8.2. **Environmental and Health & Safety Implications**
  - 8.3. N/A
  - 8.4. **Equality, community cohesion and crime implications**
  - 8.5. N/A
  - 8.6. **Equality Impact Assessment Completed?**
  - 8.7. N/A
  - 8.8. **Key Decision**
  - 8.9. N/A
  - 8.10. **Key Decision Reference**
  - 8.11. Not applicable
  9. **Background Papers**
  - 9.1. N/A
  10. **Appendices**
  - 10.1. Appendix One – Plan
  - 10.2. Appendix Two – Order of the Charity Commission dated 7<sup>th</sup> January 2020
  - 10.3. Appendix Three – Draft Declaration of Trust
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