

CHARITABLE TRUST COMMITTEE
12/07/2021 at 1.00 pm



Present: Councillor Iqbal (Chair)
Councillors Byrne, Hamblett, F Hussain (Vice-Chair) and Garry (Substitute)

Also in Attendance:

Rebecca Butterworth – Legal Services
Daniel Meadowcroft – Environmental Services
Christine Wood – Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Phythian.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

No public questions had been received.

5 **MINUTES OF PREVIOUS MEETING - 10TH MARCH 2021**

RESOLVED - That the minutes of the meeting held on 10th March 2021 be approved as a correct record.

6 **WERNETH LIFELONG LEARNING CENTRE, WERNETH PARK, FREDERICK STREET, OLDHAM**

The Committee considered a report requesting permission from the Charitable Trust Committee, to obtain the necessary agreement, including a disposal of land, to install a fibre-optic cable and associated infrastructure into Werneth Lifelong Learning Centre, located in Werneth Park.

The Committee was reminded that at the meeting of the Charitable Trust Committee held on 10th March 2021 that it had been resolved that

1. Officers be instructed to commission a surveyor's report on behalf of the Trustees for the proposed disposal; and should the surveyor's report advise that the proposed disposal should be advertised:
2. The advertisement of the proposed disposal for such period and in such manner as is advised in the surveyor's report be approved.

The Committee was advised that following meeting of the Charitable Trust Committee on 10th March, 2021, Fletcher CRE had been instructed to carry out a survey on behalf of the Committee. The survey had been carried out by John Fletcher, a suitably qualified surveyor, experienced in providing surveys for charitable land disposals. The survey had taken place on 7th May 2021, following which the surveyor had provided a report for the Committee's consideration which was attached to the reported at Appendix 3.

Key points from the surveyor's report were outlined to the Committee as follows:

That in this case there was no requirement to advertise as the proposals:

- a) Had no effect on the open market value; and
- b) Required no structural alterations; and
- c) Involved no change of use.

That the terms of the wayleave are the best that the charity could reasonably obtain. It was confirmed that the proposed disposal and entering the wayleaves with Virgin Media did not prejudice the market value of the property and that the installation of the fibre cable would not be to the detriment of the building.

The regulations required that both pre-disposal and post-disposal valuations were provided. The charity could then consider whether it was in their best interests to agree to the disposal. The surveyor had advised that no value needed to be provided, as the building was not being sold.

The surveyor had submitted that there should be no premium paid for entering into the wayleave agreement and the building would benefit from the fibre installation.

The survey had confirmed that it would be in the best interests of the charity to proceed with the proposed disposition and that as there had been no requirement to advertise the proposals, it had not been advertised and there were therefore no comments received for the Committee to consider.

The Committee was advised that to comply with the Charity Commission guidance, and to agree to the proposed wayleave/disposition, the Committee was requested to consider the surveyor's report and make two decisions:

Consider whether it would be in the best interests of the Charity to agree to the disposal. The surveyor had advised that it would be in the best interest of the Charity; and

Consider whether the terms of the disposal were the best that could reasonably be obtained for the charity which would enable Werneth Lifelong Learning Centre to be included in the Local

Full Fibre Networks Programme (LFFN). The surveyor had submitted that there should be no premium paid as the building would benefit from the fibre installation and that the terms of the wayleave were the best that could reasonably be achieved for the charity.



The Committee was requested to consider authorising one of the following two options:

Option 1 (Preferred Option)

- Agree that it would be in the best interest of the charity to agree to the proposed disposal; and
- Agree that the terms of the disposal are the best that could reasonably be obtained for the charity; and
- Give its consent to Council Officers to enter into the wayleave agreement with Virgin Media Business Ltd and Virgin Media Ltd to enable a fibre-optic cable to Werneth Lifelong Learning Centre through Werneth Park.

Option 2

Not to agree that it would be in the best interest of the charity to agree to the proposed disposal or not to agree that the terms of disposal are the best that could reasonably be obtained.

Property, Procurement, IT, Financial, legal, environmental and health and safety implications in relation to the proposals were outlined within the report and to the Committee.

In response to queries around current and future internet access, it was confirmed that currently, there was not a dark fibre service provided but that Virgin Media was the provider of the dark cable. It was also confirmed that the Council would have a 30 year right to the cable and was free to use the service provider of choice. Existing providers would be phased out, but not ceased until new providers were in place.

It was also confirmed in response to queries, that there was no requirement for planning permission for this project.

In response to concerns around car parking whilst work was being undertaken, it was agreed that Daniel Meadowcroft would feedback comments in relation to these concerns at the next project meeting in relation to this issue.

RESOLVED – That the Charitable Trust Committee Approve Option 1 as follows:

1. Agree that it would be in the best interests of the charity to agree to the proposed disposal; and
2. Agree that the terms of the disposal are the best that could reasonably be obtained for the charity; and

3. Gives consent to Council Officers to enter into the wayleave agreement with Virgin Media Business Ltd and Virgin Media Ltd to enable a fibre-optic cable to Werneth Lifelong Learning Centre through Werneth Park.



The meeting started at 1pm and ended at 1.40pm