

CHARITABLE TRUST COMMITTEE
13/06/2023 at 6.00 pm



Present: Councillors Byrne, J. Harrison, Malik and Marland

Also in Attendance:

Katy Webster – Assistant Director (Property and Projects)

Matt Bredin MRICS - Senior Estates Surveyor

Mark Draper - Senior Estates Surveyor

Zoe Theofilopoulos – Solicitor (Legal and Democratic Services)

Peter Thompson – Constitutional Services

1 **ELECTION OF CHAIR**

Resolved that Councillor Byrne be appointed Chair of the Charitable Trust Committee for the 2023/2024 Municipal Year.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Birch.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **URGENT BUSINESS**

The Chair agreed to accept an Item of Business, Clayton Playing Fields, as a matter of urgency in accordance with S100B(4) of the Local Government Act 1972. An urgent decision was required to enable the Council to ensure that the detail and approvals, requested in the submitted report, were considered as soon as possible and the decision could not reasonably wait until the next meeting of the Committee. The matter in question was considered at Items 8 and 10 on the agenda.

5 **PUBLIC QUESTION TIME**

There were no public questions for this meeting of the Committee to consider.

6 **MINUTES**

Resolved:

That the Minutes of the meeting of the Charitable Trust Committee, held 22nd March 2023, be approved as a correct record.

7 **439 MIDDLETON ROAD, CHADDERTON**

The Committee considered a report of the Executive Director – Place and Economic Growth which followed up on the last report to the Committee on this matter. A report had been submitted to the Charities Trust Committee on 22nd March regarding the sale of 439 Middleton Road, an asset that is held in charitable trust. The Charitable Trust Committee agreed at the meeting to move forward with a disposal of that property. It was noted at that committee meeting that further work would be required before the sale could be commenced.

In order to progress the disposal, the Charity Commission needed to be approached with background information including the original acquisition of the asset, the occupation and use of the property, in order to obtain a “Scheme” from the Charity Commission. The Charities Trust were therefore required to endorse the sale and alter the objectives of the trust to enable the net proceeds of the sale to be re-used as either grant funding or a donation to local voluntary organisations who provide services to people of pensionable age.

The draft outline submission was set out in Appendix A to the report and the use and income of the property were set out in Schedule B.

Resolved that:

1. The Committee authorises and requests that the Council’s Legal Services submit a report and request for Scheme to the Charity Commission substantially in the form of the attached submission (allowing for the possibility of more financial and practical information being forthcoming and added, as detailed at Appendix A of the report).
2. That the Committee authorises and requests that the Council’s Estates Service procure a section 119 Report (Charities Act 2011) from an independent surveyor to in effect approve the proposed sale of the Property by auction and to indicate the appropriate reserve price for a sale by auction.
3. That the Committee authorises and requests that the Council’s Legal Services to issue the statutory section 121 Notice (Charities Act 2011) for the proposed disposal of designated charity land (unless this may be dispensed with owing to the Commission issuing the necessary Scheme etc allowing for the disposal).
4. That the Committee authorises and requests that the Council’s Legal Services and Estates Service inform the Co-op as to the charitable asset status of the Council’s occupational under leasehold interest 439 Middleton Road and to explain the need for delay in renewing their lease of the garage pending obtaining Charity Commission authorisation.

8

CLAYTON PLAYING FIELDS

The Committee considered a report of the Executive Director – Place and Economic Growth, that sought approval to change the maintenance and pitch hire arrangements (for two pitches Monday to Friday: 9.00am to 5.00pm) at no cost to the council/charity.

Asset number L00096 was held upon charitable trusts and was known as ‘The Clayton Playing Fields’. The ownership originally comprised in a deed of gift dated 6 April 1962 made between (1) Ina Clayton (“Donor”) and (2) The Mayor Aldermen and Burgesses of the County Borough of Oldham, the Urban District Council of Chadderton and the Urban District Council of Royton (“Donees”) (“the Charity”).

The objects of the Charity were set out in the deed of gift and are as follows:

“To preserve and manage the same at all times hereafter as playing fields to be known as “the Clayton Playing Fields” for the benefit and enjoyment of the inhabitants of Oldham, Chadderton and Royton...”.

Concerns have been noted from community football groups that they had to play ‘home’ matches outside of Oldham as there are no suitable pitches available within the boundaries of the borough.

To help resolve this, two pitches on Clayton Playing Fields could be used for a maximum of circa 40 weeks for junior and Academy training and matches. The same seasonal pitch booking fees would apply. To bring the pitches up to the required standard the pitches would be re-laid and a spectator barrier would be installed to stop cycles/motorcycles accessing the pitch. The existing fixed goal posts would be replaced by high quality wheeled Goal Posts.

The exact maintenance specification had yet to be agreed but it would include the current Council standards as a minimum, and it was intended that through enhanced community usage, they would be maintained to a substantially higher standard. It was intended that the improved maintenance regime would allow more intensive use of the pitches. quality pitches.

There were seven other pitches that would continue to be available for wider community/general public use – based on current usage.

All local teams that currently play or train at Clayton Playing Fields would still have access to the pitches on evenings and weekends. Currently only two pitches were booked out mid-week to Oldham Sixth form College on Wednesday afternoons. This booking can be accommodated on the other pitches at Clayton Fields. However, the pitches would still be accessible to the public when not booked.

Resolved:

That the Committee would consider the commercially sensitive information contained in the report at item 10 before making a decision.

9

EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds it contains exempt information under paragraph 3 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the report.

10

CLAYTON PLAYING FIELDS

The Committee gave consideration to the commercially sensitive information in relation to Item 8 – Clayton Playing Fields. In this regard the Committee were presented with two options. Option 1 was to agree a Hire and Maintenance Agreement with Oldham Athletic Football Club. Option 2 was to not enter into any agreement with Oldham Athletic Football Club.



Resolved:

1. That the Committee approves a Hire and Maintenance Agreement with Oldham Athletic Football Club (O AFC) and delegates authority to the Council's Director of Economy, on the Charity's behalf, to:
 - (a) Approve and implement the proposed updated annual hire fee of £515.90 per pitch for 1 session per week at Clayton Playing Fields;
 - (b) Authorise O AFC to enter onto Clayton Playing Fields to carry out the improvement works and cyclical maintenance, as detailed in this report,
 - (c) Negotiate, finalise and enter into an agreement with O AFC to formalise the hire of 2 pitches Monday to Friday 9.00am to 5.00pm for 40 weeks per annum and the improvement works and cyclical maintenance detailed in this report.
2. That the Committee delegates authority to the Director of Legal Services to draft and complete such documentation as is required to formalise the arrangements above in the Charity's best interests.

The meeting started at 6.00pm and ended at 6.25pm