

## **BRIEFING TO CHARITABLE TRUST COMMITTEE FOR MEETING ON 16 JULY 2024**

**CHARITABLE TRUST: Land at Snipe Clough gifted to the Corporation of Oldham by Ms Sarah Anne Lees by a deed of gift dated 16 February 1910 (“Deed of Gift”).**

### **Background**

By the above-mentioned Deed of Gift land at Snipe Clough comprising in area approximately 4,630 square yards was gifted to the Corporation of Oldham (now Oldham Borough Council).

The Deed of Gift required the Corporation to permit the land gifted to be temporarily used and enjoyed by the inhabitants of the County Borough of Oldham as and for a Pleasure Walk Recreation Ground or Open Space until such time as the land shall be required by the Corporation for other purposes.

In view of the possibility of the need to use this land as facility land for the Northern Roots project, the Council contacted the Charity Commission regarding the nature of the deed of gift and the Charity Commission has confirmed to the Council that it is its view that the land concerned is not held on a charitable trust because the provisions on which it is held (in the conveyance) are recreational for a temporary period with the Council being able to decide to use the land for a different purpose at their discretion. For the land to be charitable it must be established for exclusively charitable purposes. The provision that allows the Council to decide to use it for a different purpose (which could be non-charitable) means that, in our view, it is not held exclusively for charitable purposes.

The purpose of this briefing is to formally notify the Committee in the interests of openness and transparency that, therefore, it is the view of the Council that this land is not subject to any charitable trust but merely subject to a covenant with the donor and her descendants that, until the Council wishes to utilise the land for some other purpose, it will permit the land to be used as a pleasure walk, recreation ground or open space.

Legal and Democratic Services

11 July 2024.