

CHARITABLE TRUST COMMITTEE
17/03/2026 at 6.00 pm



Present: Councillor Rustidge (in the Chair)
Councillors Bashforth, Charters and Marland.

Also in Attendance:

Matt Bulmer – Project Director (Sportstown and Northern Roots)

Alex Bougatef – Director of Legal

Alison Evans – Assistant Director (Corporate Estates)

Peter Thompson – Constitutional Services

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ball and Sheldon.

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

A public question was received from a local resident, Mr Neil McGibbon:

“Will the Charitable Trust Committee permit me to comment upon the report (presented in association with minute 6, below) and, for the first time, allow the beneficiaries to be heard? Also why has the Council still not submitted the Clayton Playing Fields Trust accounts for the year ending 31st March 2025, for the Committee’s approval?”

The Committee’s Chair, Councillor Rustidge, advised Mr McGibbon that he would be permitted to address the Committee during consideration of the agenda item relating to Clayton Playing Fields.

5 MINUTES

Resolved:

That the minutes of the meetings of the Charitable Trust Committee held on 21st October 2025 and on 23rd February 2026, be approved as correct records.

6 CLAYTON PLAYING FIELDS

The Committee considered a report of the Project Director (Sportstown and Northern Roots) which provided assurance relating to a number of matters that had been raised at previous meetings of the Charitable Trust Committee.

The report advised that Clayton Playing Fields were held by the Council pursuant to a Deed of Gift dated 6th April 1962. The charitable purpose of the trust was “to preserve and manage the property at all times hereafter as playing fields for the benefit and enjoyment of the inhabitants of Oldham, Chadderton and

Royton.” The Council continued to manage the land strictly in accordance with these objects.

The charitable trust status of the land was legally distinct from its registration as a Town and Village Green. Both designations were fully considered in the Council’s decision-making.

The Council confirmed that the land was not being sold, disposed of, or repurposed. It continued to be preserved, maintained, and used as playing fields for public benefit.

The report advised that the Council has not granted any planning permission for development or change of use on Clayton Playing Fields. In law, when determining planning applications, the Council acts as the Local Planning Authority. Planning decisions must be taken on planning grounds only and cannot consider land ownership issues or the existence of restrictive covenants, as these are not material planning considerations. Accordingly, the planning authority’s role is legally separate from the Council’s role as a charitable trustee.

In response to a query from a local resident, title number GM171562 had been closed by HM Land Registry and did not relate to any current disposal or development of Clayton Playing Fields.

The report also noted that restrictive covenants were private law matters. They were not enforced by the Council or by HM Land Registry, but by parties who could demonstrate the benefit of the covenant and its enforceability. The Council’s legal advice was that none of the covenants referred to in historic conveyances appeared to have been breached. In addition, the extent of land benefiting from any such covenants was unclear and was not readily ascertainable.

The Charitable Trust had, for many years, permitted the hiring out of pitches as part of the proper management of the playing fields. This practice pre-dated the current arrangements and applied to a range of users.

There was a current agreement with Oldham Athletic Football Club and related to the weekday daytime use of two pitches only. Outside those hours, including evenings and weekends, the pitches remained available for use by others. In total, the site comprised five 11-a-side pitches and one 9-a-side pitch, ensuring continued availability for community use. In this regard, the Council had carefully considered Town and Village Green law. The legal requirement was that any arrangements must not unduly interfere with or significantly reduce the public’s use and enjoyment of the land for lawful recreation. The Council was therefore satisfied that the current arrangements did not do so.

The pitches remained available to the public, and the arrangements did not grant exclusive possession or prevent customary recreational use of the land as a whole.

Further to Minute 4, above, the Chair permitted Mr Neil McGibbon to address the Committee in relation to this matter.

Resolved:

That the Charitable Trust Committee is satisfied that:

1. Clayton Playing Fields are being managed in accordance with the Deed of Gift and charitable purposes.
2. There has been no breach of Town and Village Green protections.
3. No restrictive covenants have been breached.
4. The Council and the Charitable Trustee Committee have acted lawfully and appropriately.

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SADDLEWORTH PLAYING FIELDS

The Charitable Trust Committee (CTC) considered a report of the Assistant Director (Corporate Estates) which reminded members that the CTC had previously taken receipt of a request from Saddleworth Football Club seeking to bring a disused football pitch back in to use, which was located on Charity Trust land.

On behalf of the CTC, Officers of the Council had investigated the request and were seeking to endorse the request from the Saddleworth Football Club for a 30-years lease (a term which would allow the Club to apply and draw down Football Association funding to invest in the facilities).

The CTC was advised that the land in question was to be used as an open space or park for the free use and benefit of the inhabitants of the former county borough of Oldham and district.

The report added that Bishop's Park was a large area of naturalised land which was a charitable asset and which was freely available for the public to use. The extent of the charitable land was highlighted on a plan/map that was appended to the submitted report.

Historically there were two football pitches on the land which was intended to be utilised by local clubs under the Council's pitch booking system. Saddleworth Football Club, a charity and mixed, multi-age football club, have requested to bring the dis-used pitch at Bishops Park (which was highlighted on the plan/map appended to the submitted report), back into use and to enter into a 30-year lease to enable the club to access Football Association funding.

During the Covid-19 pandemic, the pitch fell into dis-use and had not been maintained or played on, since that time. Saddleworth Football Club were a local team who were looking for a home base and wished to bring the pitch back into regular use, for both them and for the ability to hire out the pitch to other local clubs.

The land has been allowed to become naturalised and was not maintained by the Council. The land is part of the public open

space land which formed the wider open moorland at Bishop's Park.

Saddleworth Football club were an important community asset and supported a number of teams with aspirations to expand in the future.



The Club would only be given rights to invest in and utilise the pitch area, and that the lease arrangement will not enable any permissions for the erection of any buildings or storage facilities on the land. A 'waist high' rail was included in the plans around the edge of the pitch to de-mark the perimeter of the pitch. Officers of the Council agreed with this requirement, subject to CTC approval. However, Officers also recommended that no other fencing will be erected, and that the pitch must remain open to the general public, when there was no match being played.

Resolved:

1. That the Charitable Trust Committee notes the report insofar that it represents due diligence on the proposals submitted by Saddleworth Football Club, and are recommended to:
2. That the Charitable Trust Committee approves the proposed lease of the football pitch to Saddleworth Football Club for a term of 30 years.
3. That the Charitable Trust Committee approves the lease being used as part of a funding bid application to secure investment into the facilities to bring the pitch back into use and playable standards for use by themselves and other community football clubs.
4. That the Charitable Trust Committee notes the works that is to be undertaken by Saddleworth Football Club to bring the pitches back into use, specifically in relation to the 'waist high rail', referenced in the submitted report.
5. That the Charitable Trust Committee endorses Officer views that, in supporting the proposals by the Club, no buildings or storage facilities are permitted on the land, no fencing is permitted and full community access should be always maintained, as set out in the submitted report.

The meeting started at 6.00pm and ended at 6.50pm