Report for Charitable Trust Committee

Decision maker:	Charitable Trustee Committee
Decision date:	11th August 2026
Subject:	Café Building at Tandle Hill Park,
Report author:	Alison Evans, Corporate Estates Manager
Ward (s):	Royton North

Reason for decision

The Charitable Trust Committee (CTC) are requested to approve a request from Tim and Louise Skeldon to enter into a one-year service agreement to operate the café at Tandle Hill Park and install a port-a-loo for use by café staff and the public, as a short-term measure. This will allow time for an application to be made to the Charity Commission for a new Charitable Scheme to facilitate a long-term lease to be granted on the café building.

On behalf of the CTC, Officers of the Council have investigated this request and are seeking to endorse the request from Tim and Louise Skeldon for a short-term service agreement, whilst a new Charitable Scheme is agreed and the long-term future option for the building finalised.

Recommendations for CTC:

Committee members, on behalf of the Charity Trust, are asked to note the content of this report which acts as due diligence on the proposals submitted by Tim and Louise Skeldon, and are recommended to:

- approve the proposed one-year service agreement to Tim and Louise Skeldon to operate the café and install a port-a-loo for use by café staff and the public.
- endorse Officers to negotiate a long-term agreement, securing future café provision and toilets within the park and in order to do so to apply to the Charity Commission for a Scheme allowing the grant of leases or tenancies to café operators to facilitate the future of the café for use and enjoyment by the public who frequent the park.

Tandle Hill Charitable Objectives

The Park shall be used as a Public Park, Pleasure Ground, Recreation Ground, Play Ground or open space. The Trust Deed does also permit the provision of buildings on the Park provided that these are one or more of the following:

Caretaker's/Gardener's/Park Keeper's house(s)

Pavilion and/or refreshment room or other conveniences for the persons using the Park

Any monument, clock tower or meteorological observatory

A museum or house, cage, enclosure or conservatory for animals, birds, plants or flowers.

(If any such building is erected then such quantity of land as the Council (ie as charity trustee) shall think fit may be fenced off used exclusively for the purpose of any such building and as a yard or garden attached to such building).

Background

Tandle Hill is a large country park covering approx. 44 hectares of beech woodland and open grassland. It is one of Oldham's most popular parks and benefits from a large number of visitors each year. The building was constructed in 1994 and was originally operated by the Council as a Countryside Centre/Rangers Station with public toilets. The building is timber framed with timber clad elevations and a stone flag patio to the front and side of the building. Following the Council's decision to close the Countryside Centre, the building is now operated as a café with public toilets accessed externally.

The café lease has expired and come to an end and the tenant is currently 'holding over' paying a rental of £2,600 per annum with the Council covering the utility costs. The café trades at weekends and school holidays.

The Council are responsible for repairs to the exterior of the building and over the years the building has not been fully maintained and since the installation of the stone patio by the Council some years ago, there have been issues with drainage and water impacting on the timber structure of the building.

The drainage problems have caused the floor to deteriorate in the toilets and cause structural deterioration in one corner of the building. The toilets have been repaired over the years on an ad-hoc basis, but now require major works, including the irradiation of dry and wet rot and new floor structures.

The toilets are no longer safe to use and have been closed to the public for some time. Other repairs are also required to the building, including a new roof and replacement of the rainwater goods and modernisation/upgrading of the incoming electricity supply.

The Trust Deed which has been reviewed actually prohibits the grant of a lease in respect of the Park (which would mean any part of it) although as indicated above it positively allows the construction of a building for provision of refreshment and therefore in order to allow a café to be operated, at this time the only practical way of providing such a facility to the public is to grant a longer agreement (ie a lease) to those operating the café. The Council cannot provide this service itself as things are.

This is why we propose that an application is made to the Charity Commission as a matter of urgency for a Scheme to update the Trust Deed to allow leases to be granted in respect of parts of the Park where appropriate to ensure that this type of facility (which includes toilet facilities) can be provided to the users of the Park.

Proposed Service Agreement

Operator	Tim and Louise Skeldon
Agreement Term	One year service agreement
Use	Café and public toilets
Costs	Council will continue to pay the utility costs during the service agreement.

Options Considered:

- **Option 1: Approve a one-year service agreement to Tim and Louise Skeldon, to operate the café and install a port-a-loo for use by café staff and the public, whilst an application is made to the Charity Commission to approve a new Charitable Scheme, which would allow a long-term agreement to be put in place for the future operation of the café building.**
  Installing a port-a-loo will allow the facilities to be re-opened to the public and will secure the future of the building. The provision of staff toilets is a requirement of opening the café, so without toilets the café will not be able to continue to trade. Over the next 12 months, Officers will negotiate a long-term agreement, securing future café provision and toilets within the park and in order to do so to apply to the Charity Commission for a Scheme allowing the grant of leases or tenancies to café operators to facilitate the future of the café for use and enjoyment by the public who frequent the park.

  This option will secure the long-term presence of a café and public toilets in the park, enhance a valuable community facility and prevent further reputational damage to the Council following poor publicity over the closure of the toilets and will make the tenant responsible for the building costs. The long-term agreement will be presented to the Council's Charity Committee for approval.

- **Option 2: Refuse the proposal to enter into a short-term agreement with the café operator and don't install a port-a-loo.**
  The closure of the toilets has caused significant concerns to visitors to the park and the local ward Cllr's. There have been items in the local press and on social media regarding the closure of the toilets which is leading to reputational damage to the Council. Staff toilets are a requirement of operating the café and without these the café will have to close.

Consultation – Environmental Services are supporting the café operator and the future plan for the café building.

Implications

Financial	The approval of a one-year service agreement with Tim and Louise Skeldon, to operate the Tandle Hill café will see the Council continue to cover utility costs and any repairs costs whilst a long-term agreement is discussed. This agreement is in-line with current 26/27 budget expectations. All income is currently received within the Investment Estates – Traded cost centre 24101 and all utility costs and repairs are incurred on Corporate Landlord cost centre 12266. This agreement does not have any additional financial implications, adverse or favourable, for the Council. (John Hoskins, Finance Manager)

Legal	The land in question is, as has been stated, subject to charitable trusts ("the Charity") and is held by the Council as charity trustee the responsibilities for which are delegated to the Charitable Trust Committee ("CTC"). 1. The CTC must first approve the proposal in principle that it will be in the best interests of the Charity and the promotion of its objects. 2. As has been mentioned, the Trusts do prohibit the grant of leases or tenancies despite allowing the construction of buildings for refreshment. Therefore, before actually putting in place any new agreement it is important to seek and obtain a Scheme from the Charity Commission to allow the grant of leases or tenancies to operators of park facilities. Once such Scheme has been obtained then the following steps need to be taken where a lease is for more than 7 years. 3. As the long-term lease will be a disposal of charity land the appropriate Charities Act report must be obtained from a suitably qualified adviser who must approve the proposed lease terms. Please note that the report's author may suggest certain changes to the terms. The CTC must authorise Oldham Estates to arrange for such report to be obtained. A designated adviser must be: • a fellow or professional associate of the Royal Institution of Chartered Surveyors or • a fellow of the Central Association for Agricultural Valuers (CAAV) or • a fellow of the NAEA Property mark (National Association of Estate Agents) The CTC must also be satisfied that the adviser has the ability in and experience of valuing similar land within the same area. It is recommended that a designated adviser in this instance should be someone unconnected with the Council. 4. Owing to: 4.1 the land being designated land (it must be used for a specific purpose);

	4.2 the fact that at least to a certain extent, the proposed lease will impact on the purpose for which the land is required to be used or how the charity furthers its purpose (by restricting it to use as a playing field rather than for general recreation); 4.3 the fact that the governing document does not contain the necessary express powers for the CTC to dispose of the land (including the granting of leases), and 4.4 The fact (if this is the case) that despite the proposed tenant being itself a charity, its objects are not as wide as the objects of the Charity even though its objects may not conflict with the objects of the Charity. the CTC then need to authorise Legal Services to apply to the Charity Commission for the appropriate authority for the Charity granting the lease on the terms proposed to Tim and Lousie Skeldon. If the Charity Commission require certain other steps to be taken as a condition of that authority, then such requirements must be adhered to. 5. A notice must also be published pursuant to the Charities Act requirements. The notice must: • provide details of the land in question • explain how the CTC wishes to dispose of the land • invite people to contact the CTC with any objections or comments, and • give people a minimum of one month to contact the CTC following publication. The Notice should try to reach as many of the charity's beneficiaries as is reasonably possible (basically residents of Oldham Borough). **For a lease for a term of 7 years or less.** Under section 120 Charities Act 2011, the position is as follows: Where the proposed disposition is the granting of a lease for a term ending not more than 7 years after it is granted (other than one granted wholly or partly in consideration of a fine), then the requirements mentioned in section 117(2)(b) are that the charity trustees must, before entering into an agreement for the lease—

	(i) obtain and consider the advice on the proposed disposition of a person who is reasonably believed by the trustees to have the requisite ability and practical experience to provide them with competent advice on the proposed disposition, and (ii) decide that they are satisfied, having considered that person's advice, that the terms on which the disposition is proposed to be made are the best that can reasonably be obtained for the charity. It is possible therefore for leases for a term of less than 7 years, for the CTC to consider and if they wish, approve such advice from the Estates Team at the Council. **Prohibition of sale of alcoholic beverages** Please also note that the Trust Deed prohibits the sale of alcohol from anywhere on the Park and it is to be noted that any lease granted should also therefore prohibit the sale of alcohol. (Rebecca Boyle – Corporate Group Solicitor)

Appendix 1 – Plan of Tandle Hill Park