
FOR PUBLICATION



Report to CHARITABLE TRUST COMMITTEE

146 Werneth Hall Road, Werneth

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Reason for Decision

To comply with the guidance issued by the Charity Commission on the requirement for consultation before proceeding to widen the objects of the charity.

Recommendation

To authorise officers to carry out a consultation exercise on behalf of the Charitable Trustees of 146 Werneth Hall Road on the proposal to widen the objects of the charity to include:

“To advance the education of the public by grant funding charities offering training and learning in the life skills necessary to manage financial hardship, social or economic deprivation, social exclusion or poor mental or physical health.”

146 Werneth Hall Road, Werneth**1 Background**

- 1.1 146 Werneth Hall Road is a former residential property which was gifted to the Council by Sarah Lees by a deed dated 8th January 1914 with the specific request that it be “assured as a site for a school for the teaching of housewifery and other domestic tasks”. A decision is now required regarding the future of the property particularly in light of the charitable use contained within the Council’s title to the property.
- 1.2 Following a meeting of the Council’s Charitable Trust Committee on 5th September 2018 an informal approach was again made to the Charity Commission to advise of positive officer discussions with Action Together who confirmed a willingness to work with Council officers (representing the Trustees) to undertake a targeted public consultation to ascertain where funds from a future sale of the property could be distributed.
- 1.3 The Charity Commission has confirmed that this approach, if adopted, would not be inconsistent with the provisions of section 67 of the Charities Act 2011 and have provided guidance as to how the consultation should proceed. The Commission further confirmed that if the consultation accords with their directions and provides some clear research and evidence of need and compatibility amongst local charities then there is every expectation that the Commission would grant a scheme that provides a power of sale to allow the distribution of proceeds from a future sale of the property.
- 1.4 The Charity Commission has suggested that in such circumstances then the Commission could permit the revision of the Charitable objectives of the trust – for example to read “To advance the education of the public by grant funding charities offering training and learning in the life skills necessary to manage financial hardship, social or economic deprivation, social exclusion or poor mental or physical health.”
- 1.5 It is proposed the consultation will explore how local charitable providers could meet these new proposed objectives and working with Action Together a pro-forma response questionnaire with FAQ`s will be compiled to test the likelihood of finding appropriate beneficiaries for any funds that are released.

The consultation will target organisations including those on the Action Together mailing list; other Charities; Faith Groups; Support Agencies; Historical Society; Public Sector Bodies; Police; Housing; Ward Councillors; Education and Early years and Special Needs Teams. A consultation plan is appended to this report at Appendix 1.

- 1.6 The report to the Charitable Trustees Committee meeting of 19th September 2017 provides some further background detailing the condition of the property and the cost of necessary works. A copy of the report is available by way of background papers.

2 Current Position

- 2.1 Trustees are asked to consider the response from the Charity Commission and, if satisfied, proceed to instruct officers to commence a formal targeted consultation exercise and report back to Trustees on the outcome of the consultation process in due course.

3 Options/Alternatives

3.1 Trustees are not required to consider options in this case owing to the fact that the Council is acting in its capacity as Charitable Trustee and not in its capacity as a statutory body acting under local government legislation.

4 **Preferred Option**

4.1 Instruct officers to commence a targeted consultation process.

5 **Consultation**

5.1 The proposed plan for the proposed consultation process is appended to this report at Appendix 1.

6 **Financial Implications**

6.1 There are no capital finance implication at this time, only staff time in undertaking the formal consultation. Further financial comments will be added to a future report following the consultation.

(Jit Kara)

7 **Legal Services Comments**

7.1 Legal Services have been in consultation with the Charity Commission at the behest of the Charitable Trust Committee and have received a comprehensive response from Mr Tim Reese at the Charity Commission who has confirmed the advice given in his letter of 20th June 2018 a copy of which is appended to this report at Appendix 2.

7.2 In his letter he confirms that he is satisfied that the criteria for making a Cy-pres Scheme under Section 62 Charities Act 2011 are met.

7.3 In the accompanying email dated 22nd October 2018 (see Appendix 3) the Charity Commission has indicated that it may be willing to grant a Cy-pres scheme provided the trustees follow the advice given in its letter of 20th June. The Commission has also suggested some widened objects for the charity. However, the Commission expects trustees to have carried out a consultation exercise appropriate to the situation to help inform their decision making as to whether or not the new purposes are appropriate.

7.4 The Trustees have to consider the proposed consultation plan and whether or not it is appropriate to the situation and whether they would wish to make any amendments to the proposed consultation plan. If satisfied, they should give instructions to officers to carry out the consultation on their behalf but in their name alone and not in the name of the Council as a statutory body. Therefore, Oldham Council's branding should not be used.

7.5 Officers should be requested to report back to the Charitable Trust Committee with the results of the consultation exercise at a date and time which the Trustees consider appropriate.

(Elizabeth Cunningham Doyle)

8. **Co-operative Agenda**

8.1 Not applicable

9 **Human Resources Comments**

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- 9.1 Not applicable
- 10 **Risk Assessments**
- 10.1 None
- 11 **IT Implications**
- 11.1 Not applicable
- 12 **Property Implications**
- 12.1 There are no immediate property implications arising from the content of this report.
(Mark Elton)
- 13 **Procurement Implications**
- 13.1 Not applicable
- 14 **Environmental and Health & Safety Implications**
- 14.1 Not applicable
- 15 **Equality, community cohesion and crime implications**
- 15.1 Not applicable
- 16 **Equality Impact Assessment Completed?**
- 16.1 Not applicable
- 17 **Key Decision**
- 17.1 Not applicable
- 18 **Key Decision Reference**
- 18.1 Not applicable
- 19 **Background Papers**
- 19.1 Report to the Charitable Trustees Committee meeting – 19th September 2017.
- 20 **Appendices**
- 20.1 Appendix 1 Consultation Plan
- 20.2 Appendix 2 Letter from the Charity Commission dated 20th June 2018
- 20.3 Appendix 3 Email correspondence from Tim Reese at the Charity Commission dated 22nd October 2018