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CHARITABLE TRUSTEE COMMITTEE

MINUTES OF MEETING Tuesday, 29 May 2012

PRESENT: Councillors Brett, Clegg and Surinder Biant

OFFICERS: Elizabeth Cunningham and Caroline Denyer (Corporate Services), Keith Hill (Support for Learning Service)

Also in Attendance: Councillor Begum, C Butler (Learning Education Partnership), M Fitzgerald (Carillion Building) and 3 members of the public.

Apologies for Absence: Councillors Cecile Biant, McCarthy, and Murphy

APPOINTMENT OF CHAIR

1 **DECIDED- That Councillor Brett be appointed Chair of the Charitable Trustee Committee for the 2012/13 Municipal Year**

MINUTES

2 **DECIDED – That the minutes of the Charitable Trustee Committee held on 3rd November 2011 be approved as a correct record.**

DECLARATION OF INTERESTS

3 There were no declarations of interest.

LENNY BARN

4 The Service Director - Corporate Services introduced a report requesting the Committee consider the requests as presented by the Local Education Partnership-Inspiredspaces (Rochdale) Ltd, in the light of the recommendations made to the Committee by the independent adviser, Mr Mark Halliwell, Barrister at Law.

The Committee was notified that the Council had taken legal advice from Counsel and had been advised that the Council should follow the advice of the Charity Commission and seek advice from an independent body before making any decisions with regard to the use of land and or premises that are the subject of charitable objectives.

The Committee gave consideration to a report introduced by the Local Education Partnership (Inspiredspaces) updating the Committee on the construction requirements and design development for the new Falinge Park High School and seeking permissions from the Committee to confirm the amount of temporary encroachment onto the adjacent area of charitable trust land (known as “Lenny Barn”) from that requested on 3rd November 2011 and to erect a permanent secure fence line to the front of the school following the completion of the construction works.

The reason for the request to revise the temporary access onto Lenny Barn Playing Fields for the construction of the new School is that on reviewing the requirements of the construction site, the Project Manager had identified that no on site construction parking was allowed for in the plans previously submitted to the Charitable Trustees Committee. A requirement for around 100 car parking spaces to accommodate the workforce over the construction period has been identified. Limited car parking spaces are available but this would not provide all the parking requirements. The MUGA (Multi-use Games Area) space will accommodate the welfare facilities and 80

car parking spaces but there would then be a requirement to provide a space for the lay down of materials delivered to site.

The reason for the request to erect a permanent secure fence line along the front of the school following the completion of the construction works is to allow the Facilities Management Team sufficient access to maintain the new buildings, minimise the risk of damage and graffiti to the school buildings and community facilities on site, to reduce the risk of crime and injury to persons, to allow safe access to the front of the building to carry out essential building maintenance and cleaning services to ensure that the new buildings continued to offer a high quality aesthetic appearance, and to provide safe and secured access to the community facilities outside school hours. The proposed fence line would follow the line of the existing school fence as far as possible. However, owing to the shape and configuration of the new school buildings, some small adjustments has been found to be necessary.

The Committee considered the views of Mr C Faulkner who addressed the Sub-Committee articulating his submitted objections to the proposals outlined in the report.

The Committee considered the views of Mr A Perrins on behalf of Shawclough FC who have used the storage facilities below the Sports Hall at Falinge Park High School for the last 16 years but who had been told that this arrangement would be discontinued owing to the rebuilding works and changes to the ownership of the Sports Hall under the PFI arrangements with Carillion Facilities Management Services.

The Committee further considered the views of Councillor Begum as Ward Councillor who outlined concerns regarding the proposals brought forward by local residents at the Spotland and Falinge Area Forum. Councillor Begum further reported that the School Governors would be able to consider a request from the Football Club for continued use of the facilities.

In discussion Members expressed concerns regarding a possible conflict of interest in the use of the land between the community and the school. They were advised that there was considerable investment at stake under the Building Schools for the Future Programme and that a decision needed to be made in order not to jeopardize the funding. Furthermore, the independent adviser had advised with regard to the temporary encroachment and recommended that it should proceed provided that the committee secured a commitment to funding the sand slitting and levelling of the sports pitches and the reinstatement of the long jump pit.

DECIDED – that (1) the areas of temporary encroachment onto Lenny Barn during the construction phase of the new Falinge Park High School agreed on 3rd November 2011 be confirmed;

(2) the additional encroachment onto Lenny Barn, to provide for the increased car parking for construction workers vehicles and space for the laying down of materials as detailed in the submitted report be agreed subject to an additional condition that the football pitches be levelled to eliminate the more obvious hollows in each pitch together with a scheme of sand and slitting to improve drainage and reinstatement of the long jump pit.

(3) the decision to grant permission to erect a permanent secure fence line along the front of the school following the completion of the construction works to allow the Facilities Management Team sufficient access to maintain the new buildings be deferred until negotiations between the Local Education Partnership and Shawclough FC regarding continued use of the

facilities at the School have been concluded to the satisfaction of the Committee.

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