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against a refusal of planning permission, which is to be dealt with on the basis of representations in writing, any representations made about the household application will be sent to the Secretary of State, and there will be no further opportunity to comment at appeal stage.

**CONSULTATIONS**  
SECTION 77 DISPOSAL OF SCHOOL BUILDINGS AND PLAYING FIELDS - LYNDALE SCHOOL PLAYING FIELD  
Notice is given of Wirral Borough Council's intention to make an application under Section 77 of the School Standards and Framework Act to the Secretary of State for Education to dispose of the School Buildings and Playing Fields at the following location: The Lyndale School, Lyndale Avenue, Eastham, Wirral, CH22 8DE.  
The Lyndale School closed on the 22 July 2016 and the students relocated to other schools in Wirral. The buildings and grounds are now surplus to educational requirements. It is the intention of the Council to market the site for housing development subject to planning consent. It is proposed that any capital receipts from the sale of the land designated as playing fields would fund sporting and educational projects within the Borough. The site of former school buildings is designated as part of a Primarily Residential Area in the Wirral Urban Development Plan.

This initial consultation is required prior to the statutory application to the Secretary of State for Education in order for us to take into account the views of neighbours and interested groups. Land use must also take into account Wirral's Urban Development Plan and reflect the aspirations of the local community by considering the site and surroundings. Site history, Public open space, School grounds, Heritage, Environmental diversity.  
The formal consultation period starts Monday 14th November 2016 and we would like to hear your views to the above proposal. You should send your comments in writing to the address below by the 2nd January 2017. Alternatively you can complete our online form which you will find here: [www.wirral.gov.uk/development/lyndaleschool](http://www.wirral.gov.uk/development/lyndaleschool). F.A.O. Dee Leyland Asset Management, Cheshire Lines Building, Canning Street, Birkenhead, Wirral, CH41 1ND.

**HIGHWAYS**  
HIGHWAYS ACT 1980 - SECTION 118 - UNADOPTED ALLEYS OFF NELSON ROAD, ROCK FERRY, WIRRAL - PUBLIC PATH EXTINGUISHMENT ORDER 2016  
The above Order, made on the 9 November 2016 under Section 118 of the Highways Act 1980, will extinguish the unadopted alleys off Nelson Road, Rock Ferry, Wirral, running: from Point A to point B in a southerly direction of approx. 42 m in length and approx. 2 m width, Area C 1059 sqm, as shown on the Order Map.  
A copy of the Order and Order Map have been placed and may be seen free of charge at the One Stop Shop, Town Hall, Brighton Street, Birkenhead, Wirral, CH41 5FQ.

**SECTION 14 OF THE ROAD TRAFFIC REGULATION ACT 1984 (AS AMENDED) - NOTICE OF MAKING TEMPORARY TRAFFIC RESTRICTION ORDER IN THE WALLASEY AREA 2016**  
Notice is hereby given that Wirral Borough Council intend to make a Temporary Road Traffic Regulation Order under section 14 of the Road Traffic Regulation Act 1984 as amended by section 1 and Schedule 1 of the Road Traffic (Temporary Restrictions) Act 1991 and of all other enabling powers because of the likelihood of danger to the public on or near the roads specified in the proposed order.  
The effect of the order, the date the order comes into force and its maximum duration is set out below.  
Mason Street (Temporary Road Closure) Wallasey 2016  
The effect of this order will be to close Mason Street, Wallasey from its junction with Hope Street to its junction with Victoria Road / Victoria Parade to all vehicular traffic including the Mason Street car park.  
The effect of this order will also be to revoke the existing one way restriction along Mason Street from its junction with Hope Street for a distance of 23 metres in a north westerly direction.  
Maximum Duration of the order: From 08:00am of December 2016 until 23:59pm 13 December 2016.

**OTHER:**  
CALLISTER YOUTH CLUB (CHARITY NUMBER 520017)  
Information to be provided in accordance with section 276(1) of the Charities Act 2011.  
NOTICE HEREBY GIVEN by Wirral Borough Council acting in its capacity as Trustee of the Callister Youth Club that at the meeting of its Standards and Constitutional Oversight Committee on 6 July 2016 it proposed to replace the Trust's existing objects which are: "The promotion of the welfare of girls and young women resident in the area of Birkenhead" with "The promotion of the welfare of persons living within the boundaries of the Metropolitan Borough of Wirral who are in need because of their youth".  
In accordance with a direction of the Charity Commission, representations may be made in writing by any member of the public about this proposal no later than 20 December 2016 to the following address: "The Assistant Director of Law and Governance, Wirral Borough Council, Brighton Street, Wallasey, Wirral, CH44 8ED.  
Those representations will be taken into account by the Council before any final decision is made.

the application, the location of the application, the date of the application, the details of the application, the arrangements for viewing the details of the application, Any of the following persons may make representations in writing to the licensing authority about the application:  
• A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities  
• A person who has business interests that might be affected by the authorised activities  
• A person who represents someone in any of the above two categories.  
Any representations must be made by the following date: 14th December 2016  
It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

**Goods Vehicle Operator's Licence**  
Jonathan Metcalfe trading as Tag Industrial Scavenging Limited of West Fleet Dock Road, Birkenhead CH41 1FP is applying to change an existing licence as follows: To keep an extra 3 goods vehicles and 0 trailers at the operating centre at Tag Industrial Scavenging Limited, West Fleet Dock Road, Birkenhead CH41 1FP.  
Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Heahall Lane, Leeds LS9 6NF, stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

Anyone wishing to make representations in respect of this application should write to Christine West and Chester Council at the address stated below no later than 14 December 2016.  
It is an offence to knowingly or recklessly make a false statement in connection with this application. The maximum fine for which a person is liable on summary conviction for this offence is £3,000.  
A record of this application can be inspected at:  
Christine West and Chester Council Licensing Team 4 Civic Way, Elmstree Fort, CH65 0BE  
Or: [licensing@cheshirewestandchester.gov.uk](mailto:licensing@cheshirewestandchester.gov.uk)

**LICENSING ACT 2003**  
NOTICE OF APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
NOTICE IS HEREBY GIVEN that West & Co Ltd of The Fox and Hounds, 107 Benson Road, Heswall, Wirral CH61 1BW have applied to Wirral Borough Council to vary a Premises Licence in respect of the premises known as The Jug & Bottle of Albert Avenue, Heswall, Wirral CH61 4RH.  
We propose to change the layout of the premises as agreed by planning application A/P/15/01050.  
The licensable activities and permitted hours are not being varied. A full copy of the above application is kept by the Licensing Authority, Town Hall, Brighton Street, Wallasey. The application can be viewed Monday to Friday 10.00am to 4.30pm except bank holidays.  
Any person wishing to make representation in respect of the application must do so in writing to the Licensing Authority, Town Hall, Brighton Street, Wallasey no later than 12th December 2016  
It is an offence to knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine or the standard scale.  
Date 14th of November 2016

any final decision is made.

Unless otherwise stated, all Metropolitan Borough of Wirral Public Notices are published by Sunil, Head of Legal and Member Services, Town Hall, Brighton Street, Wallasey, Merseyside CH44 8ED and all notices are dated this 23rd day of November 2016.

[wirral.gov.uk](http://wirral.gov.uk)

any final decision is made.

any final decision is made.





HOUSE OF COMMONS

LONDON SW1A 0AA

22 DEC 2016

The Callister Trustees,  
c/o The Assistant Director of Law and Governance,  
Wirral BC  
Brighton St  
Wallasey  
Wirral CH44 8ED

19 December 2016

*Dear Callister Trustees*

I wish to object to the proposal by the Callister Trustees to change the objects of the charity by extending it to the whole of Wirral.

The charity's assets have a book value of about £[REDACTED] and at present are held on trust to promote 'the welfare of girls and young women in Birkenhead.'

I recognise that members of the authority, when acting as councillors, must have in mind the interests of the Borough of Wirral as a whole. This may explain the current proposal.

But as trustees of the Callister, members must consider the interests of 'girls and young women in Birkenhead.' As you know, Birkenhead contains some of the most deprived parts of the Borough. If the girls and young women there are fortunate enough to have this charity, how can it possibly be in their interests to take it away from them?



TO THE TRUSTEES OF THE CALLISTER CHARITY

1. We are Wirral residents concerned about the future of the Callister Charity.
2. We are not a clique. We have met once and a number of us had to introduce ourselves to each other. (see attached list)
3. You have invited representations about the future of the Callister Trust. These are our representations.
4. Given the past difficulties and conflict of interest concerning the governance of the Trust we think it right that the council should pass its responsibility to independent trustees.

We would all be prepared to take on this responsibility if appointed.

5. If appointed as trustees our present view is:
  - a. We have no desire to jeopardise the work of Response. The council's decision to pay a fair rent for Argyle St (or part of it) secures this.
  - b. We are open minded as to whether the scope of the charity should be extended by gender(to include men) or geographically(to include the whole of Wirral). But consultation is required before such a step is taken. In particular there should be discussions with women's groups and other charities in Birkenhead about the use of the garden in Slatey Rd or the sports hall in Argyle St.
  - c. We do not accept that girls and young women should be excluded from the charity if they are not in need because of 'youth'. The original purposes of the 'welfare of girls and young women' should continue so that, for example, girls and young women in need because of mental health or physical disability or domestic violence can be helped.

Mary O'Neill, Laura Penn, Melanie Routledge, Rev Karen Freeman, Cathy Warren, Allan Brame.

Contact: Cathy Warren

29 Grafton Street

Prenton

CH43 4UJ

[cathymwn@yahoo.co.uk](mailto:cathymwn@yahoo.co.uk)



29, Grafton St  
Prenton, CH43 4UJ

Dear Trustees,

A. **INTRODUCTION**

1. Last July you took a decision, as trustees of the Callister, to change its purposes. This requires the consent of the Charity Commission who have directed you to invite representations from the public.
2. These are my representations. I wish to state that although I believe what has happened to the Callister Trust to be surprising, even in some respects shocking, I am not suggesting that anyone involved has acted in bad faith. It has happened – but the correct way forward is to appoint new independent trustees who will take responsibility for their own decisions about the future of this charity.

B. **HISTORY**

3. Nearly a hundred years ago some Birkenhead residents got together to buy land for the use of *'girls and young women in Birkenhead'*. It became a charity known as the Callister.
4. The Callister owns:
  - a. A building in Argyle St adapted for youth work
  - b. A green space in Slatey Rd with a long high Victorian wall along the side. It has been used in the past as tennis courts, a playing field and as a garden to teach job trainees.
  - c. About £30,000 in the bank.
5. In about 1960 the old Birkenhead Council became trustee of the charity. For many years a youth club ran from Argyle St, which was modernised with grants from Merseyside County Council. Wirral Borough Council became trustee in 1974 and for many years had a special 'Callister' committee.
6. The special committee has not met for some years.
7. Slatey Rd garden has been neglected and unused for some years
8. The youth club in Argyle St failed for lack of interest.
9. Wirral BC started to use Argyle St for its youth service (which of course does valuable work) but did not pay the Callister trust any rent for doing so.

**THE PRESENT**

10. Wirral delegated its responsibilities as trustee to the Standards Committee and for the first time in at least a decade you met as trustees to consider your duties to the charity.
11. You decided to change the purpose of the charity in three ways:
  - (1) First, although previously the trust was for the welfare of all girls and young women in Birkenhead, you decided that in future it could only benefit those who were in need because of their youth.





Putting this in practical terms, under the old rules you could have a project in the Slatey Road garden to help girls and young women in need because of their mental health – something like the very successful ARK project with an allotment in Birkenhead Park. Your new rules exclude them. To be fair, the papers you were given did not refer to the fact that you were cutting out some women from the benefit of the Trust.

- (2) Second, you decided to open up the charity to men. There may be a case for this; but there is still in the 21<sup>st</sup> Century an importance of 'safe havens' for women. The Council's own Youth Service rightly celebrates its special self-development project G.I.R.L.S. for young women aged 13 – 19 that has run over the last four years. I understand from a local councillor that at least 2 local charities have asked to discuss some such scheme for the Slatey Rd Garden. My only point is that I think you should have consulted with Birkenhead women's groups before you took this decision.
- (3) Third, you decided to open the charity to the whole of the Wirral. Given the deprivation which exists in Birkenhead, I cannot fathom how you decided this was in the interests of girls and young women in Birkenhead. Of course if you were acting as a Wirral councillor, you would have to think of the interests of the whole of the Wirral – but this agenda item was different. Your duty was to the girls and young women of Birkenhead.

12. The briefing you were given told you that you had to be satisfied that so far as reasonably practicable the new purposes consisted of or included purposes similar in character to the old ones.

Your proposals do not do this because:

- (a) It is reasonably practicable to continue to provide for the welfare of girls and young women arising from causes other than youth.
- (b) It is reasonably practicable, given the deprivation in Birkenhead, to continue to limit the geographical area.

13. All this came about because the original proposal from officers was to sell Slatey Rd in order to defray the maintenance/repair costs on Argyle St – currently paid by Wirral. The late change which they suggested to the committee reflected a realisation that this was wrong, but did not, in my opinion, go far enough.

#### **THE FUTURE**

14. Wirral has a hopeless conflict of interest here. No-one wants to jeopardise the work of the Youth Service. Fortunately this has now been safeguarded by the decision to pay a rent for Argyle St to the charity trustees.
15. The first advice from the Charity Commission was to appoint new independent trustees. This remains the best advice. Wirral should now appoint the local citizens who have come forward. They will then investigate local need and work out the best solution for the charity's beneficiaries.

Nicholas Warren



David Armstrong  
Director for Business Services

Town Hall, Brighton Street  
Wallasey, Wirral  
Merseyside, CH44 8ED

DX 708630 Seacombe

Website: [www.wirral.gov.uk](http://www.wirral.gov.uk)

to The Charity Commission  
Legal Division  
Liverpool Office  
PO Box 1227  
Liverpool  
L69 3UG

date 4 April 2017

PROCESS

your ref  
my ref CJH/CG/22816  
service Law and Governance  
tel 0151 691 8502 Please ask for Colin Hughes  
fax 0151 691 8233  
email [colinhughes@wirral.gov.uk](mailto:colinhughes@wirral.gov.uk)

Dear Sirs

### **EF CALLISTER YOUTH CLUB - CHARITY NUMBER 520017**

I refer to previous correspondence in relation to the above charity and thought it would be useful to bring you up to date on latest developments and also to seek your advice on the Council's future course of action.

1. The proposed changes to the objects of the Trust were advertised in the local press on 23 November 2016 (copy enclosed).
2. Objections were received to the proposed changes from the local MP Mr Frank Field and also from 7 residents copies of which are also enclosed.
3. Independent valuers were instructed to give their opinion on the rental value of 19 Argyle Street, Birkenhead and also the freehold value of the premises in Slatey Road, Birkenhead. Their advice was that the annual rental value of 19 Argyle Street was in the region of £14,000 and the freehold value of Slatey Road between [REDACTED] and [REDACTED].
4. Six local residents on their own initiative submitted their names as potential trustees to replace the Council in view of the admitted potential conflict of interest arising from the Council's use and occupation of 19 Argyle Street which might conflict with its duty to obtain a market rent for the premises in its capacity as trustee.

cont/.....

5. I sent questionnaires to the potential trustees seeking information relevant to their suitability as replacement trustees. I enclose the replies I have received from the six individuals.

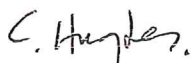
The next step is for me to provide a further report to the Council's Standards and Constitutional Committee on the Council's future course of action.

I propose to put to the Committee the following proposal subject of course to any advice or guidance you might wish to bring to my attention.

- (a) The Council expedite the transfer of the trust to new trustees to avoid the continuation of the conflict of interest over 19 Argyle Street.
- (b) The Council pays into the bank account of the Trust the annual sum of £14,000 in respect of the market rent for 19 Argyle Street.
- (c) The Council should consider the appointment of alternative trustees. In this regard would you advise the Council to form a sub-committee to interview the applicants who have submitted answers to the questionnaires or are their written replies sufficient?
- (d) If the Council were to form the view that it does not have sufficient information from the replies to the questionnaire to assess the suitability of the applicants for the trusteeship, should the search be widened by advertising in the local press for more persons to come forward to be considered for appointment as trustees? In this regard in accordance with your guidance I have written twice to the National Council for Voluntary Organisations to enquire whether they would assist in the search for new trustees, but unfortunately I have not received any reply.
- (e) If the Council is minded to transfer the trusteeship to new trustees, then it should not change the objects of the trust in accordance with the original resolution but should leave that decision to the new trustees because they will have their own views on the need for a change.
- (f) Equally any decision on whether to dispose of the Slatey Road premises should be left to the new trustees.
- (g) Finally any comments you might have to make on possible conflicts of interest and the suitability of the six candidates for trusteeship would be appreciated having regard to their replies to the questionnaire.

I recognise that you have a heavy workload but I do think it would be prudent for me not to submit a report to the Committee until I have received your response to this letter.

Yours faithfully



**Colin Hughes**  
**Group Solicitor**

## Hughes, Colin J.

---

**From:** FC Do Not Reply (Queue) <donotreply@charitycommission.gsi.gov.uk>  
**Sent:** 18 May 2017 10:38  
**To:** Hughes, Colin J.  
**Subject:** 520017 CJH/CG/22816 CRM:0239145

Dear Mr Hughes.

Thank you for your letters.

Charity trustees have a statutory power of amendment (irrespective of whether it is stated within their charity's governing documents.) It is contained within Section 280 of the Charities Act 2011. It enables the trustees of all unincorporated charities to amend any of the provisions of the trusts of the charity that relate to their own powers to carry out the purposes of the charity or regulating the charity's internal procedures without approval from us or any other organisation. It gives the trustees of these charities power to alter the administrative powers in their governing document. This brings the statutory power of amendment for unincorporated charities broadly into line with that for charitable companies.

This provision is however limited by the general law. Examples of changes to governing documents it cannot be used to make include: the purposes of the charity; the charitable purposes that the charity's property is to be used for when it dissolves and any benefit for the charity's trustees, including any payment other than out of pocket expenses.

If the trustees use this power to amend the administrative and or trusteeship provisions, we would simply require a copy of the following documents:

1. Resolution incorporating the amendments.
2. Minutes of the meeting at which the resolution was agreed.

These documents will enable us to update our register.

Alternatively, the trustees can simply complete our online amendment form. This can be found on our website under the following link:

<https://www.gov.uk/change-your-charitys-governing-document>

If the trustees are proposing a change to the charity objects, our online form must be completed with details of the new activities which are to be carried out which cannot already be achieved in accordance with the present objects.

It is for the charity trustees and their advisors to determine on whether a sub committee or new charity trustees should be appointed and whether the governing document of the charity needs to be amended to encompass this action. Our guidance regarding trustees responsibilities refers and is available on our website here;

<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>

Our guidance on finding new trustees, managing conflicts of interest and disposing of charity land may also be of assistance and are available here:

<https://www.gov.uk/government/publications/finding-new-trustees-cc30>

<https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29>

<https://www.gov.uk/government/publications/cc28>

We would only need to become directly involved if the trustees and their legal advisors have demonstrated how they cannot comply with the provisions of the charity's governing document and /or the legislation as detailed within our publications.

We hope that this information is of assistance to you.

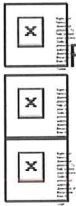
Yours sincerely,

John Dearden.

Permissions and Compliance Team.

Charity Commission.

**W:** <https://www.gov.uk/charity-commission>



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