

# Briefing Note

**Subject: 40 Browgate, Baildon**

**Confidential:**

1. **Purpose** to appraise the options regarding the potential disposal of 40 Browgate, Baildon
2. **Decision required** recommend preferred option to Regulatory & Appeals Committee acting as trustees of Baildon War memorial Charity 220830

### 3. Background

Bradford Flower Homes Development Limited Charity 119575 have indicated they wish to take over management responsibility and custodianship of Baildon War Memorial (consisting of both house and shrine) held on charitable trust.

“The Charity’s objects are restricted specifically, in each case only for the public benefit To relieve older/elderly people who are in need by reason of their age, ill health, disability, financial hardship or other disadvantage including the provision of social housing, other housing, accommodation, and assistance.”

R&A meeting on 16.3.23 agreed that the Assistant Director, Sport & Culture in Place be authorised to appraise the options for the potential disposal of Lodge and associated land at 40 Brow Gate, Baildon (ARN 52746) by transfer to Bradford Flower Homes Developments Ltd and that a detailed progress report be provided to a meeting of the Trustees, once the appraisal has been completed.

The purposes of the charity, Baildon War Memorial (220830) are “The provision of a war shrine and memorial house for the benefit of poor and infirm married couples of good character who are resident in Baildon at the time of their appointment.

The Trustees (R&A) must act in the charity’s best interest’s to carry out its purposes, both now and for the future.

This property has been vacant since the last occupier died over 8 years ago. It’s now in a heavily dilapidated state of repair which will require over £150,000 to refurbish it to bring it to a habitable state and comply with DDA legislation.

The Council are not able to access funding to undertake the works and there is no budget within the Council to undertake the works. BFF are able access their own capital and external funding and have agreed to undertake all works necessary to bring the property back to its intended purpose of providing accommodation for appropriate people.

### 4. Key issues –

The following advice on the options from colleagues in Legal is:-

1. The governing document does not make provision for the charity’s dissolution and it does not contain a specific power of disposal.

2. As the proposed charity asset transfer would be of property, which is held upon specific trusts, this may require the making of a Scheme whereby they can use their statutory power under section 105 of the Charities Act 2011.

Before they can consider making a Scheme or Order to amend its provisions, the charity trustees must demonstrate the following points:-

- a. how the present trusts are not actually workable;
  - b. how they are encountering actual difficulties in expending the income or using the property upon the presently stated objects/purposes; and
  - c. how the proposed charity asset transfer is in the best interests of the charity.
3. Alternatively, the charity trustees may wish to consider appointing the company as charity trustee by amending the trusteeship provisions in accordance with section 280 of the Charities Act 2011. If the trusteeship is changed the previous trustee would have no power of future administration and management of the charity.

The following advice on the options from colleagues in Estates:-

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## **5. Financial, HR, Communications issues (including value for money)**

This would relieve the Council of the duty to find funding for the maintenance and repair of a property that will always be let on a less than market rent and thus rarely having any surplus capital for big works/repairs that may be required in the future.

## **6. Options**

1. Not to dispose of 40 Browgate, Baildon and leave property empty
2. Not to dispose of 40 Browgate, Baildon but invest to secure future income
3. Agree to transfer asset to Bradford Flower Homes Development Ltd as the purposes of both charities align.

## **7. Recommendations**

3. Agree to transfer asset to Bradford Flower Homes Development Ltd as the purposes of both charities align. Ensuring they retain the war memorial.

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