

Agenda for a meeting of the Regulatory and Appeals Committee (sitting as Trustees) to be held on Thursday, 9 March 2017 at 11.30 am or on the rising of the earlier meeting of the Committee, whichever is the later, in the Banqueting Hall - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Brown	Warburton Abid Hussain Wainwright Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis Miller	Azam S Hussain Lal Lee	R Ahmed

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

From:

Parveen Akhtar

City Solicitor

Agenda Contact: Sheila Farnhill

Phone: 01274 432268

E-Mail: sheila.farnhill@bradford.gov.uk

To:



A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.



Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

B. BUSINESS ITEMS

4. REQUEST FOR THE SALE OF LAND AT PARKWOOD STREET, KEIGHLEY 1 - 46
Keighley East

The Strategic Director, Place will submit a report (**Document “AJ”**) in respect of a request for the sale of a parcel of land at Parkwood Street, Keighley to an adjoining business for an extension of its existing service yard.

The report explains that the land forms part of Parkwood Recreation Ground, Keighley, a registered charity of which the Council is the sole trustee. The land was conveyed to the Borough of Keighley by virtue of a conveyance by the Duke of Devonshire and the Chatsworth Estate dated 27 September 1928.

Recommended –

That the sale of the land indicated in Document “AJ” be approved and that the net proceeds be reinvested in the Parkwood Recreation Ground.

(Phil Barker – 01274 432616)

5. ROYD HOUSE TRUST, WILSDEN - DISTRIBUTION OF CAPITAL INTEREST 47 - 58
Bingley Rural

Previous reference: Minute 59 (2014/15)

The Strategic Director, Place will present a report (**Document “AK”**) which requests the approval of the Committee to applications for the distribution of capital interest from the Royd House Trust, Wilnden.



Recommended –

That the applications for funding from the Royd House Trust, Wilsden, as set out in Document “AK”, be approved and that the Strategic Director, Place distribute the funds accordingly.

(Phil Barker – 01274 431301)

6. PRIESTHORPE ANNEXE, MORNINGTON ROAD, BINGLEY
Bingley

59 - 68

A report will be submitted by the Strategic Director, Corporate Services in relation to Priesthorpe Annexe, Mornington Road, Bingley which is held by the Council as Trustees of the former Bingley Science Arts and Technical School (**Document “AL”**).

The report explains that the building has been empty since 2002 and is in a poor state of repair. The Council has been unable to find a use for the building that would promote the objectives of the Trust (for the educational benefit of the people (children and adults) of Bingley) or to provide a revenue budget to maintain it. Approval is therefore sought to sell the property and for the proceeds of the sale, after costs and grant repayment, to be used to further the educational objectives of the Trust.

Recommended –

- (1) That the Strategic Director, Corporate Services seek representations from the public in respect of the proposed sale of Priesthorpe Annexe, Mornington Road, Bingley.**
- (2) That, having given due consideration to the representations received, the Strategic Director, Corporate Services refer the matter back to this Committee for further consideration or, if no objections to the sale are received, progress the sale of the property and, subject to further legal advice, use the net sale proceeds for the educational benefit of the people of Bingley.**

(Belinda Gaynor – 01274 434309)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



Report of the Director of Environment and Sport to the meeting of the Regulatory and Appeals Committee to be held on 9th March 2017.

AJ

Subject: Request for the Sale of Land at Parkwood Street, Keighley

Summary statement:

This report covers a request for the sale of land at Parkwood Street, Keighley to an adjoining business for extension of its existing service yard. This plot forms part of the land known as Parkwood Recreation Ground, Keighley which is a registered charity (1079083) of which the Council is Sole Trustee.

The Committee has delegated authority to act on behalf of the Council as Trustee. This is in line with Charity Commission guidance to provide a separation between the Council's statutory functions and its role as Trustee.

Steve Hartley
Strategic Director Department of
Place

Portfolio: Department of Place

Report Contact: Phil Barker
Assistant Director Sport and Leisure
Phone: (01274) 432616
E-mail: phil.barker@bradford.gov.uk

Overview & Scrutiny Area:

Regulatory and Appeals



1. SUMMARY

- 1.1 This report presents a request for the sale of land at Parkwood Street, Keighley to an adjoining business for extension of its existing service yard. This plot forms part of the land known as Parkwood Recreation Ground, Keighley which is a registered charity (1079083) of which the Council is the sole Trustee.
- 1.2 The Committee has delegated authority to act on behalf of the Council as Trustee. This is, in line with Charity Commission guidance, to provide a separation between the Council's statutory functions and its role as Trustee.

2. BACKGROUND

- 2.1 In May 2010 the Sport & Leisure Service received an enquiry, via the Councils Estates Management department, on behalf of an adjoining business, Copperwaite Fleet Management, requesting the purchase of a parcel of land at Parkwood Street, Keighley to extend its service yard.
- 2.2 This plot is part of the Parkwood Recreation Ground, Keighley. This is a registered charity (1079083) of which CBMDC is the sole corporate trustee. (Attached as Appendix A is a conveyance plan showing the extent of the Charity land.)
- 2.3 The land was conveyed to the Borough of Keighley by virtue of a conveyance by the Duke of Devonshire and the Chatsworth Estates, dated the 27th September 1928 and provided for the land to be held on trust ***“FOR THE PROVISION OF A PUBLIC PARK OR PLEASURE GROUND, PLAYING FIELDS AND RECREATION GROUNDS FOR THE INHABITANTS OF THE BOROUGH OF KEIGHLEY”*** and to be used for such purpose.
- 2.4 As Corporate Trustee, the Council does not have the legal right, under the Conveyance dated the 27th September 1928, to dispose of the land. However, the Corporate Trustees can use the powers given to them under section 6 of the Trusts of Land and Appointment of Trustees Act 1996 to dispose of the land. The Charity Commission have confirmed that, in their opinion, and based on information provided by the Council, the Trustees could sell the land using section 6 of the Act and that the disposal of the land will not affect or alter the objectives of the Charity. If the Trustees adhere to the provisions of of the Charities Act 2011 the consent of the Charity Commission will not be required for the sale.
- 2.5 The property detailed in the 1928 conveyance is not only subject to a trust, but also has restrictive covenants benefitting the Chatsworth Estate governing the sale of the land. In order to secure the release of the land from these covenants, payment will need to be made by the Council as Trustee from the proceeds of sale which will thus be dispersed between the Chatsworth House Trust (66%) and Parkwood Recreation Ground (33%).



3. OTHER CONSIDERATIONS

3 THE REQUEST

- 3.1 The land sought by Copperwaite amounts to approximately 967 sq m. This is a small proportion of the total area of Parkwood Recreation Ground. (0.74% of the total area). Attached as Appendix B is a plan showing the extent of the land subject to the sale.
- 3.2 The land under consideration is colonized by self-seeded trees, however until relatively recently it was the site of a scout hut. The site was not woodland when it was gifted and does not form part of any sites designated as Ancient Semi Natural Woodland.
- 3.3 A planning application (11/05545/FUL) was submitted by the applicant for the area which was passed in May 2012. The planning consent requires that as part of the development trees are planted to screen the parking area and a new woodland entrance with improved access is created for users of Parkwood.
- 3.4 The price offered amounts to £15,000 plus all costs of both the Trustee and also those of the Chatsworth estate. As indicated above the sale price would in effect be split so that the Chatsworth estate receives £10,000 for release of the restrictive covenants and the balance, £5000 would be retained by the Trust to be re-invested into the Parkwood Recreation Ground Charity "for the good of the people of the borough."
- 3.5 Following notice of the potential disposal of the land in line with the Charities act 2011 and the Local Government Act 1972 a local resident has written to the Council on several occasions complaining that as trustee the Council has not followed due process in the proposed disposal of the land. The process detailed above is in line with the requirements of both the Charities Act and the Local Government Act.
- 3.6 All correspondence received is attached for the Committee's information at Appendix C.

4. Statutory Requirements

- 4.1 Under Section 6 of the Trustees of Land and Appointment of Trustees Act 1996, the Trustees have the powers of an absolute owner in relation to any land. This therefore includes the power to sell or otherwise dispose of an interest in the land. Section 8 provides that where, as in this case, land is subject to a Charitable Trust the power of disposal cannot be constrained by a provision in the original disposition.
- 4.2 As required by the Charities Act 2011 a written report has been obtained from a qualified surveyor acting exclusively for the trust. The report recommended that it would not be appropriate in this case to advertise the property for sale given the nature of the offer from Copperwaite. Subject to the Committee, acting as Trustee,



being satisfied that the offer represents the best price reasonably obtainable, consent of the Charity Commission will not be required if it chooses to approve the sale on those terms.

- 4.3 The independent valuation of the land was assessed as £1,500. (Valuation dated 18th March 2015 – Appendix D) Copperwaite have offered an above market price of £15,000 plus VAT for the purchase of the land.
- 4.4 As required by the Charities Act 2011, notice was given of the proposed sale in The Keighley News on the 21st July 2011. Representations have been made by a local resident and Keighley Town Council, the written objections are attached at Appendix C.
- 4.5 As required by the Local Government Act 2002 notice was given of the proposed sale by in in The Keighley News on the 21st July 2011. Representations have been made by a local resident and Keighley Town Council, the written objections are attached at Appendix C.
- 4.6 The Committee as Trustee must consider the representations made and take them into account in reaching its decision.

5. FINANCIAL & RESOURCE APPRAISAL

- 5.1 An independent valuation of the land has been undertaken on behalf of the Trustees in line with the Charity Commission requirements. A copy of the report is appended as Appendix D

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

CONSIDERATION OF THE REQUEST

- 6.1 As indicated above, the Committee acting as Trustee will need to be satisfied that the price payable is the best that can reasonably be obtained as suggested by the view of the independent surveyor.
- 6.2 In addition the Committee must consider the proposal in terms of what is in the best interests of the charity. Charity Commission Guidance advises that this means;

"Acting in the charity's best interest's means always doing what the trustees decide will best enable the charity to carry out its purposes, both now and for the future."
- 6.3 The purposes of the Trust are;

" for the provision of a public park or pleasure ground, playing fields and recreation grounds for the inhabitants of the borough



- 6.4 The question for the Trustees therefore is how disposing of the area of land will benefit the Recreation Ground from the perspective of the inhabitants of Keighley and how it would do so more than through retaining the land. If there are negatives as well as positives then a balance will have to be drawn between them to find the optimal position for the Recreation Ground and the public.
- 6.5 The area of land available to the public will be less. Given that holding the land for the provision of a park is the core object, the Trustees should assume that it should be retained unless satisfied that the disposal will lead overall to a better park or pleasure ground with greater benefit to the inhabitants.
- 6.6 The loss of this small area of land is unlikely to have an adverse impact on the Park as an amenity or the inhabitants.
- 6.7 Sale of the land is conditional upon tree planting to screen the parking area and a new woodland entrance with improved access. In addition it is proposed that the proceeds from any sale would be reinvested in the remainder of the site for the benefit of the people of Keighley. Works could include improvements to other access points, signage and seating. This would overall improve the Park as an amenity and more than outweigh the loss of the small area.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

None

7.2 SUSTAINABILITY IMPLICATIONS

None

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None



7.7 WARD IMPLICATIONS

None

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

9.1 To agree the sale of the land and reinvestment of the net proceeds into Parkwood Recreation Ground.

9.2 To refuse the sale of the land.

10. RECOMMENDATIONS

That the Regulatory and Appeals Committee approves

10.1 The sale of the land to Copperwaite Limited and reinvestment of the net proceeds' within Parkwood Recreation Ground.

Recommended -

11. APPENDICES

Appendix A: Conveyance Plan showing the extent of the charity land.

Appendix B: Plan showing the area requested to be sold.

Appendix C: Correspondence Received

Appendix D: Independent Valuation;

12. BACKGROUND DOCUMENTS

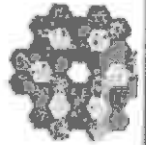
None



**Report of the of Director of Environment and Sport
to the meeting of Regulatory and Appeals
Committee to be held on the 9th March 2017**

Subject: Request for the Sale of Land at Parkwood Street, Keighley

Appendix A: Conveyance Plan showing the extent of the charity land.



Official copy of register of title

Title number WYK832812 Edition date 08.08.2007

- This official copy shows the entries in the register of title on 8 August 2007 at 14:39:14.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 8 August 2007.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1 - *A guide to the information we keep and how you can obtain it.*
- This title is dealt with by Land Registry Nottingham (West) Office.

A: Property register

This register describes the land and estate comprised in the title.

WEST YORKSHIRE : BRADFORD

- 1 (06.10.2006) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land and buildings on the north side of Cherry Tree Rise, Keighley.

NOTE: The land tinted green on the title plan is not included in the title.

- 2 (06.10.2006) The land tinted pink on the title plan has the benefit of the rights granted by but is subject to the rights reserved by the Conveyance dated 9 April 1886 referred to in the Charges Register.
- 3 (06.10.2006) The land tinted yellow on the title plan has the benefit of the rights granted by but is subject to the rights reserved by the Conveyance dated 14 November 1892 referred to in the Charges Register.

B: Proprietorship register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (06.10.2006) PROPRIETOR: CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL of City Hall, Centenary Square, Bradford, West Yorkshire BD1 1HY.

C: Charges register

This register contains any charges and other matters that affect the land.

- 1 (06.10.2006) A Conveyance of the land tinted pink on the title plan dated 9 April 1886 made between (1) The Most Noble William Seventh Duke Of Devonshire and (2) The School Board Of The United School District Of Keithley contains restrictive covenants.

NOTE: Copy filed.

- 2 (06.10.2006) A Conveyance of the land tinted yellow on the title plan and other land dated 14 November 1892 made between (1) The Most Noble Spencer Compton Eighth Duke Of Devonshire and (2) The School Board Of The United School District Of Keithley contains restrictive covenants.

NOTE: Copy filed.

- 3 (06.10.2006) A Conveyance of the land tinted blue on the title plan and other land dated 27 September 1928 made between (1) The Most Noble Victor Christian William Duke Of Devonshire K.G. and (2) The Mayor Aldermen And Burgesses Of The Borough Of Keithley contains restrictive covenants.

NOTE: Copy filed under WYK614873.

- 4 (06.10.2006) The land is subject to the lease set out in the schedule of leases hereto.

- 5 (06.10.2006) The land is subject to the rights granted by the Lease of the land edged and numbered 1 in blue on the title plan dated 6 August 1980 made between (1) City of Bradford Metropolitan Council and (2) The Yorkshire Electricity Board referred to in the schedule of leases hereto.

NOTE: Copy filed.

Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	06.10.2006 1 in blue	Electricity sub-station	06.08.1980 60 years from 01.06.1980	

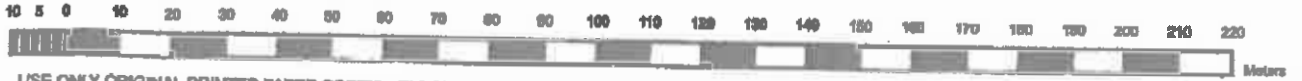
NOTE: See entry in the Charges Register regarding the rights granted by the Lease.

End of register

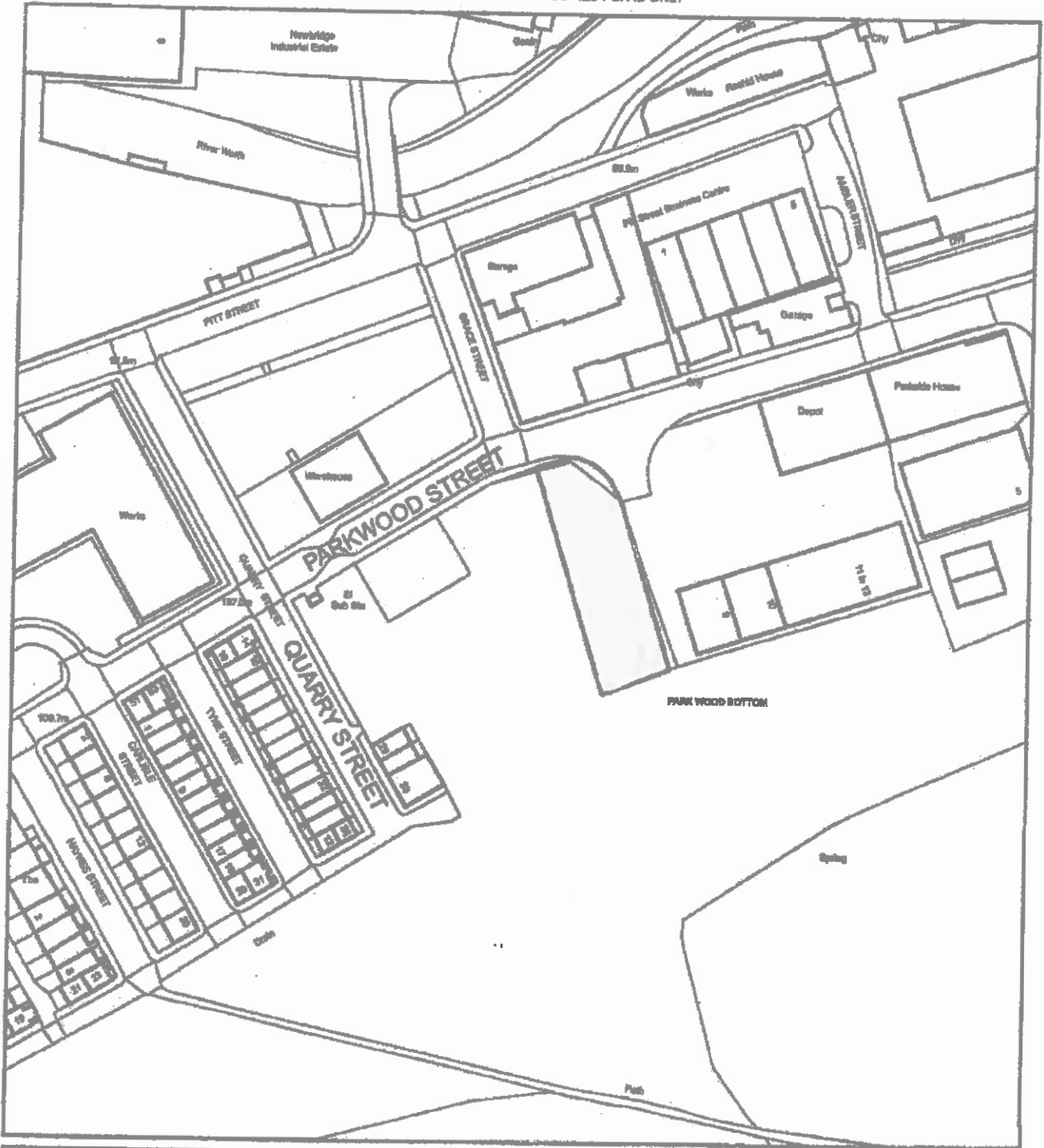
**Report of the of Director of Environment and Sport
to the meeting of Regulatory and Appeals
Committee to be held on the 9th March 2017**

Subject: Request for the Sale of Land at Parkwood Street, Keighley

Appendix B: Plan showing the area requested to be sold.



USE ONLY ORIGINAL PRINTED PAPER COPIES - ELECTRONICALLY TRANSMITTED COPIES FOR ID ONLY



City of Bradford Metropolitan District Council

Estate Management

7th Floor, Jacob's Well, Bradford, Yorkshire, BD1 5RW

www.bradford.gov.uk

Crown Copyright. Reproduced from Ordnance Survey Mapping with permission from L.A. 03/00. LA/07/0120

SE 0641

Scale 1/1250@A4

Date 26-04-2012

Plan No. P-005-016
DCB

BI





**Report of the of Director of Environment and Sport
to the meeting of Regulatory and Appeals
Committee to be held on the 9th March 2017**

Subject: Request for the Sale of Land at Parkwood Street, Keighley

Appendix C: Correspondence Received.

Department of Environment and Sport

6th Floor, Jacob's Well
BRADFORD
West Yorkshire BD1 5RW

Tel:

Fax:

E-mail:

Website: www.bradford.gov.uk

Date: 9 July 2013

Dear [REDACTED]

RE: Land at Parkwood Street, Keighley, BD21 4PJ

Thank you for your recent letter received on 2nd July 2013.

I have sent a copy of this letter to the Council's Legal Services Team for them to consider along with your previous correspondence.

Yours sincerely

[REDACTED]
Strategic Director

Cc: [REDACTED] – Team Leader, Property & Commercial Law

Handwritten note: "Please call you deal with this case?"

Director of Legal Services
City Hall

9 July 2013

Dear [Redacted]

Please find enclosed a letter from [Redacted] regarding concerns he has about ways various matters have been dealt with by the Council. I would appreciate it if you could coordinate getting me some background on this matter and let me have a briefing note as soon as possible.

I am copying in [Redacted] and [Redacted] as the Strategic Directors for the areas involved so that they are aware of my interest.

Yours sincerely

[Redacted signature block]

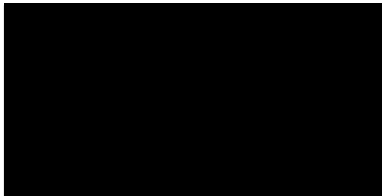
[Redacted name]

Leader of Council

Enc

cc [Redacted]

The leader of Bradford Metropolitan
District Council, The leaders Office
City Hall
Bradford BD1 1HY.



3rd July 2013

F A O [Redacted]
The Council leader

KEIGHLEY TOWN HALL
04 JUL 2013

5713
262

Dear Sir,

Re: THE ATTACHED 27th OF JUNE LETTER SENT TO BRADFORD
COUNCIL'S DIRECTOR OF ENVIRONMENT AND SPORT.

THIS IS NOT A COMPLAINT, BUT ABOUT DECISION MAKERS NOT
WANTING TO BE HELD "SATISFACTORILY" TO ACCOUNT !!

The purpose of this covering letter is courtesy and protocol. To inform you of events
in your own backyard! Fifteen months ago I was given instructions by outside
Agencies to follow in my correspondence with the Officers / Hierarchy of Bradford
Council as Corporate Trustee in the sale off of land at Parkwood Street, Keighley.
Which the Director of Environment and Sport (the relevant Corporate Department as
Trustee) has now authorised the sale of. So I give notice of my going to those
outside the Council Agencies as all avenues within the Council are now exhausted
and having been fully documented with over twenty letters and numerous evidence
I am going round in circles!

I have been in dispute for the past 15 months over this matter with Council
Officers, namely [Redacted] (Estate Surveyor), [Redacted] (Property
[Redacted] (Assistant Director - Environment and Sport) and [Redacted]
Director as observed, as to the legality of this transaction or otherwise and the
procedural governance and record keeping of a previous 1997 similar transaction.

My points of dispute are:

- (a) the primary reason why the land was required to be sold off has been
negated by another player in the market place having filled the void,
so there is not now the same ^{argument} as may have existed several years ago, and
for the fact that by selling off the land, the Corporate Trustee would not be
obliged to maintain it, i.e getting rid of an encumbrance to pecuniary advantage
(tantamount to a profit) and thereby being in Fiduciary Breach of Trust on Count 1.
- (b) the Corporate Trustee is exceeding its powers because it has 'cherry picked'
which part of the relevant legislation it relies on to grant itself authority to
sell the land, whilst disregarding other relevant parts of the same legislation
without providing proper explanation as to why those other parts do not apply,
thereby seemingly working outside the law, breaching 'the Council' Constitution.

(c) there would be, on sell off, a Breach of Trust in Equity, Court 2, on grounds that 'the Trust' Governing Document does not provide for Sell Off and since the Charity Commission have stated that there must be a very good reason for sell off, given that the primary reason has been superseded by events in the market place. The Corporate Trustee as Decision Maker either cannot or will not give fully transparent accountability to his Council Tax Paying Beneficiary as called for in Bradford Council Constitution.

(d) Full and Frank disclosure has not been given by the Corporate Trustee and this leads to an adverse influence being drawn. In a Democracy, nothing but full disclosure will do, to demonstrate good faith and lack of ulterior motive. It is one thing for the Bradford Council to preach and advertise its credentials of Democracy and Transparency but another thing to act or otherwise upon them.

The requested ^{information} that I sought was:

- (i) a fully detailed reasoning, step by step as to why the sell off? The answer given, I quote, "It is in the best interests of the (Parkwood) Charity" was vague and lacks substance, thus not demonstrating a plausible reason to the Public whom those relevant Officers purport to serve,
- (ii) the Independent Surrogors Report for the land in question, which has been suppressed and which as a Beneficiary of the Trust had I am entitled to see,
- (iii) the raw data of the Trusts Finances for the time window 1/4/1996 through to the 31/3/2013, by this I mean the Bank/Building Society/Investment House Annual Statements in irrefutable hard copy, i.e. as sent out by letter post by such institutions to their Clients at tax year end, and also
- (iv) the complete unredacted audit trail of certification to fulfill Charity Commission Compliance relevant to the 1997 land sell off and/or Certificates of Destruction for specific documents alleged to have been destroyed in documented claims made by [redacted] in correspondence to me.

Public Confidence in the system is supposed to be at the heart of local Government. The ignorance, vagueness and obfuscation by Decision Makers to account by answering specifically detailed questions on legal and financial matters in a satisfactory manner inspires no such confidence in the Bradford System in its Officer Contact.

On foregone grounds and the administration of the advised route of protocol with this letter to you and the two undementioned, thus ensuring full awareness within the hierarchy of Bradford Council. I now proceed with my Statement of Case to be submitted to Authorities outside the Council for it seems to me that Decision Makers can be unaccountable and the other Council Elements close ranks to protect them!

Yours Sincerely,

abt - 27th of June letter to [redacted]

cc:

[redacted] Director of Legal Services

cc:

[redacted] " " Mayor
and Keighley Central Ward Councillor.

THE DIRECTOR OF ENVIRONMENT
AND SPORT
CITY OF BRADFORD METROPOLITAN
DISTRICT COUNCIL
14th FLOOR, JACOBS WELLS
BRADFORD BD1 5AW

KEIGHLEY TOWN HALL

04 JUL 2013

27th JUNE 2013

For: The Attention of [REDACTED]

Dear Sir,

Re: DISPOSAL of LAND AT PARKWOOD STREET, KEIGHLEY BD21 4PJ, TITLE
NUMBER WYK832812 BEING A PART OF REGISTERED CHARITY NR1079083.

Thank you for your letter dated the 19th June 2013.

● TAKE NOTE: THIS MATTER OF PARKWOOD LAND IS STILL IN DISPUTE and
disposal of the land before the matter is settled is at the peril of the
Corporate Trustee, i.e BRADFORD COUNCIL. For Trustees cannot afterwards "any
more, we made a mistake"!

It is with dismay that Bradford Council tells me nothing new. Sir, I gave you an
illustrated example of the type of quality answer I expected from the Council's legal
Department. Instead the answer from you, not the legal Department is exactly what
your colleague [REDACTED] gave me almost a year ago. Which is very deficient
as it lacks precise explanation and the accountability the Electorate and in the
interest of Parkwood, what the Beneficiaries of that Trust are entitled to expect
from the Council Constitution and the Trust Document respectively.

The Corporate Trustee is, as any Trustee supposed to act in the best interests of the
Beneficiaries, as defined in the 1928 Trust Document. The Charitable Status of the
Parkwood land was set up to protect the Beneficiaries and it seems to me that due
to no rational or logical explanation having been forthcoming from the Corporate
Trustee over the past year, that the Trustee cannot provide one that will stand
up to cross examination. Hence the vagueness of the Corporate Trustee's answer.
I believe the Beneficiaries have been sidelined in this matter, albeit some token
procedural steps were taken. However, now, Bradford Council Officers as Corporate
Trustee are embarking to breach the Trust they undertook to uphold!

Paragraph 5 of your letter informs me of the authorized land disposal, triggering my
approach to Authorities outside the Council on completion of my statement of case.
Which will of course include matters relating to document suppression by officers

1.

and/or alleged destruction emanating from the 1997 land disposal and the 2nd disposal now authorised and the withheld relevant documents thereof.

In one of my previous letters to [redacted] I had requested copies of the Certificates of Destruction of the alleged land Sale documents which [redacted] had informed me had been archived and subsequently destroyed. My request is still being ignored. So much for Officer accountability!

The requested Certificates of Destruction of documents recording a disposal of Charity land in 1997 is unobtainable! Such documents (if destroyed) formed part of the Permanent Record of the Charity. This is a serious matter and raises suspicions of dishonest dealings and/or cover up. Given the very recent exposure of the cover-ups in the NHS Care Quality Commission, our Politicians, recently in the Media have encouraged those with suspicions concerning Officers in the Public Sector to voice their concerns.

This I will now do, on grounds that members of the Electorate such as I (read letters to the Editor, - Keighley News 27/6/2018) have NO CONFIDENCE in our local Authority Officers save for the odd exception on grounds of accountability to no one. I have repeatedly asked for accountability and transparency in the context of Portwood and have been reciprocated with vagueness and evasion over the past year. This is not the type of accounting that the Constitution expects of Decision Makers nor that of the Electorate that these Decision Makers purport to serve.

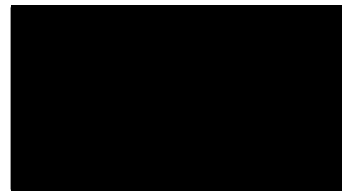
Accordingly having uncovered deficiencies in the Corporate Governance of our local Authority, if I do nothing now, lessons cannot be learnt and improvements thereof. For example if there is Financial Impropriety in the 1997 Portwood land disposal, hence the withheld documents I requested, then any acquiescence on my part now may lead to Officers becoming emboldened to stray in the future. It is conceivable that the proceeds from the currently authorised (in my view illegal) sale of a plot of Portwood could go in a wrong direction if transparency is not demonstrated about the previous disposal.

Too late, Officers of Bradford Council have failed to demonstrate to me that they are acting legally, transparently, constitutionally in a manner that inspires Public Confidence. On 8 August I will now take advice on my concerns regarding the withheld Portwood Charity financial documents or destruction thereof, and if my suspicions warrant the attention of the Chief Constable of W. Yorkshire and other in Authority. So as a matter of courtesy this letter is copied to the Council's Director of Legal Services, The Elected leader of the Council and my local Keighley Ward Councillor who by coincidence is the current Mayor and a Magistrate. In due course I will prepare my Statement of Case to be forwarded to the Authorities previously mentioned in my correspondence over the last year.

Yours Sincerely,

cc: [redacted] - Director of Legal Services,
[redacted] - leader of Bradford Council, and
[redacted] - Central Ward, Kly, Cllr. 2.

The Director of Environment and Sport
6th Floor, Jacobs Well
BRADFORD
BD1 5AW



For the attention of



3rd June 2013.

Re: LAND AT PARKWOOD STREET, KEIGHLEY, BD21 4PJ

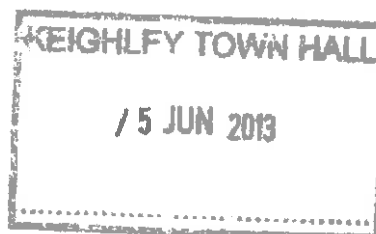
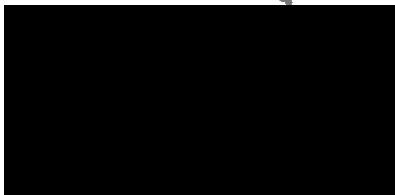
Dear Sir,

Thank you for your reply to my letter with attachment dated 18th May 2013, and for correspondence to 'the Council's legal Team'.

I now take this opportunity to commend you on your exemplary conduct in this matter too date and it sets a fine example that other Officers of the Council would do well to emulate and I feel there is scope for some re-training of some of those other Officers.

I look forward to dealing from 'the Council's legal Team' in due course!

Yours Sincerely,



Department of Environment and Sport

6th Floor, Jacob's Well
BRADFORD
West Yorkshire BD1 5RW

Tel:

Fax:

E-mail:

Website: www.bradford.gov.uk

Date: 24th May 2013

Dear [REDACTED]

RE: Land at Parkwood Street, Keighley, BD21 4PJ

Thank you for your recent letter dated 18th May 2013.

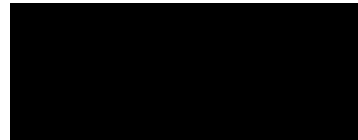
I have sent a copy of this letter to the Council's Legal Services Team for them to consider along with your previous correspondence.

Yours sincerely

[REDACTED]
Strategic Director

Cc: [REDACTED] Team Leader, Property & Commercial Law

The Director of Environment and Sport
6th Floor, Jacobs Well,
BRADFORD BD1 5AW.



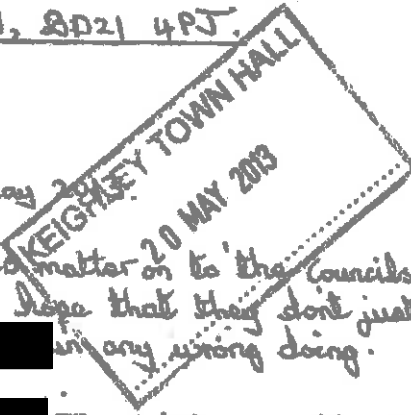
18th May 2013.

For the attention of

Re: LAND AT PARKWOOD STREET, KEIGHLEY, BD21 4PJ.

Dear Sir,

Thank you for your reply of the 3rd May 2013.



I am heartened to hear that you have moved this matter on to the Council's legal Team. I place emphasis on the word 'Team' and hope that they don't just close ranks to protect and in any wrong doing.

To recap: the alleged Officers and your I maintain are acting beyond their powers. I have provided documentary evidence from legal Text Books to corroborate my assertions and have stated that if they, the Council Officers are right, then the legal Text Books written by the learned scholars of the law may need re-writing.

To illustrate the very detailed specific response I expect from your 'Legal Team' I enclose an example of such below. Although this example is not in the context of a Land Disposal, but that of one man's right over another man's land, (a village green), i.e. an easement, it comes from a current 2012 year legal Textbook, a recent [2010] year Case Law Authority and the Supreme Court Judges interpretation of what constitutes 'force' in LATM by the name "VI".

For ease of reference I enclose sections 4-94 thro to 4-102 from the legal Text book, which within refers to a year [2010] Supreme Court judgement. I also enclose extracts from that judgement, namely paragraphs 88 thro to No 91!

Please see overleaf,

that they believed that they already possessed the right claimed.²⁰⁸ If a person with the benefit of an express grant of a right of way uses the way in a manner which is outside the scope of the express right of way but he tells the servient owner that by his use he does not intend to acquire any prescriptive rights outside the scope of the express right of way, his user will not be of such a character as to bring home to the servient owner that a continuous right of enjoyment, wider than the express right of way, is being asserted.²⁰⁹ A claim to an easement of parking failed on the facts in *Central Midlands Estates Ltd v Leicester Dyers Ltd*²¹⁰ where the user was described as "of an occasional nature".

Knowledge of user

The effect of the enjoyment being to raise the presumption of a consent on the part of the owner of the servient tenement, it is obvious that no such inference of consent can be drawn, unless it be shown that he was aware of the user, and, being so, made no attempt to interfere with its exercise.²¹¹ Still less can such consent be implied, but rather the contrary, where he has contended the right to the user, or where, in consequence of such opposition, an interruption in the user has actually taken place. Even supposing those defects of the user not to exist, still the effect of the user would be destroyed if it were shown that it took place by the express permission of the owner of the servient tenement, for in such a case the user would not have been had with the intention of acquiring or exercising a right. The presumption, however, is that a party enjoying an easement acted under a claim of right until the contrary is shown.²¹²

User *res vi*, *res clam*, *res precario*

The civil law expressed the essential qualities of the user, by the clear and concise rule that it should be "*res vi*, *res clam*, *res precario*".²¹³ The law of England, as cited by Coke,²¹⁴ from Bracton,²¹⁵ exactly agrees with the civil law; what Coke said was required for prescription was:

"*Locutus usus tunc per vim, nec clam, nec precario, etc.*"²¹⁶

The words of Coke have been repeated by modern judges in stating the present rule. Thus it was said by Willes J.:

²⁰⁸ *R. v. Oystermouth CC Ex p. Smeethwell AC* [2010] 1 A.C. 355, a decision which concerns "a right" in the Commons Registration Act 1965 but which also reviews the law as to easements.
²⁰⁹ *Firth Collieries Ltd v Edinburgh Borough Council* [2005] EWHC 2923 (Ch) at [27]; the defendant owner's intention may also be inferred from the other ingredients of an easement see present *Firth Collieries Ltd v Edinburgh Borough Council* [2005] EWHC 2923 (Ch) at [46].

²¹⁰ See para 4-127 et seq. below.
²¹¹ *Crompton v Wilson* (1803) 3 East 254.
²¹² Cod. 3, 34, 1, *de error*; Dig. 8, 5, 10, *de serv. vind*.
²¹³ *Co. Litt.* 113b.
²¹⁴ Bracton, Lib. 2, f. 516, 52a, Lib. 4, f. 222b.
²¹⁵ Long use neither by force, nor secretly, nor by permission."

ESTABLISHMENT OF EASEMENTS BY PRESCRIPTION

4. QUALITIES AND CHARACTER OF THE NECESSARY ENJOYMENT

(1) IN GENERAL

Enjoyment as of right

In order that the enjoyment, which is the quasi-possession of an easement, may confer a right to it by length of time, it must have had certain qualities and been of a certain character. In delivering the judgment of the Court of Exchequer in *Right v Winter*,²¹⁷ in which a right of way was claimed under the Prescription Act 1832, and the qualities of an enjoyment necessary to clothe it with right by lapse of time were considered, Parke B. made the following general remarks²¹⁸:

"In order to establish a right of way, and to bring the case within this section,²¹⁹ it must be proved that the claimant has enjoyed it for the full period of twenty years, and that he has done so 'as of right', for that is the term in which by section 5 such a claim must be phrased; and the like evidence would have been required before the statute to prove a claim by prescription or non-ejectment grant. Therefore, if the way shall appear to have been enjoyed by the claimant, not openly and in the manner that a person rightfully entitled would have used it, but by stealth, as a trespasser would have done—if he shall have occasionally asked the permission of the occupier of the land, so this would be required, because it was not enjoyed, 'as of right'. For the same reason it would not, if there had been only of possession during all or part of the time: for such the claimant would not have enjoyed 'as of right' the easement, but the soil itself. So a man may have been employed without interruption. Again, such claim may be defeated in any other way by which the claim is now liable to be defeated; that is, by the same means by which a similar claim, arising by custom, prescription, or grant, would not be defeated; and, therefore, it may be defeated by proof of a grant, or of a license, written or oral, for a limited period, comprising the whole or part of the twenty years, or of the absence of ignorance of the parties interested in opposing the claim, and their agents, during the whole time that it was enjoyed."

The authority of this case, and the doctrines laid down by the court in it, were fully recognised in *Monmouthshire Canal Co v Harford*²²⁰ and *Tickle v Brown*.²²¹

In *R. (Berresford) v Sunderland City Council*²²² it was said that "as of right" did not mean "of right" but was closer to "as if of right"; user can be "as of right" even though it is not adverse to the interests of the servient owner.²²³ "As of right" requires one to look at the quality and character of the user and to ask whether the user is of a kind which would be enjoyed by a person having such a right. The user must be such as to convey the impression that such a right is asserted; it is not relevant to inquire into the subjective beliefs of the persons carrying on the user and, in particular, it is not necessary for such persons to show

²¹⁷ *Right v Winter* (1834) 1 Cr.M. & R. 211.
²¹⁸ *Right v Winter* (1834) 1 Cr.M. & R. 211 at 219.
²¹⁹ Prescription Act 1832 s.2. See para.4-22, above.
²²⁰ *Monmouthshire Canal Co v Harford* (1834) 1 Cr.M. & R. 614.
²²¹ *Tickle v Brown* (1836) 4 A. & R. 369; and see *Whitely v Whitely* (1854) 10 Ex. 5.
²²² *R. (Berresford) v Sunderland City Council* [2003] UKHL 62 [2004] 1 A.C. 189 Lord Walker of

[REDACTED]
From: [REDACTED]
Sent: 31 July 2011 19:25
To: [REDACTED]
Subject: Land at SE 0641 - Park Wood

[REDACTED]
Asset Management
Bradford District Council

Dear [REDACTED]

I have noticed with dismay that Bradford Council has offered a piece of land off Parkwood Street, grid reference SE 0641 for "disposal". This is the same piece of land that planning permission is being sought for, Planning Application 11/03073/FUL for cutting down trees and making a vehicle park, submitted by Copperwaite Fleet Management of Parkwood Street.

On behalf of the people of Parkwood, and indeed of Keighley, I object to the "disposal" of this land. It is part of Parkwood. The plan I have from your Legal Services Department makes it look as though there is a barrier between it and the rest of Parkwood. I can assure you that this is not the case. I have walked in that part of the woodland and it is definitely a continuous part of Park Wood.

Park Wood (after which the settlement of Parkwood was named) was given to the people of Keighley by the then Duke of Devonshire in 1926. It is only by default that it has come into the possession of Bradford District Council. Morally it belongs to the people of Keighley. The purpose of the gift was for recreation. A vehicle park (lorry or car park) does not fit in with that intention.

There are rights of way across the piece of land. Footpaths are clearly visible on Google Maps' aerial views.

This land has been used as a play area by children for generations.

Additionally I object to the play area next to the Youth centre at Parkwood Street being offered for sale by the Parkwood Recreation Ground Charity without any consultation with Keighley Town Council. The Localism Bill which is close to being passed says that play areas should come under the jurisdiction of Town and Parish Councils.

Could you tell me what the relationship is between Bradford District Council and Parkwood Recreation Ground?

Yours sincerely
[REDACTED]

[Redacted]

From: [Redacted]
Sent: 03 August 2011 11:44
To: [Redacted]
Cc: [Redacted]
Subject: Land at Parkwood Street.

A. Woods sent

Dear [Redacted]

I refer to your email of the 31st July regarding the plot of land which abuts Parkwood Street and is situated opposite Grace Street.

The land, together with the whole of the land to the south was given to the people of Keighley in 1926 for 'recreational purposes'. I am attaching a series of recent photographs which clearly show it to be totally overgrown, has suffered from fly tipping and has fallen into disuse over at least 30 years! It therefore cannot be used for the original intended purpose, that is 'recreation'. Indeed just how anyone can presently cross this land, let alone play on it, is quite beyond me. Furthermore there are no rights of way across the land, either registered or implied, although there are signs of a footpath across the top of the land, from Kendal Street, but this area is not affected by the sale.

The land is vested in Bradford Council on behalf of the Chatsworth Estate, who will benefit from disposal along with the Charities Commission. No financial value would accrue to Bradford Council, but disposal would provide a much needed extension to a local company allowing it to expand, increase the number of employees and remove parked goods vehicles from the street thereby improving road safety in an area where there is a school and many young children. The Charity will clearly benefit from a sale as it will remove an increasing maintenance liability which falls to the Charity and provide cash for the Charity to invest. I would also add that there is possibly no other potential buyer for this land, and that the offer received from him is extremely generous. Taking all of these factors into account, I have no doubt that disposal of the land is a very sensible and constructive option, however, I do thank you for your objection to the sale, which is noted and will be considered.

Yours sincerely,

[Redacted]
Asset Manager,
Economic Development and Property.

[REDACTED]
From: [REDACTED]
Sent: 03 August 2011 21:28
To: [REDACTED]
Subject: Re: Land at Parkwood Street.

Thanks for your reply. I do not agree with it.

[REDACTED]

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Sent: Wednesday, August 03, 2011 11:43 AM
Subject: Land at Parkwood Street.

Photos attached

Dear [REDACTED]

I refer to your email of the 31st July regarding the plot of land which abuts Parkwood Street and is situated opposite Grace Street.

The land, together with the whole of the land to the south was given to the people of Keighley in 1926 for 'recreational purposes'. I am attaching a series of recent photographs which clearly show it to be totally overgrown, has suffered from fly tipping and has fallen into disuse over at least 30 years! It therefore cannot be used for the original intended purpose, that is 'recreation', indeed just how anyone can presently cross this land, let alone play on it, is quite beyond me. Furthermore there are no rights of way across the land, either registered or implied, although there are signs of a footpath across the top of the land, from Kendal Street, but this area is not affected by the sale.

The land is vested in Bradford Council on behalf of the Chatsworth Estate, who will benefit from disposal along with the Charities Commission. No financial value would accrue to Bradford Council, but disposal would provide a much needed extension to a local company allowing it to expand, increase the number of employees and remove parked goods vehicles from the street thereby improving road safety in an area where there is a school and many young children. The Charity will clearly benefit from a sale as it will remove an increasing maintenance liability which falls to the Charity and provide cash for the Charity to invest. I would also add that there is possibly no other potential buyer for this land, and that the offer received from him is extremely generous. Taking all of these factors into account, I have no doubt that disposal of the land is a very sensible and constructive option, however, I do thank you for your objection to the sale, which is noted and will be considered.

Yours sincerely,

[REDACTED]
Asset Manager,
Economic Development and Property.



Keighley Town Council

Department of Legal & Democratic Services,
Bradford M.D.C.,
City Hall,
BRADFORD,
BD1 1HY



Your Ref: DMM

29 July, 2011.

Dear [REDACTED]

RE: CHARITY NO. 1079083 – PARKWOOD RECREATION GROUND

I am writing with regard to the above recreation ground which is part of a Charity administered by Bradford Council. The charitable objects are for the provision of a public park or pleasure ground, playing fields and recreation grounds for the inhabitants of the Borough of Keighley.

I have been asked to submit the Town Council's objections to the proposal to sell this recreation ground thus removing facilities for the young people in the area. I would welcome the following information:

- Who are the Trustees (this information does not appear on the Charity Commission Website)
- Why is the land being sold without consultation particularly when it is adjacent to the new Youth centre and there are new houses close by.
- The Government's long-awaited public service reform white paper will see changes to the law giving Parish and Town Councils powers to take controls of local parks, playing fields etc. Is the Council therefore wanting to sell this land before that law comes into force thus preventing the Town Council from taking the area over?
- Presumably it will be the Charity that will benefit from the sale of the land. This goes against the charitable objects. How, therefore, can they consider this move?

I would be grateful to receive your response to this letter within ten days of receipt.

Yours faithfully,

[REDACTED]
Town Clerk

[REDACTED]

From: [REDACTED]
Sent: 06 August 2011 18:48
To: [REDACTED]
Cc: [REDACTED]
Subject: 1079083 - PARKWOOD RECREATION GROUND, KEIGHLEY

Dear [REDACTED]

1079083 -
PARKWOOD RECREATION GROUND, KEIGHLEY

Trustee: City of Bradford MBC

I object to the sale of the Recreation Ground at Parkwood Street. When the Localism Bill is passed in a few weeks' time it will state that parks and recreation grounds should preferably be taken over by town and parish councils. I am sure Keighley Town Council will wish to be involved in any such decisions about Parkwood Recreation Ground, which is in my ward.

Yours sincerely

[REDACTED]



Keighley Town Council

Assistant Manager,
Economic Development and Property,
Bradford M.D.C.
City Hall,
BRADFORD,
BD1 1HY

5 August, 2011.

Dear [REDACTED]

RE: LAND AT PARKWOOD STREET AND P/A 110003073/FUL

I refer to your email to [REDACTED] regarding the above land which she has passed on to me.

I will say to you what I have said to Democratic Services that the Town Council and the residents will fight hard to keep this land for the benefit of the community in Parkwood. There has been no consultation over the sale of this woodland and as the residents in the nearby houses have no gardens it is a valuable asset and should not be disposed of. You will be aware of the Government's long-awaited public service reform white paper which will see changes to the law giving Parish and Town Councils power to take controls of local parks, playing fields etc. The white paper clearly underpins the Government's commitment to allow communities to earmark important local green spaces for special protection and also gives them the power to protect green spaces that mean so much to them. You will no doubt be aware of the petition that will be handed to Bradford Council. People in the area feel very strongly about this land and its future.

You mention that there are no rights of way across the land. Whilst not on the definitive map there are public footpaths running across this land and three stiles. There is a variety of wildlife including, we believe, bats which are protected. This is being looked into.

You mention the present condition of the land. This will change with assistance from the community and the Town Council. It cannot be a reason to sell the land.

I will be writing again to the Chatsworth Trustees objecting to the sale of the land in question and would ask that Bradford Council consider handing over the management to the Town Council at the earliest opportunity.

Yours sincerely,

[REDACTED]

Town Clerk

Asset Management	
No.....	10754
	09 AUG 2011
Passed to.....	BT
File.....	

Q

Department of Regeneration and
Culture – making great places

Asset Management
Floor 2, Jacobs Well,
Bradford,
West Yorkshire, BD1 5RW.
DX11758 BRADFORD-1

[REDACTED]
Town Clerk,
Keighley Town Council,
Town Hall,
Bow Street,
Keighley,
West Yorkshire,
BD21 3PA.

Tel: [REDACTED]
Fax: [REDACTED]
E-Mail: [REDACTED]
Our Ref: AM/BV50189/001
Your Ref:
Date: 10th August 2011

Dear [REDACTED]

I thank you for your letter dated 5th August objecting to the proposed sale of the land at Parkwood Street, although I have a similar letter from you addressed to [REDACTED] which has already been placed on file and will be given due consideration.

Whilst I understand your concerns I do assure you that Bradford council will consider all aspects of this matter in a responsible and fair manner. I would just point out that the Localism Bill has not yet been passed. There is no guarantee that it will be passed and if it is, what form it will take. Until such time, therefore, Bradford Council will, as always, register your views as an important part of the consideration process.

I would again confirm there are no rights of way across the site, two of the stiles you mention give access to dense undergrowth and are therefore of no use to the public. This is clearly shown on the series of photographs already sent to you. The stile from Kendal Street gives access across land which forms no part of the subject land. The condition of the land, its lack of usage and abuse by way of fly tipping is also an important point to bear in mind.

I have also seen no actual proof of the presence of bats on site although I await proof from you that this is the case. In the meantime please be assured that due consideration will be given to all aspects of this case before any decision is made.

Yours sincerely,

[REDACTED]
Asset Manager,
Regeneration and Development.

**Report of the of Director of Environment and Sport
to the meeting of Regulatory and Appeals
Committee to be held on the 9th March 2017**

Subject: Request for the Sale of Land at Parkwood Street, Keighley

Appendix D: Independent Valuation.

LAND OFF PARKWOOD STREET

KEIGHLEY

WEST YORKSHIRE

BD21

VALUATION and REPORT

FOR THE USE OF THE TRUSTEES OF THE PARKWOOD RECREATION GROUND

18TH MARCH 2015

INDEX

PAGE	ITEM
1	Date of Valuation. Purpose of the valuation; Basis of Valuation; Confirmatory Matters; Valuation figure; definition of Market Value; basis of valuation
2	Assumptions; extent & circumstances of inspection; VAT and taxation; location and description; Limitations on the investigations undertaken
3	Qualifications of the Valuer; Nature and Source of information to be relied upon; Location and description
4	Location and Description; Services; Planning and statutory
5	Environmental; market conditions and general comments
6	Market conditions and general comments
7	Market conditions and general comments and summary valuation

Appendices

Photographs

Title-/Site plan

VALUATION REPORT

Date of Valuation: 18th March 2015

PURPOSE AND BASIS OF THE VALUATION

An independent opinion on the present market valuation of the Property is required as the Client has been approached by an interested party in acquiring it to add to its existing holding. Under Charities Commission law and in particular the Charities Act 1993, Section 36 as amended, the Owner has to verify by taking advice from such as Surveyor that the offer made by the interested party is above what could be obtained from other bidders and therefore the Charity is effectively gaining best value. The Report must comply with the Charities (Qualified Surveyors' Report Regulations) 1992.

The Valuation will be undertaken in accordance with the RICS Valuation-Professional Standards 2014 and International Valuation Standards.

CONFIRMATORY MATTERS

We are not aware of any conflict of interest that arises in the acceptance of the instructions.

Terms of engagement were confirmed with the Client prior to submitting this Report.

This Report is for the use only of the party to whom it is addressed. No other party may rely upon it. The Report must not be reproduced in whole or part without our express written authority.

We have taken into account the requirements of a Surveyor reporting to the Client under The Charities (Qualified Surveyors' reports) Regulations 1992 and we believe that we have complied with that legislation

VALUATION

Market value of the freehold with vacant possession:
£1,500 (one thousand five hundred pounds)

DEFINITION OF MARKET VALUE

Market Value as defined in the RICS Valuation-Professional Standards January 2014 is:

the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

ASSUMPTIONS AND CAVEATS

The assumptions to be adopted (unless anything to the contrary is stated in our Report) are:

The property has no encumbrances on title

The property has the necessary statutory consents for the current buildings and use

The services and any associated controls or software are in working order or free from defect

The property is free of contamination and hazardous substances

The property is free of environmental factors that are an inherent feature of the property itself or the surrounding area, and could have an impact on the value of the property interest

The property is valued freehold with vacant possession

EXTENT AND CIRCUMSTANCES OF INSPECTION

An inspection took place on Wednesday 18th March 2015.

At the time of inspections, the land was unoccupied and access was gained by climbing over the wooden fence to the north-east bottom corner.

VAT TAXATION AND THE COSTS OF TRANSFER

No allowance has been made for liability for any of the above items. Normally in a case such as this where there are no buildings within a Property to be valued, the seller does not apply for waiver of the standard exemption from making any disposal subject to the charging of Value Added Tax.

LIMITS ON THE INVESTIGATIONS THAT WILL BE UNDERTAKEN

We will NOT be carrying out any kind of environmental survey and we will not be testing or certifying services in any way. We will report on any major shortcomings and defects that we observe while inspecting the Property.



Independent Chartered Surveyors
& Commercial Property Agency

tel: 01274 743884
fax: 01274 743844

QUALIFICATIONS OF THE VALUER

The Valuation will be conducted by Andrew J Idle MRICS a Registered Valuer with 30 years post-qualification experience. Mr Idle is suitably experienced to carry out this category of work. Andrew Idle Associates have not undertaken previous work for this Client and have no conflict of interest in taking on the work.

NATURE AND SOURCE OF ANY INFORMATION TO BE RELIED UPON

In preparing the valuation report Mr Idle will investigate market sales and marketing evidence and will rely upon information and data contained online on various property marketing and intelligence gathering portals and by contacting estate agents and surveying firms.

LOCATION & DESCRIPTION

Keighley is part of the Bradford, the 6th largest City in the UK by way of its Metropolitan District, the population currently numbering 500,000 or thereabouts and growing.

Keighley has its own Town Council which takes charge of some of the public services though much of the property-related issues such as Planning are still administered from Bradford.

Major activities in the Town include lift suppliers; further education; health facilities (including nearby Airedale Hospital in Steeton to the north-west); transport /distribution and building trades. A recent announcement was made about reviving work on the Worth Valley Retail Park the site of which lies within about 0.5 miles of the Land.

The Property is located in a mainly industrial area in the part of the Town known as Thwaites lying about three quarters of a mile to the east of the Town Centre and with good access to the Aire Valley Trunk Road (A650).

The area is popular with trade suppliers; engineering shops; factory shops; there are also several residential terraces dating from the Victorian or early Edwardian eras.

Parkwood Street connects with the Airedale Trunk Road at the eastern end and with Park Lane (Hainworth to Keighley route) to the west.

It comprises a piece of wooded land which moderately slopes up the side of the Worth Valley. It has no vehicular access but there is a wooden stile within the frontage fencing which appears to have once lead onto a public footpath leading up to towards the top. However there is no sign that such a right of way has been used for many years- it is overgrown. The only way we were able to get onto the land was by climbing over the post and rail wooden fence edging the highway pavings at the bottom.

3

Regulated by RICS

www.andrewidle.co.uk
3 Eldon Place, Bradford, BD1 3AZ



The land is not physically demarcated as seen- though the Council have provided a good quality plan showing its extent edged in red. There is a steel palisade security fence marking the apparent boundary to the east and the public highway at Parkwood Street marks the apparent boundary to the north but there is nothing obvious to the west or south.

In addition, the boundary as marked on the Council plan does not tally with the steel palisade fence; it tapers out away from it on the eastern boundary.

The land as set out in the Council's plan amounts to 967 sq. metres on Promap using the Polygon tool on this on-line software based on current OS data.

SERVICES

No services are thought to be connected to the Site but this should be confirmed by way of legal enquiry.

PLANNING AND STATUTORY

We carried out an online search on the Bradford Planning Portal. There were many historic applications for the Parkwood Street area, many of them dating back to the 1990s or before with no documentation now being held on file to be able to determine the exact locations.

The only application we could find relating to the Land itself is ref 11/05545/FUL approved 1st May 2012 for 'change of use to serve as extended service yard area for manoeuvring and parking of customer vehicles'

The Property is not Listed or in a Conservation Area.
There is no known risk of flooding in this locality. There has been past mining/quarrying in the District.

There is no right of access in favour of the owner of the Land through the adjoining industrial estate to the east as far as we are aware.

TENURE

The Property is valued freehold with vacant possession.

The definition of Market Value in the RICS Valuations- Professional Standards assumes that there are no encumbrances on title. In this case there is a restrictive covenant dating from the historic Conveyance dated 27.2.1928 made between (1) the Chatsworth Estate Company and (2) The Duke of Devonshire (3) the Mayor Aldermen and Burgesses of the Borough of Kelghley and the then Kelghley Corporation.

4

Under the Transfer, the land is to be held in trust for public use and benefit for public park or pleasure ground playing fields and recreation grounds and for the inhabitants for the Borough of Kelghley and to be used for such purpose.

There is a Restrictive Covenant for the benefit of the Chatsworth Estate not to use the pink land for any purpose other than as a public park or pleasure ground playing fields entertainment gardens lawns tennis courts bowling greens or other recreational grounds and in particular for the purposes of fairs roundabouts itinerant shows circuses or other menageries.

MARKET CONDITIONS and GENERAL COMMENTS

In compiling the valuation we have used the comparative method.

We have considered the following evidence of comparative transactions:

1. Sale of land at Infirmary Street, Bradford Bd1. Lying off Lumb Lane off the opposite side of Westgate to the land being valued this was a surfaced car park. 543 sq. metres. No planning place and subject to rights of way. Sold for £3,500 in about January 2013 following exposure at auction.

2. The site of the former Bingley Foundries, Riverside Works, Ireland Street, Bingley BD16 2DJ. Lot 381 at Eddisons auction, 11th December 2014. A parcel of riverside land, derelict buildings and woodland, extending to 4 acres. Expired planning consent from 2005 for 9 dwellings. Sold in the Room for £100,000 equating to £25,000 per acre.

3. Land at Staples Lane, Lees Moor, Kelghley, BD21 5QD. 8.17 acres of freehold agricultural land offered for sale by auction through Pugh & Co, lot 30, 24th February 2015. Subject to a short term tenancy expiring 31st March 2015 at £605 per annum. Approximately 300m north of the junction of Halifax Road and Haworth Road. Sold in the Room for £57,000 equating to just under £7,000 per acre

4. Silsden Bridge, Silsden, BD20. Cited because although far larger than the subject land the location is very close by- within circa 4 -5 miles. 32.32 acres in total. Under offer off a guide price of £140,000 equating to under £5,000 per acre. The area tends to suffer a lot with flooding problems and we have seen fields under water here for weeks on end. No doubt this disadvantage will have been reflected in the offer received at the Agent David Hill.

5. Land at Denton Road, Ilkley, West Yorkshire. 5.91 acres of agricultural grazing land surrounded by land of similar use. Offered at Pugh & Co auction on 21st October 2014 and sold at £46,000 in the Room equating to about £10,000 per acre.

We believe that the following comments are relevant to this Valuation and Report:

5

1. The Land being assessed for valuation purposes has no existing vehicular access; is fairly steep and not suitable for grazing. It is not capable of generating any usage or income in its current state.
2. The land is overgrown and unsuitable for recreation in its current state
3. Had this site been larger and with established good quality tree cover, it would have been worth in the region of up to £10,000 per acre equivalent. But given the small size and poor quality cover much of which is probably self-seeded and unmanaged, we think its maximum value could be expressed as being the equivalent of £5,000-£6,000 per acre. This would place its Value at £1,433 which we have rounded up to £1,500.
4. We also have to consider that there will be considerable expense involved in marking off the boundaries.
5. The existing planning consent may now be out of time
6. There are onerous conditions in the planning approval relating to tree preservation and management
7. Because of the complexity of the proposed disposal the proposed buyer has at the time we prepared this Report already incurred or committed themselves to incurring the following costs:

VAT on the purchase price which they may not be able to recover and which would certainly have been a 'dead cost' to a private buyer

Legal costs of £750.00 plus VAT

Surveyors costs of £500 plus VAT

Chatworth Estate legal and surveyors' fees of £1650 plus VAT

Advertising costs to comply with legislation £640.67 plus VAT

Bat report £635.00

Thus the total consideration by the proposed buyer is not £15,000 but £22,883.80.

In our opinion this is greatly above Market Value and truly reflects a bid from a special purchaser.

Members of the general public would normally have no way of absorbing such extra costs.

8. In addition only the proposed purchaser as the adjacent owner- occupier could sensibly access the site safely for vehicles as we believe the Council would not permit a new direct access off the public highway.
9. The land was advertised as 'disposal of open space', so technically it was advertised although not exclusively 'for sale'. However in the light of the foregoing commentary it is the surveyor's opinion that the cost of advertising is not justified as the offer from the proposed purchaser with a special interest, and there are no others, is way above a figure that would be expected from the general public, hence it does not need to be advertised.
10. So we do not recommend further advertising as we do not think the Land has any significant value except to the owner of the adjacent site; it would not be in the Charity's interests to incur further expense in this regard.
11. We also note that the land was gifted to the people of Keighley in 1926 by the Chatsworth Estate who placed a covenant upon it restricting its use to recreation. We understand that the Estate are prepared to lift the covenant thus enabling the proposed buyer to apply for consent to develop the land, whereby they (the Estate) receive two thirds of the sale price and the Charities Commission the other third. Given the prices paid in similar circumstances and that the Vendor saves the time and expense of applying to the Lands Tribunal for discharge we believe this is reasonable.
12. However we have been made aware that the representatives from the Chatsworth Estate agreed their share amounting to £10,000 some considerable time ago since which it appears the disposal has become mired in local politics and objections. Hence it is a possibility that further negotiations may have to take place.
13. Our opinion is that the Parkwood Recreation Ground would be well advised to accept the offer of £15,000 plus costs

Market Valuation of the Freehold in the sum of £1,500 (one hundred five thousand pounds).



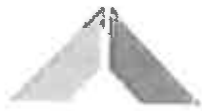
A J Idle MRICS
Registered Valuer
Andrew Idle Associates

The Land looking from Parkwood Street



Disused stile





andrew idle

**Independent Chartered Surveyors
& Commercial Property Agency**

tel. 01274 743884
fax. 01274 743944

Looking west from the upper portion of the land



Looking north from the top of the land



Regulated by RICS

www.andrewidle.co.uk
3 Eldon Place, Bradford, BD1 3AZ



Andrew Idle Associates is the trading name of Andrew Idle Commercial Property Limited
Registered in England & Wales No. 0461518

Looking north up from Lot 1 to the land already owned by S R M



Looking east towards the block of modern industrial units



The bottom end of the land facing Parkwood Street



The residential terraced stock to the west (though the land does not extend right up to the wooden fence shown)



Site Plan



Report of the Director of Place to the meeting of the Regulatory and Appeals Committee to be held on 9th March 2017.

AK

Subject: Report recommending the agreement of the Regulatory and Appeals Committee for the distribution of the capital interest from the Royd House Trust at Wilsden. Following the establishment of the Evaluation Group and the advertising of available funds and in line with the decision taken at Regulatory and Appeals Committee held on Thursday 13th November 2014.

Summary statement: Following the meeting of the Regulatory and Appeals Committee on the 13th November 2014 it was agreed to set up an Evaluation Group to consider applications for grants paid from the interest received on the capitol sum in the Royd House Trust.

Steve Hartley
Strategic Director of Place

Portfolio: Environment, Sport & Culture

Report Contact: Phil Barker
Phone: (01274) 431301
E-mail: phil.barker@bradford.gov.uk

Overview & Scrutiny Area:
Regulatory and Appeals



1. SUMMARY

Report recommending the agreement of the Regulatory and Appeals Committee for the Distribution of the capital interest from the Royd House Trust at Wilsden. Following the Establishment of the Evaluation Group and the advertising of available funds and in line With the decision taken at Regulatory and Appeals Committee held on Thursday 13th November 2014.

2. BACKGROUND

The Regulatory and Appeals committee at the meeting of the 13th November 2014 agreed that:

That an Evaluation Group be established with the following membership; Three Ward Councillors and a Parish Councillor, in consultation with Council Officers in an administrative capacity, to consider further applications and to Make recommendations to the Regulatory and Appeals Committee

The Evaluation Group has been formed. Have met and agreed the protocol for applications for funds from the trust. Subsequently the fund has been advertised in line with that protocol.

The group have received two applications for funding. One application from Wilsden Village Hall and one from Wilsden Scout Group. The group have evaluated and agreed to the applications and concur that they are presented to the Regulatory and Appeals Committee for ratification. Copies of the application forms are attached

3. OTHER CONSIDERATION

4. FINANCIAL & RESOURCE APPRAISAL

The funds available for distribution through the Evaluation Group are £ 10,000. The applications received come to a total of £ 3,826.45. This leaves money left in the trust for future applications.

In line with the Council's legal and financial services the charity has retained a further sum of £10,000 in the trust.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

6. LEGAL APPRAISAL

6.1 As indicated above, the Committee acting as Trustee will need to be satisfied that the applications to the trust are being awarded are in the best interest of the trust and offer Value for money.

6.2 In addition the Committee must consider the proposal in terms of what is in the best interests of the charity. Charity Commission Guidance advises that this means;

"Acting in the charity's best interest's means always doing what the trustees decide will best enable the charity to carry out its purposes, both now and for the future."

6.3 The purposes of the Trust are;

" shall apply the income of the Charity for improvements (other than maintenance) of the property belonging to the Charity as the trustees consider appropriate to meet the objectives of the Charity and thereafter for the charitable purposes for the benefit of the inhabitants of Wilsden.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Not applicable

7.2 SUSTAINABILITY IMPLICATIONS

Not applicable

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

Not applicable

7.4 COMMUNITY SAFETY IMPLICATIONS

Not applicable

7.5 HUMAN RIGHTS ACT

Not applicable

7.6 TRADE UNION

Not applicable

7.7 WARD IMPLICATIONS

Not applicable

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS
(For reports to Area Committees only)
Not applicable

8. NOT FOR PUBLICATION DOCUMENTS
Not applicable

9. OPTIONS
To agree to the applications and distribute the funds accordingly.

To refuse the applications and re advertise the funds to other applicants.

10. RECOMMENDATIONS
To agree to the applications and distribute the funds accordingly.

11. APPENDICES
Appendix A: Copy of the application forms submitted.

12. BACKGROUND DOCUMENTS
Report and Decision Sheet of the Reg and Appeals held 13th November 2014.

Royd House Trust Discretionary Award

Application form

Name of group:	Wilsden Scout Group (Actually 6 th Bingley, 1st Harden and Wilsden Scout Group) We have a Beaver Colony, Cub Scout Pack and a Scout Troop within our group, but are known as Wilsden Scout Group.
Main group contact: (full name and title)	Jonathan Booth
Position in group	Treasurer
Address	c/o 23 Wild Heather Close Cullingworth Bradford BD13 5ET
Telephone	07581 430402
E-mail	jonathanbooth4165@hotmail.com
Is the group a constituted body or a registered Charity.	Registered Charity and official Scout Group Charity number 1021184
Charity No (is applicable)	We abide by Scout Rules and regulations
Description of the application. Full details required. Continue on a separate sheet if necessary.	<p>We need to update some equipment to help us offer days out, overnight camps and trips. In addition, we need to update some of the equipment we use in our meeting room on a weekly basis to ensure we can continue to offer a program of meetings and activities.</p> <p>Whiteboard – to help us run meetings so we can give written instructions for young people in the meeting. Gas Lights – we camp where there is no electric – the gas lights we have need replacing to ensure safe operation. Event Shelter – useful while out on trips/activities to provide some shelter for you people and their equipment. Pens, biros, paper, scissors etc – we constantly need to replace these Tents -we have had these for many years now and need replacing to ensure dry camping for our young people and leaders</p>

<p>What are the full costs of the project ?</p>	<p>1 Quality freestanding Whiteboard and pens £106.90 3 portable Gas Lights at £29.99 each = £89.97 1 Coleman Event Shelter and side £145.00 4 quality sets of felt tips at £10 = £40.00 8 packs of biro pens = £40.00 Supply of paper = £16.00 Kraft Scissors,glue,card = £58.65 6 three man tents @ £179.99 each = -£1079.94 1 leaders tent - £249.99 Total £1826.45</p>
<p>How will the residents of Wilsden benefit from this scheme?</p>	<p>Our Scout Group is made up of young people from age 6 to 14, and have an associated Explorer Scout Group that provides for those age 14 to 18. We meet at Wilsden Village Hall and take young people from the local area and are open to both boys and girls</p> <p>So we provide an opportunity for young people from Wilsden to have a balanced weekly program of activities and then longer camps/overnight trips. These range from crafts, to camping, cooking over fires, overnight trips and loads of other things in between.</p> <p>The aim is to help young people enjoy new adventures; to experience the outdoors; interact with others, gain confidence and have the opportunity to reach their full potential.</p> <p>To quote from the Scout Associations website :“The Scout Association is the UK's biggest mixed youth organisation. We change lives by offering 6 to 25-year-olds fun and challenging activities, unique experiences, everyday adventure and the chance to help others so that we make a positive impact in communities.</p> <p>Scouts helps children and young adults reach their full potential. Scouts develop skills including teamwork, time management, leadership, initiative, planning, communication, self-motivation, cultural awareness and commitment. We help young people to get jobs, save lives and even change the world.”</p> <p>We do feel locally that this sums up or aims and how residents of Wilsden can benefit.</p>

<p>Have you applied for other funding for your project? (Tell us the funder and the amount you expect from them)</p>	<p>Funder Local ... Co-op..... Charity event..... closes March 2017..... £... circa £800..., depending on how much it makes – we wish to use that funding to renew some of our cooking and dinning tents which are now past their best, so it is for different things to this application</p> <p>Funder £.....</p> <p>Funder £.....</p> <p>Funder £.....</p>
<p>Please tell us the stage at which your other applications are at, ie just applied, awaiting outcome of application or funding confirmed.</p>	<p>We have been accepted – but the funding program is over 6 months to March 2016 and we don't know how much we will get.</p>
<p>What contribution to these costs would you like from the Trustees of the Trust</p>	<p>£ None – our application to the Co-op is for different items of equipment</p>
<p>Is this contribution for a specific element of the scheme?</p>	<p>N/A</p>

Supporting information checklist

Where relevant please ensure that the following documents are submitted with your application (accounts and bank statements must always be submitted).

	Tick to confirm enclosure
Quotes for capital items and works over £250	Yes – for the six three man tents
Copy of the most recent/audited accounts where relevant	Yes

Evidence of planning permission (if necessary)	n/a
Three most recent bank account statements together with details of the bank account that you would like the grant paid into.	Attached for period to 31 st March 2016 – I do not have more recent statements - please pay into this bank account
Where appropriate please supply the constitution, registered charity or company number of your organisation	See earlier
If you are applying to produce an item an item for your organisation, please enclose a drawing/ specification of the item that you are intending to produce with the aid of the grant. OR If you are intending to purchase an item with your grant please provide manufacturers' pictures of the item.	
<p>Signature of applicant: Jonathan Booth</p> <p>Position in organisation: Treasurer</p> <p>Date: 27/09/2016</p> <p>In signing this application you agree that should your organisation be successful, you will acknowledge the contribution of the Royd House Trust I in any of your publicity relating to this grant. Only one application per group in any one year is permitted.</p>	

In the first instance please return the completed application form and supporting documents to:

Ruth Batterley.
Wilsden Parish Council,
Wilsden Village Hall
Townfield
Wilsden

BD15 0HTclerk@wilsdenparishcouncil.gov.uk

Royd House Trust Discretionary Award

Application form

Name of group:	WILSDEN VILLAGE HALL
Main group contact: (full name and title)	JULIE PETTY or MARK DEIVER
Position in group	MANAGER
Address	WILSDEN VILLAGE HALL TOWNFIELD BD15 0HT
Telephone	01535 272786
E-mail	wrhebtconnect.com
Is the group a constituted body or a registered Charity.	charitable company
Charity No (is applicable)	1154371. / Co no - 8688329
Description of the application. Full details required. Continue on a separate sheet if necessary.	To purchase new chairs x100 for the main hall. Existing have loose + damaged frames and are constantly being repaired. They are now worn + dangerous. with sharp edges on some of them.
What are the full costs of the project ?	£2000.00
How will the residents of Wilsden benefit from this scheme?	It will enhance our hall for bookings + events. Make it safe for our elderly + young users. Reduce repair costs. All our groups will benefit from this.

Have you applied for other funding for your project? (Tell us the funder and the amount you expect from them)	Funder	£.....
	Funder	£.....
	Funder	£.....
	Funder	£.....
Please tell us the stage at which your other applications are at, ie just applied, awaiting outcome of application or funding confirmed.	N/A.	
What contribution to these costs would you like from the Trustees of the Trust	£ 2000.00	
Is this contribution for a specific element of the scheme?	This contribution would cover the costs of replacing all 100 chairs. The present financial state of WVT, does not allow us surplus to fund this project.	

Supporting information checklist

Where relevant please ensure that the following documents are submitted with your application (accounts and bank statements must always be submitted).

	Tick to confirm enclosure
Quotes for capital items and works over £250	✓
Copy of the most recent/audited accounts where relevant	✓
Evidence of planning permission (if necessary)	N/A.
Three most recent bank account statements together with details of the bank account that you would like the grant paid into.	✓
Where appropriate please supply the constitution, registered charity or company number of your organisation	✓
If you are applying to produce an item an item for your organisation, please enclose a drawing/ specification of the item that you are intending to produce with the aid of the grant. OR If you are intending to purchase an item with your grant please provide manufacturers' pictures of the item.	✓
Please see included quotes pr pictures	

Signature of applicant:

R. Batterley

Position in organisation:

Manager

Date:

19/7/16

In signing this application you agree that should your organisation be successful, you will acknowledge the contribution of the Royd House Trust in any of your publicity relating to this grant. Only one application per group in any one year is permitted.

In the first instance please return the completed application form and supporting documents to:

Ruth Batterley.
Wilsden Parish Council,
Wilsden Village Hall
Townfield
Wilsden
BD15 0HT
clerk@wilsdenparishcouncil.gov.uk

To Word Committee: C. M. P. (Contact Details in Campbell's
C. M. P. (Contact Details in Campbell's
Subject: Royal House Trust Funds
From: Trevor Duffton W.P.C.

Dear All,

End of all a Happy New Year
I have taken the initiative of forwarding to you
the two bids received for an abstract in form of
Royal House Trust Fund.

Both seem to me to be excellent & reasonable but
further financial background is desirable if required
Given that this issue has "arrogated" on for a considerable
time, ~~due to~~ due to a number of circumstances
I am anxious to get the matter distributed
Therefore I would be obliged if you would advise how
we can expedite this issue as speedily as possible

Kind regards
Trevor Duffton
(Whitaker House Council)

Report of the Strategic Director of Corporate Services to the meeting of the Regulatory & Appeals Committee to be held on Thursday 9th March 2017

AL

Subject:

Priesthorpe Annexe, Mornington Road, Bingley

Summary statement:

Priesthorpe Annexe, Bingley is held by the Council as Trustees of the former Bingley Science Art & Technical School. The Committee's approval acting as Trustee is requested to the proposed disposal of the building.

Stuart McKinnon Evans
Strategic Director of Corporate
Services
Report Contact: Belinda Gaynor,
Commercial Estate Manager
Phone: (01274) 434309
E-mail: Belinda.gaynor@bradford.gov.uk

Portfolio:

Overview & Scrutiny Area:



1. SUMMARY

1.1 Following recent further research into the Council's archives and title documents and having sought independent legal advice it is concluded that Priesthorpe Annexe, Bingley is held by the Council as Trustees of the former Bingley Science Arts and Technical School (the school).

1.2 The terms of the trust is set out by way of 'restrictions' in a conveyance dated the 23rd October 1889 between Alfred Sharp Esquire and the trustees of the will of James Sharp Esquire who conveyed the property to the trustees of 'the School'. The conveyance sets out various educational objectives of the trust. A conveyance of a second parcel of land (blue land) forming part of the current premises (see plan) is dated 29 September 1896 and made between (1) Elizabeth Sharp and Others and (2) The Trustees of 'the School'. This conveyance also contains restrictive covenants relating to the operation of the trust. The trust is not however registered with the Charity Commissioners (the commissioners) but it has now been found that the Commissioners did offer advice to the Council's Legal service on the interpretation of trust documents some 5 years ago.

1.3. The building has been empty since 2002 and is in a poor state of repair. The Council after considerable efforts have been unable to find a use for the building that would promote the educational objectives of the trust or a revenue budget to maintain it. Approval is sought for the sale of Priesthorpe Annexe and to apply the proceeds of sale after costs (and grant repayments) to further the educational objectives of the trust.

2. BACKGROUND

2.1 It is believed following the conveyance to the trustees of 'the School' in the late 1800's the property vested in Bingley Urban District Council as former education authority and later in the West Riding County Council under the Education Acts. Finally the property became vested in the Council on 1st April 1974 by virtue of the Local Government Act 1972. The Councils ownership is as shown in its registered title and plan
Shown at Appendix 1

2.2 Broadly speaking the 1889 conveyance implies that 'the school' (now known as the Priesthorpe Annexe) was to be used for the educational benefit of the people (children and adults) of Bingley. Until 2002 the building was used for the provision of education and vocational training.

2.3 The building has largely stood empty since 2002 due to the Council being unable to identify a use for the property which complies with educational aims and objectives. The Council has insufficient funds to repair and maintain the building. Consequently, the property has fallen into significant disrepair and is now considered to be beyond economic and physical repair

2.3 A number of complaints have been received about the condition of Priesthorpe Annexe; officers are concerned that given the lack of resources the building will continue to deteriorate. To address this it is proposed that the Council dispose of the property and use the net sale proceeds to meet and support the aims of the Educational trust

3. OTHER CONSIDERATIONS

3.1 The Council is at risk of criticism for failing to properly manage the asset. The sale of the property and use of the net proceeds in accordance with the aims of the Trust would ensure that the Trust's assets better serve its objectives

4. FINANCIAL & RESOURCE APPRAISAL

There financial implications are those already highlighted in the body of the report.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

At present the Council is at risk of criticism for failing to properly manage the Trust's assets and the slowly diminishing value of the property due to the lack of maintenance.

6. LEGAL APPRAISAL

- 6.1 Given the 1889 and 1896 conveyances sets out the trust objectives any net proceeds of sale must be used to promote those objectives.
- 6.2 There is also reference in the 1889 conveyance to a grant from the then 'her majesties treasury' (made around the golden jubilee of Queen Victoria celebrated on 20 June 1887) being repaid if the property is sold. Whether such repayment is still required and how much would be repayable will require additional legal advice.
- 6.3 It is worthy of note that the sale can in any event be authorised under the Charities Act 2011 subject to an independent report of a qualified surveyor on behalf of the Council as trustees and by giving notice of at least one month inviting representations from the public
- 6.4 That independent valuation is in existence but may need updating.

7. OTHER IMPLICATIONS

None

7.1 EQUALITY & DIVERSITY

None

7.2 SUSTAINABILITY IMPLICATIONS

- Contact the Sustainability Co-ordinator (Policy), on Bradford 434123 or e-mail jamie.saunders@bradford.gov.uk for further guidance.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

- Assessment of the impact of all recommendations on the Council's own and the wider District's carbon footprint and emissions from other greenhouse gasses. Contact the Environment & Climate Change Manager on 07582 108009 for further guidance.

7.4 COMMUNITY SAFETY IMPLICATIONS

The sale of the property would facilitate the building being brought back into use thereby resolving the on-going issues and dangers associated with a building in disrepair.

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

The disposal of the property will facilitate the dilapidated building being brought back into use which will benefit the amenity of the immediate area. In addition, net sale proceeds will be used for the benefit of the residents of Bingley in accordance with the aims of the Trust.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (For reports to Area Committees only)

N/A

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

Option 1; Continue to seek an education use of the property Pros; would continue the objectives of the trust

Cons; the condition of the building will continue to deteriorate and the Council as Trust will continue to be at risk of criticism. Such a use is very unlikely to be found given the steps to find such a use since 2002.

Option 2; Dispose of the property

Pros; The sale of the property will remove an on-going liability from the Council as trustees and enable the net sale proceeds to be used in accordance with the aims of the Trust.

Cons; none.

Option 2 is the favoured option as it enables the Council as trustee to use the assets for the educational benefit of the people of Bingley.

10. RECOMMENDATIONS

- (1) That the Strategic Director, Corporate Services seek representations from the public in respect of the proposed sale of Priesthorpe Annexe, Mornington Road, Bingley.
- (2) That, having given due consideration to the representations received, the Strategic Director, Corporate Services refer the matter back to this Committee for further consideration or, if no objections to the sale are received, progress the sale of the property and, subject to further legal advice, use the net sale proceeds for the educational benefit of the people of Bingley.

11. APPENDICES

Appendix 1 The Councils title and plan registered at Her Majesties Land Registry Nottingham.

12. BACKGROUND DOCUMENTS

None

This page is intentionally left blank

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 20 OCT 2016 AT 13:23:50. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, NOTTINGHAM OFFICE.

TITLE NUMBER: WYK938639

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

WEST YORKSHIRE : BRADFORD

- 1 (17.08.2011) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land on the south west side of Mornington Road, Bingley.

NOTE: The land tinted green on the title plan is not included in the title.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (17.08.2011) PROPRIETOR: CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL of City Hall, Bradford, West Yorkshire BD1 1HY trustees of the Bingley Technical School.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (17.08.2011) A Conveyance of the land tinted pink on the title plan and other land dated 23 October 1889 made between (1) Alfred Sharp and others and (2) The Trustees of the Bingley Technical School contains restrictive covenants.

NOTE 1:- There are no matters contained in the Indenture dated 30 August 1878 referred to in the above Conveyance that requires an entry in the register

NOTE 2: Copy filed.

- 2 (17.08.2011) The land tinted pink on the title plan is subject to the rights reserved by the Conveyance dated 23 October 1889 referred to above.
- 3 (17.08.2011) A Conveyance of the land tinted blue on the title plan and other land dated 29 September 1896 made between (1) Elizabeth Sharp and others and (2) The Trustees of the Bingley Technical School contains restrictive covenants.

NOTE 1:- There are no matters contained in the Indenture dated 30 August 1878 referred to in the above Conveyance that requires an entry

Title number WYK938639

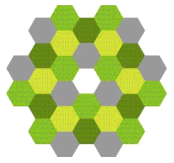
C: Charges Register continued

in the register

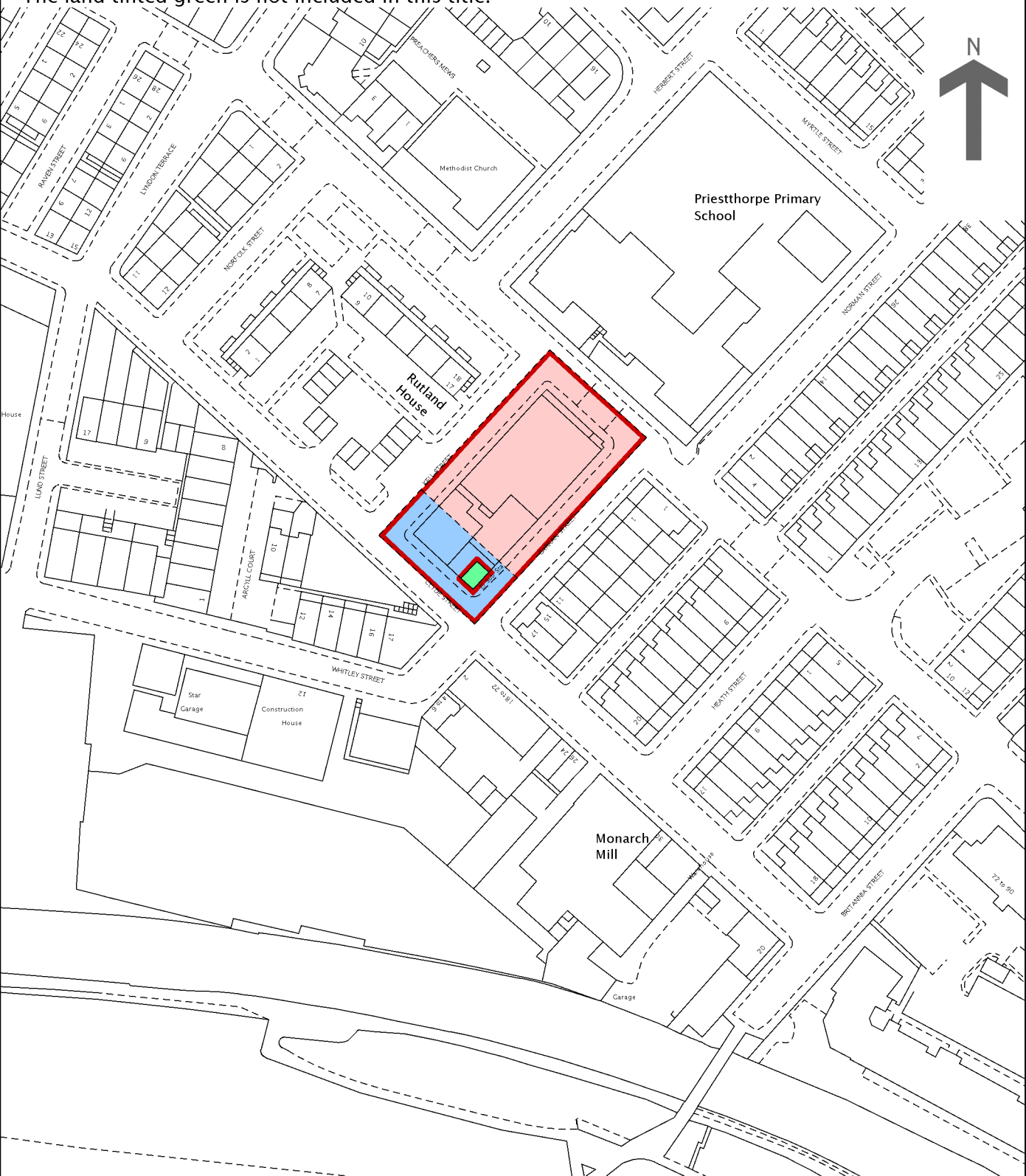
NOTE 2: Copy filed under WYK899342.

- 4 (17.08.2011) The land tinted blue on the title plan is subject to the rights reserved by the Conveyance dated 29 September 1896 referred to above.

End of register



©Crown Copyright. Produced by Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.
The land tinted green is not included in this title.



This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 20 October 2016 at 13:25:10. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This page is intentionally left blank