

Agenda for a meeting of the Regulatory and Appeals Committee (sitting as Trustees) to be held on Thursday, 4 October 2018 at 12.00pm, 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
Brown Cooke	Amran Wainwright Warburton Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis M Pollard	Azam Godwin S Hussain Lal	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.
- For the item marked * Members will be asked to consider whether there is a need to exclude the public for any part of the item. Further information can be obtained from the relevant contact officer.

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. * FORMER ALLERTON LIBRARY, 2-4 GREENBANK ROAD, ALLERTON, BRADFORD

1 - 14

The Strategic Director, Corporate Resources will present a report (**Document "AB"**) in respect of the proposed disposal of the former Allerton Library, 2- 4 Greenbank Road, Allerton, Bradford which is owned by a Trust of which the Council is the sole Trustee.

Recommended –

- (1) That consideration is given to the application by Kidz Club Allerton and that in doing so consideration is given to whether the use complies with the objectives of the Trust.**
- (2) That the Strategic Director, Corporate Resources be authorised to advertise the sale of the former Allerton Library at 2-4 Greenbank Road, Allerton, Bradford BD15 7RH and, subject to no objections being received, to make the necessary arrangements to sell the property at auction and the money to revert to the Trust.**
- (3) That, should objections to the sale be received, the Strategic Director of Corporate Resources submits a further report to this Committee for consideration.**

(Alistair Russell – 01274 437367)

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**Report of the Strategic Director of Corporate Resources
to the meeting of the Regulatory and Appeals
Committee (sitting as Trustees) to be held on 4 October
2018**

AB

Subject:

**Former Allerton Library, 2-4 Greenbank Road, Allerton, Bradford, BD15
7RH**

Summary statement:

**The former Allerton Library at 2-4 Greenbank Road, Allerton, Bradford is held by the
Council as Trustees.**

The Trustees approval is requested to the proposed disposal of the building.

**The Trustees are also asked to give consideration to an application to use the
property by Kidz Club Allerton.**

Joanne Hyde
Strategic Director Department of
Corporate Resources

Portfolio: Leader of Council and Corporate

Report Contact: Alistair Russell
Estates & Property Manager
Phone: (01274) 437367
E-mail:
alistair.russell@bradford.gov.uk

1.0 SUMMARY

- 1.1 This report covers a request for the sale of the former Allerton Library at 2-4 Greenbank Road, Allerton, Bradford BD15 7RH. This building is owned by a Trust of which the Council is Sole Trustee.
- 1.2 The terms of the Trust are set out in a conveyance dated 20 June 1916 between Angus Hardy Rhodes of Lower Grange, Allerton, Bradford. 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.
- 1.3 The charitable trust is not registered with the Charity Commissioners (the Commissioners).
- 1.4 The building's use as a library ceased in August 2005 and it has been empty since. It is in a poor state of repair and an early disposal is recommended.

2.0 BACKGROUND

- 2.1 In 1916 Councillor Angus Hardy Rhodes offered the City of Bradford the building, originally two cottages. He paid for the alteration necessary for adapting it for library and reading room purposes and it was opened on 8 July 1916 by the then Lord Mayor of Bradford.
- 2.2 As a library it was well used, but no longer provided a flexible space to meet the needs of a library in the 21st century. The reading room upstairs was closed down in the late 1980s and the space downstairs was inadequate for library purposes. Its location on a busy road and considerable access problems required the service to locate to a new site more adaptable to service requirements.
- 2.3 The Culture and Tourism Service, which manages the library on behalf of the Trustees, has declared it surplus to their operational requirements. As such they are requesting that the Trustees agree to the sale of the building and the capital receipt will revert to the Trust.
- 2.4 The property became vested in the Council on 1 April 1974 by virtue of the Local Government Act 1972. The Council's ownership of the former library and attached land as trustees is as shown in its register title and plan (see Appendix 1).
- 2.5 A number of complaints have been received recently about the condition and deterioration of the former library and officers are concerned that given the lack of resources the building will continue to deteriorate. The deterioration of the building is due to a number of factors, amongst others that the building has stood unoccupied since 2005 and that it has been the subject of several road traffic incidents.

- 2.6 In June 2018 in anticipation of the proposed sale of the building and adjoining land the Council's Estate Management Section instructed a local Chartered Surveyor, to prepare an independent valuation report on behalf of the trustees. An extract of that report is dated 3 July 2018 and is attached as Not for Publication Appendix 3.
- 2.7 It is proposed that the Council as trustees authorise disposal of the property.

3.0 THE REQUEST

- 3.1 This report covers a request for the sale of the former Allerton Library at 2-4 Greenbank Road, Allerton, Bradford BD15 7RH.
- 3.2 The former Allerton Library and adjoining land amounts to 97 square metres or thereabouts. Attached as Appendix 2 is a plan showing the extent of the property subject to the sale.
- 3.3 The building was last occupied in August 2005. In its present condition it is in an uninhabitable condition without serious investment.
- 3.4 The independent valuation has indicated a guide sale price less professional fees for this building and land. The net funds remaining would be ring fenced to the charity to be used for capital projects delivering the aims and objectives of the charity.

4.0 OTHER CONSIDERATIONS

- 4.1 An application has been received from Kidz Klub Allerton to use the property. While the application has been received as a Community Asset Transfer it is recognised that as the property is held in Trust that it could only be used at the discretion of the Trust under a Service Level Agreement.
- 4.2 Kidz Club Allerton is a local charity. The aim of the organisation is to transform the community by elevating expectations, increasing opportunities and transforming attitudes by working with children, young people, families and marginalised vulnerable individuals. They work by building relationships, understanding the needs of the community and looking to them to build a solution with them.

They believe that the success of the individuals and the wider community lie within. They are placed within the community to help people find their identity and purpose, then provide the support, encouragement and opportunities. They help them build the future they want rather than being defined by where they live, their perceived lack of experiences.

A copy of the Stage 1 Community Transfer Application is attached as Not for Publication Appendix 4. If this might be of interest to the Trust the CAT application will need to be revised as a business plan.

- 4.3 Kidz Club Allerton have not provided a business plan for use of the property to include funding which will include full refurbishment of the property.
- 4.4 No consideration has been given that such a use complies with the objectives of the Trust.

5.0 LEGAL APPRAISAL

- 5.1 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.
- 5.2 As required by the Charities Act 2011 a written report has been obtained from a qualified surveyor acting exclusively for the trust. Subject to the Committee, acting as Trustee, being satisfied that the valuation 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.
- 5.3 As required by the Charities Act 2011 and the Local Government Act 1972 notice of the proposed sale will have to be advertised in the local press.
- 5.4 The Committee as Trustee must consider the representations made and take them into account in reaching its decision.

6.0 FINANCIAL AND RESOURCE APPRAISAL

- 6.1 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 Not for Publication Appendix 3.

7.0 RISK MANAGEMENT AND GOVERNANCE ISSUES

- 7.1 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.
- 7.2 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."

7.3 The Charity Commission have advised that based on their consideration of the terms of the trust contained in the 1916 conveyance they are of the view that the proceeds of disposal of the land would constitute permanent endowment to be held for the education/recreational benefit of the inhabitants of the area.

8.0 OTHER IMPLICATIONS

8.1 EQUALITY AND DIVERSITY

None

8.2 SUSTAINABILITY IMPLICATIONS

None.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

None.

8.4 COMMUNITY SAFETY IMPLICATIONS

The disposal 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.

8.5 HUMAN RIGHTS ACT

None

8.6 TRADE UNION

None

8.7 WARD IMPLICATIONS

The disposal of the property will facilitate the site being brought back into use which will benefit the amenity of the immediate area.

8.8 IMPLICATIONS FOR CORPORATE PARENTING

None

8.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None

9.0 NOT FOR PUBLICATION DOCUMENTS

Appendix 3: Independent Valuation
Appendix 4: CAT Application

Not for publication (NFP) under Paragraph 5 (Legal Privilege) of Schedule 12A Local Government Act 1972 (as amended) and it is considered that, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information for the following reason: it is in the overriding interests of proper administration that the Trustees are made fully aware of the legal implications of any decision without the risk of prejudice to the Council's case in any future legal proceedings.

10.0 OPTIONS

10.1 To advertise the sale of the building and adjoining land and, subject to no objections being received, sell it through the Council's sale of assets process at auction and reinvest the proceeds in the locality. Should objections be received, the Committee may need to reconsider its decision to dispose of the property in the light of such objections.

10.2 To refuse the sale of the property and associated land at this time.

11.0 RECOMMENDATIONS

- 1 That consideration is given to the application by Kidz Club Allerton and that in doing so the use complies with the objectives of the Trust.
- 2 That the Strategic Director of Corporate Resources be authorised to advertise the sale of the former Allerton Library at 2-4 Greenbank Road, Allerton, Bradford BD15 7RH and, subject to no objections being received, to make the necessary arrangements to sell the property at auction and the money to revert to the Trust.
- 3 That, should objections to the sale be received, the Strategic Director of Corporate Resources submits a further report to this Committee for consideration.

12.0 APPENDICES

Appendix 1: The registered title and plan and transcript of Trust document.

Appendix 2: Plan showing the area requested to be sold.

Appendix 3: An extract of the Independent Valuation (*Not for Publication, Paragraph 5 (Legal Privilege of the Local Government Act 1972)*)

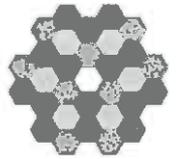
Appendix 4: CAT Application (*Not for Publication, Paragraph 5 (Legal Privilege of the Local Government Act 1972)*)

12.0 BACKGROUND DOCUMENTS

None

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number WYK919953 Edition date 20.05.2010

- This official copy shows the entries on the register of title on 03 OCT 2017 at 09:25:22.
- 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 03 Oct 2017.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Nottingham Office.

A: Property Register

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

WEST YORKSHIRE : BRADFORD

- 1 (20.05.2010) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land at Allerton Road, Allerton, Bradford.

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 (20.05.2010) PROPRIETOR: CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL of City Hall, Bradford, West Yorkshire BD1 1HY.

End of register

These are the notes referred to on the following official copy

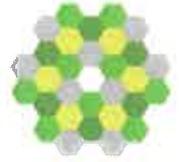
The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

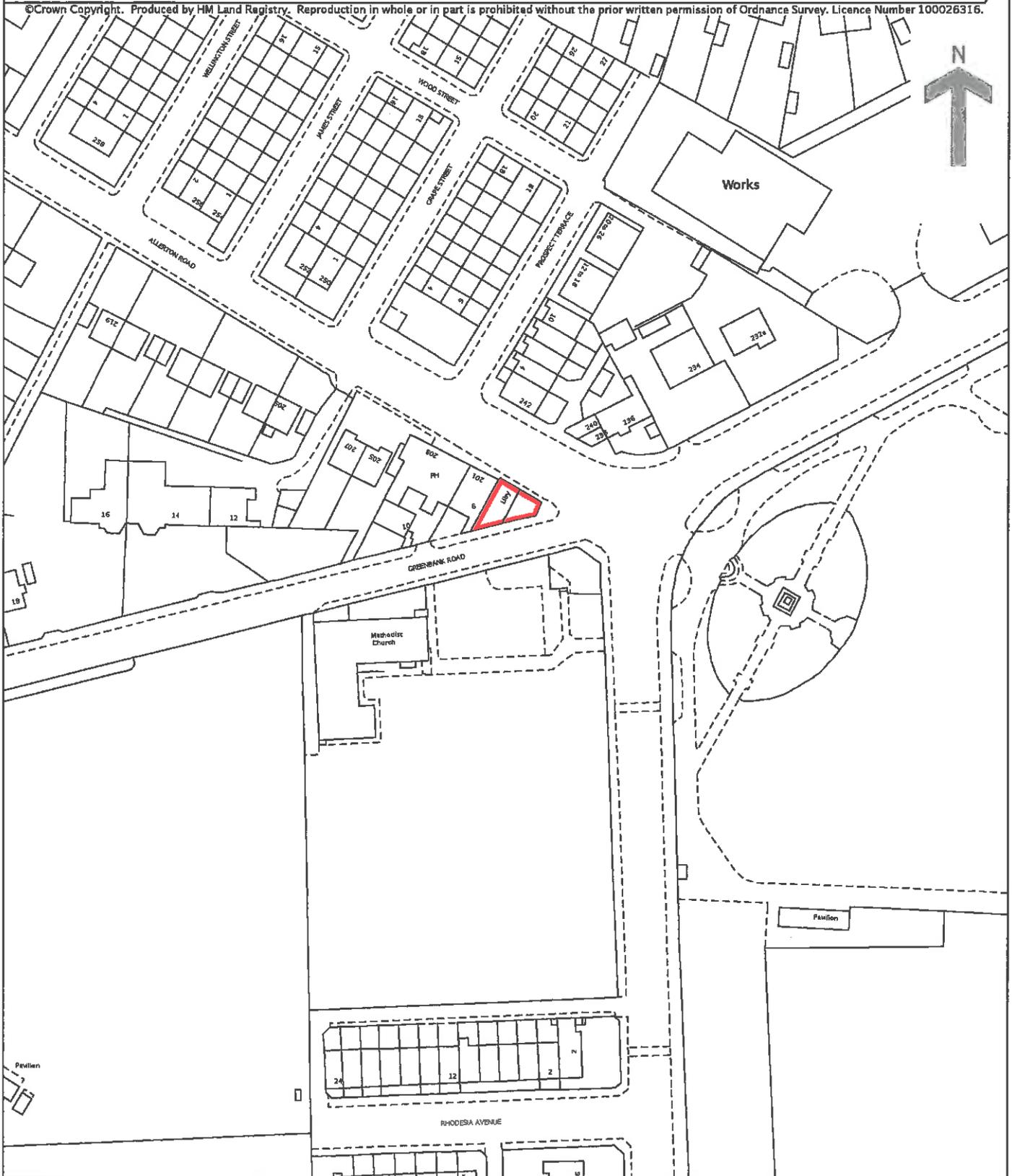
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 03 October 2017 shows the state of this title plan on 03 October 2017 at 09:28:49. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). 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 title is dealt with by the HM Land Registry, Nottingham Office .



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NOTES. ALLERTON PUBLIC LIBRARY AND READING ROOM TRUST INDENTURE 1916

1. Words in italics are those difficult to read from the original 1916 indenture
2. Typed by Legal Services PCD 17th September 2017. Ref TMc.
3. Checked by Richard Winter-Solicitor for the Trustees of CBMDC

This Indenture made on the _ day of _ 1916

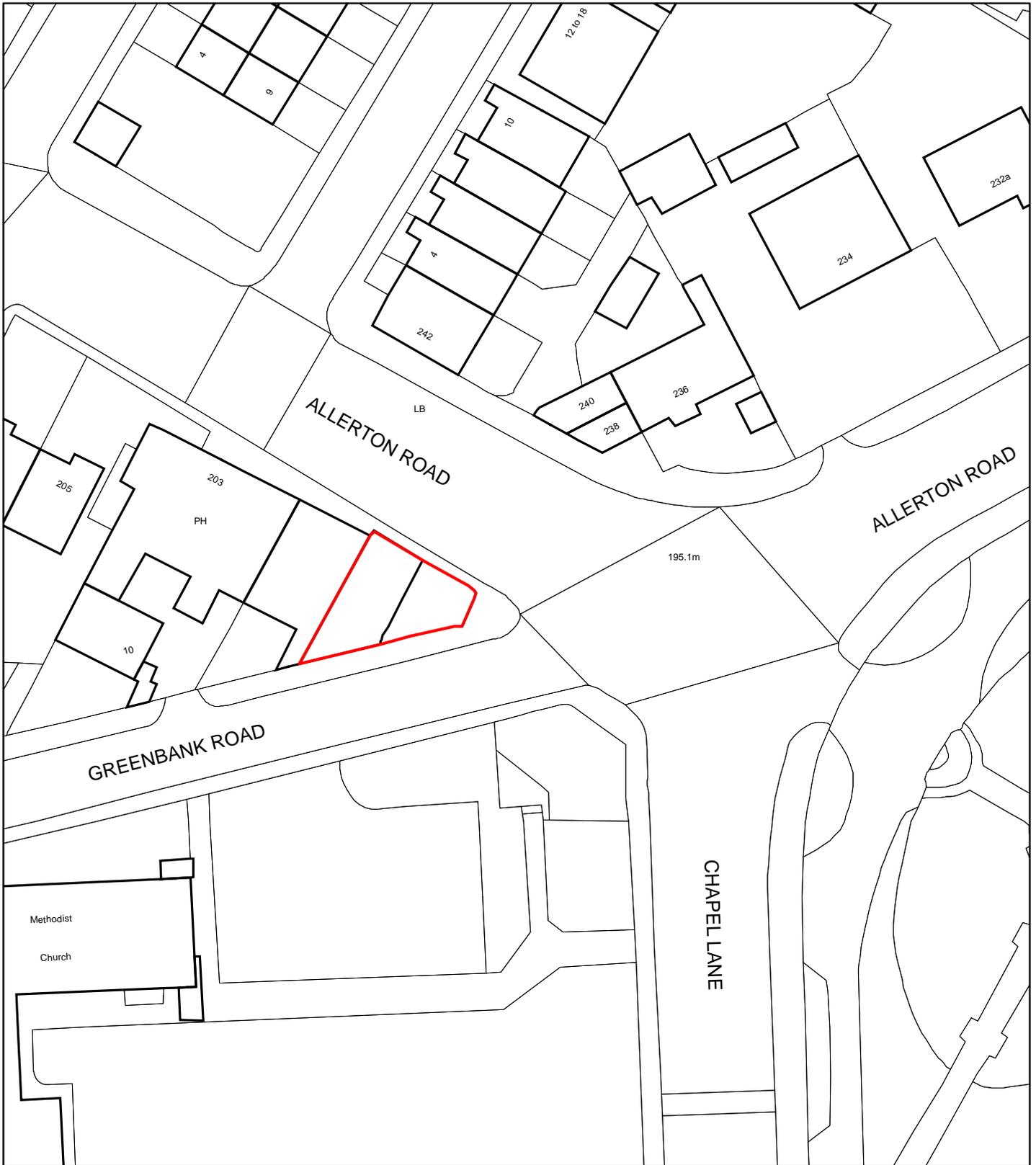
Between Angus Hardy Rhodes of Lower Grange Allerton in the *Township of Allerton* of the one part and The Lord Mayor Alderman and *Burgesses* of Bradford. The said Angus Hardy Rhodes is *owner* in fee simple in possession free from incumbrances of *the property* hereinafter described and intended to be hereby granted and whereas the said Angus Hardy Rhodes is desirous that the same shall (subject as hereinafter mentioned) be preserved for and dedicated to the recreation instruction and benefit of the public.

Now this indenture witnesseth that in *furtherance* of that desire and for divers other good causes and considerations the said Angus Hardy Rhodes as seller hereby grants *the co infrat* all that messuage and dwelling house situate and being number 2 Greenbank Road Allerton in the said City of Bradford (*hereinafter referred to as the Corporation*) and known by the name of Prospect Cottage Together with the garden and *affluences* hereto belonging and which messuage consisted of two cottages or dwellinghouses which were called Prospect Place Allerton aforesaid and were formerly in the *ownership* of William Cockcroft and James Wood then (as one dwellinghouse) of the said William Cockcroft then and Sarah Cockcroft and afterwards unoccupied

TO HOLD the same unto and to the use of the Corporation and their assigns in fee simple upon *trust to hold the* same as a public library and reading room for the recreation instruction and benefit of the public in such manner and subject to such regulations in all aspects as the Corporation may from time to time think proper provided always that the Corporation may if they deem it desirable demolish the existing building and erect another building in substitution therefore *and the* the said Angus Hardy Rhodes whereas and *his* assigns that they will forever hereafter support and maintain the *herein trust* granted or any other buildings erected there on in substitution for the buildings now erected there on as and for the purpose of a public library and reading room and also will in the event of their erecting another building or buildings in substitution for the buildings now erected on the *here said land* hereby granted permanently affix or cause to be permanently affixed thereto *a suitable plaque or* plate to publicly and perpetually commemorate the grant hereby made by the said Angus Hardy Rhodes and *the transaction* hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the upgraded transaction value of the property conveyed or transfixed exceed five thousand pounds.

In witness whereof the said Angus Hardy Rhodes has hereunto set his hand and seal and the corporation have caused their common seal to be hereunto affixed the day year first herein before written.

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City of Bradford Metropolitan District Council

ESTATES and PROPERTY

www.bradford.gov.uk

1st Floor Argus Chambers, Britannia House, Bradford, BD1 1HX

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Scale
1/500@A4

Date
24-05-11
Page 13

Plan No.
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