

Minutes of a meeting of the Regulatory and Appeals Committee (sitting as Trustees) held on Thursday, 30 May 2019 in the Banqueting Hall - City Hall, Bradford

Commenced 10.35 am
Concluded 11.40 am

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Warburton Wainwright Watson Godwin	Ali Brown	Reid

Observers: Councillor Geoff Winnard (Minute 7)

Apologies: Councillor Mohammed Amran

Councillor Warburton in the Chair

5. DISCLOSURES OF INTEREST

In the interests of transparency, Councillor Brown disclosed, in relation to the item concerning Bingley Science, Arts and Technical Trust School, Mornington Road, Bingley (Minute 7), that he had previously been employed as a special needs tutor in a college and was a member of the Harehill Trust.

In the interests of transparency, Councillor Wainwright disclosed, in relation to Bingley Science, Arts and Technical Trust School, Mornington Road, Bingley (Minute 7) that he was a Director and Trustee of the Bradford City Challenge Foundation.

ACTION: *City Solicitor*

6. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

7. **BINGLEY SCIENCE, ARTS AND TECHNICAL TRUST SCHOOL, MORNINGTON ROAD, BINGLEY**

Following the sale of the former school in November 2018 the proceeds of sale were now held in a trust account by the Council as Corporate Trustees.

The City Solicitor presented a report (**Document “B”**) which invited the Trustees to review the current position and consider the options and recommendations detailed in the document for the allocation of the proceeds of sale which amounted to two hundred and twenty six thousand pounds (£226,000.00). He explained that a legal process had been followed as the building had been a trust property and governed by trust deeds. The purpose of the Trust was for the education of adults and children in the area known as the Bingley Improvement Area District (BIAD) and any award would have to be connected with education in the specified area. Members were informed that the availability of the funds had been publicised and an invitation for expressions of interest for awards had been circulated. The City Solicitor’s report clarified that some risk was attached to the funds, as the trust deed mentioned the possible repayment of a grant from HM Treasury in relation to the former school building as the land had been donated by local benefactors and the advice from the Charity Commissioners suggested that reasonable provision be made for this eventuality. He reiterated the legal advice detailed in the report and stated that the Trustees had to abide by the law. A number of options were then presented for the Trustees’ consideration.

A Ward Councillor was present at the meeting and commented that:

- The resource was welcomed and it was important that it was spent on education benefits.
- The Legal criteria stated that as many people as possible should benefit from the funds.
- Proposed option 2 was the most balanced, though it did not answer all the questions.
- Detailed consideration would have to be given to which building would receive the investment.
- The existing Council library in Bingley paid a peppercorn rent.
- The Friends of Bingley Pool were hoping to undertake a Community Asset Transfer (CAT) during 2020.
- Investment in the pool would provide advantages for many people.
- The suggestions proposed by Bingley Town Council were reasonable and should be supported.
- Option 2 should be supported subject to further refinement.

A Bingley Town Councillor was present and stated that:

- How fixed was the BIAD area and could it be extended to the Town Council area?
- It would be more relevant to use the area covered by the Town Council.
- Would the legal, insurance and other costs be met by the Council?
- Option 2 was preferable.
- Bingley Town Council had not requested funding, but had submitted suggestions.

- The Town Council could administer funds through a grant scheme.
- Other applications may be received.
- Option 3 would require a continued pot of money and the investment of returns would have to be investigated and reviewed.

A representative from the Down Syndrome Training and Support Service Ltd was present at the meeting and explained that:

- Down syndrome was the most common form of learning disability.
- People with Down syndrome lived healthy lives, so education was the key.
- A person with Downs could and would learn.
- Strategies and learning programmes had been developed.
- The Service provided training for all education establishments and was recognised as a centre for excellence.
- The Service filled a large gap for people with learning disabilities.
- They supported young people in employment and wanted to progress the project.
- The Service was vital for many families.
- Any funding would be well received.

The Headteacher of Myrtle Park Primary School addressed the Members and reported that:

- During the past eight years the school had been restructured twice.
- Extreme cuts had been made and staff could not be replaced.
- The school received very little pupil premium.
- A number of pupils at the school used the Down Syndrome Centre.
- Pupils at the school had Education, Health and Care Plans.
- The school was on a 'requires improvement' journey to 'good'.
- Investment would be welcomed in the building, the children and the staff.
- Any funds received would be well spent.

The Bingley Town Councillor, representing the Friends of Bingley Pool, made the following points:

- She was a Trustee of the Friends of Bingley Pool.
- The organisation was working with Bradford Council towards a CAT.
- The pool was an important use for the Town and essential to its liveliness.
- The organisation would be grateful to receive funding and could apply for matched funding.

A Member acknowledged the situation and the options submitted. He stated that he was a Trustee of an educational trust and proposed a hybrid option that mainly followed option 3. The need to maintain the original trust funding was accepted and the disposal of the capital sum in the short term was not favourable, therefore, he suggested that the proceeds of the sale be invested and the interest accrued be awarded on a yearly grant basis. The scheme would maintain the ideals of the Trust for the people in the BIAD and provide an opportunity for a whole range of individuals to request funding.

Another Member supported the proposal and noted that the Council, as Trustee,

would retain and invest the capital sum. Organisations would then be able to apply on a yearly basis for grants.

The Chair echoed the previous sentiments. He noted the expressions for funding that had been submitted and indicated that some interest would have accrued since the sale in November 2018. The funds and interest accumulated could be utilised this year and future applications could be considered on a yearly basis by the Committee, sitting as Trustees. It was stated that the applications would have to be for specific items or costs incurred in line with the educational purpose of the Trust. Members also agreed that the awards for those expressions of interest received should not amount to more than £2,000 and that the administration of the scheme would be covered by the City Solicitor's Department as employed officers supporting the Council acting as the Corporate Trustee.

The Bingley Town Councillor indicated that it would be beneficial for Bingley Councillors to be involved on the Trustee Board, however, it was acknowledged that this could create conflicts of interest and a suggestion that the process could be undertaken in consultation with Bingley Town Council and the Bingley Ward Councillors was put forward instead. The area covered would also be that of the original BIAD.

In conclusion the Chair stated that the Committee, sitting as Trustees, could use their discretion this year, however, clearly defined proposals would be required for future bids and the criteria would be based on the original Trust Deed.

Resolved –

- (1) That the proceeds of the sale be invested and expressions of interest for education funding be considered on a yearly basis by the Trustees.**
- (2) That an award of £2,000, paid out of interest accrued and capital funds, be granted to each of the following organisations:**
 - (i) Friends of Bingley Pool for the provision of adult and children's swimming lessons;**
 - (ii) Myrtle Park Primary School for outdoor provision in Early Years and Key Stage 1; and**
 - (iii) The Down Syndrome Training and Support Service Ltd.**
- (3) That future applications for funding in subsequent years from the Trust be submitted by 31 January.**

ACTION: City Solicitor

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER