

Agenda for a meeting of the Regulatory and Appeals Committee (sitting as Trustees) to be held on Thursday, 30 May 2019 at 10.15 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

| LABOUR | CONSERVATIVE | LIBERAL DEMOCRAT |
|--|---------------------|-------------------------|
| Warburton Wainwright Amran Watson | Ali Brown | Reid |

Alternates:

| LABOUR | CONSERVATIVE | LIBERAL DEMOCRAT |
|------------------------------------|---------------------|-------------------------|
| Azam Godwin S Hussain Lal | Ellis M Pollard | 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.
- **A legal briefing for all Members will take place at 0930 in the Banqueting Hall on the day of the meeting.**
- 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: Claire Tomenson

Phone: 01274 432457

E-Mail: claire.tomenson@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.

(Claire Tomenson - 01274 432457)

B. BUSINESS ITEMS

4. BINGLEY SCIENCE, ARTS AND TECHNICAL TRUST SCHOOL, MORNINGTON ROAD, BINGLEY

1 - 66

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

The City Solicitor will present a report (**Document “B”**) which invites the Trustees to review the current position and consider the options and recommendations detailed in the report for the allocation of the proceeds of sale which stand at two hundred and twenty six thousand pounds (£226,000.00).

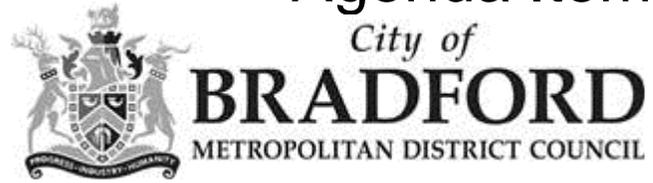
Recommended –

Option 2 is recommended for approval and the other options are within the discretion of the Trustees.

(All options are lawful and in the interests of the adults and children of Bingley as beneficiaries of the educational trust.)

(Richard Winter – 01274 434292)

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Report of the City Solicitor to the meeting of the Regulatory & Appeals Committee (sitting as Trustees) to be held on 30 May 2019

B

Subject: Allocation of the proceeds of sale of the former Bingley Science, Arts & Technical Trust School ("the former school"), Mornington Road, Bingley (also known as the Priestthorpe Annex)

Summary

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

The Trustees are invited to review the current position and consider the options and recommendations set out below for the allocation of the proceeds of sale which stand at two hundred and twenty six thousand pounds (£226,000.00).

Parveen Akhtar
City Solicitor
Report Contact: Richard Winter
Acting as Solicitor for the Councils as Corporate Trustees
Deputy Team Leader Property Commercial
and Development Law Team
E-mail: richard.winter@bradford.gov.uk

1. SUMMARY

- 1.1 Following the sale of the former school in November 2018 the proceeds of sale are now held in a trust account by the Council as Corporate Trustees.
- 1.2 The former school was built in 1889 under arrangements of its then trustees and in furtherance of the Technical Instruction Act 1889 and in support of the Bingley Improvement Commissioners area known as the Bingley Improvement Area District (BIAD) as established by the Bingley Improvement Acts of 1847 etc. . The former schools land was added to in 1896.
- 1.3 The Trustees are invited to review the current position and consider the options and recommendations set out below for the allocation of the proceeds of sale which stand at two hundred and twenty six thousand pounds (£226,000.00).

2. BACKGROUND HISTORY

- 2.1 The objectives of the Trust are set out 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 land to the " Trustees of 'the Bingley Science Arts and Technical School' (later referred to as "the former school"). The conveyance sets out various educational objectives of the trust which benefit both children and adults of Bingley.
- 2.2 A conveyance of a second parcel of land (blue land) forming part of the school (see plan at Appendix 1) is dated 29 September 1896 and made between (1) Elizabeth Sharp and Others and (2) The Trustees of 'the Bingley Technical School'. This conveyance also contains terms relating to the operation of the Trust.
- 2.3 The Charitable Trust is not registered with the Charity Commissioners (the Commissioners). The Commissioners however offered advice to the Council's City Solicitor acting for the Trustees on the interpretation of the Trust documents some 8 years ago and more recently in December 2017 on the matter of the grant from HM Treasury to build the school made, presumably, sometime between 1889 and 1896.
- 2.4 Following the conveyance to the Trustees in 1889 and 1896 of the land upon which 'the former School' was built the land and school building many years later vested in Bingley Urban District Council as the former education authority. Subsequently the property vested in the West Riding County Council under the Education Acts.
- 2.5. Ultimately the property became vested in the Council as Trustees on 1st April 1974 by virtue of the Local Government Act 1972. The Council's ownership of the land and former school as Trustees is as shown in its registered title and plan (see Appendix 1 for the plan) ended in November 2019 when the school was sold to a developer who undertook to preserve the foundation stone as requested by the Trustees in September 2019. The Councils Estates and Property Service are charged with the arrangement for the preservation of the stone which is on-going.
- 2.6 Broadly speaking the 1889 conveyance implies that 'the former School' 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.

- 2.7 The building's main use ceased in 2002 but was occupied at least in part until 2006. Since 2006 the building got into a poor state of repair and was no longer been used for the educational purposes of the trust. The building was demolished in April 2019 by the new owners.
- 2.8 It is believed that the property was to appear in an Eddison's auction in April 2014. The guide price was £350,000. However on the advice of the City Solicitor the property was removed from the auction amid concerns that the Council had not complied with process presumably under the Charities Act 2011.
- 2.9 In September 2014 in anticipation of the proposed sale of the building the Councils Estates Service instructed Mark Brearley and Co Chartered Surveyors to prepare a valuation report on behalf of the trustees. The report was dated 10th November 2014 and valued the building as it stood at nil. The report comments in the event that planning permission was granted and the building demolished to permit residential development, the value of the land for development purposes would be in the region of £175,000/£225,000.
- 2.10 Following a meeting of the Trustees in March 2017 two public consultation exercises were made in connection with the disposal of the former school in accordance with the Trustees Act 2000 and Charities Act 2011 and no public objections were received to the proposed disposal.
- 2.11 No further consultation was statutorily required prior to its sale in November 2018 but the trustees have the option to consult further with the public upon how the proceeds of sale may be disposed of. Consultations have already been made with Ward members and the Town Council and various expressions of interest in the proceeds have been made and are mentioned below. Consultations have also been made with the Assistant Director of the Council Parks, Recreation and Culture regarding consideration of the use of the proceeds or part within the Councils library service for Bingley. It is worthy of note the Bingley Town Council has publicised the availability of educational funding in its Sprig 2019 newsletter and particularly in a letter to the Priesthorpe Primary school dated 4th December 2018 attached as appendices to this report.

3. OTHER CONSIDERATIONS - REPORTS FOR THE TRUSTEES FROM INDEPENDENT CHARTERED SURVEYORS

- 3.1 A 'Not for Publication' report dated 6th March 2018 from Mark Brearley and Co as the Trust's Chartered Surveyors was presented to the Trustees at a meeting on the 5th April 2018 and the resolution was to seek additional information relating to funding and time scales of interested parties "A" and "D"
- 3.2 In April and May 2018 Mark Brearley and Co on behalf of the Trustees obtained further information from those parties and attached are additional reports dated 24th April and 18th May as Appendix 3 and 4 (not for publication) respectively.
- 3.3 On 21 June 2018 the Trustees accepted the recommendations of the independent chartered surveyor reports i.e. that the Trustees authorise disposal of the property to interested party "D" which was the highest unconditional offer, as set out below:

Resolved -

- (1) That, having sought expressions of interest, the Interim City Solicitor, in consultation with the Assistant Director – Estates and Property, be authorised to dispose of the Priestthorpe Annexe, Morningson Road, Bingley to Party “D”, this party having made the highest unconditional offer.**
- (2) That the Interim City Solicitor (acting on behalf of the Trustees) be authorised to give a valid receipt for the proceeds of sale when the sale completes.**
- (3) That the Interim City Solicitor notifies the Trustees once the sale has completed.**
- (4) That the Interim City Solicitor be requested to seek views from relevant parties, including the Ward Councillors and the Town Council, in respect of the use of the funds arising from the sale, in accordance with the terms of the Trust, and to submit a further report to the Trustees in due course.**

3.4 On the 13 September 2018 the Trustees confirmed the foundation stone should be preserved by the purchasers who agreed in the contract of sale to do this, as set out below:

Resolved –

- (1) That the sale of the Priestthorpe Annexe, Morningson Road, Bingley proceed to Party “I”.**
- (2) That the City Solicitor, as solicitor for the Trustees, be authorised to negotiate with the proposed purchasers of the building to ensure the preservation of the 1888 Foundation stone, as shown in the photograph tabled at the meeting.**

3.5 The proceeds of sale can now be allocated to further the aims of the educational trust created for the benefit of Bingley folk but bearing in mind the building was part government funded in the 1890’s and an arrangement is required to preserve the majority of the capital value of the building for example in the investment into another property in Bingley by the trustees..

3.6 Following research by the City Solicitor in March and April 2019 at the West Yorkshire Archive Service based in Bradford (Margaret McMillan Towers) maps of the former Bingley Improvement Area District (BIAD) as established under the Bingley Improvement Acts came to light and are listed as appendices below.

3.7 The City Solicitor advising the Council as Corporate trustees is of the opinion that the allocation of the proceeds of sale should be supportive of existing educational establishments which exist within the former BIAD (see map).

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 It should also be noted following the August 2017 meeting of the Trustees the City Solicitor, as requested, made an outline application on behalf of the Trustees to the Council's Project Appraisal Group (PAG) requesting a grant to the Trust. Complications relating to funding require PAG to make further considerations of this request and thus additional information may be required by the Trustees.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 The Trustees resolved in August 2017 that the Council's City Solicitor acting for the Trustees should seek advice from central government as to repayment of a grant made in the late 1800's from HM Treasury to build the school as mentioned in the trust deed.
- 5.2 The City Solicitor wrote to HM Treasury, the Home Office, the Department of Education and the Charity Commissioners in August, September and October 2017.
- 5.3 In December 2017 lawyers of the Charity Commissioners advised as follows "we have considered the matter. This is a matter for the Trustees of the Charity to decide uponthe Trustees will have to undertake a risk based analysis. They will need to look at all the options which are available to them, and this may include withholding a reasonable proportion of the sale proceeds or purchasing indemnity insurance."
- 5.4 The trustees are advised to consider the preservation of the whole of the capital or some significant portion to purchase of another trust property asset to address the risk raised by the Charity Commissioners.

6. LEGAL APPRAISAL

- 6.1 The trustees in authorising the sale of the building in November 2018 complied with the provisions of the Charities Act 2011. The consent of the Charities Commission was not therefor required.
- 6.2 Given the 1889 and 1896 trust deeds of conveyances set out the trusts objectives any net proceeds of sale must be applied to promote those educational objectives of the Trust for the benefit of the adults and children of Bingley particularly the former Bingley Improvement Area District (BIAD).
- 6.3 Through research by the City Solicitor in March and April 2019 via the West Yorkshire Archive Service (based in Bradford at Margaret McMillan Towers) two maps were found which identify the former Bingley Improvement Area District as established under the Bingley Improvement Acts.
- 6.4 The two maps dated 1864 and 1893 (one highlighted in yellow and the other edged green)) are shown at appendix 1.

- 6.5 In order to best comply with the original intentions of the 1889 trustees it is advisable that the proceeds of sale should be allocated to educational establishments or for educational purposes which exist within the former BIAD and which will benefit as many children and adults of that area as possible. Allocations in this way will also naturally benefit some adults and children who may live outside the BIAD which is inevitable and lawful.
- 6.6 The availability of the educational trust funds due to the sale of the former school has been made known to the residents of Bingley in the local press via the Telegraph and Argus prior to the sale in November 2018 and since in March 2019. The Bingley Town Councils Spring 2019 newsletter also sent information to the public about the proceeds of sale.
- 6.7 Finally the trustees should not lose sight of the 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 potentially repaid if the property is sold. (see above). Advice was obtained from the Charity Commissioners to insure against the risk of recovery of the funding however unlikely 130 years later. An investment in property would also practically insure against that risk.

7. OTHER IMPLICATIONS

None

7.1 EQUALITY & DIVERSITY

In applying the proceeds of sale to further the objectives of the educational trust consideration should be given to equality and diversity.

7.2 SUSTAINABILITY IMPLICATIONS

There are no such planning issues on the allocation of the trust funds.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no such issues on the allocation of the trust funds.

7.4 COMMUNITY SAFETY IMPLICATIONS

The disposal of the property has facilitated the land being brought back into use and addressed the community safety concerns raised in previous reports.

7.5 HUMAN RIGHTS ACT

The trust funds should be allocated as advised above which accordingly will comply with the relevant provisions of the Human Rights Act 1998

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

The disposal of the property has facilitated the site 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 connected with the Bingley IAD in accordance with the educational objectives of the Trust.

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

Not relevant.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

Children in care of the Council who reside in the Bingley area will benefit from the allocation of the educational trust funds.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

A Privacy Impact Assessment has not been undertaken. In any event data protection and information security matters arising from the proposal/decision have been taken into account.

8. NOT FOR PUBLICATION DOCUMENTS

NONE

9. OPTIONS

9.1 The options presented to the Trustees are as set out in the table below

| Number | Option | Advantages | Disadvantages |
|----------|---|---|---|
| Option 1 | Invest the whole of the proceeds of sale in existing buildings in former Bingley IAD for educational purposes e.g. a library, the pool or existing schools. | <p>Such a step would preserve the value of the proceeds of sale and provide a permanent community asset for the residents of the former Bingley IAD and surrounding areas.</p> <p>The Trustees have direct control of the asset working with the Council now and in the future and can regulate its continued use for educational purposes.</p> <p>Preserving the capital from the proceeds of sale would</p> | <p>There would be no monies left over to allocate to those organisations that have made expressions of interest for funding for other educational purposes.</p> <p>The Charity Commission may need to be consulted creating delay.</p> <p>Does not save the Council rent on the existing library as it is at a peppercorn rent.</p> |

| | | | |
|----------|---|---|--|
| | | <p>protect the government grant provided in the 1880s</p> <p>Creates the potential of attract funds from outside of the Council.</p> <p>Ensure the aims and objectives of the original charitable trust.</p> | |
| Option 2 | <p>Invest the major part of the proceeds of sale in an existing Council building in Bingley Town Centre for educational purposes e.g. a library, the pool or schools</p> <p>AND fund some of the organisations providing expressions of interest namely the Head teacher of Myrtle ark school AND</p> <p>The Downs Syndrome Charity</p> <p>The Bingley Town Council</p> | <p>Such a step would preserve the value of the proceeds of sale and provide a permanent community asset for the folk of Bingley IAD and surrounding areas AND also provides funds for the organisations having made expression of interest</p> <p>The Trustees will have direct control of the asset (working in partnership with the Council) now and in the future and can regulate the buildings continued use for educational purposes.</p> <p>Preserving the majority of the capital from the proceeds of sale would protect the government grant provided in the 1880s relating to the building (the land been gifted)</p> <p>Creates the potential of future funding of the building from outside of the Council.</p> <p>Ensure the aims and objectives of the original charitable trust.</p> | <p>The whole of the capital receipts would not be reserved in a trust building.</p> <p>The Charity Commission may need to be consulted creating delay.</p> |
| Option 3 | <p>The proceeds of sale are preserved in cash and the expressions of interest</p> | <p>The expression of interest for funding will be fulfilled furthering the educational purposes of the trust.</p> | <p>The capital asset with diminish over time and ultimately will be dissipated to zero and permanent and on-going trust purposes will not be able to be fulfilled.</p> |

| | | | |
|--|--|--|---|
| | <p>made are satisfied. Future expression of interest for education funding can be considered from time to time</p> | | <p>The original capital funding by her majesties treasury will not be preserved and the Council as Corporate trustees may be called upon to repay it without recourse to existing capital. Insurance will need to be taken out to cover this risk at a continuing year on year cost</p> |
|--|--|--|---|

10. RECOMMENDATIONS

10.1 Option 2 is recommended and the other options are within the discretion of the Trustees. All options are lawful and in the interests of the adults and children of Bingley as beneficiaries of the educational trust.

11. APPENDICES

Appendix 1 Plans of the former Bingley Improvement Area District 1864 and 1893

Appendix 2 the expression of interest from the head teacher Mrs Sarah Crowther of Myrtle Primary school Bingley dated 21st December 2018

Appendix 3 Letter from Friends of Myrtle Park Primary school dated 15th February 2019 (Mrs Rebecca Whitford)

Appendix 4 Expression of interest from the Downs Syndrome Charity (Wendy Uttley) dated 29th June 2018.

Appendix 5 Proposals from the Bingley Town Council (Cllr Ros Dawson) dated 20th December 2018.

Appendix 6 Letter from Bingley Town Council to the Priesthorpe Primary school dated 4th December 2018

Appendix 7 The Town Councils Spring 2019 Newsletter

Appendix 8 Letter to 3 Bingley Ward members (and circulated to relevant Strategic Directors) dated January 2019.

Appendix 9 Response from Cllr Heseltine Ward Member dated 29th January 2019

Appendix 10 Response from Cllr Pennington Ward Member dated 29th January 2019

Appendix 11. Response from Mr Steve Hartley Strategic Director Place dated 22nd January 2019.

Appendix 12 Response from Assistant Director (Recreation Culture and Leisure) Mr Phil Barker (email from Library Service head Maggie Pedley dated 5th March 2019).

Appendix 13 email from Mrs Mackay re Bingley Pool dated 22nd December 2018 and email from the Friends of Bingley Pool (charity No 1162758) dated 12th April 2019

12. BACKGROUND DOCUMENTS

12.1 Report dated 9th March 2017.

12.2 Report dated 10th August 2017.

12.3 Report dated 5th April 2018.

12.4 Report dated 21st June 2018

12.5 Report dated 13th September 2018

12.6 Site plan of the former school (now demolished)

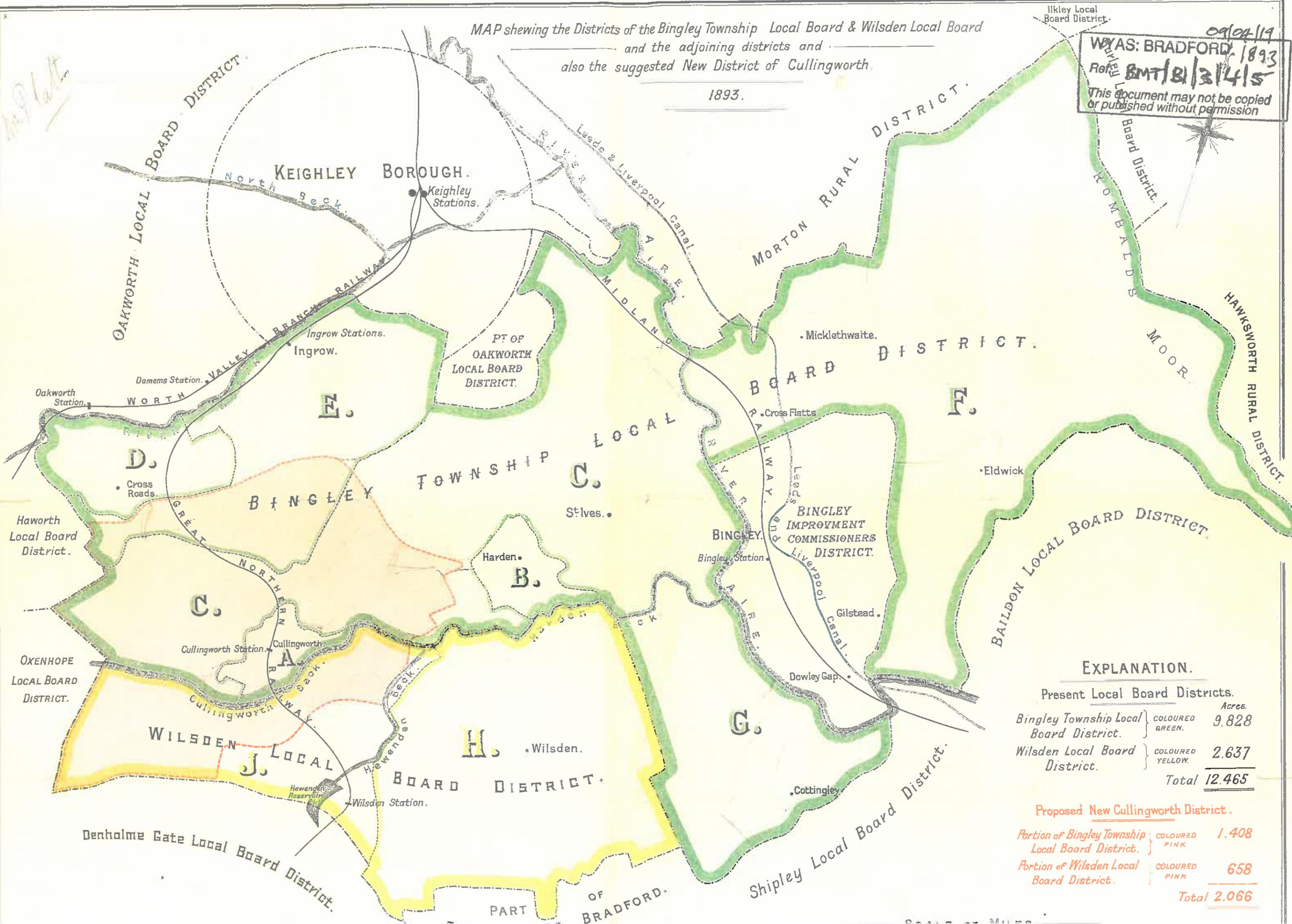
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MAP shewing the Districts of the Bingley Township Local Board & Wilsden Local Board
and the adjoining districts and
also the suggested New District of Cullingworth

1893.

09/04/19
WYAS: BRADFORD, 1893
Ref: BMT/BI/3/4/5
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EXPLANATION.

| Present Local Board Districts. | | Acres. |
|---|------------------|---------------|
| Bingley Township Local Board District. | COLOURED GREEN. | 9.828 |
| Wilsden Local Board District. | COLOURED YELLOW. | 2.637 |
| Total | | 12.465 |
| Proposed New Cullingworth District. | | |
| Portion of Bingley Township Local Board District. | COLOURED PINK | 1.408 |
| Portion of Wilsden Local Board District. | COLOURED PINK | 658 |
| Total | | 2.066 |

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Myrtle Park Primary School
Ash Terrace, Bingley, BD16 1HB
Phone: 01274 564681
Fax: 01274 564687

Myrtle Park Primary School is fully committed to compliance with the requirements of the General Data Protection Regulation and the Data Protection Act 2018. "To learn more about how we use your information, go to our Privacy Notice



Email: office@myrtlepark.bradford.sch.uk

Web: www.myrtleparkprimary.org

Headteacher: Mrs Sarah Crowther

Friday 21st December 2018

Dear Mr Winter

We were very pleased to hear about the opportunity that has arisen from the sale of the Priestthorpe Annexe with regard to how the sale can benefit education in Bingley.

As you will be aware the Government have changed the way that money will be allocated to schools. The amount that Myrtle Park will receive per pupil is forecast to reduce significantly - This means that in 2019/20 Myrtle park will see a £55,000 reduction on its current budget of £1,000,000 - that's around £250 per child. As you can appreciate the school is facing significant financial challenges as a result of this situation. With this in mind we would be very grateful for any contribution from the trustees.

I would, however, like to outline some projects that may be of interest to you and would be of great benefit to our children.

1. Outdoor Areas

- a. An area requiring urgent attention is outdoor provision in Early Years and Keys Stage 1. In order to re-organise this provision and ensure it is fit for purpose in meeting curriculum requirements, £6500 would fund a Play house, fencing, decking, a mud kitchen and planters which would really transform this outdoor area.
- b. We have also had a quote for an outdoor classroom and shelter for Key Stage 2 at £6500.

These 2 outdoor projects would impact on all of our children across school. However project a. would be the priority.

2. Teaching and Learning

Lack of funds has prevented us from replenishing much needed resources and books across school. We would be grateful for any kind of contributions towards extending our Maths resources (text books, practical resources to support learning) extending our Reading scheme books and other curriculum resources/experiences for our children.

3. Redecoration of 2 cloakrooms, signage in the hall

We redesigned our main entrance and Cloakroom for years 5 and 6 last year. We would like to do the same in the two other cloakrooms, alongside displaying our vision statements in our school hall. This is not an "essential" in school, but would be a real lift to our environment. This impacts greatly on the children's pride in their school and in staff morale by working in a professional environment. The cost for our last project was around £4,000 so I would anticipate this being around £8,000.



4. Teaching Assistant

Funding a Teaching Assistant would also be of great benefit to our school and have huge impact on pupil progress. £30,000 would fund this resource for 3 resource years.

Over recent years our school has had to carry out two financial restructures. Staff have been made redundant and there have been many contractual changes to address deficit budget projections / positions. In addition to this our school receives very little Pupil Premium funding and is still stand alone - we are not part of a collaborative or a Multi-academy trust, so currently don't benefit from joint buying power and economies of scale.

Any contribution from the sale will be very gratefully received.

Yours sincerely

Mrs Sarah Crowther ,
Headteacher

Mr Johnny Rookes
Chair of Governors

Friends of Myrtle Park Primary School

Myrtle Park Primary School
Ash Terrace
Bingley
BD16 1HB



15th February 2019

Dear Mr Winter

I'm writing to you as the Chair of the Friends of Myrtle Park. Our head teacher, Sarah Crowther, wrote to you in December about the opportunity for funds which has come up since the sale of the Priestthorpe Annexe.

I would wholeheartedly support the application which she has submitted. I felt it would be useful to you to provide some context to other fundraising which happens with Myrtle Park Primary School.

Each year the Friends team (PTFA) work hard to raise funds for the school to support future developments within the school, will enhance the children's education and social experiences.

Friends aim to raise £6,000 a year, which pay for supportive resources, educational programmes and experiences that enhance the personal, social and emotional development of the children. This year they are aiming to raise more money and have been working hard to think of new ideas to try and generate more funds. Some of this will go towards the long term wish list the school have been working towards for a long time. New KS1 playground markings, a KS2 outdoor shelter/learning space, Greenhouse and a new sound system. Some of these are only dreams for a small school, but the 'Friends' team would like to help fulfil some of those dreams and see the children benefit from the developments in the near future.

So please consider Myrtle Park Primary and invest in our outdoor provision and other supportive developments. This would have an immediate impact on the children's holistic learning, well-being and educational journey. And will support future children from the community. It would be great if you could help us wave that magic wand and begin to plan and pay for these. The 'outside shelter' could have your plaque displayed for the present and future community, parents and children to see. You would be investing in their experiences and education.

Myrtle's budget is tight and as parents, we are always trying to think of exciting and innovative ways to fundraise. We've recently been selected to take part in Cash for Kids scheme with Radio Aire, and we have a busy calendar of events for the community. All of this goes to support basic equipment for the school our children's playgrounds are desperately in need of improvements. We will have stiff competition from 3 form entry schools, but little Myrtle Park School will have fun taking part and who knows, maybe win some money towards our targets. As Mrs Crowther's letter detailed before, we are a small school with very little additional funding and everything we do as a PTFA isn't enough to meet the needs of the school during these very challenging financial times, so I wholeheartedly support Mrs Crowther's application for funds.

For such small school small additional funding will make a huge difference. I would be happy to come and meet with the Council and share some of the developments, we would love to fulfil.

We really look forward to hearing from you.

Yours sincerely

Rebecca Whitford

Chair of Friends

Friends of Myrtle Park Primary School

07894113186

Parentkind
Bringing together home & school



Richard Winter

From: Richard Winter
Sent: 19 February 2019 07:58
To: 'beckbella@yahoo.com'
Cc: 'Sarah Crowther'
Subject: FW: Important Supporting Letter Friends of Myrtle Park Primary School our ref rjw/402031
Attachments: Town Council Letter.docx; Cash for Kids Challenge.docx

Dear Ms Whitford,

Thank you for your letter which will be presented to the Regulatory and Appeals Committee sitting as trustees for the Council trust properties together with other expressions of interest in the proceeds of sale of the former Bingley Arts and Technical school.

A report will be presented in the next 3 months following my gathering together of further information for the trustees to consider about the allocation of the trust funds.

Yours sincerely,

Richard Winter – Solicitor for the Council as corporate trustees
Deputy Team Leader
Property, Commercial and Development Team

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City of Bradford Metropolitan District Council
Department of Corporate Resources – Legal and Democratic Services

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From: Rebecca Green [<mailto:beckbella@yahoo.com>]
Sent: 15 February 2019 22:59
To: Richard Winter
Subject: Important Supporting Letter

Dear Mr Winter,

please see the attached letter for your consideration. I have also attached a letter to show some of the fundraising activities we are doing after half term. We work really hard to make things happen. I hope you will present these at the Town Council meeting, in support of Mrs Crowther's letter from Myrtle Park Primary School.

As detailed in the letter, I would be happy to talk about any of the 'dreams' (aims) we are hoping for.

Thanks

Rebecca Whitford

Dear Parents, Families and friends of Myrtle Park Primary Schools,

As you know Friends of Myrtle Park School is here to raise money to support our children's experiences and help the school.

We've had some exciting news, we have been selected by Radio Aire to take part in their **Cash for Kids Challenge**. The school that raises the most money between 25th February and 22nd March will win £5,000 and five runners up will win £2,000 each. With your help we hope to make Myrtle Park a winning school!

We already had some dates booked in the diary for the month back after half-term, we've taken the opportunity to add a few extra activities, for Cash for Kids.

Loose Change Challenge

Each class is challenged to bring in as much loose change as they can between Monday 25th February and Friday 22nd March. The year who brings in the most money will earn a Fun Friday where they decide, with their teacher, what they would like to do.

Parent's Evening cake and book sale (Tuesday 26th February)

As usual we'll be selling tea, coffee and cakes at parent's evening on Tuesday 26th February. Following the success of our recent book sale, we will also have a New to You Book Sale as well. (All donations of pre-loved books are gratefully received).

Bunday Funday Friday (Friday 1st March)

The year 5 Friends representatives will be selling buns to the whole school. Please donate buns and send your child with a donation to buy a bun at break time.

Pancake Breakfast (Tuesday 5th March)

To celebrate pancake day we'll be selling pancakes to children in the hall before school. Children can arrive from 8.15 to get them in the pancake day spirit.

Movie night – Reception, Year 1 & 2 (Week beginning the 4th March).

Movie night will be 3pm - 5pm - we'll confirm which evening after half term)

The children will be invited to their very own cinema, with popcorn and a drink, all for £3.50.

Clapping games after school (Friday 8th March 3pm)

Mrs Crowther will run some traditional playground games in the playground after school

Billy Bantam Penalty Shootout (Friday 15th March)

Half of all of the money raised for the shootout will go to school. Remember to get your forms in.

Snail Race (Friday 15th March – 6-9 pm)

Pie and peas for the grown-ups, hot dogs for the children and lots of cheering on your snails. Tickets will be on sale after half term.

Red Nose day (Friday 15th March)

There will be a dress down day for red nose day (we are still keen to support this national charity).

Understanding Behaviour Course (Tuesday 19th March 7pm – 9pm)

A course to learn more about understanding behaviour.

Tickets on sale from the office.

Movie night – Year 3, 4, 5 & 6 (Week beginning the 18th March): Movie night will be 3pm - 5pm - we'll confirm which evening after half term)

The children will be invited to their very own cinema, with popcorn and a drink, all for £3.50.

Non uniform day (Friday 22nd March)

We'll finish the Cash for Kids Challenge with a dress down day for the whole school. £1 donation to dress down.

Mother's Day Secret Shop (Monday 18th, Tuesday 19th and Wednesday 20th March after school)

Children can come and buy gifts for Mother's Day.
£2 a gift. Wrapped with love.

We are hoping to book in our annual 'Bags to School' charity collection. So de-clutter your clothes over the holidays and wait for a date!

Once the challenge has started we will let you know on the website where you can make donations, if you would like to. There are lots of other ways you could get involved too, if your workplace or other group would like to run an event and raise money for school. All money raised can be added to the fundraising page. How about a coffee morning or dress down day at work?

What will the money be used for?

We're saving for some very important improvements around school. We are planning improvements to the playgrounds which will cost around £20,000 so every little helps.

Thank you for your continued support. Let's put our great Myrtle Park Primary School on the map, we have such a great community. Please put the dates in your diaries and talk to your children about the exciting challenge ahead. Look out for our fundraising thermometer, to keep track of our progress.

Let's do this :-)

Becks, Sarah and Johnny (Chair of Friends, Head of School, Chair of Governors)



Down Syndrome Training & Support Service Ltd

The Pamela Sunter Centre
2 Whitely Street, Bingley,
Bradford. BD16 4JH

Registered Charity No.1130994
A company registered in England and Wales
number 6915555

Richard Winter
Solicitor, Bradford Metropolitan Council
Property, Commercial and Development Team
Margaret McMillan Tower
Princes Way
Bradford
BD1 1NN

29 June 2018

Dear Mr Winter

Re: Bid for Proceeds of Sale of Priestthorpe Annexe

Please accept this letter as an expression of interest to register as a beneficiary from the sale of the Priestthorpe Annexe.

We are a registered charity, based in Bingley providing education and training to children and young people who have Down syndrome and their parents and carers. We feel that this will fit into the requirements stated in the deeds which are to 'promote the moral and intellectual improvements of the inhabitants'.

We provide direct intervention sessions for 50 children with Down syndrome up to 6 years of age teaching them early development skills, allowing our young children to access mainstream education, we also deliver many different training courses at the centre aimed at both parents and teaching staff enabling them to better support and educate a child or young person with Down syndrome. We provide life skills for our young people and teach them how to keep safe within the community. We support schools via training and consultation to improve the education of our children within mainstream schools and special schools, so increasing the life outcomes of our young people. We are a vital service in the area and we are not supported by any statutory body or agency, we rely on fundraising and grants to provide our services. Any money received will be spent on the education of our young people, many of which live in the local area.

We would be grateful of the opportunity to speak to the Trustees and to present our case for funding, we would also welcome a visit so that they can see first-hand, what we do and the impact we have. There is a video on our website www.downsyndromebradford.com which shows interviews with some of our families.

I look forward to presenting our case to the Trustees in due course.

Yours sincerely

Wendy Uttley
Co-ordinator and Trainer

Coordinator & Trainer: Dr Wendy Uttley
Telephone/Fax: 01274 561308
Text:07816465845/07512346717
Email: office@downsyndromebradford.co.uk
Web: www.downsyndromebradford.com

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BINGLEY TOWN COUNCIL

Cottingley Community Centre, Littlelands, Cottingley, Bingley BD16 1AL



Mr Richard Winter
Solicitor for the trustees
Property, Commercial and Development Team
Room 302
3rd Floor
City Hall
Bradford
BD1 1HY

20th December 2018

Dear Mr Winter,

TOWN COUNCIL RESPONSE TO PRIESTTHORPE ANNEXE CONSULTATION PROCEEDS OF SALE

Bingley Town Council resolved at its meeting held on 18th December to respond to the consultation regarding the monies from the sale of Priestthorpe Annexe with the following proposals:

- a) set up a trust fund to allocate funds to individual Bingley students or projects
- b) allocate the funds equally to all publicly-funded schools in the parish of Bingley (not per head)
- c) use the funds to support Bingley Pool as a community asset

In addition, the Town Council requests that one of its councillors may be present at the appropriate meeting when the decision is made about how to allocate the proceeds from the sale.

I look forward to hearing from you.

Yours sincerely

Ruth Batterley

Ruth Batterley
Town Clerk
07703 188660
townclerk@bingleytowncouncil.gov.uk
ours sincerely

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Tuesday 4th December 2018

Dear Priestthorpe Primary School,

You may be aware that progress is being made with the development of the Priestthorpe Annexe site on Mornington Road. The site has been sold to Padd Development who have ensured the building has been made safe by means of scaffolding and footpath closures, and an application has been submitted to demolish the building. It is hoped demolition could start in January and a planning application is likely to be submitted to use the site for housing.

Bradford Council has now clarified the process by which the proceeds of the sale (the purchase price was £226,000) will be allocated to educational uses in Bingley in accordance with the terms of the covenant on the building. A decision will be made by the trustees following the submission of a joint report from Estates and Property and Bradford Council's City Solicitor acting for the trustees.

Bingley Town Council is writing to local schools to encourage them to take this opportunity to make suggestions about how the proceeds from the sale can be used to benefit education in Bingley. Any organisation wishing to make proposals should write to the solicitor for the trustees by letter or email setting out their proposals by 31st December 2018.

The address for proposals is:

Richard Winter – Solicitor for the Trustees

Deputy Team Leader, Property, Commercial and Development Team

Room 302, 3rd Floor, City Hall, Bradford, BD1 1HY

Email: richard.winter@bradford.gov.uk

Suggestions can also be shared with Bingley Town Council, however the deadline for proposals to be included with the Town Councils report is Wednesday 12th December.

Yours sincerely

Ruth Batterley

Ruth Batterley

Town Clerk

07703 188660

townclerk@bingleytowncouncil.gov.uk

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Neighbourhood Watch in Bingley



At the February Town Council meeting it was proposed and accepted that Bingley Town Council should take all possible steps to support Neighbourhood Watch (NHW) in the Bingley area. This is to include; the Council to distribute leaflets promoting Neighbourhood Watch from their stalls at summer shows and galas and all Councillors to promote NHW in discussion with constituents, particularly encouraging people to set up new groups and become NHW coordinators. Both Eldwick and Gilstead Village Societies have promoted this at recent meetings and are actively encouraging areas which don't have the scheme to get on board.

Neighbourhood Watch is simply about looking out for each other, sharing crime prevention advice and reporting and encouraging others to report any suspicious incidents or crimes. If you are interested in setting up a Neighbourhood Watch scheme in your area, please e-mail Rebecca.Walker@westyorkshire.pnn.police.uk. Rebecca will have a chat with you and send you a pack on what being a Coordinator entails. It's quite straightforward; a small group of about twenty five properties in a defined small area agree to participate, leaflets and stickers are distributed and street signs located to warn people they are entering a NHW area. It's a great opportunity to meet up with neighbours to share common goals.

Summer floral displays



Flower displays at Crossflatts



The Town Council has again allocated funding from its Green and Clean budget to support floral displays throughout the parish. Carlton Nurseries is being contracted to supply further hardware and

planting and maintenance services. This year we will be repeating and adding to the display in central Bingley (Main Street, market place, Chapel Lane etc) and also extending to outlying areas in Cottingley, Crossflatts, Eldwick, Gilstead and Poplar House. We are grateful to Eldwick Village Society for their donation towards the cost of the planting. As before, there will be a mixture of pole-mounted baskets, barrier baskets and tubs, with a tiered planter on the corner of Ferncliffe Road and Chapel Lane. Look out for a new colour scheme!

The Town Council is also supporting local gardening and planting groups by purchasing summer bedding plants offered by Bradford Council at low cost, and these will be planted out to add an additional splash of colour in public spaces throughout Bingley. A small-scale wildflower meadow planting project is also being planned.

Expressions of interest for Priestthorpe Annex

Bradford Council has received six expressions of interest (EOI) for the Priestthorpe Annex site and has decided to find out more details about two of them. The new information will be considered by Bradford Council in June.

Through representations from Bingley Town Council, Bradford Council is aware of the views of residents who want a solution that ensures they no longer look at a rat and pigeon infested eyesore. There is also anger at the neglect of this key building in the Canal Conservation Area. The site now has an estimated value of between £175,000 and £225,000.

Since it was created in 2016, Bingley Town Council has pressed for action on Priestthorpe Annex and has always sought responsible disposal of the building so whoever owns it

commits to developing either the building or the site in an appropriate and timely way.

The terms of the trust which built the Annex in the 19th century state that it should be used for the educational benefit of the people of Bingley. Bradford Council has been asked to ensure that the proceeds from any sale are put to this use and local people be consulted on how to achieve this.



Priestthorpe Annex

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**Department of Corporate Resources
Legal and Democratic Services**

Property Commercial and Development

Room 302

3rd Floor

City Hall

Bradford

West Yorkshire

BD1 1HY

DX11758 BRADFORD -1

Tel: (01274) 434292

My Ref: CORP/LEG/PCD/RJW/402031

E-Mail: Richard.Winter@bradford.gov.uk

Contact: Richard Winter

Ward Members Bingley

Cllr B Shaw

Cllr J Pennington

Cllr D Heseltine

Ward Members Bingley Rural

Cllr S Cooke

Cllr N Riaz.

Cllr M Ellis

Cc Strategic Director Children's Services

Gladys Rhodes White

cc Strategic Director Place- Steve Hartley

City Solicitor: Parveen Akhtar

Date: 24th January 2019

BY EMAIL ONLY

Dear Councillors,

**Re: Bingley Science, Art & Technical School Trust (the former trust school)
Sale of land and buildings November 2018 Proceeds of sale £226,000.00
Allocation of the proceeds of sale -Trust deeds 1889 and 1896**

I refer to the above matter and write to you in anticipation of my presenting a further report to the Councils Regulatory and Appeals Committee sitting as trustees in respect of the allocation of the proceeds of sale of the former trust school referred to above.

In June 2018 the trustees resolved that the City Solicitor be requested to seek views from relevant parties, including Ward Councillors and the Town Council in respect of the use of the funds arising from the sale in accordance with the terms of the Trust and to submit a further report to the trustees in due course.

Given the property was sold in November last year I would be grateful to receive your views as to how the 'trust funds' might be allocated by Monday 11th February.

The terms of the trust objectives are as follows

1. For (**through the operation of the trust school my insertion**) the educational instruction of children and adults in Bingley in respect of the pursuit of arts and natural sciences applicable to industry and manufacture for the time being in place and by such other societies and persons and for such other purposes and professions not inconsistent with the schools purposes AND
2. On the sale of the school (**to use the proceeds of sale my insertion**) for such purposes consistent with the principles of the school or for promoting the moral and intellectual improvement of the inhabitants within the limits of the Bingley Improvement Acts as the trustees shall think proper.

Please be aware the City Solicitor has already received expressions of interest from the following interested parties namely:-

1. Mrs Crowther Head Teacher of Myrtle Park Primary school.(see attached letter 21st Dec 2018);
2. Bingley Town Council. (See attached letter dated 20th December 2018).
3. Cathy Mackay email dated 22nd Dec 2018
4. Downe Syndrome Service Limited (letter dated June 2018)

I have copied Ms Gladys Rhodes White and Mr Steve Hartley into this letter as Strategic Directors of the Councils Departments of Children's Services and Place respectively in order to also seek their views and those of their relevant Assistant Directors (Education and Library services).

Please be aware the final decision on how the funds will be allocated is a matter solely for the trustees as advised by the City .Solicitor acting for the trustees.

If you require any further information please do not hesitate to contact me by email or on the telephone number mentioned above.

I very much look forward to hearing from you.

Yours faithfully,

Richard Winter – Solicitor for the Council as trustees

Deputy Team Leader

Property, Commercial and Development Team



Richard Winter

From: Richard Winter
Sent: 30 January 2019 09:08
To: Cllr David Heseltine
Cc: Cllr John Pennington; Cllr Mark Shaw; Cllr Simon Cooke; Cllr Michael Ellis; Cllr Naveed Riaz; Steve Hartley; Gladys Rhodes White; Phil Barker; Alistair Russell
Subject: RE: Trust monies allocation- educational purposes for Bingley folk- Former Bingley Arts and Tech TRUST school (ANA Priesthorpe Annex)

Dear Cllr Heseltine,

Thank you for your views which are noted and will be reported to the Regs and Appeals committee sitting as trustees.

Given you express a preference to preserve the capital and allocate income only how would you view some or all of the capital being invested in a permanent trust property for educational purposes in Bingley e.g. a library/school building if that were legally possible which I believe it is?

Yours sincerely,

Richard Winter-solicitor for the Councils as trustees.

I will seek instructions from the Council Estates and Property Service relating to the Bingley Quarry Trust.

From: Cllr David Heseltine
Sent: 29 January 2019 20:26
To: Richard Winter; Cllr John Pennington; Cllr Mark Shaw; Cllr Simon Cooke; Cllr Michael Ellis; Cllr Naveed Riaz
Cc: Steve Hartley; Michael Bowness; Jason Field; Gladys Rhodes White; Cllr David Warburton; Claire Tomenson; Phil Barker; Ben Middleton
Subject: Re: Trust monies allocation- educational purposes for Bingley folk- Fomer Bingley Arts and Tech School (ANA Priesthorpe Annex)

Thanks for the communication seeking our views.

When many years ago we were in the position to be now able to sell trust assets the then Cllrs Owens, Gill and I were lead to believe the funds from such sale would remain as a cash asset in a charitable investment fund.

It was only the interest that could be used to the original aims if the trust.

Discussion was had with the Mornington Road school to see if they would take benefit. This in my view waa too narrow as the trust relates to all Bingley.

I would favour dispensing of income from the invested proceed of sale rather than spending the proceed of the sale, after all once its gone its gone.

While we are discussiñg trusts what is the current status of the Bingley quarry trust as it held lands some of which sold near the old teaching college on Lady Lane.

Regards David H
Cllr David Heseltine

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Richard Winter <richard.winter@bradford.gov.uk>

Date: 24/01/2019 15:43 (GMT+00:00)

To: Cllr David Heseltine <david.heseltine@bradford.gov.uk>, Cllr John Pennington <john.pennington@bradford.gov.uk>, Cllr Mark Shaw <mark.shaw@bradford.gov.uk>, Cllr Simon Cooke <simon.cooke@bradford.gov.uk>, Cllr Michael Ellis <Michael.Ellis@bradford.gov.uk>, Cllr Naveed Riaz <Naveed.Riaz@bradford.gov.uk>

Cc: Steve Hartley <steve.hartley@bradford.gov.uk>, Michael Bowness <Michael.Bowness@bradford.gov.uk>, Jason Field <Jason.Field@bradford.gov.uk>, Gladys Rhodes White <Gladys.Rhodes.White@bradford.gov.uk>, Cllr David Warburton <David.Warburton@bradford.gov.uk>, Claire Tomenson <claire.tomenson@bradford.gov.uk>, Phil Barker <Phil.Barker@bradford.gov.uk>, Ben Middleton <Ben.Middleton@bradford.gov.uk>

Subject: FW: Trust monies allocation- educational purposes for Bingley folk- Fomer Bingley Arts and Tech School (ANA Priesthorpe Annex)

FAO WARD MEMBERS BINGLEY & BINGLEY RURAL

Dear Cllrs.

Please find my letter attached for the attention of all Bingley and Bingley Rural Ward members and the enclosures referred to .

I would be grateful for your observations by email please on how you or your constituents feel the funds might be allocated.

Please be aware the trust funds can only be applied for the benefit of Bingley folk and the final decision is that of the trustees of the Regulatory and Appeals committee (chairs Cllr Warburton) rather than the Council.

If you require further information please do not hesitate to contact me.

Many thanks in anticipation,

Richard,

Richard Winter – Solicitor for the Council as trustees

Deputy Team Leader

Property, Commercial and Development Team

Tel: 01274 434292 Mobile: 07582 103592 • Room 302, 3rd Floor, City Hall, Bradford, BD1 1HY or DX 11758 - BRADFORD

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Richard Winter

From: Richard Winter
Sent: 29 January 2019 16:19
To: Cllr John Pennington
Subject: RE: Trust monies allocation- educational purposes for Bingley folk- Fomer Bingley Arts and Tech School (ANA Priesthorpe Annex)

Dear Cllr Pennington,

The amount is 226 thousand pounds I recall.

Priestthorpe primary could be a beneficiary but not the sole beneficiary as adults and children's are both mentioned in the 1889 trust deed.

Regards,

Richard

Sent from my Windows Phone

From: [Cllr John Pennington](#)
Sent: 29/01/2019 13:52
To: [Richard Winter](#)
Subject: RE: Trust monies allocation- educational purposes for Bingley folk- Fomer Bingley Arts and Tech School (ANA Priesthorpe Annex)

RICHARD, I may have missed it but what will be the net figure be to distribute ? AND I originally thought that Priestthorpe Primary were to be the beneficial school ? regards John P. PS. Perhaps better to email me only with your response ! Regards John Penn.

Councillor JOHN PENNINGTON
Conservative Group Leader
07836 261557

From: Richard Winter
Sent: 24 January 2019 15:43
To: Cllr David Heseltine; Cllr John Pennington; Cllr Mark Shaw; Cllr Simon Cooke; Cllr Michael Ellis; Cllr Naveed Riaz
Cc: Steve Hartley; Michael Bowness; Jason Field; Gladys Rhodes White; Cllr David Warburton; Claire Tomenson; Phil Barker; Ben Middleton
Subject: FW: Trust monies allocation- educational purposes for Bingley folk- Fomer Bingley Arts and Tech School (ANA Priesthorpe Annex)

FAO WARD MEMBERS BINGLEY & BINGLEY RURAL

Dear Cllrs.

Please find my letter attached for the attention of all Bingley and Bingley Rural Ward members and the enclosures referred to .

I would be grateful for your observations by email please on how you or your constituents feel the funds might be allocated.

Please be aware the trust funds can only be applied for the benefit of Bingley folk and the final decision is that of the trustees of the Regulatory and Appeals committee (chairs Cllr Warburton) rather than the Council.

If you require further information please do not hesitate to contact me.

Many thanks in anticipation,

Richard,

Richard Winter – Solicitor for the Council as trustees
Deputy Team Leader
Property, Commercial and Development Team

Tel: 01274 434292 Mobile: 07582 103592 • Room 302, 3rd Floor, City Hall, Bradford, BD1 1HY or DX 11758 - BRADFORD

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Richard Winter

From: Richard Winter
Sent: 22 January 2019 15:19
To: Steve Hartley
Cc: Phil Barker; Ian Day; Joanne Hyde; Damian Fisher; Ben Middleton; Gladys Rhodes White; Michael Bowness; Jason Field
Subject: RE: Trust monies allocation- educational purposes for Bingley folk

Dear Steve.

Thank you.

Your comments are noted and re the capital spends.

A capital spend on a permanent building for a library in Bingley Town Centre owned by the trust may be an idea under the heading education and culture and I await Phils views.

Not sure swimming is educational moral or intellectual, but swimming lessons may be.

Kind Regards,

Richard

From: Steve Hartley
Sent: 22 January 2019 14:47
To: Richard Winter; Gladys Rhodes White
Cc: Phil Barker; Ian Day; Joanne Hyde; Damian Fisher; Ben Middleton
Subject: RE: Trust monies allocation- educational purposes for Bingley folk

Thanks Richard

Your letter to Ward councillors is fine from my perspective.

I note:

1. *On the sale of the school (to use the proceeds of sale my insertion) for such purposes consistent with the principles of the school or for promoting the moral and intellectual improvement of the inhabitants within the limits of the Bingley Improvement Acts as the trustees shall think proper.*

I'm not sure what 'purposes consistent with the principle of the school' would cover but it may be that there are things in the Bingley Ward Plan that could be achieved with a use of part of the £226k sum. **Ian/Damian** – can you consider please

I note the Parish Council suggestion that money is put towards support for transfer of Bingley Pool as a community asset. I have copied in Joanne and Ben who are dealing with the CAT application from the Friends of Bingley Pool. It may well be that funding to support capital works prior to transfer would be useful. **Joanne/Ben** – any thoughts. **Phil/Ian** – you may have other thoughts for best use of these funds perhaps in relation to capital improvements for parks/sport/culture in Bingley?

In principle I would suggest as 'one off' funding the money should be spent on 'one off' projects with a preference for capital works. I note in the Myrtle Park submission a request for £30k to support a Teaching Assistant post which wouldn't meet this criterion.

Regards

Steve

From: Richard Winter
Sent: 22 January 2019 13:25
To: Steve Hartley; Gladys Rhodes White
Cc: Phil Barker
Subject: Trust monies allocation- educational purposes for Bingley folk

Dear Colleagues,

Please find my draft letter attached which I hope to send out later this week to Bingley Ward members and the enclosures referred to .

I would be grateful for your observations on the letter itself and your departments view on how the funds might be allocated from your own perspectives.

The monies can only be applied for the benefit of Bingley folk and the final decision is that of the trustees rather than the Council.

Many thanks in anticipation.

Richard

Richard Winter – Solicitor for the trustees
Deputy Team Leader
Property, Commercial and Development Team

Tel: 01274 434292 Mobile: 07582 103592 • Room 302, 3rd Floor, City Hall, Bradford, BD1 1HY or DX 11758 - BRADFORD

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Richard Winter

From: Richard Winter
Sent: 05 March 2019 14:11
To: Maggie Pedley
Cc: Phil Barker; Nigel Gillatt; David Barker
Subject: RE: Priest Thorpe Annexe, Bingley sale 19th November 2018. Education trust fund for Bingley Folk. rw/ 402031

Super Maggie thanks.

I have the current occupancy/ownership in Bingley provided by David Barker.

Many thanks,

Richard

Ps David, please send spreadsheet and plans again.

From: Maggie Pedley
Sent: 05 March 2019 12:57
To: Richard Winter
Cc: Phil Barker; Nigel Gillatt
Subject: RE: Priestthorpe Annexe, Bingley sale 19th November 2018. Education trust fund for Bingley Folk. rw/ 402031

Hi Richard

Apologies for not replying to you earlier. My focus has been on service restructures in response to saving targets. However I am interested in looking at this opportunity – it chimes with my ambition to increase the focus on education (harping back to adult education centres of old!)

We do need to establish the current terms of our occupancy in Bingley and I have copied in Nigel Gillatt for him to advise us on any potential restrictions etc.

In the meantime I will revisit your original communications and will be back in touch soon.

It feels very timely, for the service and for Bingley

Kind regards
Maggie

Maggie Pedley
Libraries, Museums & Galleries Manager
Sport & Culture
Tel 01274432626 • Mob 07582100171 www.bradfordmuseums.org

Bolling Hall Museum, Bowling Hall Road, Bradford, BD4 7LP

City of Bradford Metropolitan District Council
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From: Richard Winter
Sent: 05 March 2019 11:29
To: Maggie Pedley
Cc: Phil Barker
Subject: FW: Priestthorpe Annexe, Bingley sale 19th November 2018. Education trust fund for Bingley Folk. rw/402031

Dear Maggie,

Have you any thoughts on my earlier email relating to Bingley Library relocating into a Council owned building in Bingley purchased by trust funds?

Many thanks,

Richard

Richard Winter - Solicitor
Deputy Team Leader
Property, Commercial and Development Team

Tel: 01274 434292 Mobile: 07582 103592 • Room 302, 3rd Floor, City Hall, Bradford, BD1 1HY or DX 11758 - BRADFORD

City of Bradford Metropolitan District Council
Department of Corporate Resources – Legal and Democratic Services

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Richard Winter

From: Richard Winter
Sent: 23 December 2018 14:18
To: Cathy Mackay
Subject: RE: Priestthorpe Annexe

Dear Mrs Mackay,

Thanks very much for your suggestion which will be flagged up with the trustees in their Spring report.

Kind Regards,

Richard Winter,

Solicitor for the trustees.

Sent from my Windows Phone

From: Cathy Mackay
Sent: 22/12/2018 19:01
To: Richard Winter
Subject: Priestthorpe Annexe

Dear Sir,

Having received the Bingley Town Council newsletter, where the above was mentioned, along with a request for suggestions for use of the money from the sale of said annexe, I would favour spending on Bingley Pool.

My husband wonders if this could be classed as an educational use.

I would say that teaching youngsters to swim is indeed educational, if not life-saving.

My other suggestion would be to allocate funds to Bingley schools to pay for children to attend swimming lessons elsewhere, should Bingley Pool be closed. To be blunt, there are plenty of porky kids out there who would benefit from some exercise. Swimming lessons would also improve their mental wellbeing.

Yours faithfully,

Cathy MacKay (retired crusty old staff nurse...).

sent from my iPad

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Richard Winter

From: Richard Winter
Sent: 12 April 2019 14:38
To: bingleypool@gmail.com; Phil Barker; Claire Tomenson; Alistair Russell; Nigel Gillatt
Subject: Fwd: Priestthorpe Annex Proceeds
Attachments: Bingley Pool - phase 2 CAT.docx

Dear Anna,

Many thanks for the expression of interest which I shall add to the report.

I will arrange for you to be sent a copy of the final report and an invitation to the meeting.

Kind regards,

Richard.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Friends of Bingley Pool <bingleypool@gmail.com>
Date: 12/04/2019 13:31 (GMT+00:00)
To: Richard Winter <richard.winter@bradford.gov.uk>
Subject: Priestthorpe Annex Proceeds

Dear Richard,

I have been advised to contact you by Ros Dawson, Chair of Bingley Town Council, with a view to Friends of Bingley Pool being considered as a recipient for some or all of the proceeds from the sale of the Priestthorpe Annex.

As I am sure you are aware, BMDC has plans to close Bingley Pool with a date given for this of April 2020. Friends of Bingley Pool has been working for the last four years to keep Bingley Pool open and to upgrade it as a sport and health-living hub in Bingley. We are currently at stage 2 of the Community Asset Transfer and at a meeting with the BMDC evaluation panel yesterday we agreed that we are working together to complete the transfer by April 2020.

School swimming is a critical component of the timetable at Bingley Pool and the closure of the Pool would be highly detrimental to the schools in Bingley who use the facility to deliver the national curriculum requirement for swimming instruction. In addition, Bingley Grammar School are closing their pool in July 2019 and this will therefore be unavailable to schools who use this facility.

Our development plans for Bingley Pool will see significant improvements in the facility, with a greater range of sports, health and well-being activities and education available for a wide range of community members tailored to their specific needs.

I attach our working business plan for your attention. We are now in the process of revising this to reflect more specific plans following the meeting with the CAT team yesterday.

I look forward to hearing from you as to how we might advance this discussion further.

With best wishes,

Anna

Dr Anna Mdee
Co-Chair Friends of Bingley Pool

--



Charity No 1152758

Bingley Pool, Myrtle Place, Bingley BD16 2LF

Bingleypool@gmail.com



Business Plan

May 2018



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0.1 INTRODUCTION

This document has been prepared by the Friends of Bingley Pool (FBP). It sets out viable proposals for how the community can take over the operation of the facility and for an initial programme of development to meet established local needs and provide long term increases to revenue.

There are a range of options available and this document puts forward FBPs preferred option based on analysis of leisure provision and consultation with the community. Other options can be costed out on request. All options enhance the role of the facility and its financial performance. This business plan is submitted in accordance with Stage 2 of BMDC's Community Asset Transfer Policy (2017).



In carrying out this work to date, meetings have taken place with FBP Board members, BMDC (Leisure, Finance and Corporate Property), Bradford Aquatics, Bingley Amateur Swimming Club (BASC), Lifesaving Club and an external swimming provider. This work has been facilitated by The Sport Business in order to: a) provide specific advice and guidance relating to the leisure sector and b) to provide independent assessment of the financial viability of the facility in community ownership.

The purpose of this interim document is to determine the viability of FBP to operate the facility – i.e. that it can generate an annual surplus on a profit and loss basis. Once this was established, the second phase of the feasibility study set out how FBP could grow the business and generate the funds to preserve the building's integrity and meet community needs in the longer term.

The potential transfer of ownership of the Pool to FBP has provided an opportunity to look at the facility with fresh eyes and to explore additional activities which could be delivered on site and which would broaden the role of the facility within the local community and which would also generate further revenue to restore, maintain and enhance the current building. These will also be taken forward in the second stage of the feasibility study once priorities have been identified.

The intention is that the finalised feasibility study provides confidence to FBP, BMDC and others that a community-run facility can be financially viable, can increase the impact of the facility within the community and that FBP have the capacity to implement the proposed business model.



1 EXECUTIVE SUMMARY

Bingley Pool was built in 1927 and has been a working pool ever since then, operated by Bradford Metropolitan District Council. Following a review of leisure facilities across the district, the Council originally made an announcement to close the facility but is now working with the Friends of Bingley Pool (FBP) to explore the potential for a transfer of the asset to the community instead.

FBP have engaged The Sport Business to carry out a feasibility study to determine the viability of such a transfer. Its purpose is to establish firstly whether the Pool can be operated by FBP on a full cost recovery basis. It then sets out potential options for the enhancement of facilities to bring about further growth to revenue which would generate a surplus sufficient to address long term preventative maintenance and lifecycle costs.

The facility consists of a 25-yard 4-lane swimming pool, sauna, slipper baths and gym. The centre has an extremely strong swimming programme delivered through the Council and other partners which provides varied opportunities for all ages and abilities. The centre has 275 gym members – and other who use on a PAYG basis – in addition to those who use the pool each week.

On the basis of current usage levels, BMDC pricing policy and using site-specific cost information the facility it is forecast that Pool can be run by FBP at a small surplus. This is summarised in Table 1 and is shown in more detail in Annex 2.

| | Year 1 |
|-----------------|----------|
| Expenditure | £287,910 |
| Income | £299,110 |
| Surplus/deficit | £11,200 |

This projection assumes significant savings through the implementation of more flexible staffing arrangements and through the FBP Board assuming Director responsibilities on a voluntary basis. These two assumptions – alongside smaller changes to operational practices – turn a facility which currently makes a loss of around £200,000 into one which generates a small surplus.

Operationally the facility is viable in community hands but this surplus is not sufficient to build up an operating reserve for FBP or to contribute towards a sinking fund capable of addressing long term facility repairs and lifecycle costs. There are though, a number of very feasible development opportunities to increase facility usage and revenue to a level where such a surplus can be made. To undertake these, the group will need to carry out significant improvements to the building by securing external finance from grants, loans, crowdfunding and other fund-raising activities.

| Option | Description | | | | |
|---------|---|----------|----------|----------|----------|
| 1 | Refurbishment of gym space to provide a large space for combined strength, resistance and cardio machines and free weights area. An analysis would need to be made of the gym equipment, but a complete replacement should be considered to support initial launch. This option would require the removal of the sauna and slipper baths. | | | | |
| Year | 1 | 2 | 3 | 4 | 5 |
| Surplus | £41,455 | £110,330 | £110,330 | £110,330 | £110,330 |
| 2 | Refurbishment of gym and creation of studio - as above and, in addition, including the conversion of the Youth Centre into a studio. | | | | |
| Year | 1 | 2 | 3 | 4 | 5 |
| Surplus | £77,746 | £172,496 | £172,621 | £172,621 | £172,621 |



Further detail is provided on both these options in Section 3.3 with associated finances in Section 5.7 and 5-year projections provided in Annexes xx and xx. There is, in addition, a combined option which consists of remodelling the existing gym space to include a studio.

FBP invite BMDC to approve this business plan and the associated application for the transfer of Bingley Pool to FBP to be run as a community asset on an initial 5-year lease, because:

- It aligns with strategic council objectives
- It will act as a local employer and provide training opportunities for staff and volunteers
- It will provide a vibrant, ongoing, community service that is much needed
- It will complement rather than compete with existing and planned facilities
- We have a credible business plan that reflects current performance and experience from equivalent projects
- We have a deeply committed team with professional expertise and passion to deliver this vision

2. CURRENT SITUATION

2.1. RATIONALISATION OF LEISURE FACILITIES

Bingley Pool is currently operated by Bradford Metropolitan District Council (BMDC). It is one of 14 leisure facilities which come under BMDC management of which 7 – Bingley, Eccleshill, Ilkley, Queensbury, Richard Dunn, Shipley, Keighley and Tong – have swimming pools. One of these, Bowling Pool, is designed specifically for people with impaired mobility. BMDC has commissioned a formal review of its leisure stock and has agreed a strategy which had initially proposed 4 new pools, but which now includes two – at Sedburgh and Squire Lane.

In addition, there are a number of privately operated swimming pools in the area. Those which will impact upon the business performance of Bingley Pool include Bingley Grammar School, Nuffield Health at Cottingley and Rhodesway.

BMDC's leisure strategy had initially included the closure of Bingley Pool but the Council is now supportive of a transfer of the facility into community hands, subject to the community demonstrating their commitment and capacity to operate the Pool in the long term. BMDC recognises that there is an under-supply of pools across the district – as determined by Sport England data – and that retaining Bingley Pool will serve to address some of this.

This supportive relationship is a significant positive for FBP. It has allowed for the development of a sound business case, based on recent accounts and will also ensure a smooth transition of management of the facility. In particular, it will ensure a consistent and clear message can be provided to members and other user groups which will help to ensure the continued participation in leisure activities by local people.

2.2. CURRENT PROVISION

The facility is open 7 days a week but with late opening on Mondays and half days on Saturday and Sunday. On Saturday the facility opens at 8:00 and closes at 14:00 and on Sundays the facility opens at 7:30 and closes at 11:00.

Bingley Pool currently houses the following facilities:



swimming pool – this is 25-yard x 12-yards and is very well used for school swimming; after school lessons – delivered by Bradford Aquatics, a swim club – delivered by Bradford Swim, triathlon club and life-saving club and with specific sessions for toddlers, families and women. A swimming timetable is attached as Annex 6.

Sauna – there is a good sauna set within an area containing a number of additional rooms which are used for a range of auxiliary purposes .

Two slipper baths – these are well used by sections of the local community but do not add significantly to the revenue.

Gym including separate cardio, resistance and free weight areas – there are 275 members (124 prepaid and 151 monthly direct debit) who can access the gym facilities of which 55% are female and 45% are male. The equipment itself is well maintained but quite old and in need of replacement and/or refurbishment

Offices on the first floor which are currently used by Bradford Aquatics with additional rooms available for other Council officers when required. There are also offices on the ground floor - one of which is used for a wellbeing practitioner – as well as numerous staff rooms.

In addition to the offices within the main building, the site also includes premises to the rear of the building which is currently used by a Veterinary Practice. There is also space in the basement which is accessed from the outside and is currently used for youth services.

2.3. LEISURE DEMAND AND COMPETITOR ANALYSIS

Sport England's market segmentation data has been used to indicate potential latent demand in the area and the barriers to increased participation. We can make the following statements regarding leisure demand within the BD16 postcode:

there are 2,855 people who would like to participate in swimming. These include a range of young professionals, those looking to settle down and those approaching early retirement.

there are 3,785 people already participating in health and fitness activities. The key groups are settling down males and mid-life males.

there are 1,469 people who would like to participate in health and fitness activities such as yoga and other classes but who do not currently participate. The key groups are almost all female, including professionals and stay-at-home mums

The key barriers to increased participation among women is a lack of people to go with and being too busy

With regard to **competitor facilities**, there are four. These are:

Amazon fitness – which contains a 41-station gym, a spin studio and one fitness studio. It is a limited class programme with an average of one session per day. These are predominantly in taekwondo but also yoga and box-fit. Also offers personal training.

Bingley Grammar School – has a 21-station gym and a 6-lane swimming pool. However, as a school, none of the facilities are accessible during the day on Monday to Friday. At weekends and evenings, the facility is open but largely for club use rather than public access.



Nuffield – this includes a 90-station gym, swimming pool, sauna and two studios running an extensive range of classes. The facility is open from 06:30 – 22:00 during the week and has slightly shorter opening hours at the weekend. Membership starts at £60 per month.

Yourzone 45 – is a new facility opened in late 2017, offering a specific type of circuits-based class in the facility previously operating as Bingley Fitness Studio. This a franchise operation opening from 6.30-20.00 during week days and 08.30-12.00 at weekends

FBP have also carried out a **survey of over 150 current facility users** as part of the research to date. Analysis of this survey confirms that the Pool serves a very local population, primarily from the BD16 post code. It also indicates a strong swimming offer but a gym which is significantly under used even in its current form. The survey also identifies improvements to changing facilities as a priority along with changes in opening times to facilitate greater access for adults.

In discussions with BMDC and from an analysis of Bingley's demography, it is conservatively estimated that a gym could attract 1,000 monthly members.

The above analysis suggests that there is considerable further growth opportunities within Bingley and its immediate surroundings and that Bingley Pool is well placed to attract additional users with an affordable, varied and accessible offer. It can differentiate itself from its competitors in terms of range of facilities – pool, sauna and gym – and on price. It can also differentiate itself by being able to respond quickly to emerging opportunities and by encouraging a more community-based approach.

3 A FUTURE

3.1 A VISION FOR THE FUTURE

The Friends of Bingley Pool (FoBP) is a charitable incorporated organisation (CIO) established to secure the future of this historic facility for current and future users.

FBP are a group of local professionals with strong ties to the local community who are passionate about swimming and about retaining and enhancing the services at The Pool. The long-term vision is that **the Pool will become a vibrant, multi-generational facility delivering valued services which meet the needs of the different local communities and groups.**

The Community ownership model offers

- A highly localised marketing strategy to develop leisure and ancillary services and a timetable which meets identified local demand
- Decision making responsibility held within the Centre – this supports local marketing and makes the management much more innovative and efficient
- Higher levels of community engagement in the decision-making process – this will build customer loyalty as well as ensuring a strong link between demand and supply

3.2 TRANSITION

A two-stage approach to achieving the long-term vision is proposed. First is a **Transition** stage, during which FoBP will take over the facility ensuring continuation of the current leisure activities and to a largely similar demographic. This stage is based on the continued provision of its' high-quality and varied swimming offer. In addition, the Pool will provide its gym, fitness and sauna facilities. The overall objective of this transition phase is for FoBP to consolidate its understanding of the business and to embed the services, processes and



procedures required to run such a facility at a surplus. Specific objectives relate to **facility management, governance and finance**.

Facility Management. In particular, the objectives include:

- Developing site specific operating procedures
- Developing and adopting health and safety legislation and procedures
- Establish an effective risk assessment process and risk management strategy
- Agree lease arrangements with existing tenants, including the Vets practice.

With regard to **governance**

- Human resource management including the recruitment, training and management of all employees
- Board decision-making and composition

The specific objectives for **finance** are to

- To generate the surplus as set out in Section 5.2.
- Understand the cash flow position of the business in order to be able to invest any surplus without impacting upon day-to-day operations
- Identify and secure finance in order to address capital projects as set out in Section 3.3.

The current timetable for BMDC is that funding for Bingley Pool will cease once the new facility at Squire Lane has been constructed. FBP would then operate the facility and it is proposed to BMDC that this is facilitated through an initial 5-year lease.

However, this phase could be initiated at any stage after the Business Plan has been approved with FBP operating the facility but with staff continuing to be employed by the Council. This has a number of advantages in terms of initial recruitment and providing a greater level of support during the immediate handover period.

It should be noted that if FBP is able to secure external grants during this initial 5-year period then a renegotiation of the lease in order to provide the necessary security of tenure required by funding agencies will be necessary. Anything less than a 5-year lease will impact upon the ability of FBP to repay any loans.

The focus of the transition phase is the continuation of existing programmes and swimming will remain the backbone to the business plan. The continued partnership with local swimming clubs should be facilitated further through the above and support the development of the facility as the 'home' of all clubs. This can be through notice boards as well as access to office space for club administrators.

We also aim to achieve increases in participation within the local population through the development of localised programmes and integrated marketing campaigns. Current financial projections do not yet take these into account, but it is worth highlighting a number of potential growth opportunities:

Within the pool these include:

- Private 1-2-1 swimming lessons
- Pool parties
- Increased opening hours and specifically an early swim on Monday morning

Elsewhere within the leisure brief, they include:



Personal training – either through delivery of such sessions by (part-time or full time) employees or through renting the facility to personal trainers for a monthly fee.

Membership growth – if opening hours and the staff costs were based on opening hours of 06:30 – 22:00 during the week and 09:00 – 5:00 at weekends, we would expect greater footfall could be achieved within a full shift pattern. This would represent a 50% increase in hours (from 62 to 96) and anticipated growth in gym membership and pay-as-you-go swimming of a similar percentage.

Advertising and sponsorship – the facility enjoys a good level of footfall into the building which will be valued by a number of local businesses and larger businesses looking for a healthy association. This might be as simple as advertising boards in the pool area or a company sponsoring the swim school for visibility on certificates and correspondence. Again this is not included in the current figures.

Provision of non-leisure services

The current operation includes office provision for BMDC on the first floor. These are excellent office facilities. They are highly accessible, a 30-second walk to Bingley High Street and have on-site access to leisure services. They currently have five smaller separate offices, 1 larger office and an additional room which is used as a kitchen. All offices could be hired out to small companies or rented out for meetings/training events.

The space could be made acceptable to businesses with minimal work which could be secured through fund-raising and volunteer contributions.

A fairly straightforward capital scheme could reconfigure the space to create a really exciting and attractive co-working space. Alternatively, it could be used for one company or organisation. Annex 7 provides an estimate of revenue by a local property company from such a space for both these scenarios. A grant for such a scheme could be secured from the Community Business Fund.

In summary, there is considerable scope within the current leisure facility to develop more extensive and revenue generating facilities. While the leisure sector is currently projected to grow by up to 8% year on year, there is significant benefits to be achieved from diversifying revenue streams into non-leisure activities. These would increase business resilience, attract greater footfall to the benefit of all services and spread the central costs over a greater number of activities.

3.3. DEVELOPMENT

The long-term viability of the site requires investment into the building in order to generate greater revenue. This investment could be carried out prior to take over by FBP or after an initial 'settling in' period.

These developments will can be raised from a variety of sources including crowd-sourcing, traditional fund-raising activities, community share issue, grants and other forms of external finance. From data analysis and consultation with stakeholders we have identified two main options:

Development of leisure facilities

The current dry-side provision is split across three areas. A separate free weights area can be helpful but generally the existing layout inhibits the development of a 'gym community' and can make users feel isolated. It also makes the provision of music and TV difficult which many now expect as a minimum requirement. In between the three separate areas are the slipper baths and associated changing facilities.



Option 1 - Refurbishment of gym space to provide a large space for combined strength, resistance and cardio machines and free weights area.

A re-configured and revitalised gym area could be developed within the current footprint which contains an increased number of machines and greater space for free weights and stretching. The slipper baths and sauna would not be part of the offer. As part of the revitalisation, the current equipment would be replaced and/or refurbished.

We estimate that such a development in Bingley could increase gym membership from 350 to 800 people and subsequently generate an additional £129,125 per year based on an average membership of £25 per month. This would be sufficient to finance an arrangement with an equipment provider for the equipment. A loan would be secured to cover a £20,000 deposit for the equipment and a £30,000 contribution to the capital improvement work. The 5-year projections for this option are set out in Annex 2.

Option 2: Refurbished gym space and conversion of the Youth Centre into a Studio

There is significant growth across the leisure sector but particularly in group exercise. This also fits well with a community-run group where the role of the facility is to bring people together. The Youth Centre at ground level can be converted quite easily into a studio with a budget of £5,000 to cover mirrors, sound system and matting. A range of classes would be provided during weekday evenings and on weekend mornings. Classes based on 16 people per class would contribute an additional surplus of £15,000 per year from PAYG and also increase the gym membership by 200, up to 1,000. The 5-year projections for this option are set out in Annex 3.

Additional revenue-generating options

Extended Pool Timetable – a survey conducted by FOBP in 2016 demonstrated demand for an extended pool timetable. In particular this would improve the consistency of opening and public access times which would support more regular swimming, particularly for adults. Pool opening times of 6:30 – 22:00 during the week and 9:00 – 17:00 at weekends would represent an increase of pool opening hours of 50%. An increase to PAYG revenue of a similar percentage would amount to approximately £16,000.

3.4. FACILITY MAINTENANCE

Mechanical and Electrical

An M & E survey has been carried out on the Pool and this identifies a number of areas for investment. These include:

Short term: LTHW heating plant, emitters and distribution pipe work; Domestic water services upgrades to provide better distribution of hot and cold water; building management system, field wiring and devices to provide better control to the building services systems; upgrade the electrical small power and lighting system to include RCD protection.

Medium term: replace all electrical panels and distribution boards within the next 5 years; pool hall ventilation and the introduction of heat recovery mechanisms including consolidation of the various local ventilation systems serving the gym facilities.

The survey is available on request.

Development of non-leisure services



In addition to the existing office space, there is scope for refurbishment of a large area on the first floor which is currently used for storage, predominantly by BMDC. The space has considerable glazed areas and steel work which could create an interesting location for further businesses or for public hire. Equally, the current Youth Centre can be converted into co-working space with almost no investment.

4 FRIENDS OF BINGLEY POOL

Friends of Bingley Pool was established as a Charitable Incorporated Organisation (CIO) to explore the potential for a community takeover of Bingley Pool once the Council indicated it was looking to cease funding for its operation. Should the business plan be approved, it is BDP which will take on the lease and be responsible for the safe and effective operation of the facility.

We anticipate that the initial trustees of the CIO will constitute the Board which will takeover the facility. The current team are:

Dr Anna Mdee, Chair of Trustees

Anna has 20 years of research and project management experience in international development and higher education. She is currently an Associate Professor at the University of Leeds. She has held senior management roles within higher education and has designed and led several large-scale research and teaching projects with international teams. She has also worked with small NGOs locally and internationally, and is experienced in issues of fundraising, charity governance and volunteer management.

She is also an enthusiastic swimmer, and is a coach with Bingley Amateur Swimming Club.

Mr Matt Martindale, Trustee

Matt sold his recruitment business in 2006 after 20 years of successful trading. In that time he gained a great deal of experience in business and project management as the company expanded to a 10 + site and £15 M turnover company. Since the sale he has kept himself busy by getting involved in a number of local organisations and projects in a honorary and voluntary capacity. This has enabled him to put some of that experience in to practise. These include management companies and local sport clubs. He enjoys working with like-minded people who value the worth of managing and keeping local amenities. Bingley Pool is no exception.

Mr Stuart Broadbent, Invited working group member

Stuart has more than 30 years' experience in IT and electronics. For the last 15 years he has worked with the DTP group leading a highly successful sales and support team supplying IT to the higher education sector. Stuart is also Head Coach with Bingley Swimming Amateur Swimming Club and is dedicated to developing opportunities for swimmers at all levels.

Mr Iain Wild, Invited working group member

Iain is an experienced Supply Chain Manager with over 17 years background of working in the financial services industry He has strong supply chain, analytical, leadership and interpersonal skills with a record of accomplishment of managing suppliers effectively to drive a marketing leading efficient business. A good relationship builder with an excellent knowledge of RFX, Stakeholder Management, Supplier Chain/Procurement and Supplier Contract Termination. He enjoys inspiring others and leading programmes of continuous improvement. He is also a keen triathlete.



5. THE FINANCE

5.1 RECENT FINANCE PERFORMANCE

The associated income and expenditure for the last 3 years of operation is shown in Table 2. This does not include depreciation of capital assets.

Table 2 – Income and Expenditure, 2014 - 2016

| | 2014 | 2015 | 2016 | Average |
|-----------------------|------------|------------|------------|------------|
| Income | £251,502 | £250,587 | £277,670 | £259,920 |
| Expenditure | | | | |
| Staff costs | £264,580 | £267,691 | £264,531 | £265,601 |
| Premises | £110,354 | £109,563 | £96,860 | £105,592 |
| Supplies and services | £24,387 | £14,677 | £24,501 | £21,188 |
| Central overheads | £89,049 | £75,472 | £74,388 | £79,636 |
| Total | £488,370 | £467,403 | £460,280 | £472,018 |
| Surplus/(deficit) | (£236,868) | (£216,816) | (£182,610) | (£212,098) |

On the basis of these figures, the facility is effectively running at a loss which averages £212,000 per year over the last 3 years.

We are not assuming any growth in revenue during the transition phase so the question therefore is whether a community-run facility can reduce costs sufficiently to wipe out this deficit. The following adjustments should be made:

| Positive | Negative |
|--|--|
| The majority of the corporate overheads or 'Third Party payments' are no longer required. Provision should though be made for marketing, accountancy, legal and payroll. Net effect is a reduction to the operating costs of £70,000 | Current figures are net of VAT. VAT of 20% should be added to all vatiable supplies and services. VAT of 5% should be added to all utilities. Net effect is £18,000. |
| Staff costs – introduction of more flexible staffing arrangements, including bringing salaries into line with leisure industry standards. The forecasted net effect of this is a reduction of £96,000. | |
| Rates – are currently charged at full cost and will be .20% if a registered charity. Net effect is a reduction of £13,000. | |
| Reductions to certain expenditure items – e.g. general repairs, public health hazards, climate change levy's. Net effect is a reduction of £15,000 | |
| Total reduction is £198,000 | Total increase is £18,000 |

The combined net effect is a reduction in the operating costs of £180,000. Further smaller savings to individual cost lines based on the experiences of other community-run facilities can contribute to further reductions which bring the costs down by a further £30,000.



5.2. PROJECTED BUSINESS PERFORMANCE

The starting point for all income and expenditure forecasts is the accounts for the centre as provided by BMDC and as set out in 5.1. Where the figures for the last 3 years bounce around, we have calculated - and included - an average figure in the projections. Where the figures show an upwards or downwards trend we have continued this trend into our forecasts, though for revenue items we have not assumed that it will increase as much as previously. We are confident therefore that the figures are robust and represent "just-under-medium-case".

On the basis of the analysis of previous years income and expenditure; we anticipate revenue remaining stable at £291,410 and costs decreasing to £285,709, generating a small surplus of £3,400. The revenue figure remains consistent with previous years and following a similar slight upward trend.

Without any investment in the building these cost increases would need to be met by corresponding price increases of an average of 3% across all revenue lines. This could initially be linked to a simplifying of charges but could start to impact on user numbers. The year 1 – year 5 figures are set out below.

Table 1 – summary of financial projections (years 1 – 5)

| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
|-----------------|----------|----------|----------|----------|----------|
| Expenditure | £287,910 | £296,353 | £305,219 | £314,535 | £324,328 |
| Income | £299,110 | £308,083 | £317,326 | £326,846 | £336,651 |
| Surplus/deficit | £11,200 | £11,731 | £12,107 | £12,311 | £12,323 |

The £11,200 surplus is positive, in that it indicates that the facility could offer the same services as currently and be run at a profit. However, this level of surplus is not sufficient to allow FBP to build up a reserve or to set aside money into a Sinking Fund for investment into long term facility maintenance and life cycle replacement costs. In order to achieve this level of surplus, one or more of the options set out in Section 3.3. need to be adopted.

5.3. KEY PLANNING ASSUMPTIONS

The following assumptions have been made in putting together these projections:

STAFFING COSTS

Staffing projections have been based on an analysis of ONS data for salary averages in Yorkshire but always ensuring at least minimum wage, which they do not always do for leisure industry positions.

We make no provision for TUPE. This is not a judgement on whether TUPE would apply but on the stated intentions of BDMC to provide existing staff with alternative positions across the District and the assumption that all staff will accept these positions.

We also propose introducing more flexible staffing arrangements when the pool is being used by partner organisations.

Volunteers can make a significant contribution to staffing. There are excellent examples from community-run pools such as Tadcaster and The Pelican in Tyldesley and this should be explored. However, we make no account of these potential contributions here. It is important that the operational viability of the facility is based upon a cost base which includes provision for all goods and services provided.



SWIM SCHOOL MODEL

The Pool hosts a well-respected swim school currently operated by Bradford Aquatics. The business plan anticipates the same levels of use with an FBP-employed swim instructor responsible for the delivery of sessions. There are other ways to deliver the programme, including through an external swim-school provider, which should certainly be explored going forward.

LEASE COSTS AND RATES

There is no rent currently paid for the facility and based on communications with BMBC, we have assumed that we will pay a peppercorn rent for the facility on transfer.

We also assume that we will also receive full rate relief from the Council (as opposed to the mandatory 80% for charitable groups).

We also assume that FoBP will take over the management of the external premises, including the youth centre. It is further assumed that the youth centre is cost neutral to FoBP.

UTILITIES

In forecasting our utility costs we have taken the experience of Withington, Bramley and Tyldesley Baths who have both been able to negotiate savings on the utility costs previously being paid by the respective local authority operator or their private sector operator. These savings have ranged from 10% - 20%. In the interest of prudent forecasting we have assumed that we will make no savings to utilities in our financial projections.

In our "As is" model we include an annual growth rate of 8% for all utilities within our 5-year projections.

OFFICE RENTAL

The curtilage of the current site includes a house which is used for a business practice. It is assumed that this property would stay within the lease and that the rental income would therefore continue to be received by FBP.

5.4. LOWER IMPACT ASSUMPTIONS

In addition, further assumptions have been made around the provision of office space and catering, and their associated revenues. These are

OFFICE SPACE

First floor space is currently used by Bradford Swim Aquatics without any transfer to the facility for rent. In preparing this business plan we have had an evaluation of the revenue which we may achieve from making this space available to local businesses. This is estimated at between £6,700 (for one company or organisation) up to £15,000 (for multiple short-term tenancies). We have assumed a "just-under-mid-case" position of £9,500 in our forecasts.

CATERING

The proposed catering consists of a fairly simple fruit, snacks and bottled water offer which would be available for purchase from reception. In addition, the Pool could also include a hot drinks machine. Current revenue from 'Meals/refreshments' is below £300 for the year but the above offer should generate around £200 per month.



5.5. SENSITIVITY

The planning assumptions outlined above, are based on our ability to achieve the mid-case estimate of members. Our aim, of course, is to exceed these and equally we need to have plans in place to cover the consequences of:

- a reduced membership; and
- increased operational costs

Reduced membership of our swim school

The swim school provides significant revenue into the facility – parents are attracted to a swim programme by the accessibility of the centre and the quality of the teacher. It is important that the Pool retains teachers where agreed with BMBC and/or that it can recruit similar quality replacements. Examples from Tadcaster, Bollington and Jesmond Pool provide really great examples of thriving swim programmes in community pools, driven by long-term excellence.

Increased operational costs

Our assumption on costs have been set out above. Under our worse-case scenario we envisage the following:

| Cost item | Description | Variance | |
|-------------|---|-------------|--------|
| Staff costs | Taking 1 staff on TUPE and inclusion of their increased staff costs and pension contributions | £13,606 | |
| Utilities | A 20% increase to gas and electricity rather than 'as is'. | Gas | £3,400 |
| | | Electricity | £4,200 |
| | Total | £21,206 | |

Impact on the bottom line

The total increase in costs assuming a worse-case scenario for each variable is £21,206 with the facility then generating an annual deficit of £17,805.

5.6. RESILIENCE: DEALING WITH A WORST CASE SCENARIO

To manage this, we have identified a number of contingency measures and we will implement those which are necessary. We may also introduce a number of these even if we achieve our mid-case position as mechanisms for accelerating capital expenditure projects and/or building up a reserve.

FLEXIBLE AND VOLUNTARY LABOUR

Staffing remains a significant cost element within the new business model. Our philosophy remains one of providing stable employment to local people on a living wage. However, if we're unable to achieve sufficient cash flow to implement this approach from the outset we will be able to draw on significant public support to supplement paid employees with voluntary labour. **If volunteers covered one reception position, the saving would be around £16,000 per year.**

MEMBERSHIP STRUCTURE

The Friends of Bingley Pool is a charity and as such can structure its membership to include both a compulsory and a voluntary donation element. We are able to set the compulsory element so that it



covers only the facility operating costs. From our cost projections we anticipate that memberships could be split 70:30 and a gift aid donation can be claimed on the 30% at the rate of 25p for every pound. **This membership fee structure would generate around £7,000 in gift aid per year.**

GRANTS

As a charitable organisation with significant community support and fulfilling a range of social and economic objectives there are a significant number of grant funds out there for capital and revenue works. Capital funding could replace (and reduce) the sinking fund and repair/maintenance budget lines and revenue funding could generate income to cover venue hire and staffing, and lead to increased membership.

PRICE VARIATIONS

All forecasts are based on current prices and we do not aim to increase any on transfer of management of the facility. However, increasing prices is clearly an option and one which we will explore if it supports the business case. **A 5% increase in gym and swim prices generates an additional £4,739 in revenue** which could be achieved non-controversially by rounding up of prices to the nearest £0.50 – e.g. from £2.35 for a swim to £2.50 for a swim.

If we discount grants and fund-raising and include only those elements which are within our control, then the above mechanisms could contribute £27,739 to increasing revenue and completely offsetting the worse-case cost increases.

5.7. PROJECTIONS FOR DEVELOPMENT OPTIONS

We have modelled both of the options which have been presented in Section 3.3. These are summarised below:

Option 1 – - Refurbishment of gym space to provide a large space for combined strength, resistance and cardio machines and free weights area.

| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
|-------------|---------|---------|---------|---------|---------|
| Expenditure | 382,780 | 382,780 | 382,780 | 382,780 | 382,780 |
| Income | 424,235 | 493,110 | 493,110 | 493,110 | 493,110 |
| Surplus | 41,455 | 110,330 | 110,330 | 110,330 | 110,330 |

Expenditure includes repayment of equipment over a 5-year period and repayments on a £50,000 paid back over 2 years. Income is based upon a gym membership of 800.

Option 2 Refurbished gym space and conversion of the Youth Centre into a Studio

| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
|-------------|----------|----------|----------|----------|----------|
| Expenditure | £420,489 | £420,489 | £420,489 | £420,489 | £420,489 |
| Income | £498,235 | £592,985 | £593,110 | £593,110 | £593,110 |
| Surplus | £77,746 | £172,496 | £172,621 | £172,621 | £172,621 |

A studio would increase membership from 800 – 1,000 increasing revenue by £60,000 per year. PAYG revenue for classes would generate further Revenue increases by £40,000. Instructor costs at £25 per session are £25,000 with additional utility and cleaning costs incorporated.



5.8. TURNING DREAMS INTO REALITY

This business plan will provide all of the information which is needed to further evidence how FBP can continue to operate a viable facility. In putting this business plan together we have made a number of assumptions which will need to be validated prior to our takeover. These are:

- Confirm the structural condition of the building: a full structural survey will be completed, prior to our takeover, as part of the detailed design phase of the transformation.
- Secure cash flow financing: we will need to incur costs – principally for salaries, staff and marketing costs – prior to generating revenue.
- Confirm TUPE requirements – we have included TUPE requirements in our worse-case scenario but we need the situation to be clarified and then quantified

6. ALIGNMENT WITH BDMC CAT POLICY

Our plan is consistent with Bradford Metropolitan District Council's CAT policy, in that:

- the asset (Bingley Pool) is no longer required by the Council for direct service delivery
- the application is from the Friends of Bingley Pool, a charitable and non-profit-making organisation
- it ensures long-term sustainability of the pool, increases community usage and broadens community usage

7. SUMMARY AND CONCLUSION

The Pool is a vital part of local life within Bingley and which adds significantly both to local standard of living as well as to the provision of swimming opportunities for people from the town and surrounding neighbourhoods. Based on our analysis to date, we believe that the Pool can not only survive as a going concern, but thrive as a community hub.

We have the vision, and team to deliver it, and most importantly – the backing of the people.



8. LIST OF ANNEXES

- Annex 1 SWOT Analysis
- Annex 2 5-year projections (Option 1)
- Annex 3 5-year projections (Option 2)



ANNEX 1- SWOT ANALYSIS

| Strengths What you're good at and why people choose or trust you over others | Weaknesses Areas where you're not as strong or things that you find it hard to keep on top of | Opportunities Key opportunities to improve and grow your project. | Threats Anything that could damage your business or reputation, or give your competitors an advantage. |
|--|---|--|--|
| Representing users of Bingley Pool and community of Bingley | Time on the part of a small group of trustees to drive the project forward- if the CAT is agreed then this may give others more confidence to come forwards | To agree the CAT transfer and move forward in partnership with BDMC | If the CAT is done in a hurry and without a viable lease or starting conditions |
| Developing a vision for a future Bingley Pool in the hands of the community | | Opportunity for Bingley residents to invest in their asset | Bingley residents don't engage in sufficient numbers |
| Mobilising people and resources where possible | | Opportunities to apply for capital project funds to develop Bingley Pool for sustained and improved community use. | Uncertainty on the timing of the transfer |
| Offering an improved community facility continuing to provide important local services | | | Lack of investment in the Bingley Pool by BDMC due to austerity and the decision to close over such a long time period |
| | | | A major building services/pool plant failure that cause a sudden closure. |

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