

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 15 August 2019 at 1.00 pm in the Banqueting Hall - City Hall, Bradford

Commenced 1.15 pm
Concluded 1.30 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Warburton Wainwright Godwin	Ali Brown	Reid

Councillor Warburton in the Chair

Apologies: Councillor Mohammed Amran

30. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

31. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

32. WIBSEY COMMUNITY GARDEN, WIBSEY PARK, WIBSEY, BRADFORD

The Strategic Director, Corporate Services presented **Document “L”** in respect of the grant of a lease (for less than 7 years) of part of Wibsey Park known as Wibsey Community Garden that is owned by the Council in trust.

The Council’s Solicitor who had prepared the legal appraisal presented the report and stated that in disposing of land the trustees had to comply with Section 120 of the Charities Act 2011 which stated that where the proposed disposition is the granting of a lease for a term ending not more than seven years after it is granted that the charity trustees must, before entering into an agreement for the lease:

- (a) *obtain and consider the advice on the proposed disposition of a person who is reasonably believed by the trustees to have the requisite ability and practical experience to provide them with competent advice on the proposed disposition, and*
- (b) *decide that they are satisfied, having considered that person’s advice, that the terms on which the disposition is proposed to be made are the best*

that can reasonably be obtained for the charity.

He introduced Simon Hicks, of the Council's Estate and Property Service to be such a person as referred to in (a) and (b) above, and informed Members that he had been a Chartered Surveyor since 1990.

He also outlined the tendering process which had considered three bids, from which Bradford Organics Composting Service had been chosen as the preferred lease holder for Wibsey Community Garden. In response to a Member's query, he clarified, with reference to paragraph 4 ix) of the report, that the organisation had recently changed its name from Bradford Organics Composting Service to Bradford Organic Communities Service Limited and that, if approved, the lease would be granted accordingly.

In response to a Member's question it was explained that 'advowson' (as referred to in paragraph six of the report) meant the right of nomination or presentation to an ecclesiastical benefice.

A discussion took place about the tendering process during which it was explained that the lease had not been advertised but seven interested parties, which were all local community organisations or those with links to the local area, had been invited to tender and three bids had subsequently been received. The Council's Solicitor stated that Ward Councillors had been involved in the selection of the seven invitees to tender and the assessment of the applications received.

In response to a Member's question, the Council's Solicitor informed Members that the heads of terms, as outlined in paragraph 2.5 of the report, included a peppercorn rent for the first five years to allow the organisation a guaranteed period of time without incurring rent to develop its income streams and re-invest the income in its projects.

Resolved –

- (1) That the person who has provided the advice is believed by the Trustees to have the requisite ability and experience to provide competent advice on the proposed disposition.**
- (2) That the terms of the proposed lease are the best that can reasonably be obtained for the charity.**

ACTION: Strategic Director, Corporate Resources

Chair

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

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