

Agenda for a meeting of the Regulatory and Appeals Committee (sitting as Trustees) to be held on Thursday, 5 March 2020 at 1330, 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 AND INDEPENDENT GROUP
Warburton Wainwright Amran Watson	Ali Brown	Reid

Alternates:

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Azam Godwin S Hussain Lal	Ellis 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 0915 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: Yusuf Patel
Phone: 01274 434579
E-Mail: yusuf.patel@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.

(Yusuf Patel - 01274 434579)

B. BUSINESS ITEMS

4. MORTON WAR MEMORIAL INSTITUTE – THE BRITISH SCHOOL CHARITY 1 - 20

The Council is Trustee of the British School Charity property known as the Morton War Memorial Institute which is occupied by the Morton War Memorial Institute Charity. It is proposed that notice is served to enable the terms of occupation to be updated in writing, through negotiations for a lease

The Director of Corporate Resources will submit a report (**Document “AH”**) which seeks approval of the Council as Trustee to serve the relevant notice to terminate the current annual periodic tenancy where there is no written tenancy agreement in order to facilitate the negotiations for a new tenancy in writing. The negotiations will be carried out “subject to contract/lease” and “subject to approval of the Council as Trustee”.

Recommended –

That Option 2 is recommended to serve notice to terminate the current tenancy and negotiate terms with the Morton War Memorial Institute Charity, those terms to be considered by the Trustees prior to the granting of a new written lease.

(Nigel Gillatt Senior - 01274 434224)

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Report of the Director of Corporate Resources to the meeting of Regulatory and Appeals Committee to be held on 5th March 2020

AH

Subject:

Morton War Memorial Institute – The British School Charity

Summary statement:

The Council is Trustee of the British School Charity's property the Morton War Memorial Institute which is occupied by the Morton War Memorial Institute Charity

Joanne Hyde
Director of Corporate Resources

Portfolio:
Leader of the Council and Corporate

Report Contact: Nigel Gillatt Senior
Surveyor Research and Development
Phone: (01274) 434224
E-mail: nigel.gillatt2@bradford.gov.uk

1. SUMMARY

The Council is Trustee of the British School Charity property known as the Morton War Memorial Institute which is occupied by the Morton War Memorial Institute Charity. It is proposed that notice is served to enable the terms of occupation to be updated in writing, through negotiations for a lease .

2. BACKGROUND

The original front part of the building was erected in 1828 as a Methodist Chapel which was sold in 1846 for Conversion to a British School. The school ceased in 1872 and became vested in the Official Trustee of Charity Lands, to be managed by the Parish Council of Morton by means of a Charity Commission Scheme dated 30th April 1897.

After the First World War money was collected for a war memorial which was allocated to the building to become the Morton War Memorial Institute.

In 1929 the building was vested in Morton Parish Council (the Parish Council) by means of a Charity Commission Scheme dated 16th April 1929, which in 1938 became vested in Keighley Borough (the Corporation) and then City of Bradford Metropolitan District Council (the Council) on 1st April 1974.

3. OTHER CONSIDERATIONS

A memo dated 13th September 1949 from the Borough of Keighley's Treasurer's Department states that in 1938 the Parish Council resolved that the Morton Memorial Institute Charity are tenants free of annual rental with the Parish Council being responsible for insurance against fire. The tenancy was deemed to be yearly ending on the 31st March each year and could be determined by serving a yearly notice.

In 1949 the Morton Memorial Institute Charity requested as funds were limited that the Corporation should accept responsibility for repairs to the external wall, roofs and windows.

Currently there is no written tenancy agreement in place for Morton War Memorial Institute Charity's occupation and the Council has in the main been paying for external repairs and compliance checks and the Institute has undertaken internal repairs.

The Council does not directly deliver any services from the property and does not collect any income.

4. FINANCIAL & RESOURCE APPRAISAL

The Morton Memorial Institute currently costs the Council approximately £1,500 p.a. plus officer time in coordinating external repairs and compliance inspections.

A condition survey in 2019 highlighted £125,000 of back log maintenance which includes; the roof £29,000; the electrics £31,000; mechanical and engineering £27,000.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The Council is at risk as building owner for failure of the parts of the fabric that it currently takes responsibility for.

6. LEGAL APPRAISAL

The building is vested in the Council and is held on charitable trust. The purpose of this report is to seek approval of the Council as Trustee to serve the relevant notice to terminate the current annual periodic tenancy where there is no written tenancy agreement in order to facilitate the negotiations for a new tenancy in writing. The negotiations will be carried out “subject to contract/lease” and “subject to approval of the Council as Trustee”.

Having a written tenancy setting out the rights, responsibilities and obligations of the landlord and tenant is in both parties’ interests and provides certainty with regards to the duration of the tenancy with a fixed term which will also give the tenant security of tenure. A further report will be brought to the Council as Trustee for consideration following the new lease negotiations.

Any disposal (grant of a new lease) by the Council as Trustee will need to comply with the Charities Act 2011.

The Devolution of Title document is attached at Appendix 6.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

None

7.2 SUSTAINABILITY IMPLICATIONS

The building requires substantial funds to be spent on it to address the matters detailed above. Negotiations for a new tenancy may assist in clarifying which party will bear responsibility for undertaking these works.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

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

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

Option 1 is to leave the current occupation arrangement the same.

Option 2 is for the Trustees to grant consent to serve notice to determine the current tenancy on 31st March 2021. New terms will then be negotiated and brought back to the Trustees for their consideration prior to the grant of a written lease, which will include who will bear the repair and maintenance obligations.

10. RECOMMENDATIONS

Option 2 is recommended to serve notice to terminate the current tenancy and negotiate terms with the Morton War Memorial Institute Charity, those terms to be considered by the Trustees prior to the granting of a new written lease.

11. APPENDICES

Appendix 1 – Site Plan

Appendix 2 – Borough Treasurer's Department Keighley Memo dated 13th September 1949

Appendix 3 – Council letter to the Charities Commission dated 24th October 2002

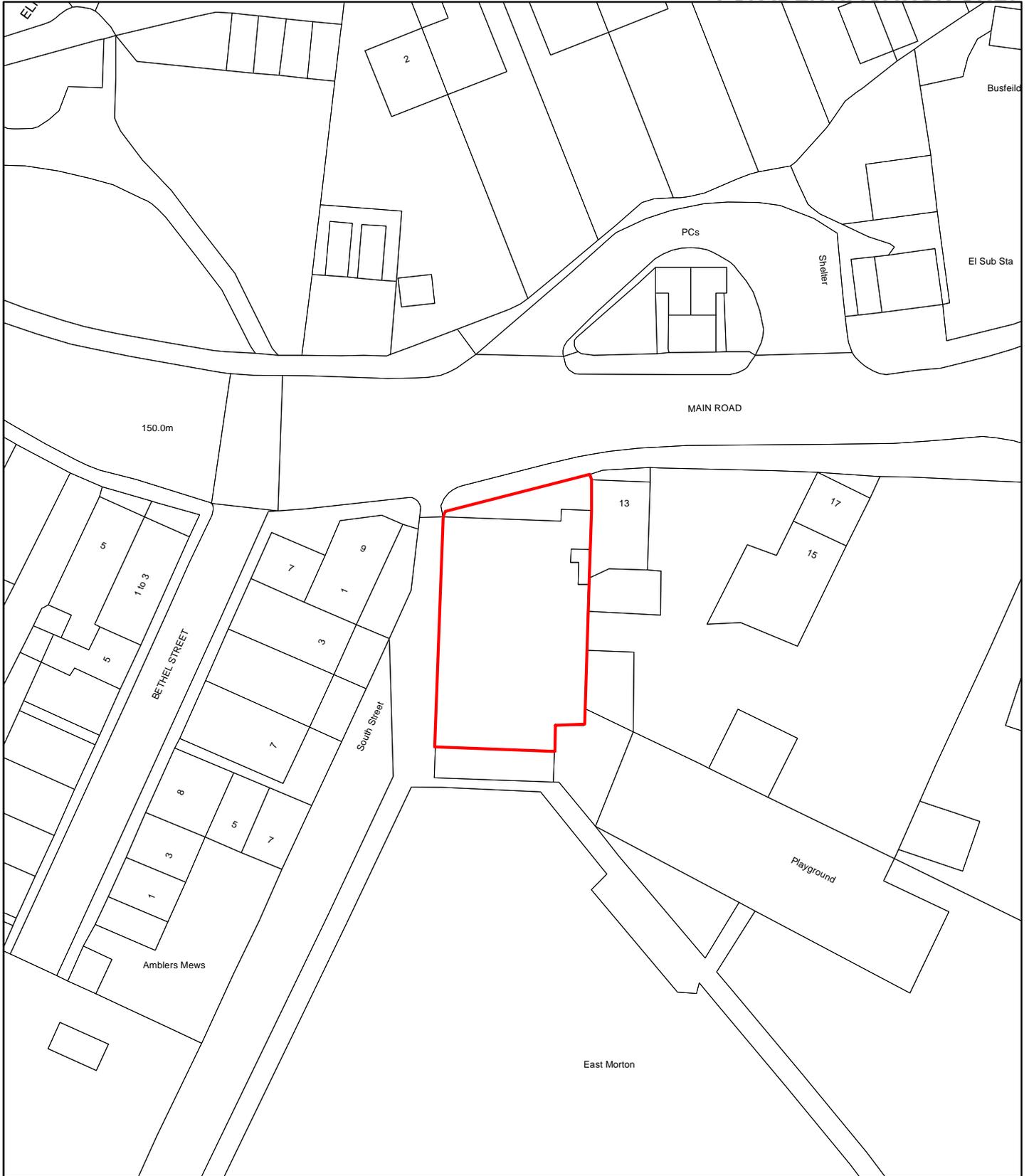
Appendix 4 – Charities Scheme 30th April 1897

Appendix 5 – Vesting in Parish Council of Morton 16th April 1929

12. BACKGROUND DOCUMENTS

- Background documents are documents relating to the subject matter of the report which disclose any facts or matters on which the report or an important part of the report is based, and have been relied on to a material extent in preparing the report. Published works are not included.
- All documents referred to in the report must be listed, including exempt documents.
- All documents used in the compilation of the report but not specifically referred to, must be listed.

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City of Bradford Metropolitan District Council

ESTATES and PROPERTY

www.bradford.gov.uk

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

<p>Crown Copyright; Reproduced from Ordnance Survey Mapping with permission from H.M.S.O. 0100019304 SE0941</p>	<p>Scale 1/500@A4</p>	<p>Date 14-02-2020</p>	<p>Plan No. DCB M-032-011 NSG</p>
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MORTON WAR MEMORIAL INSTITUTE.

The above property which was deemed to be Parish property on the extension of the Borough in 1938 was automatically transferred to the Corporation under the Review Order of 1938.

There are no deeds in the possession of the Corporation and an attempt has recently been made to trace the history of the building. It appears that the front portion was originally known as the British School and was built by the Nonconformists in opposition to the Church School. A Mr. Bartle who resides in the Parish can well remember attending this school over 75 years ago and paying 3d. a week for tuition; the Headmaster did not receive a salary but took the fees as payment for his services. Years later the school was discontinued and the building remained empty (except for casual user) until about 1920 when the Memorial Hall was built on to the back and the front portion was adapted for use as a Billiard Room and Club Rooms.

In November 1919 the Board of Education gave their consent to the proposed adaption and extension of the premises for the purpose of a Village Institute.

The Memorial Hall encroaches upon the Recreation Ground and consent for its erection was given by the Charity Commissioners. The cost of the Hall was met by public subscriptions and the Rules formulated on its opening provide that it should be Parish property.

In March 1920 the Parish Council resolved "That the Morton War Memorial Committee be permitted to take possession of the British School for reconstruction as a War Memorial Institute at their convenience and that they be empowered to dispose of the furniture etc. not required for the Institute to the best advantage."

In September 1922 the Parish Council resolved "That the Morton War Memorial Institute Committee be allowed to have the use of the building free of charge up to the end of March 1923 providing the Committee undertake responsibility for any expenses that may be incurred - including the Rates - and that there shall not be any call upon the rates for this object."

Extended to March 1924 on 5th April 1923.
Further extended from year to year until 1938.

The Parish Council insured the building against fire for £2,000.

On the 7th March 1929, it was reported to the Parish Council that the Charity Commissioners had made an Order vesting the Memorial Institute in the Parish Council.

In February 1938 the Parish Council resolved "That the Clerk place on record the fact that the Morton Institute Committee are tenants of the British School, Morton from the Parish Council free of annual rent, the Parish Council being responsible for the insurance against fire; the tenancy being a yearly one expiring on the 31st March in each year and that a yearly notice expiring on any 31st March is necessary to determine the tenancy."

And on 29th March 1938 "That the Clerk place on record the fact that the furnishings of the War Memorial Institute shall be and the same are hereby vested in the Committee of the Morton Institute for the time being and may not be disposed of or otherwise dealt with except with their consent."

All these arrangements have been made by resolution and at no time has any legal agreement been prepared.

The position in 1938 is clear, namely (1) That the old British School and the War Memorial Institute were Parish property occupied rent free by the Institute Committee, (2) That the Institute Committee were responsible for all expenses other than fire insurance, and (3) That the furnishings etc. were the property of the Institute Committee.

This arrangement has continued up to the present but the Institute Committee now feel that there should be an agreement which would guarantee to them the continuation of the tenancy rent free, that they should continue to have the power to sub-let the Hall and to retain the charges for its use, that they should be responsible for internal repairs, rates, heating and cleaning and that their ownership of the furniture and fittings should be acknowledged by the Corporation.

They also request that as the building is now Corporation property and the funds of the Institute Committee are limited the Corporation should accept responsibility for repairs to the external walls, roofs and windows.

Borough Treasurer's Department,
Keighley.

13th September, 1949.

Legal Services

City Hall
Bradford
West Yorkshire BD1 1HY
DX11758 BRADFORD-1

Head of Legal Services:
Susan Betteridge, Solicitor

Tel: 01274 432203
Fax: 01274 434242
My ref: LEG/ARK/SLH/00285
Contact: Mr A R Kilner
E-mail: tony.kilner@bradford.gov.uk
Website: www.bradford.gov.uk
Your ref:

24 October 2002



INVESTOR IN PEOPLE



Mr S Joshua
The Charity Commission for England and Wales
2nd Floor
20 Kings Parade
Queens Dock
Liverpool
L3 4DQ

Dear Mr Joshua

RE: BRITISH SCHOOL CHARITY - REGISTERED NUMBER 529497

Thank you for your letter of 11 October 2002 with the enclosed information. I have now been able to locate the property of the charity and the title deeds and have returned the register check form in relation to this charity.

The Council, as trustee, would appear to have had no direct involvement in relation to the building for many years. It would appear that the Morton War Memorial Institute Charity, Registered Number 504751, occupies the building. This charity appears to have been in occupation of the building since its registration in 1975 and, as far as I can see, for several years prior to that date.

There would not appear to be any document evidencing any agreement between the two charities as to the use and occupation of the building. For all practical purposes the Council appears merely to be a custodian trustee of the building.

There would be some logic in the two charities being joined as one and I would be grateful for any comments you may have as to how this might be effected, assuming the Morton War Memorial Institute Charity is prepared to agree. I have not approached the correspondent of this charity, as yet, as it would seem to be appropriate to receive your comments first. The sensible way forward would be for a scheme transferring the property to the Morton War Memorial Institute Charity trustees (or the official custodian) for the purposes of that charity and the termination of the British School Charity.

As far as I can clarify from the contents of the deed packet in relation to the building, the following is a brief history.

The building was erected in about 1828 as a Methodist Chapel and in 1846 was sold for conversion to a British School. The purchases held the property upon trust "to use the building for a school for the education of children and adults, or children only, of the labouring, manufacturing and other poorer classes in the township of Morton and neighbourhood". The school ceased to be used as such in 1872 and in 1897 the property

became vested in the Official Trustee of Charity Lands as per the copy scheme you forwarded to me.

After the First World War money collected for a war memorial in the village was allocated to the building and it became known as the Morton War Memorial Institute.

In 1929 the building was vested in Morton Parish Council by a scheme sealed on 16 April 1929. I attach a copy of this scheme.

Under various local government reorganisations, Morton Parish Council became part of Keighley Borough in 1938 and this Council in 1974.

It would appear that there was some agreement in the early 1970's between Keighley Corporation and the Institute Committee whereby the committee would continue to manage and run the institute.

It would appear that the Morton War Memorial Institute agreed rules in 1975 which resulted in that body becoming registered as a charity in December 1975.

I look forward to hearing from you as to how the British School Charity might be regularised for the future.

Yours sincerely



A R Kilner
Corporate Governance Lawyer and Deputy Monitoring Officer

Enc

(BritishScholL02)

Sealed 30th April 1897.

1346
97.

County—YORK, W.R.
Parish—BINGLEY.
Township—MORTON.
Charity—British School.

C.
65,772.

Stamps { 10s.
10s.

Scheme, including—
Appointment of Trustees, and
Vesting in Official Trustees of
Charity Lands.



CHARITY COMMISSION.

In the Matter of the Charity called or known as The BRITISH SCHOOL, in the Township of MORTON, in the Parish of BINGLEY, in the West Riding of the County of YORK, founded by Indenture dated 12th August 1846; and

In the Matter of "The Charitable Trusts Acts, 1853 to 1894."

The Board of Charity Commissioners for England and Wales, upon an application made to them on the 2nd March 1896, in writing, signed by

JOHN BROADLEY GREENWOOD, of Park House, Bedale, in the County of York, Gentleman;

the Trustee of the above-mentioned Charity :

And it appearing that the endowment of the Charity consists of the particulars mentioned in the Schedule to the subjoined Scheme :

And after due notice of the intention to make this Order published according to the direction of the said Board being affixed to or near a principal outer door of the buildings belonging to the above-mentioned Charity on the 2nd February 1897, and by advertisement in the newspaper called "The Herald" on the 5th February 1897, and in the newspaper called "The Keighley News" on the 6th February 1897 (being in each case more than one calendar month previously to the date hereof):

And having received no notice of any objection to the proposed Order or suggestion for the variation thereof:

Do hereby Order as follows:—

The subjoined Scheme is approved and established as the Scheme for the future regulation of the Charity.

SCHEME.

Administration of
Charity.

1. From and after the day on which this Scheme is approved and established by an Order of the Charity Commissioners, the above-mentioned Charity and the endowment thereof specified in the Schedule hereto, and all other the endowment (if any) of the said Charity, shall be administered and managed by the Parish Council of Morton as the Trustees thereof, subject to and in conformity with the provisions of this Scheme.

Vesting of real
estate.

2. Any freehold or leasehold lands and hereditaments comprised in this Scheme are hereby vested in "The Official Trustee of Charity Lands" for all the estate and interest therein belonging to or held in trust for the Charity.

Investment of
cash.

3. All sums of cash now or at any time belonging to the Charity and not needed for immediate working purposes shall (unless otherwise ordered) as soon as possible be invested, under the authority of a further Order of the Charity Commissioners, in the name of "The Official Trustees of Charitable Funds."

Use of building.

4. The Parish Council may permit the building belonging to the Charity to be used either free of charge or in consideration of the payment of such sums as they think fit, for lectures or evening classes or other like educational purposes, and in so far as not required for such purposes, and without interference therewith, for any general parochial purposes, for the benefit of the inhabitants of the Township of Morton.

5. Any sums received by the Parish Council under the provisions ^{Repairs.} of the foregoing clause shall be applicable for the repair of the property of the ^{ity. L. Parish}

SCHEDULE OF PROPERTY.

A piece of land with a messuage thereon, formerly used as a school, containing 204 square yards or thereabouts, situate in the Township of Morton.

Sealed by Order of the Board this 30th day of
April 1897.

L.S.

LONDON: Printed by EYRE and SPOTTISWOODS,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

1897.

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Sealed 16th April 1929.

County - YORK, W.R.
Parish - BINGLEY.
Township - MORTON.
Charity - BRITISH SCHOOL.

1534
29

C.
108,868.



Stamp 10s.

Order for -
Devesting from Official
Trustee of Charity Lands, and
Vesting in Parish Council of
Morton.

CHARITY COMMISSION.

In the Matter of the Charity called or known as the BRITISH SCHOOL, in the Township of MORTON, in the Parish of BINGLEY, in the West Riding of the County of YORK, regulated by a Scheme of the Charity Commissioners of the 30th April 1897; and
In the Matter of "The Charitable Trusts Acts, 1853 to 1925."

THE BOARD OF CHARITY COMMISSIONERS FOR ENGLAND AND WALES, upon an application made to them by the Parish Council of Morton, on the 11th December 1928, in writing, under the hands of

HERBERT WALDINGTON, the Chairman of the said Council; and
JAMES SMITH, and
ROBERT TAYLOR, Members of the said Council:

AND it appearing that the said Council are the Trustees of the above-mentioned Charity:

DO HEREBY ORDER as follows:-

All lands and hereditaments belonging to the Charity and now vested in "The Official Trustee of Charity Lands" are hereby divested from the said Official Trustee and the same shall forthwith vest in the said Council for all the estate and interest therein belonging to or held in trust for the Charity.

Sealed by Order of the Board this 16th day
of April 1929.



H. D. Sturdy

SECRETARY.

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DEVOLUTION OF TITLE – BRADFORD COUNCIL AND PREDECESSOR AUTHORITIES

From past experience we believe that the devolution of title is well known to the Land Registry. However, the following is a brief outline of the most common situations.

1. The title of City of Bradford Metropolitan District Council was originally City of Bradford Metropolitan Council omitting the word "District" and the name change was adopted by a resolution of the full council dated 16 July 1996.
2. Property held by the old Bradford Corporation for "general" purposes vested in CBMC on 1 April 1974, by regulations under the Local Government Act 1972.
3. Likewise, property held by the former authorities for the outlying districts for "general" purposes vested in CBMC by regulations under the 1972 Act. The authorities in question were Keighley Borough Council, part of the Skipton Rural District Council, and the urban district councils of Baildon, Bingley, Denholme, Ilkley, Queensbury, Shipley and Silsden.
4. Property within the Bradford district held by former authorities for the purpose of highways vested in West Yorkshire County Council by regulations under the 1972 Act. Any such property held by WYCC at the time of its abolition vested in CBMC on 1 April 1986, by regulations under the Local Government Act 1985
5. Property originally acquired by school boards in the late nineteenth and early twentieth centuries vested with the education authority for the time being. In the case of schools within the old city of Bradford this was Bradford Corporation under the Education Act 1902 and subsequently CBMC under the 1972 Act (see above). However, as a result of successive education statutes, schools in the outlying districts vested initially with the local school board, then the district council, then the West Riding County Council, and finally CBMC pursuant to the 1972 Act.
6. As a result of piecemeal local government reforms in the 1930's the former Haworth, Oxenhope and Oakworth Urban District Councils and the Keighley Rural District Council were abolished and their assets vested in Keighley Borough Council. Likewise the Burley UDC was abolished and its assets vested in Ilkley UDC. Keighley and Ilkley Councils were in turn abolished and their assets vested in CBMC under the 1972 Act, see above.

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