

Agenda for a meeting of the Regulatory and Appeals Committee (Sitting as Trustees) to be held remotely on Thursday, 11 March 2021 at 2.00 pm

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton Wainwright Amran Kamran Hussain	Ali Pennington	Reid

Alternates:

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Azam Godwin S Hussain Lal	Brown	R Ahmed

Notes:

- Please note that, under the current circumstances only Members and Alternates on the Committee will receive paper copies of the agenda, however the agenda and reports can be viewed on the Councils agenda and minutes website five clear working days in advance of the meeting.
- The meeting will be held remotely, Members, officers and interested parties in advance of the meeting will be sent via email, instructions and a link on how to join the meeting remotely. **However any interested parties are strongly advised to submit their representations in writing, by the deadline set out below**, in the first instance in case technical issues are encountered on the day of the meeting. If interested parties are unable to make representations remotely due to a technical issue, then the Committee will refer to their written representation (**they will not be read out**). **ANY REPRESENTATIONS SUBMITTED AFTER THE DEADLINE DATE SET OUT BELOW WILL NOT BE CONSIDERED.**
- A webcast of the meeting will be available to view live on the Council's website at <https://bradford.public-i.tv/core/portal/home> and later as a recording.
- Any **written** representations that interested parties may wish to make at the meeting itself in support of or objecting to an application or other business item should be made in writing to the Governance Officer by **midday on Tuesday 9 March 2021**. Please email your representations to the following officers: tracey.sugden@bradford.gov.uk and yusuf.patel@bradford.gov.uk
- **PLEASE ENSURE THAT YOUR WRITTEN SUBMISSION IS OF A LENGTH, THAT IF READ OUT, WOULD TAKE NO LONGER THAN 5 MINUTES, AND ANY**

ACCOMPANYING PHOTOGRAPHS/PLANS SHOULD NOT EXCEED FOUR. MULTIPLE SUBMISSIONS WILL NOT BE ACCEPTED OR CIRCULATED TO THE MEMBERS OF THE COMMITTEE. ANY LENGTHY DOCUMENTS WILL BE REFERRED TO THE PLANNING OFFICER TO SUMMARISE AT THE MEETING.

- Anyone wishing to **speak** to any of the applications at the meeting either as a Ward Councillor, applicant/agent or if you are in support or objecting to an application needs to email the above Governance Officers by **midday on Tuesday 9 March 2021**. **Please provide a telephone contact number**, together with the application details and explaining who will be speaking. You will then be advised on how you can participate in the remote meeting. Please note that any representations will be allowed 5 minutes only and this will have to be shared if there is more than a single speaker.
- Approximately 15 minutes before the start time of the meeting the Governance Officer will set up the electronic conference arrangements initially in private and bring into the conference facility the Members and officers so that any issues can be raised before the start of the meeting. The officers presenting the reports at the meeting and other interested parties will have been advised by the Governance Officer of their participation and will be brought into the electronic meeting at the appropriate time.
- Members should be on their own when attending remotely and ensure that any confidential papers are not visible via the technology used.

From:

Parveen Akhtar

City Solicitor

Agenda Contact: Tracey Sugden

Phone: 01274 434287

E-Mail: tracey.sugden@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.

(Tracey Sugden - 01274 434287)

B. BUSINESS ITEMS

4. MEMBERSHIP OF SUB-COMMITTEES

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Tracey Sugden – 01274 434287)

5. ROYD HOUSE TRUST - WILSDEN PARK

1 - 8

The Strategic Director, Place will present a report (**Document “BC”**) which asks the Committee to consider the grant of a Service Level Agreement passing the responsibility for the maintenance and management of land held within the Royd House Trust known as Wilsden Park to Wilsden Parish Council.

Recommended –

That the Trustees of Royd House Trust approve the grant of a Service Level Agreement to Wilsden Parish Council transferring the responsibility for the management and maintenance of the recreation ground.

(Nigel Gillatt – 01274 434224)

6. FIRTH LANE PLAYING FIELD, WILSDEN ALSO KNOWN AS WILSDEN RECREATION GROUND

9 - 16

The Strategic Director, Corporate Resources will present a report (**Document “BD”**) which asks the Committee to consider the grant of a Service Level Agreement passing the responsibility for the management and maintenance of the recreation ground to Wilsden Parish Council.

Recommended –

That the Trustees of the Firth Lane Recreation Ground approve the grant of a Service Level Agreement to Wilsden Parish Council making them responsible for the management and maintenance of the recreation ground.

(Nigel Gillatt – 01274 434224)

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

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Report of the Strategic Director, Corporate Resources to the meeting of Regulatory and Appeals Committee (sitting as Trustees) to be held on 11th March 2021

BC

Subject:

Royd House Trust - Wilsden Park

Summary statement:

Consider the grant of a Service Level Agreement passing the responsibility for the management and maintenance of land held within the Royd House Trust (Charity Number 700025) known as Wilsden Park to Wilsden Parish Council

EQUALITY & DIVERSITY:

There are no equality and diversity implications.

Joanne Hyde
Director of Corporate Resources

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

Portfolio:

Leader of Council and Corporate

Overview & Scrutiny Area:

**Regeneration and Environment Overview
and Scrutiny Committee**

1. SUMMARY

This report seeks the Trustees approval to the grant of a Service Level Agreement to Wilsden Parish Council who will become responsible for the upkeep and management of land held with Rotd House Trust known as Wilsden Park shown edged red on plan number Plan 71 attached in Appendix 1.

2. BACKGROUND

In a conveyance dated 20th December 1919 between Fred Ambler, George Ambler & others and Bingley Urban District Council the Council covenanted:

“To hold the same unto and to the use of the Council their successors and assigns in fee simple for the perpetual use thereof by the public for the purposes of recreation rest and pleasure”

City of Bradford Metropolitan Council became Bingley Urban District Council’s successors on 1st April 1974.

3. OTHER CONSIDERATIONS

The proposed Service Level Agreement does not change the Trustees responsibility to ensure the use of the land recreation rest and leisure (as a park).

A Service Level Agreement will pass the responsibility for the management and maintenance of the park and its surrounds to the Parish Council who have requested that they be able to take on this role in the short term whilst the possibility of being transferred the freehold or a long leasehold interest in the land is considered. This report however only considers the grant of a Service Level Agreement.

The park contains children’s play equipment, a multi-use games area and a bowling green, the management and maintenance of which will pass to the Parish Council.

The area to be maintained excludes Royd House WYK210726 which has been sold and Wilsden Village Hall WYK210726 and WYK239202 which is leased to the Wilsden Village Hall (Charity No.1154371).

4. FINANCIAL & RESOURCE APPRAISAL

The Trustees Royd House Trust has funds from the previous sale of Royd House which it distributes by grant. Regulatory and Appeals Committee last considered awarding grants on 9th March 2017 when it awarded funds to the Scouts and Harden Village Hall at that time £6,173.65 of funds remained. The granting of a Service Level Agreement will not affect the future award of funds.

The park is currently maintained by City of Bradford Metropolitan Council whom has agreed to pay a fee of £5,000 (five thousand Pounds) per annum to Wilsden Parish Council to maintain all of the Park and all the other open space in Wilsden.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no significant risks arising out of the implementation of the proposed recommendations.

6. LEGAL APPRAISAL (RW)

A disposal by way of the grant of a new lease for more than 7 years by the Council as Corporate Trustee will need to comply with the Charities Act 2011. Such a disposal of charitable property requires a surveyor's report which has to be prepared in accordance with The Charities (Qualified Surveyors' Reports) Regulations 1992.

Section 120 Charities Act 2011 states:-

120 Requirements for leases which are for 7 years or less etc.

(1) Subsection (2) applies where the proposed disposition is the granting of a lease for a term ending not more than 7 years after it is granted (other than one granted wholly or partly in consideration of a fine).

(2) The requirements mentioned in section 117(2)(b) are 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.

The circumstances and advice as set out in this report by its author is sufficient to resolve to grant a Service Level Agreement as recommended.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no environmental implications.

7.3 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications.

7.4 HUMAN RIGHTS ACT

A right to a private and family life including recreational pursuits

7.5 TRADE UNION

There are no Trade union implications.

7.6 WARD IMPLICATIONS

There are no Ward implications.

7.7 IMPLICATIONS FOR CORPORATE PARENTING

There are no implications for Corporate Parenting.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no issues arising from privacy.

8. NOT FOR PUBLICATION DOCUMENTS

There are no not for publication documents

9. OPTIONS

- a. There is no change to the current arrangement and the City of Bradford Metropolitan District Council retains the responsibility for the management and maintenance of the recreation ground.
- b. Wilsden Parish Council are granted a Service Level Agreement the full terms of which is to be agreed by the Director of Corporate Resources and the City solicitor in consultation with Parks and Green Spaces and Neighbourhoods..

10. RECOMMENDATIONS

It is recommended that the Trustees of Royd House Trust approve the grant of a Service Level Agreement to Wilsden Parish Council transferring the responsibility for the management and maintenance of the recreation ground.

11. APPENDICES

Appendix 1 – Plan Number 71 showing Wilsden Park.

12. BACKGROUND DOCUMENTS

Official copy of Register WYK832745.

Official copy of Title (Plan) WYK832745

Conveyance dated 20th December 1919 made between Fred Ambler and George Saville Ambler and others and the Bingley Urban District Council.

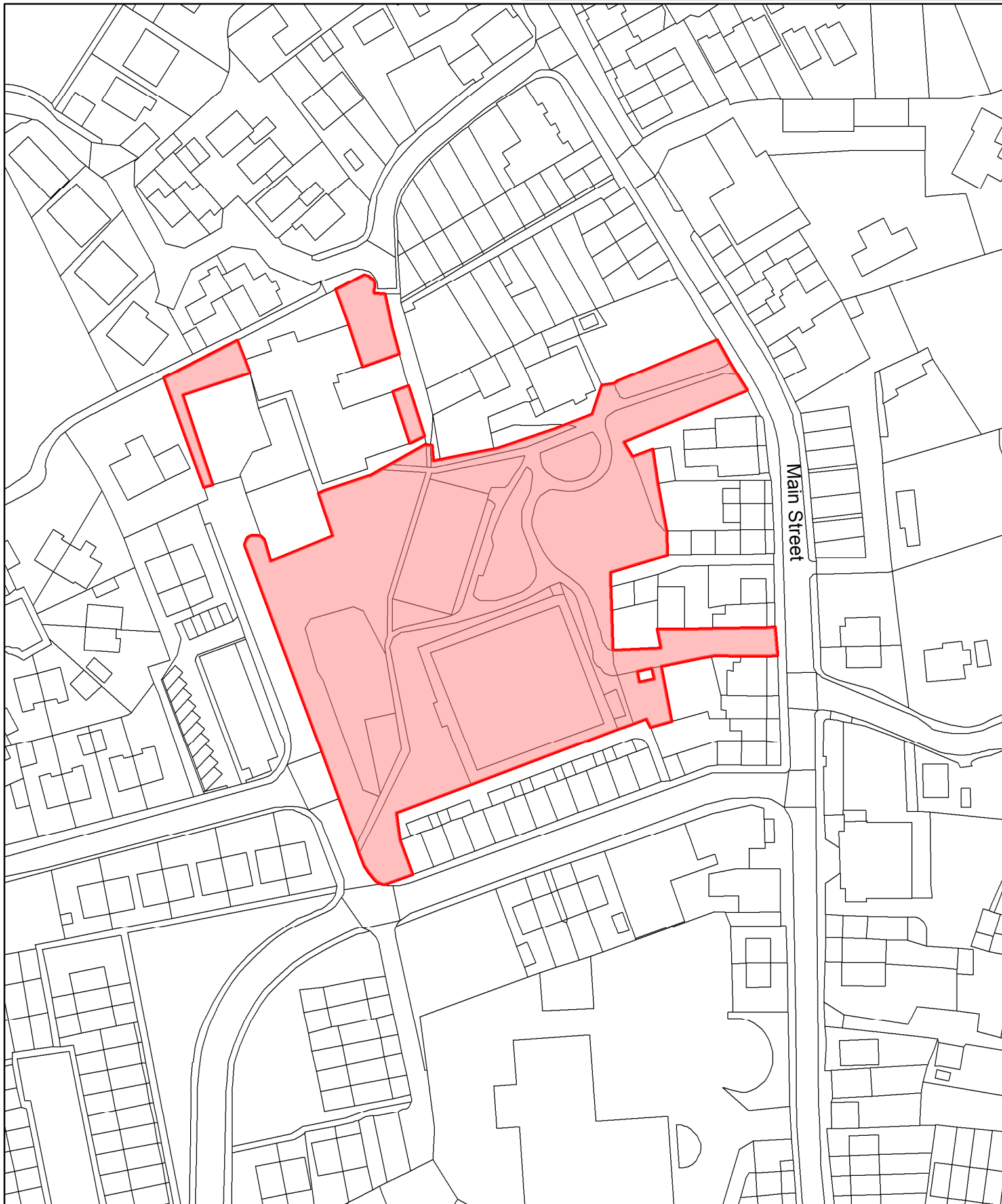
Devolution of Title – Bradford Council and Predecessor Authorities.


Official copy of Register and Title WYK720952 – Royd House.

Official copy of Register and Title WYK210726 and WYK239202 –Wilsden

Regulatory and Appeals Committee (sitting as Trustees) report 9th March 2017, Royd House Trust Wilsden – Distribution of Capital Interest.

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SE0936
Scale at A4
1:1,250
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Plan Number: 71
Version: 4
Officer: ADH
Date: 25/02/2021
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Page 7


Corporate Resources
Estates & Property
1st Floor Argus Chambers

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Report of the Strategic Director, Corporate Resources to the meeting of Regulatory and Appeals Committee (sitting as Trustees) to be held on 11th March 2021

BD

Subject:

Firth Lane Playing Field Wilsden (Charity Number 700621) also known as Wilsden Recreation Ground

Summary statement:

Consider the grant of a Service Level Agreement passing the responsibility for the management and maintenance of the recreation ground to Wilsden Parish Council

EQUALITY & DIVERSITY:

There are no equality and diversity implications.

Joanne Hyde
Director of Corporate Resources

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

Portfolio:

Leader of Council and Corporate

Overview & Scrutiny Area:

**Regeneration and Environment Overview
and Scrutiny Committee**

1. SUMMARY

This report seeks the Trustees approval to the grant of a Service Level Agreement to Wilsden Parish Council who will become responsible for the upkeep and management of Firth Lane Recreation Ground also know as Wilsden Recreation Ground shown edged red on plan number F-020-004 attached in Appendix 1.

2. BACKGROUND

In a Memorandum of Agreement dated 9th March between Maud Brigg and Bingley Urban District Council I was agreed that the land know as Firth Lane Recreation Ground be used as a recreation ground and playing field.

Maud Brigg gifted the freehold of the land to Bingley Urban District Council on 18th May 1928:

“To hold unto the Council in fee simple upon Trust to permit the same to be used as playing field by persons living in the Parish of Wilsden subject to any Byelaws for the regulation thereof for time being in force”.

3. OTHER CONSIDERATIONS

The proposed Service Level Agreement does not change the Trustees responsibility to ensure its use as a recreation ground and playing field.

A Service Level Agreement will pass the responsibility for the management and maintenance of the park and its surrounds to the Parish Council who have requested that they be able to take on this role in the short term whilst the possibility of being transferred the freehold or a long leasehold interest in the land is considered. This report however only considers the grant of a Service Level Agreement.

4. FINANCIAL & RESOURCE APPRAISAL

The Trustees of Firth Lane Recreation Ground do not have any funds. The recreation ground is currently maintained by City of Bradford Metropolitan Council whom has agreed to pay a fee of £5,000 (five thousand Pounds) per annum to Wilsden Parish Council to maintain all of the open space in Wilsden.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no significant risks arising out of the implementation of the proposed recommendations.

6. LEGAL APPRAISAL (RW)

A disposal by way of the grant of a new lease for more than 7 years by the Council as Corporate Trustee will need to comply with the Charities Act 2011. Such a disposal of

charitable property requires a surveyor's report which has to be prepared in accordance with The Charities (Qualified Surveyors' Reports) Regulations 1992.

Section 120 Charities Act 2011 states:-

120 Requirements for leases which are for 7 years or less etc.

(1) Subsection (2) applies where the proposed disposition is the granting of a lease for a term ending not more than 7 years after it is granted (other than one granted wholly or partly in consideration of a fine).

(2) The requirements mentioned in section 117(2)(b) are 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.

The circumstances and advice as set out in this report by its author is sufficient to resolve to grant a Service Level Agreement as recommended.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no environmental implications.

7.3 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications.

7.4 HUMAN RIGHTS ACT

There are no Human Rights Act implications.

7.5 TRADE UNION

There are no Trade union implications.

7.6 WARD IMPLICATIONS

There are no Ward implications.

7.7 IMPLICATIONS FOR CORPORATE PARENTING

There are no implications for Corporate Parenting.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no issues arising from privacy.

8. NOT FOR PUBLICATION DOCUMENTS

There are no not for publication documents

9. OPTIONS

- a. There are no change to the current arrangement and the City of Bradford Metropolitan District Council retains the responsibility for the management and maintenance of the recreation ground.
- b. Wilsden Parish Council are granted a Service Level Agreement the full terms of which is to be agreed by the Director of Corporate Resources and the City solicitor in consultation with Parks and Green Spaces and Neighbourhoods..

10. RECOMMENDATIONS

It is recommended that the Trustees of Firth Lane Recreation Ground approve the grant of a Service Level Agreement to Wilsden Parish Council making them responsible for the management and maintenance of the recreation ground.

11. APPENDICES

Appendix 1 – Plan Number F-020-004 showing Firth Street Recreation Ground.

12. BACKGROUND DOCUMENTS

Memorandum of Agreement dated 9th March 1928 between Maud Brigg and the Urban District Council of Bingley.

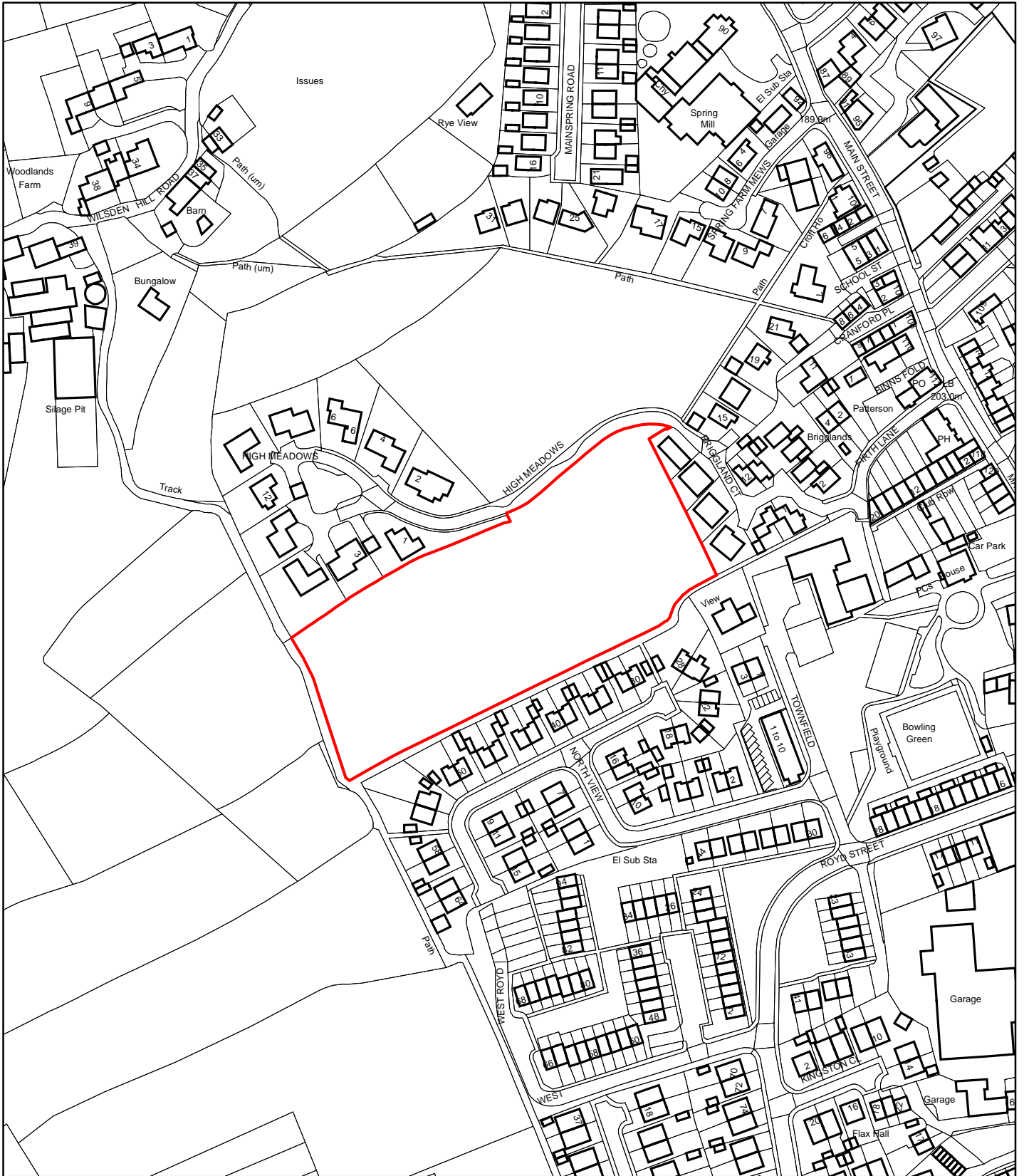
Deed of Gift dated 18th May 1029 from Maud Brigg to the Urban District Council of Bingley.

Completion Registration WYK832604.

Official Copy of Register of Title WYK832604.

Devolution of Title – Bradford Council and Predecessor Authorities.

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City of Bradford Metropolitan District Council

ESTATES and PROPERTY

www.bradford.gov.uk

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

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0100019304 SE0936

Scale
1/2500@A4

Date
26-06-2017

Plan No.
DCB F-020-004

NSG



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