

Agenda for a meeting of the Regulatory and Appeals Committee (Meeting as Trustees) to be held on Thursday, 30 November 2023 at 10.15 am or on the rising of the earlier meeting of the Committee whichever is the later, in the Council Chamber - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Shafiq Alipoor Mullaney	Brown Sullivan	Edwards

Alternates:

LABOUR	CONSERVATIVE	GREEN
Engel I Hussain S Hussain Lal	Pollard Glentworth	Love

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.

From:

Asif Ibrahim

Director of Legal and Governance

Agenda Contact: Yusuf Patel

Phone: 07970 411923/07970 411623

E-Mail: yusuf.patel@bradford.gov.uk/jane.lythgow@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The Director of Legal and Governance 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 must consider their interests, and act according to the following:*

Type of Interest	You must:
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest; not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being (a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and (b) a reasonable member of the public knowing all the facts would believe that</i>

it would affect your view of the wider public interest; in which case speak on the item only if the public are also allowed to speak but otherwise do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *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.*
- (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 – 07970 411923 / Jane Lythgow 07970 411623)

B. BUSINESS ITEMS

4. THE 1887 ALFRED SHARP BINGLEY EDUCATIONAL TRUST AND THE ALLOCATION OF FUNDING FOR EDUCATIONAL PURPOSES 1 - 8

The Assistant Director of Neighbourhoods and Community will submit a report (**Document “F”**) which provides an update on the process and allocation of funding from the Alfred Sharp 1887 grants to schools and groups within the designated area in Bingley. The 1887 Alfred Sharp Bingley Educational Trust subcommittee have allocated £80,104.25 of the £220,000 available funds to local schools and community organisations. This report provides updated information on projects that have received grant funding through this process.

Recommended –

That members note and acknowledge the updates provided in Document “F”.

(Marcia Churley - 01274 437146)

5. WIBSEY PARK COMMUNITY GARDEN 9 - 16

The Strategic Director Place will submit a report (**Document “G”**) which request the agreement of Regulatory and Appeals Committee, as Trustees of the Wibsey Park Registered Charity (1042146), to issue a new 20 year lease for Wibsey Park Community Garden (ARN 53828) with Bradford Organics Communities Service (BOCS) to enable them to secure external grant funding.

Recommended –

It is recommended that the Committee as Trustees approve a new 20 year lease being issued to BOCS subject to the process set out in 6.1 to Document “G”.

(Phil Barker - 01274 431301)



Report of the Assistant Director of Neighbourhoods and Community Services to the meeting of Regulatory and Appeals Committee to be held on 30th November 2023

F

Subject:

The 1887 Alfred Sharp Bingley Educational Trust and the allocation of funding for educational purposes.

Summary statement:

This report provides an update on the process and allocation of funding from the Alfred Sharp 1887 grants to schools and groups within the designated area in Bingley. The 1887 Alfred Sharp Bingley Educational Trust subcommittee have allocated £80,104.25 of the £220,000 available funds to local schools and community organisations. This report provides updated information on projects that have received grant funding through this process.

EQUALITY & DIVERSITY:

The allocation of funds from the Alfred Sharp 1887 Grant is designed to be inclusive and benefit all those who reside within the specified area in Bingley.

All grant applicants are advised of their duty to promote equality under the Equality Act 2010. All applicants need to ensure and demonstrate that services delivered through this process have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by or under the Equality Act 2010
- Reduce inequalities in educational attainment
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between people who share a relevant protected characteristic and persons who do not share it

Director
David Shepherd
Neighbourhoods and Community Service
Report Contact: Marcia Churley
Ward Officer
Phone: (01274) 437146
[E-mail: marcia.churley@bradford.gov.uk](mailto:marcia.churley@bradford.gov.uk)

Portfolio:

**Overview & Scrutiny Area:
Regulation and Appeals Committee**

1. SUMMARY

- 1.1 The 1887 Alfred Sharp Bingley Educational Trust subcommittee have allocated £80,104.25 of the £220,000 available funds to local schools and community organisations. This report provides updated information on projects that have received grant funding through this process.

2. BACKGROUND

- 2.1 The 1887 Alfred Sharp Bingley Educational Trust constitution states, the charity's objective is "to advance the education of children and adults in the former Bingley Improvement District in such ways as the charity trustees think fit, including by awarding financial grants to individuals and/or schools and other educational organisations in the area." The £220,000 fund is a one-off sum of money that expires once the grants have been awarded.
- 2.2 The process for allocating the funding was approved by the Regulations and Appeals Committee in December 2022. Six schools within the designated area were awarded £30,000 each that they could apply for as a lump sum or in stages. The remaining £40,000 has been ring fenced to a general discretionary fund that individuals, groups, or organisations can apply to.
- 2.3 Whilst a maximum allocation of £5000 was agreed for each application from the discretionary fund, enhanced consideration will be given where the applicant seeks to collaborate with other educational bodies/organisations within the" Bingley Ward Boundary."

3. OTHER CONSIDERATIONS

- 3.1 There are no other considerations in relation to this funding allocation.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 There are no financial issues arising from the awarding of this Trust Fund.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 There is no significant risk arising out of the awarding of this Trust Fund to local organisations.

6. LEGAL APPRAISAL

- 6.1 There are no legal issues arising from the awarding of the Trust Fund, who are being advised by the City Solicitor.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

- 7.1.1 There are no issues for sustainability from awarding of this Trust Fund.

7.2 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

7.2.1 There are no impacts on greenhouse gas emissions.

7.3 COMMUNITY SAFETY IMPLICATIONS

7.3.1 There are no community safety implications from the award of the Trust Fund.

7.4 HUMAN RIGHTS ACT

7.4.1 There are no implications for the Human Rights Act with the award of the Trust Fund.

7.5 TRADE UNION

7.5.1 There are no implications for Trade Unions.

7.6 WARD IMPLICATIONS

7.6.1 The Trust Fund is targeted at Bingley/ Bingley Rural Ward and will benefit organisations and educational institutions in this area.

7.7 AREA COMMITTEE LOCALITY PLAN IMPLICATIONS

7.7.1 Supports Shipley Wide Locality Plan – Strong and Active Communities

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

7.8.1 The award of the Trust Fund will directly benefit projects and initiatives for learning aimed at children and young people.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

7.9.1 There are no implications arising from privacy impact assessment. The method employed to distribute the Trust Fund will pay due regard to GDPR.

8. NOT FOR PUBLICATION DOCUMENTS

8.1 None

9. OPTIONS

9.1 None

10. RECOMMENDATIONS

10.1 That members note and acknowledge the updates provided in this report.

11. APPENDICES

11.1 Appendix A - List of schools and organisations who have been allocated grants from the Alfred Sharp 1887 funds.

11.2 Appendix B - Map detailing the former Bingley Improvement District

12.1 Background Documents

None

Appendix A

- Myrtle Park Primary School £30,000

Reading for Pleasure Project:

Myrtle Park Primary School has begun a journey to develop Reading for Pleasure in and across school. They want to give children the will and the skill to read, fostering desire and engagement. This has led them to rethink the way they behave at school in relation to reading.

Class Library Books: Each class needs the facility to be able to choose quality and exciting age-related reading material which the children can choose from to take home for them to read for pleasure.

Digital Strategy:

Every child will have their own access to an iPad so that they can carry out research 'in the moment' and be able to navigate new technologies effortlessly so being prepared for the world of future learning and work. They also use a program called Learn by Questions or LBQ which allows children to practice their skills across the curriculum, with instant marking and feedback and the teacher having all the analytics of where children may need more support.

The school has purchased 2 sets of iPads to date and will use the grant funding to purchase another 2 sets which will include charging cabinets.

- Trinity All Saints Primary School – Total Cost of the Project: £10,000

The school want to build an outdoor shelter that will allow children to access outdoor provision during the summer months.

Children are currently missing out on a required element of their education and learning and having a shelter would enrich the education the school provides. The initial benefit would be to 28 Early Years Foundation Stage (EYFS) pupils to start however every year group following would also be able to benefit from the project.

- Hazelbeck Primary School – Total cost of the project: £30,000

The funding requested is to create a new sensory room for students.

The sensory room will be designed to provide a safe and calming environment that stimulates the senses and supports the development of cognitive, social, and emotional skills. The room will feature a variety of sensory equipment, including interactive walls, tactile panels, lights, comfortable seating etc. In addition, they plan to purchase a range of sensory toys and materials that will be rotated periodically to maintain student engagement.

- Beckfoot Priestthorpe Primary School - Total Cost of Project: £ 8,034.25

A curriculum is planned that includes texts from diverse cultures and stories with strong female leads and a good mix of classic and new literature and authors.

The school feel that the children would benefit from being able to use whole texts as part of their Whole Class Reading this would stop class teachers from using shorter extracts on the board and allow children much wider literary experiences.

Each of these books is ordered as a set of 15 to allow children to have them one between two and us to be able to store them securely.

In addition, the pupils will engage in forest school sessions that will allow the children will work collaboratively on a series of games and activities, using the resources of the natural environment to develop teamwork, problem solving, social and communication skills.

Sessions will include activities like nature exploration, den building, tool work, wild art and a campfire. The qualified practitioner would work alongside staff members to help them develop ideas, skills and confidence in supporting forest schools. This will then allow the staff to be able to continue to run these sessions moving afterwards.

- Down syndrome Information Support Packs – Total cost of the Project: £2070

Early years support packs are created specifically for the needs of a young child with Downs Syndrome.

The packs ensure that the early years families have sufficient information and advice with them at home to help parents and children to continue their progress.

The information provided in the packs contain advice and home learning support for toileting, sign language, phrases, numicon, vocabulary and a pathway through education support booklet designed for children with downs syndrome. The packs ensure that there is vital additional support for parents to guide them through the intervention stages and are very expensive to purchase but are given to parents free of charge.

Applications Rejected

Bradford and Bingley Cricket Club - £5000

To build a new patio area, made up of a concrete base, railings, and disabled access. The patio will then be furnished with tables and chairs (that will be stored in the pavilion when not in use).

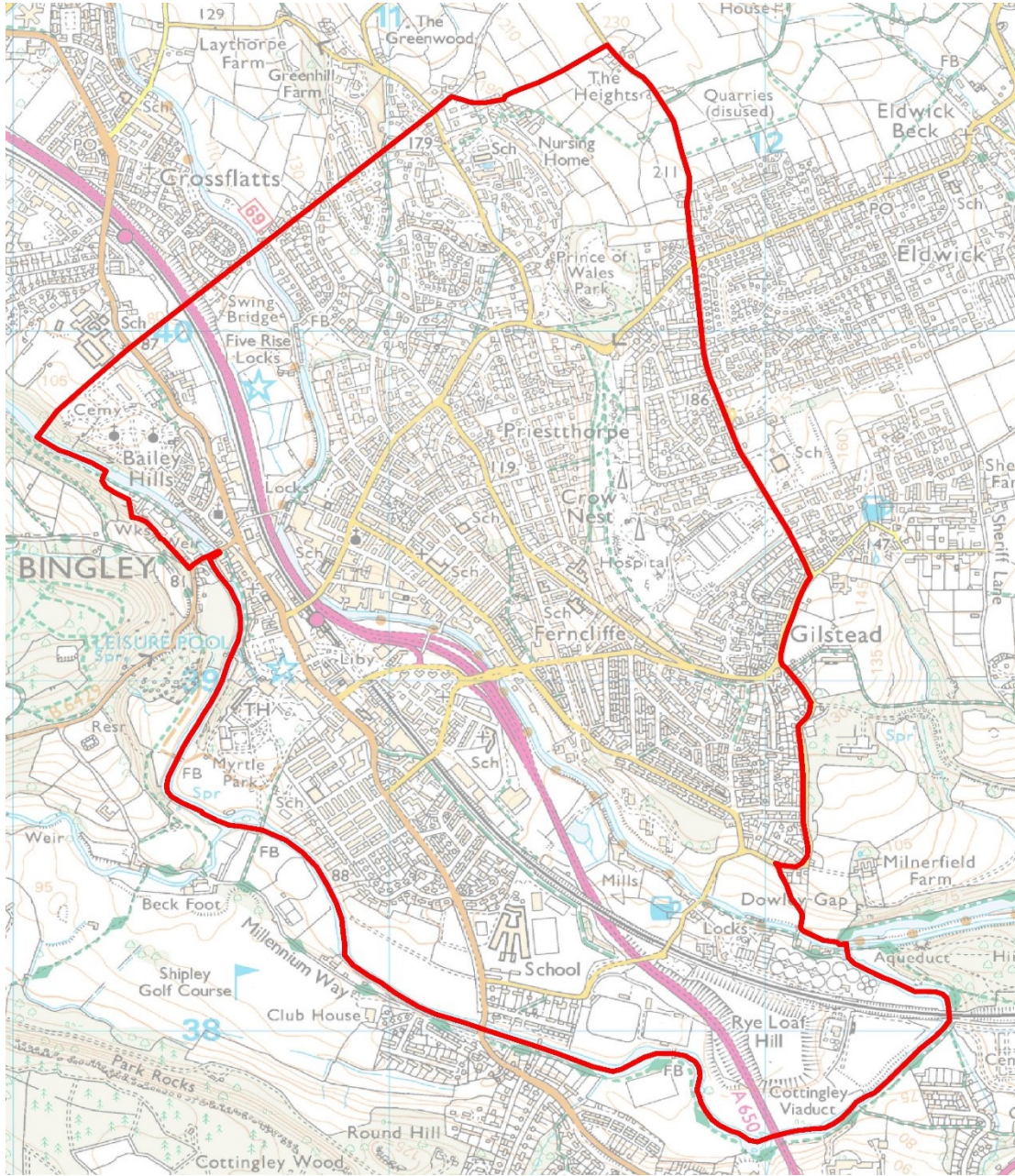
Bingley Congs Cricket Club - £5000

The club want to complete a refurbishment of the kitchen, eating and bar area in the club pavilion.

Myrtle Park Crown Green Bowling Club – £1748.17

The purchase of a defibrillator to attach to the bowling club wall.

Appendix B – Alfred Sharp Fund Boundary Map



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Report of the Strategic Director of Place to the meeting of Regulatory and Appeals Committee to be held on 30th November 2023

G

Subject:

Update the Regulatory and Appeals Committee, as Trustees, regarding the request received (30.5.22) from Bradford Organics Communities Service (BOCS) to extend their existing lease to enable them to secure external funding.

Summary statement:

This report requests The Committee, which has the delegated authority to act on behalf of the Council as Trustees in line with the Charity Commission guidance.

Following appraisal, by Officers, of the options available in terms of the request from BOCS, we hereby request the Trustees approve the issuing of a new 20-year lease to BOCS, having followed due process as set out by the Charities Act 2011.

EQUALITY & DIVERSITY:

This report supports the Bradford District Equality Objectives and Equality Plan 2021 - 2025 by :-

- Improving the way we work to help everyone
- Working better with our communities

David Shepherd
Strategic Director of Place

Portfolio: Health People & Places

Report Contact: Phil Barker
Phone: (01274) 431301
E-mail: phil.barker@bradford.gov.uk

Overview & Scrutiny Area:

Regulatory & Appeals Committee

1. SUMMARY

This report is to request the agreement of Regulatory and Appeals Committee, as Trustees of the Wibsey Park Registered Charity (1042146), to issue a new 20 year lease for Wibsey Park Community Garden (ARN 53828) with Bradford Organics Communities Service (BOCS) to enable them to secure external grant funding.

2. BACKGROUND

- 2.1 The Committee on 15th August 2019 granted a lease to BOCS which was dated 14th April 2020 and was for the period of 7 years therefore the current lease has 4 years remaining.
- 2.2 BOCS are requesting the lease be extended to 20 years to enable them to more easily apply and secure external funding, as the shortness of the lease is proving to be an obstacle, as the remaining term of the lease does not meet the funders criteria.
- 2.3 The request was first brought to the Trustees on 16th March 2023 to advise them of request received and how they would like it to be dealt with. The decision was "that the Assistant Director be authorised to appraise the options for amending the lease and request that a detailed progress report be provided to a meeting of the Trustees, one the appraisal has been completed"

3. OTHER CONSIDERATIONS

- 3.1 The Committee must consider the request in terms of what is in the best interests of the charity. Charity Commission Guidance advises that this means; "Acting in the charity's best interest's means always doing what the trustees decide will best enable the charity to carry out its purposes, both now and for the future."
- 3.2 The purposes of the Trust are; "**Recreation ground for the inhabitants of North Bierley and Neighbourhood**" and to be used for amateur sport for the general public and mankind and to provide buildings facilities and open space.
- 3.3 The location of the Community Garden is such that it does not impact on the level of provision for the local community to partake in recreation activities and ,at any time in the future, it could be brought back into the main park area as public open space.
- 3.4 The securing of grant funding is crucial to ensure the continuity of the Community Garden within Wibsey Park and being managed by BOCS.
- 3.5 The area of land is being properly managed and has no adverse impact on the park as an amenity or on the inhabitants of the local area.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The cost of the lease shall be recovered from BOCS or by Estates as originators of the first lease or by the recipients of the income. This must not be bourne by the charity as this is not in the best interest of the charity.

- 4.2 No other financial impact other than staff resources in dealing with this lease.
- 4.2 Additional maintenance costs will be applicable should the area be brought back into the main park area as public open space.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 The Committee must consider the request in terms of what is in the best interests of the charity. Charity Commission Guidance advises that this means; "Acting in the charity's best interest's means always doing what the trustees decide will best enable the charity to carry out its purposes, both now and for the future."

6. LEGAL APPRAISAL

- 6.1 The Councils Legal department have provided support in the appraisal of the options and provided the following statement: " Once the Trustees have been further briefed as per their request at the meeting on the 16 March and the preferred option sanctioned, subject to a designated adviser's report being prepared (solely on behalf of the charity) and thereafter the property advertised as charity land and public open space and any objections considered at that time, then it will be for the Trustees to consider, whether the proposal put forward is in the interests of the charity"
- 6.2 Under Section 6 of the Trustees of Land and Appointment of Trustees Act 1996, the Trustees have the powers of an absolute owner in relation to any land. This therefore includes the power to sell or otherwise dispose of an interest in the land. Section 8 provides that where, as in this case, land is subject to a Charitable Trust the power of disposal cannot be constrained by a provision in the original disposition.
- 6.2 As required by the Charities Act 2011 a written report will be obtained from a designated advisor acting exclusively for the trust. Subject to the Committee, acting as Trustee, being satisfied that the valuation represents the best price reasonably obtainable, consent of the Charity Commission will not be required if it chooses to approve the sale on those terms.
- 6.5 As required by the Charities Act 2011 and the Local Government Act 1972 notice off the proposed sale will have to be advertised in the local press.
- 6.6 The Committee as Trustee must consider the representations made and take them into account in reaching its decision.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

Not applicable

7.2 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

Not applicable

7.3 COMMUNITY SAFETY IMPLICATIONS

Not applicable

7.4 HUMAN RIGHTS ACT

Not applicable

7.5 TRADE UNION

Not applicable

7.6 WARD IMPLICATIONS

Not applicable

7.7 AREA COMMITTEE LOCALITY PLAN IMPLICATIONS

Not applicable

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

None

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

9.1 To approve the recommendation to issue a new 20 year lease to BOCS following due process as set out by the Charities Act 2011 and the Councils Legal advisor.

9.2 To refuse the issuing of a new lease.

10. RECOMMENDATIONS

Recommended -

It is recommended that the Committee as Trustees approve a new 20 year lease being issued to BOCS subject to the process set out in 6.1.

11. APPENDICES

A Appraisal of Options

B Legal Advice 16.6.23

12. BACKGROUND DOCUMENTS

A Previous Committee Decision 16.3.23

SUMMARY OF OPTIONS

1 To agree the extension of the lease from 7 years to 20 years.

- Legal Dept have written to Charity Commission to request if an 'extention' is possible. They have a 29 week response time.
- This delay is unfortunate in terms of BOCS securing external Lottery funding with a deadline of December 2023.
- Officers believe this would still require the same 'full' procedure as required when issuing a new lease due to the term of 20 years.

2 To agree to grant a new lease for 20 years.

- This requires the Council to follow due process set out by the Charities Act 2011 to secure a Designated Advisors report on the valuation of the land to be included in the lease and the advertising of the affective loss of public open space, to enable the Trustees to consider if the proposal is in the best interest of the charity.
- Officers could have delegated powers to decide if the report is satisfactory to save further reporting back to Trustees.
- Costs of securing the report and advert to be recovered from BOCS or from Estates as the originator of the first lease or the recipient of the income. This must not be bourne by the charity as this would not be in the interest of the charity.
- It ensures BOCS have the ability to apply and potentially secure external funding and therefore sustain their provision which is community based.
- The location of the Community Garden is such that, at any time in the future, it could be brought back into the main park area as public open space.
- The area of land is being properly managed and has no adverse impact on the park as an amenity or on the inhabitants of the local area.
- Saving on additional maintenance costs will be applicable should the area be brought back into the main park area as public open space.

3 To refuse the request and allow the existing lease to expire and at that time appraise the situation.

- This would run the risk of BOCS not being able to sustain itself until the end of the existing lease.
- Community and Political support for BOCS would mean a reputational risk to the Council / Trustees
- Situation is unlikely to have changed in the next 4 years and the process would have to be carried out then anyway.

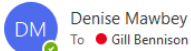
4 To refuse the request and allow the existing lease to expire and then bring the area back into the main park area as public open space.

- additional maintenance costs will be applicable.

- The Trustee / Council will retain overall control of the land.
- This would run the risk of BOCS not being able to sustain itself until the end of the existing lease.
- Community and Political support for BOCS would mean a reputational risk to the Council / Trustees
- Situation is unlikely to have changed in the next 4 years and the process would have to be carried out then anyway.

Appendix B

RE: Wibsey Park Nursery Lease with BOCS



Denise Mawbey
To Gill Bennison

Follow up. Start by 19 June 2023. Due by 19 June 2023.
You replied to this message on 19/06/2023 10:33.
This message was sent with High importance.
This message is part of a tracked conversation. [Click here to find all related messages or to open the original flagged message.](#)



[Reply](#) [Reply All](#) [Forward](#) [More](#)

Fri 16/06/2023 18:55

Good afternoon Gill,

Thank you for your email below of 15 June at 13.46 and note the contents thereof.

An extension of the 2020 Lease, by extending the term from 7 years to 20 years, will in fact automatically surrender the 2020 Lease and create a new lease for a term of 20 years. This means that the 2020 Lease would end and we would have a completely new lease for a term of 20 years.

Moreover, as the 2020 lease was contracted out of the Landlord and Tenant Act 1954, the new Lease will also need to be contracted out and the necessary warning notices served by the Council on the Tenant to this effect.

As the land is designated land the 2011 Charities Act will apply requiring the Council to give public notice of the proposed disposal as intimated in my attached note. I could, however, if this would assist, write to the Charity Commission for its view on the matter and I look forward to hearing from you should you wish me to take this course of action.

I await hearing from you.

Kind regards,

Denise Mawbey
Legal Officer
Property Commercial and Development

Mobile: 07582 102274
Room 301, 3rd Floor, City Hall, Bradford, BD1 1HY

City of Bradford Metropolitan District Council
Department of Corporate Resources

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