

# Report of the Strategic Director of Corporate Services to the meeting of the Regulatory & Appeals Committee to be held on Thursday 9<sup>th</sup> March 2017

# AL

---

## Subject:

Priesthorpe Annexe, Mornington Road, Bingley

## Summary statement:

Priesthorpe Annexe, Bingley is held by the Council as Trustees of the former Bingley Science Art & Technical School. The Committee's approval acting as Trustee is requested to the proposed disposal of the building.

---

Stuart McKinnon Evans  
Strategic Director of Corporate  
Services  
Report Contact: Belinda Gaynor,  
Commercial Estate Manager  
Phone: (01274) 434309  
E-mail: [Belinda.gaynor@bradford.gov.uk](mailto:Belinda.gaynor@bradford.gov.uk)

**Portfolio:**

**Overview & Scrutiny Area:**



## **1. SUMMARY**

1.1 Following recent further research into the Council's archives and title documents and having sought independent legal advice it is concluded that Priesthorpe Annexe, Bingley is held by the Council as Trustees of the former Bingley Science Arts and Technical School (the school).

1.2 The terms of the trust is set out by way of 'restrictions' in a conveyance dated the 23<sup>rd</sup> October 1889 between Alfred Sharp Esquire and the trustees of the will of James Sharp Esquire who conveyed the property to the trustees of 'the School'. The conveyance sets out various educational objectives of the trust. A conveyance of a second parcel of land ( blue land ) forming part of the current premises (see plan) is dated 29 September 1896 and made between (1) Elizabeth Sharp and Others and (2) The Trustees of 'the School'. This conveyance also contains restrictive covenants relating to the operation of the trust. The trust is not however registered with the Charity Commissioners (the commissioners) but it has now been found that the Commissioners did offer advice to the Council's Legal service on the interpretation of trust documents some 5 years ago.

1.3. The building has been empty since 2002 and is in a poor state of repair. The Council after considerable efforts have been unable to find a use for the building that would promote the educational objectives of the trust or a revenue budget to maintain it. Approval is sought for the sale of Priesthorpe Annexe and to apply the proceeds of sale after costs (and grant repayments) to further the educational objectives of the trust.

## **2. BACKGROUND**

2.1 It is believed following the conveyance to the trustees of 'the School' in the late 1800's the property vested in Bingley Urban District Council as former education authority and later in the West Riding County Council under the Education Acts. Finally the property became vested in the Council on 1<sup>st</sup> April 1974 by virtue of the Local Government Act 1972. The Councils ownership is as shown in its registered title and plan  
Shown at Appendix 1

2.2 Broadly speaking the 1889 conveyance implies that 'the school' (now known as the Priesthorpe Annexe) 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.

2.3 The building has largely stood empty since 2002 due to the Council being unable to identify a use for the property which complies with educational aims and objectives. The Council has insufficient funds to repair and maintain the building. Consequently, the property has fallen into significant disrepair and is now considered to be beyond economic and physical repair

2.3 A number of complaints have been received about the condition of Priesthorpe Annexe; officers are concerned that given the lack of resources the building will continue to deteriorate. To address this it is proposed that the Council dispose of the property and use the net sale proceeds to meet and support the aims of the Educational trust

### **3. OTHER CONSIDERATIONS**

3.1 The Council is at risk of criticism for failing to properly manage the asset. The sale of the property and use of the net proceeds in accordance with the aims of the Trust would ensure that the Trust's assets better serve its objectives

### **4. FINANCIAL & RESOURCE APPRAISAL**

There financial implications are those already highlighted in the body of the report.

### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

At present the Council is at risk of criticism for failing to properly manage the Trust's assets and the slowly diminishing value of the property due to the lack of maintenance.

### **6. LEGAL APPRAISAL**

- 6.1 Given the 1889 and 1896 conveyances sets out the trust objectives any net proceeds of sale must be used to promote those objectives.
- 6.2 There is also 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 repaid if the property is sold. Whether such repayment is still required and how much would be repayable will require additional legal advice.
- 6.3 It is worthy of note that the sale can in any event be authorised under the Charities Act 2011 subject to an independent report of a qualified surveyor on behalf of the Council as trustees and by giving notice of at least one month inviting representations from the public
- 6.4 That independent valuation is in existence but may need updating.

### **7. OTHER IMPLICATIONS**

None

#### **7.1 EQUALITY & DIVERSITY**

None

#### **7.2 SUSTAINABILITY IMPLICATIONS**

- Contact the Sustainability Co-ordinator (Policy), on Bradford 434123 or e-mail [jamie.saunders@bradford.gov.uk](mailto:jamie.saunders@bradford.gov.uk) for further guidance.

#### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

- Assessment of the impact of all recommendations on the Council's own and the wider District's carbon footprint and emissions from other greenhouse gasses. Contact the Environment & Climate Change Manager on 07582 108009 for further guidance.

#### **7.4 COMMUNITY SAFETY IMPLICATIONS**

The sale of the property would facilitate the building being brought back into use thereby resolving the on-going issues and dangers associated with a building in disrepair.

#### **7.5 HUMAN RIGHTS ACT**

None

#### **7.6 TRADE UNION**

None

#### **7.7 WARD IMPLICATIONS**

The disposal of the property will facilitate the dilapidated building 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 of Bingley in accordance with the aims of the Trust.

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

N/A

#### **8. NOT FOR PUBLICATION DOCUMENTS**

None.

#### **9. OPTIONS**

**Option 1;** Continue to seek an education use of the property Pros; would continue the objectives of the trust

*Cons;* the condition of the building will continue to deteriorate and the Council as Trust will continue to be at risk of criticism. Such a use is very unlikely to be found given the steps to find such a use since 2002.

**Option 2;** Dispose of the property

*Pros;* The sale of the property will remove an on-going liability from the Council as trustees and enable the net sale proceeds to be used in accordance with the aims of the Trust.

*Cons;* none.

Option 2 is the favoured option as it enables the Council as trustee to use the assets for the educational benefit of the people of Bingley.

## **10. RECOMMENDATIONS**

- (1) That the Strategic Director, Corporate Services seek representations from the public in respect of the proposed sale of Priesthorpe Annexe, Mornington Road, Bingley.
- (2) That, having given due consideration to the representations received, the Strategic Director, Corporate Services refer the matter back to this Committee for further consideration or, if no objections to the sale are received, progress the sale of the property and, subject to further legal advice, use the net sale proceeds for the educational benefit of the people of Bingley.

## **11. APPENDICES**

Appendix 1 The Councils title and plan registered at Her Majesties Land Registry Nottingham.

## **12. BACKGROUND DOCUMENTS**

None