

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

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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.