

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

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**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.

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Director of Corporate Resources

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### **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 9<sup>th</sup> 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 18<sup>th</sup> 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 9<sup>th</sup> March 1928 between Maud Brigg and the Urban District Council of Bingley.

Deed of Gift dated 18<sup>th</sup> 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.