

Proceeding with the disposal of land at Dawson's Corner by The Calverley Charity

Date: April 2022

Report of: Land and Property

Report to: Chief Officer Asset Management and Regeneration

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- On 23 June 2021 Executive Board in its capacity as sole trustee of The Calverley Charity – The Workhouse Allotment (charity number 504497) ('the Charity') approved the disposal of the land. The sale could proceed if no significant consultation objections were received. In addition, the council would also be required to obtain Charities Commission consent to the disposal.
- The consultation has completed without any significant objections being received and Charities Commission consent has been granted. The disposal can now proceed to completion.

Recommendations

- a) That the disposal now proceeds to completion on terms approved by Executive Board on 23 June 2021.

Why is the proposal being put forward?

- 1 Executive Board acting in its capacity as sole trustee of the Charity approved the sale of the land subject to the consultation. In addition, Charities Commission Consent would also need to be gained for a disposal.
- 2 The consultation was undertaken by WSP and was well-advertised using local online media and direct outreach to residents on all sides of the land. It was hosted online. Nearly 450 people viewed the consultation website at <https://calverleycharity.commonplace.is/>, with 550 leaflets distributed to nearby residents and over 900 clicking through to an article in local media.
- 3 In regard to the consultation results, WSP stated that there was no expression of significant loss or harm to people who lived locally on an individual level. The results demonstrated that nobody would be personally directly aggrieved or injured in any way by the change of ownership. WSP concluded that although there were some expressions of concern, no significant objections were received and the balance of comments were neutral or positive.

- 4 Illustrations of the expressions of concern included: that more people may park near residents' homes – this is not seen as a significant objection to the sale of the land. Additionally, there were concerns that the land could be developed for housing – this is not seen as a significant objection as the land will be developed as highway, with part enhanced green space. Positive comments from the public consultation centred on the green space being enhanced after sale. There was some discontent expressed regarding the enlargement of Dawson's Corner roundabout – this is not seen as a significant objection for the purposes of this consultation and the sale of the Charity land as it relates to the Dawson's Corner roundabout scheme. It is noted that a separate consultation was undertaken by the Highways Authority between February and March 2018 regarding the highway proposals at Dawson's Corner. The majority of respondents to the Highways consultation were positive about the Highways Authority's proposals.
- 5 Positive comments from the public consultation centred on the green space being enhanced. Indeed, as part of the new Highways scheme there will be additional landscaping and planting take place on or near the land. This will include tree replacement, new trees being planted, new hedgerows, reinforcement of existing scrubs and woodland planting, creation of a wildflower meadow, and enhanced drainage provisions.
- 6 Upon review of the consultation results, the Council in its capacity as sole trustee to the Charity concurs that no significant objections were received via the consultation process.
- 7 The results of the consultation were captured in a report by WSP which is publicly available having been published online at <https://calverleycharity.commonplace.is/news>. The WSP consultation report is attached to this report in Appendix 2.
- 8 On the back of the completion of the consultation, Charities Commission consent was granted on 30 November 2021.

What impact will this proposal have?

Wards Affected: Calverley & Farsley

Have ward members been consulted? Yes No

- 9 The sale of the land will generate income required for the Charity to fulfil its objectives 'the relief of hardship and need of the residents'.
- 10 Equality, diversity, cohesion and integration was considered throughout this process. The additional capital received from the proceeds of this disposal will enable the Charity to provide assistance to a wider section of the community.

What consultation and engagement has taken place?

- 11 Public consultation by WSP as described above and attached in Appendix 2.
- 12 This report has been prepared with the support of Ward Members for the Calverley and Farsley ward. Ward members have been kept fully up to date on all issues relating to the disposal.
- 13 The Executive Member for Resources was updated on 4th May 2022 and was supportive of the proposal as set out in this report.

What are the resource implications?

- 14 Disposal of the land will enable the Charity to fulfil its objectives more effectively and will also relieve the charity of any liability to maintain the land.

What are the legal implications?

- 15 Authority to the disposal of charity land (Land at Dawson's Corner, Stanningley, Leeds. LS28) by the charity known as Calverley Charity - The Workhouse Allotment under the power given in sections 105 and 117-123 of the Charities Act 2011 was given by order of The Charity Commission for England And Wales on 30 November 2021.
- 16 In respect of the sale price, this is being recommended for approval on the basis of an independent valuation commissioned under the terms of the Charities Act which represents Market Value.
- 17 Currently The Council is the sole trustee of the charity. The Chief Officer of Asset Management and Regeneration is the Council officer representing the charity for the purposes of the sale of the charity land. The ward members are currently not trustees but are responsible for the day to day running of the charity and its administration. They have been kept fully informed on matters relating to the sale of the land, the consultation and the approach to the Charities Commission for consent. For the purposes of the sale and in order for the charity to be able to give 'good receipt' of the sale proceeds the ward members will be temporarily appointed as trustees of the charity.
- 18 This proposal constitutes a Significant Operational Decision and is therefore not subject to call in.

What are the key risks and how are they being managed?

- 19 Disposal of the land will provide funds for the Charity to fulfil their objectives more fully and provide greater opportunities for the community the charity serves. Should the land not be disposed of, the Charity will have very little money to make available for the benefit of the local community. In recent years there have been various encroachments on the land from adjoining residents as the land has not been sufficiently fenced off at the boundaries and the charity has not had the funds to secure the boundaries sufficiently. Additionally, if land is not disposed of the Charity will remain responsible for maintaining it. This risk is being managed via the disposal of the land.
- 20 The risks associated with the disposal of the Charity's land to LCC are as follows:
 - if the land is not disposed of, the charity will remain responsible for maintaining it;
 - the land is allocated for housing in the Site Allocations Plan and there would therefore be other willing buyers should LCC not acquire the land. Albeit these purchasers would develop the land for housing, which as the results of the consultation show is not wanted by local residents;
 - the sale is going straight to transfer and therefore there are no contractual risks associated with the transaction.
- 21 As the Council is the sole trustee of the Charity approving the terms of the sale, and acting in its capacity of Highway Authority purchasing the land any risk of a conflict of interests is being managed through multiple methods. These include: internal information barriers, meaning that the disposal and acquisition are being managed in separate capacities, using different surveyors and legal teams. Additionally, any decisions regarding the disposal of the property are being reviewed and approved by Chief Officer Asset Management and Regeneration. The Director of City Development is reviewing and approving any decisions with regard to the acquisition.
- 22 Further, the Charity have independent legal advisers in this matter (Wrigleys) who are advising them. The Council's in-house solicitor is acting for the Council as sole trustee but more as a middle-person liaising between the Ward Members and Wrigleys. The Council's solicitor deals with explaining information, liaising with Wrigleys to manage the process and

answering any queries from Ward Members. This was done in this way to ensure the Ward Members/Charity had internal support and that the interests of the Council as sole trustee are protected and represented.

- 23 The risk of a Market Value not being realised by the Charity for the sale of the land is being mitigated by ensuring that the price realised is determined by a RICS Red Book valuation, undertaken by an external third party professional valuers appointed by the Charity. The valuer was determined and selected via a competitive tendering process and a new and up to date valuation was commissioned in 2021 to ensure that the charity were able to obtain Market Value for the land disposal.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 24 This is a report on behalf of the Charity, therefore the council's 3 Key Pillars are not applicable. Albeit there is nothing in this report that is contrary to the Council's Key Pillars.

Options, timescales and measuring success

a) What other options were considered?

- 25 The Charity could retain the land however this would not help fulfil the objectives of the Charity and ownership liabilities would remain with the Charity.
- 26 The Charity to sell to another party on the open market or by other methods. The Charity has decided, however, to dispose of the land for Market Value to the Highways Authority.

b) How will success be measured?

- 27 That the land is disposed at Market Value and the Charity realises funds to fulfil its objectives.

c) What is the timetable for implementation?

- 28 Aim to complete the disposal in Q 2/3 2022.

Appendices

- 29 Appendix 1: Plan - 11527M Calverley Allotment Land Pudsey .
- 30 Appendix 2: WSP Consultation Report.

Background papers

None