



MINUTES OF THE BARHAM PARK TRUST COMMITTEE **Held on Wednesday 7 March 2018 at 6.00 pm**

PRESENT: Councillors McLennan (Chair), Hirani (Vice-Chair) Farah, Miller and Southwood

1. **Apologies for Absence**

None.

2. **Declarations of interests**

No declarations of interest were made.

3. **Minutes of the previous meeting**

RESOLVED: that the minutes of the previous meeting held on 11 October 2017 be approved as an accurate record of the meeting.

4. **Matters arising (if any)**

Chris Whyte (Operational Director Environment Services) provided an update to the committee on several matters discussed at the previous meeting. The committee heard that: work to resolve some of the damage in the Silver Jubilee Gardens would take place as part of the wider programme of improvement; the Tree Survey had been undertaken; and, public consultation regarding the Public Space Protection Orders was due to commence.

Chris Whyte then introduced Leslie Williams who had recently been seconded to the role of Project Officer for Barham Park. The Project Officer would facilitate the day-to-day management of the park and undertake consultation with stakeholders to take forward park improvements. The post was currently funded by the Council for a period of seven months and as part of his role, Leslie Williams would be seeking permission from the Charity Commission to re-charge the cost of the role to the Trust in the future.

The Chair welcomed Leslie Williams to the role on behalf of the committee.

5. **Review of Future Governance of Barham Park Trust**

Looqman Desai (Senior Solicitor, Governance) introduced the report regarding the review of the future governance of the Barham Park Trust. The report asked Members to review afresh the five governance options which the committee had previously considered at its meeting on 28 January 2015. On that occasion the committee had opted for the status quo, namely, the Council continuing to directly discharge its Trust functions via its Cabinet Members and officers. As a matter of good practice, the committee had chosen to keep this arrangement under review.

Looqman Desai advised that the report before the committee presented Members with the opportunity, with the benefit of a further two years of experience of the current arrangements, to take stock and take a strategic view of how the Trust should be governed in the future.

The options as set out in the report were outlined to the committee by Looqman Desai. These were to: 1) maintain the status quo; 2) appoint additional trustees alongside the Council; 3) appoint a corporate trustee; 4) establish a new corporate charity to take on ownership and control of Barham Park; and 5) outright transfer to another charity. It was emphasised that if the committee chose to maintain the status quo, no further action would be required. Alternatively, the committee could recommend one or more of the other options to Cabinet for further consideration and consultation.

Looqman Desai explained that the Council held Barham Park on a charitable trust to preserve the land for public recreation. The Council was the sole corporate trustee of the charity. The exercise of the administration, operational and management function of the Trust was an executive function of the council. Until 2012, the function had been discharged by the Cabinet itself. Since then, at Member level, it had been discharged by the Barham Park Trust Committee. In September 2016, the committee revised the previous officer delegation scheme by delegating the day to day functions of the Trust to the Operational Director, Environmental Services.

The committee further heard from Looqman Desai that there was no mutually exclusive division between things the Council did pursuant to its statutory functions, and things that it did as a charity trustee. In that respect Trust activities were not ring-fenced. However, the Trust assets and funds could only be used for its charitable purpose and were kept separate from those of the Council.

With reference to the report considered by the committee at its meeting on 12 April 2017 on the state of finances of the Trust, Looqman Desai highlighted that the Trust had significant reserves (generated from the sale of two properties within the park and other sources of income) which earned interest at a rate higher than that received by the Council. It was important to acknowledge, however, that there were a number of items of expenditure in respect of Barham Park, such as maintenance and plantings costs, tree related insurance claims and professional officer time, that were not re-charged to the Trust. The Trust therefore received a subsidy from the Council.

Turning to the committee's consideration of the 5 governance options, Looqman Desai highlighted the guiding principles set out in the Charity Commission's updated 'Essential trustee' Guidance. This guidance broke down the trustee's role into 6 clear duties as follows: ensure your charity is carrying out its purposes for the public benefit; comply with your charity's governing document and the law; act in your charity's best interests; manage your charity's resources responsibly; act with reasonable care and skill; and, ensure your charity is accountable. The committee was further advised to have particular regard to issues of conflict of interest, control, accountability and costs. It was noted that there was a structural conflict of interest arising from the fact that the Council was the sole corporate trustee and that the interests and activities of the Council and the Trust were inextricably linked. This was a risk however, that the Council had and could continue to carefully and

properly manage. Furthermore, historically, many parks had been given to local authorities for charitable purposes and the situation was therefore not uncommon.

In concluding his presentation of the report, Looqman Desai invited Members to consider the five options for the future governance of the Trust and highlighted that the committee might also wish to decide upon other related or incidental matters such as the scheduling of meetings of the committee in the next municipal year.

The Chair thanked Looqman Desai for the detailed update and sought questions and comments from Members of the committee. Discussing the five options, the committee agreed that the advantages of the current governance arrangements with particular regard to issues of accountability, control and costs far outweighed the disadvantage of the structural conflict of interest. The committee noted that the current arrangements worked well and operationally would be maximised by the establishment of the dedicated Project Officer post.

Commenting on the scheduling of meetings for the coming municipal year, Chris Whyte (Operational Director, Environmental Services) advised that it was likely that ad-hoc meetings would need to be scheduled to consider funding bids for the park.

The committee subsequently RESOLVED:

- i) That with respect to the future governance of the Barham Park Trust, the status quo be maintained as set out as Option 1 in the report from the Strategic Director, Regeneration and Environment.
- ii) That with the exception of the Annual General Meeting of the committee which would be formally scheduled in the Brent Council calendar of meetings for 2018-19, meetings of the committee would be arranged on an ad-hoc basis to meet the operational requirements of the Trust.

6. Any other urgent business

None.

The meeting was declared closed at 6.28 pm

COUNCILLOR MARGARET MCLENNAN
Chair