



MINUTES OF THE BARHAM PARK TRUST COMMITTEE

Wednesday 28 January 2015 at 2.30 pm

PRESENT: Councillor Pavey (Chair), Councillor McLennan (Vice Chair) and Councillors Hirani and Crane

Also Present: Councillor Daly

Apologies were received from: Councillor Denselow

1. Declarations of interests

Councillor Hirani (Lead Member Adults, Health and Wellbeing) advised that he had been involved in exploring the issue of the health benefits of green gyms in Brent, but had not been involved in any decision making regarding the use of green gyms.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 15 October 2014 be approved as an accurate record of the meeting.

3. Matters arising

None.

4. The Future of Barham Park Trust - Alternative Models of Governance

The report before the committee detailed options for alternative models of governance for the Barham Park Trust. The committee had commissioned the report at its meeting on 15 October 2014 and had directed that specialist legal advice be sought in its preparation. Following receipt of this advice, five options had been identified for members' consideration. Cllr Pavey expressed frustration that the report presented was not what Members had requested. Members had asked Officers to prepare a neutral report inviting them to make their own decision between the various options. Members had specifically requested that the report did not include a recommended option from Officers, and it was extremely disappointing to see that this request had not been followed.

Arnold Meagher (Principal Housing and Litigation Lawyer) introduced the report to the committee and outlined the advantages and disadvantages of each option, advising that if the committee wished to pursue an alternative model of governance for the Trust, Cabinet approval would be required. The five options encompassed maintenance of the status quo (option 1); the appointment of additional trustees alongside the council (option 2); the appointment of a corporate trustee (option 3);

the creation of a new corporate charity to take ownership of Barham Park (option 4); and outright transfer to another charity (option 5).

In the subsequent discussion, members raised several queries regarding the options presented. Further information was requested regarding the cost implications of option 3. With reference to option 4, a member queried why a charity, in becoming too independent of the council, would risk losing the subsidy currently received by the Trust. Noting that option 2 resulted in an additional layer of decision making for the Trust, it was queried whether this could be mitigated by the removal of the Barham Park Trust Committee.

The Chair invited contributions from the audience. Mrs Lloyd (Friends of Barham Park Library) noted that the Trust ran at a loss and expressed doubt that a separate body would wish to assume this responsibility. If the trust were transferred to another body however, Mrs Lloyd questioned whether the park would be leased to the council to support its continued maintenance. Mr Lorber (Friends of Barham Park Library) advised that residents' concerns extended to the proper maintenance of the park and not to the governance arrangements of the trust. Councillor Daly highlighted the risk of transferring control of the park to an external body and removing the council's ability to protect the park from neglect or development.

Responding to the queries raised Arnold Meagher advised that the costs of option 3 would likely amount to thousands of pounds as it would be necessary to set up a company and company structure. With regard to option 4, the council might choose to withdraw a subsidy from an independent organisation on the basis that the organisation would have greater recourse to external funds. Option 2 resulted in an additional layer of decision making for the Trust because, as a sub-committee of the Cabinet, the committee could not incorporate independent trustees. It would therefore be necessary to establish a separate body to consider decisions in addition to the committee. Removing the Barham Park Trust Committee would not simplify this dual decision making structure as decisions would revert to the Cabinet in the absence of the committee. Arnold Meagher confirmed that if the Trust were transferred to an external organisation, as in option 5, this would include transfer of the Trust's assets including the park. For options 3, 4 and 5, an external organisation would be responsible for the maintenance of the park, unless an agreement to the contrary was made with the council.

RESOLVED:

- i) That the governance and management options detailed in the report from the Strategic Director, Environment and Neighbourhoods and the Director of Legal and Procurement be noted.
- ii) That the current governance and management arrangements (option 1) as detailed in the report from the Strategic Director, Environment and Neighbourhoods and Director of Legal and Procurement be continued.
- iii) That the governance and management arrangements for the Barham Park Trust be reviewed after a period of twelve months.

5. Property Update and Proposals for the Future Uses and Tenure Arrangements of the Unlet Units at Barham Park.

Richard Barrett (Property Adviser) presented a report to the committee updating members on the status of the various units within the Barham Complex of Buildings and detailing proposals regarding their future use, marketing and tenure arrangements. The report also clarified the position regarding the covenants and controls relating to 776 and 778 Harrow Road, where a planning application for the development of the site had recently been rejected and sought confirmation of the Trust's views on any future development of the site.

Members attention was drawn to the plan of the Barham Park Complex of Buildings comprising units 1 to 10 attached as an appendix to the report. Richard Barrett advised that following a successful planning appeal regarding the Trust's application to the change the use of units 6, 10 and 3 to a B1 use and unit 4 to a D1 use, the Trust was able to complete a 15 year lease to the Association for Cultural Advancement through Visual Art (ACAVA).

Richard Barrett outlined the proposals for future arrangements for the remaining units 1, 2, 4, 7 and 8 to the committee. It was proposed that unit 1, known as the Card Room and unit 4, known as the Lounge, should be marketed and let by the Trust to a tenant selected by the Property Adviser in conjunction with the Chair of the Trust committee. It was suggested that the selection criteria be published in advance to make interested parties aware of the weighting to be attached to any rental offer and the quality criteria. Richard Barrett highlighted that the Trust had already received an offer from the Friends of Barham Library (FOBL) for the Card Room and the Trust could chose to pursue the offer or invite FOBL to participate in the tender process. Unit 2, the Snooker and Billiard Rooms, was currently occupied by the Barham Park Veterans' Club (the Vets) under no formal tenure. It was suggested that the occupation be regularised and a staggered rent which would not immediately be at market value, be introduced to allow the Vets a period of adjustment to the more formal relationship. With regard to unit 8, Richard Barrett advised that subject to receipt of an independent valuation from the District Valuer and consent from the Charity Commission, the Trust complete a lease to the Council for use of the unit as a Children's Centre. In concluding his introduction, Richard Barrett advised that unit 7 was currently held on license by the council and was utilised as a store and work area within the park.

At the invitation of the Chair, Councillor Daly expressed concerns regarding the openness of the Barham Park Veterans' Club membership. Councillor Daly further emphasised the importance of ensuring that any organisation leasing units from the Trust was welcoming to all members of the community as well as other tenants within the building complex.

Representatives of FOBL addressed the committee and advised that FOBL was an inclusive organisation, had sufficient financial backing and expertise to deliver a community facility at the Card Room or Lounge and would work with other community groups to achieve this.

The committee queried of officers what activities would be undertaken in the marketing of units 1 and 4. Further information was sought regarding the membership criteria for Barham Park Veterans' Club and the efforts made to expand this membership.

Richard Barrett advised that marketing activities could include advertisement via the council's website, relevant trade magazines and a waiting list maintained by the council of those interested in commercial property. Addressing the potential formalised leasing of unit 2 to the Barham Park Veterans' Club, Richard Barrett advised there were no formal restrictions on membership but the lease would be on terms that membership would be proactively inclusive.

Members commented on the importance of undertaking a marketing exercise for units 1 and 4 for purposes of transparency and openness, but it was felt that any marketing activity should be locally targeted to reflect the Trust's preferred use of the units for a community facility.

RESOLVED:

i) That the Card Room (Unit 1) be marketed for a possible Café A3 and/or D1 use and that the marketing exercise be locally targeted;

ii) That the Property Adviser to the Trust in conjunction with the Trust Chair be authorised to select and let the Card Room (Unit 1) to a suitable tenant on terms to be agreed;

iii) That the Lounge (Unit 4) be marketed for a D1 and/or an A3 Use depending on the outcome of the marketing of the Card Room, or marketed in conjunction with the Card Room as a D1 use;

iv) that the Property Adviser to the Trust in conjunction with the Trust Chair be authorised to select and let the Lounge (Unit 4) to a suitable tenant on terms to be agreed;

v) That the Criteria for the assessment of any bids received for the letting of the Card Room (Unit 1) and the Lounge (Unit 4) reflect a commitment to community, equality and viability and that this criteria be made available to the Trust for approval within one month;

vi) That the Trust directly lease the Snooker and Billiard Rooms (Unit 2) to the current occupiers, The Barham Park Veterans' Club (Wembley), under appropriate leasing arrangements to ensure compliance with the aims of the Charitable Trust, subject to the presentation to the Trust Committee of satisfactory equalities information regarding the Barham Park Veteran's Club, within three month's;

vii) That the terms of the lease to the Barham Park Veterans' Club be as set out in Paragraph 3.6 of the Report from the Property Advisor to the Trust or as amended by the Property Adviser to the Trust in conjunction with the Trust Chair;

viii) that an independent valuation be obtained of the terms proposed between the Council and the Trust to enable another application to be made to the Charity Commission for consent to lease the Children's Centre (Unit 8) to the Council as Nursery Education Grant funded childcare open five days per week with children centre sessions being delivered in evenings and at weekend;

ix) that it be agreed that the any lease granted to the council regarding the Children's Centre (Unit 8) permit the council to sub-let the space to a third party for similar use only;

x) that it be confirmed that the Trust concurs with the views expressed by the Council's Parks Department as set out in Paragraphs 3.10 of the report from the Property Adviser to the Trust and that Officers of the Trust be authorised to formally comment in similar terms on any future planning application for the houses at 776 & 778 Harrow Road.

6. **Provision of Outdoor Gym and site location**

Tom Jeffrey (Operational Director Neighbourhood Services) presented a report to committee regarding the provision and location of an outdoor gym at Barham Park. Members were advised that the council had made a successful application to the Wembley National Stadium Trust on behalf of the Barham Park Trust for external funding to create an outdoor gym in the park. The funds provided by WNST would meet approximately half of the total costs for the supply and installation of the gym with the remaining money allocated from S106 funding. Though the outdoor gym would be provided at no cost to the Trust, there would be ongoing inspection and maintenance costs. Members attention was drawn to the list of proposed locations for the gym and the corresponding diagram of the Park. Location B had been identified as most suitable for the site of the gym. Tom Jeffrey advised that members had been provided with the opportunity to view potential locations for the gym during a tour of the park.

Members commended officers for their work in developing the proposal before the committee and welcomed the prospect of an outdoor gym at Barham Park. Councillor Hirani (Lead Member, Adults, Heath and Wellbeing) advised that outdoor gyms had achieved greater usage when sited where they could be viewed from the road and therefore expressed the view that locations C and D were not optimal. Members acknowledged that option B had been viewed as preferential to A as the later was the traditional site occupied by the annual fun fair.

The Chair invited comments from the audience. Members of the public suggested an alternative location for consideration, close to option B but sited on top of pre-existing foundations and which would benefit from the shade of trees whilst remaining visible from the road. Councillor Daly suggested that siting the Gym at location D, close to the building complex might encourage complimentary use of the facilities. Mr Lorber suggested that a public consultation should be held regarding the location for the outdoor gym.

Gerry Kiefer (Head of Sports and Parks) advised that the tarmac area suggested by members of the public had been considered as a potential location for the outdoor gym; however, officers had not considered it a viable option as visibility from the road was significantly lessened and there were additional risks associated with leaf fall from the trees. It was a requirement of the funding from WNST that the outdoor gym be installed by July and due to the restricted timeline it might not be possible to conduct public consultation on the preferred location of the gym.

RESOLVED:

- i) That it be agreed that an outdoor gym be installed at Barham Park;
- ii) That officers review the timeline for the installation of the Gym as determined by the funding arrangements and if possible, undertake community consultation regarding the preferred location of the outdoor Gym in relation to locations A, B and D detailed in the report from the Director of Environment and Neighbourhoods;
- iii) that if it is not possible to undertake community consultation regarding the location of the outdoor Gym whilst complying with the required timeframe for installation, or if the outcome of the consultation was inconclusive, location B as detailed in the report from the Director of Environment and Neighbourhoods be agreed as the preferred location of the outdoor gym.

7. Annual Report 2013/14

The committee considered the annual report for the Trust for 2013/14 which outlined the work undertaken on behalf of the Trust. Eamonn Mccarroll reminded members that the annual accounts had been approved by the committee at its previous meeting on 15 October 2014. Subject to the committee's approval, the annual report would be submitted to the Charity Commission by 31 January 2015.

RESOLVED:

That the annual report of the Barham Park Trust for 2013/14 be approved.

8. Any other urgent business

None.

The meeting closed at 4.30 pm

M PAVEY
Chair