



**Barham Park Trust Committee
12 April 2017**

**Report from the Strategic Director
Resources**

Ward Affected: Sudbury

**Property Update, Barham Park Building Complex, Unit 2,
660 Harrow Road, Wembley**

1.0 Summary

- 1.1 To update the Trust on the granting of a lease for Unit 2, The Snooker and Billiards Room, to the Veterans.

2.0 Recommendations

- 2.1 That the Trust accede to a request by the Veterans for a statutory right to an automatic renewal of the lease at the end of the proposed 4 year term of the lease provided that it is completed within six weeks of the date of this meeting.
- 2.2 If a lease is not completed within that period, the Trust delegate to the Strategic Director Resources the power to take such steps as are necessary to terminate the current basis of the Veterans' occupation of Unit 2 including taking, or responding to, any formal action or legal proceedings.

3.0 Detail

- 3.1 At its meeting on 28 January 2015, the Trust confirmed that a lease to the Veterans should be granted subject to matters on equalities being resolved. The heads of terms were agreed on 2 April 2016. There was a delay as the equalities section had to be approved by the Veterans at their AGM in April 2016. At its meeting on 7 September 2016 the Trust confirmed that they were content with the revised equalities and diversity section of the lease.
- 3.2 The draft lease for Unit 2 was sent on 10 November 2016 to the Veterans and the terms have been negotiated with their agent and solicitors. On 20 March 2017 the Veterans requested a statutory right to

renew the lease at the end of the term. This would be a variation to the previously agreed terms as the lease was to be contracted out of the Landlord and Tenant Act 1954 security of tenure provisions. With a contracted out lease, the tenant would have no statutory right to a new lease. Further, the landlord would have an automatic right to recover possession of the property even if legal action is necessary to enforce that right.

- 3.4 Given that the Veterans have been in occupation of Unit 2 for over 40 years, it is recommended that the Trust accede to the request by the Veterans provided that the lease is completed within six weeks of the date of this meeting. In all the circumstances, this is considered to be fair and reasonable and the Veterans' solicitors have confirmed on 4 April 2017 that this is a realistic timeframe for completion. Although there are some damp issues to the interior of Unit 2, these will be addressed and do not prevent the completion of the lease within the six weeks timeframe.
- 3.5 If a lease is not completed within that period, the Trust is requested to delegate to the Strategic Director Resources the power to take such steps as are necessary to terminate the current basis of the Veterans' occupation of Unit 2 including taking, or responding to, any formal action or legal proceedings.

4.0 Financial Implications

- 4.1 There are no direct financial implications beyond that delays in the lease would delay any payments made to the Trust, reducing the resources available to fund Trust activities.

5.0 Legal Implications

- 5.1 The legal implications are discussed in the body of the report.

6.0 Diversity Implications

- 6.1 The diversity implications have been addressed in previous reports.

7.0 Staffing/Accommodation Implications

- 7.1 None.

8.0 Background Papers

- 8.1 None.

Contact Officers

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