



MINUTES OF THE BARHAM PARK TRUST COMMITTEE
Wednesday 15 October 2014 at 7.00 pm

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

Also Present: Councillor Perrin

1. Declarations of interests

None declared.

2. Election of Vice Chair

RESOLVED:

That councillor McLennan be appointed Vice Chair for the municipal year 2014/15.

3. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 3 December 2013 be approved as an accurate record of the meeting.

4. Matters arising

The Chair noted that the committee had at its last meeting decided to pursue an appeal against the decision of the Local Planning Authority to refuse permission for the change of use of the premises at Barham Park. The appeal had been upheld by the Planning Inspectorate.

5. Annual Accounts 2013/14

Mick Bowden (Operational Director, Finance) introduced the report to the committee presenting the annual accounts for the Trust for 2013/14. The accounts had been subject to independent examination by the Head of Audit and Investigations and the independent examiner's report was attached as Appendix 1 for the committee's consideration. No issues had been raised by the independent examiner. Mick Bowden advised that the Trust had incurred expenditure of £164,032 in 2013/14 on refurbishment of the building complex and the park. £10,926 interest had been earned, leaving a balance of £475,204. General expenditure on the running and maintenance of the park and buildings reduced by £15,091 from 2012/13 and income decreased by £13,564. As a consequence, the net contribution of Brent council had reduced by £1,527 to £51,188.

The committee questioned why the rental income from Virgin Media had reduced from £13,524 in 2012/13 to £6,500 in 2013/14. Further details were sought

regarding the ad-hoc lettings. An explanation was requested for the significant increase in NNDR payment from 2012/13 to 2013/14.

Mick Bowden explained that there had been a review of charges to Virgin Media in 2012/13 which had resulted in additional income for that year; however, the standard charge going forward would be £6,500. The NNDR payment included a proportion of the payment for 2012/13 which had been made within the 2013/14 financial year, thereby reducing the 2012/13 figure to £9,990 and increasing the 2013/14 figure to £18,331. The actual yearly NNDR payment was approximately £14,000. The committee was informed that ad-hoc lettings included any one-off lettings made.

RESOLVED:

that the annual accounts for 2013/14 be approved.

6. The Future of Barham Park Trust

Kathy Robinson (Senior Lawyer) presented a report to the committee regarding the governance arrangements for the Barham Park Trust. The report set out the existing arrangements, which had been implemented in November 2012, and noted that it was in line with guidance provided by the Charity Commission to periodically review these arrangements. Members were asked to consider whether such a review should be undertaken to identify the governance model best suited to serve the Trust's charitable purposes. At present the Council as a corporate body was the sole trustee for Barham Park Trust. This trustee function was the responsibility of the Cabinet and was carried out by the Barham Park Trust committee as a sub-committee of the Cabinet. A legal alternative to the current governance arrangement was to transfer the assets to a new or existing charitable body with some or no connection to the Council. Any such changes would require the approval of the Charity Commission as the regulatory body. Further details on alternative options including the financial and practical viability of those options would require expert input by lawyers and tax advisers outside of the Council and would incur an estimated cost of £4000 to £6000.

The committee welcomed the proposed approach and acknowledged that it was good practice for charitable organisations to periodically review their governance arrangements. Members emphasised that the review should be open to all possible options and commented that it represented an opportunity to explore and learn from best practice. Highlighting the importance of community input, the committee sought details of the terms of reference that would be set for the independent advice to be obtained. It was further queried whether officers were familiar with alternative governance models adopted by local authorities in similar circumstances. With reference to the estimated costs of the review, the Chair questioned whether this represented value for money and queried from where the funds would be drawn. Members sought details of the anticipated timeline for completion of the review and queried whether there were items that the Trust would have to consider prior to this.

Kathy Robinson explained that the brief for the independent legal and tax advice had not yet been drafted but advised that it would be sufficiently broad to capture all appropriate alternatives. In response to a question she suggested to the committee

that any public consultation in relation to the future governance should take place after the receipt of expert advice; to do so before would be premature since the advice would inform any future debate. Details of alternative governance models used by other local authorities were not known at this stage. Mick Bowden advised that the costs of obtaining this advice would form part of the general expenditure of the Trust. Kathy Robinson added that the availability of experts had not been explored but it was anticipated that the subsequent report could be submitted to the committee in the New Year. Tom Jeffrey (Operational Director, Neighbourhood Services) confirmed that there would be issues requiring the committee's consideration prior to this time.

The Chair invited contributions from the audience. A comment was made that should a proposal include that members of the community be represented on the trust, it would be important that they lived in the community and were aware of the history and origins of the Trust. It was recommended that the Trust make use of the detailed advice and guidance provided by the Charity Commission and that a wide brief should not be provided to the lawyers from whom the independent advice would be sought. A concern was raised that money would be spent unnecessarily on seeking independent tax advice. A view was expressed that the rationale for exploring alternative governance arrangements was unclear as the significant decisions had already been taken with respect to disposals of the buildings. A further concern was voiced regarding the future financial implications for the council of pursuing alternative governance arrangements.

The Chair confirmed that the council would liaise with the Charity Commission throughout the process and advised that the points raised would be taken into consideration. The committee agreed if there were any changes to the trust in the future, it was committed to ensuring that anyone joining the Trust would be fully aware of the its history and role in the community. A member noted that the Trust was responsible for the buildings and the park land, and it was important that the governance arrangements supported the Trust in managing the land and buildings to best meet the charitable purposes defined. Members agreed that the brief for the procurement of independent advice should be drawn up in consultation with the Chair and that regular updates be provided to members of the committee.

RESOLVED:

that officers explore further options for the management of the Trust and obtain independent expert Trust advice on the alternative models.

7. Any other urgent business

None.

The meeting closed at 19:52

M PAVEY
Chair

