



Barham Park Trust Committee

Wednesday 15 October 2014 at 7.00 pm

Board Room 1&2 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Pavey (Chair)
Denselow
Hirani
McLennan
Vacancy

For further information contact: Bryony Gibbs, Democratic Services Officer,
020 8937 1355 bryony.gibbs@brent.gov.uk

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
1 Declarations of interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
2 Election of Vice Chair	
3 Minutes of the previous meeting	1 - 4
4 Matters arising	
5 Annual Accounts 2013/14	5 - 10
6 The Future of Barham Park Trust	11 - 20

Ward Affected:
Sudbury

Contact Officer: Tom Jeffrey, Interim
Operations Director, Neighbourhoods
tom.jeffrey@brent.gov.uk

7 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

Date of the next meeting: To be confirmed



- Please remember to set your mobile phone to silent during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.



MINUTES OF THE BARHAM PARK TRUST COMMITTEE **Tuesday 3 December 2013 at 6.30 pm**

PRESENT: Councillor R Moher (Chair) and Councillors Crane, Hirani and Mashari

Apologies were received from Councillor Denselow

1. Declarations of interests

None declared.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 22 October 2013 be approved as an accurate record of the meeting.

3. Matters arising

None.

4. Barham Park complex - outcome of the planning application and options report

Richard Barrett (Operational Director Property and Projects) informed trustees that the report advised members of the recent decision of the Local Planning Authority (LPA) to refuse the application contrary to officer recommendations in regard to the change of use of space within the Barham Park complex from D1 community use to B1 light industrial use. He advised the decision by the LPA to refuse was on the basis of the loss of D1 contrary to Policy CP23. He highlighted the two options recommended to the trust and informed members that although the report indicated costs of £10,000 to pursue option two, it was anticipated that this was more likely to be in the region of £2000-£4000 depending on the appeal route determining by the Planning Inspector. The Operational Director Property and Projects informed the Committee that informal advice from a planning consultant suggested that the Trust stood a reasonable chance of success should they pursue option two due to the planning officers recommending the application for approval. Richard Barrett informed members that he had been asked to raise a third option to lease the space to the unsuccessful bidders from the exercise conducted back in February. However he advised in his view this would not be in line with best practice due to the passage of time since this marketing and also the fact that the previous bids had been rejected on quality therefore this option could reasonably be challenged by other parties now interested in the space who would not be given the opportunity through the open market. In response to queries regarding the risks of pursuing option two, Richard Barrett informed the trust that there was a risk of refusal in light

of the Planning Committee choosing to refuse the application under Planning Policy 23 although noted that, following informal advice from an external independent Planning Consultant, that the risks were perceived as being lower than indicated in the report. It was confirmed that ACAVA (The Association for the Cultural Advancement through Visual Arts) had accepted that the request for the change in use from D1 (community) to B1 (light industrial) use would be restricted to artistic uses such as sculpture rather than the wider uses of a B1 light industrial use. Richard Barrett confirmed that he had an agreement following discussions with ACAVA that if successful, ACAVA had agreed that the lease would only allow uses associated with artistic endeavours only and would be restricted to ACAVA rather than the unit itself i.e. it could not be sublet for non artistic purposes. In response to queries from members, it was confirmed that conditions could be placed on the lease to ensure the B1 licence would only be used for artistic purposes. Members reflected that both proposed options would result in the premises remaining vacant for a period of time and queried whether there were any options to utilise it whilst a preferred option was being pursued. Richard Barrett informed the Committee that refurbishment works were currently taking place until the end of January although some units which did not require a change of use could be offered immediately to ACAVA subject to agreement as to terms. Members expressed a preference for this to be pursued in regard to Option 2.

Members expressed concern of the perception the change of use may have created and felt that residents needed to be reassured that the change to B1 licence was to enable the activities related to artistic purposes such as sculpturing to take place and that the change to B1 was a technical Planning matter. It was noted that low level machinery would be used and would not be intrusive to the public. Further concern was expressed by Members that although the report cited two public events, the hope was the intention of ACAVA was to have much greater public engagement, through public access and for example school visits to the premises and this had not been fully reflected in the report, allaying concerns of the loss of a community space. The Operational Director of Property and Projects informed the Committee that ACAVA were keen to engage with the public and the local community and that it was an integral part of their operation in other properties around London. It was noted that ACAVA had been advised at the planning committee not to speak and it was felt that they could have alleviated concerns by informing members of the public of their intentions regarding the space and community engagement. It was clarified that if a planning appeal failed, the Committee would have to put the premises back on the property market for expressions of interest. It was noted that if ACAVA used any of the existing spaces in the meantime, these would be the upstairs space although engagement with the community would not be as great due to not having the space required. Option two was proposed and seconded.

The Chair informed members of the public that questions would only be taken on the two options outlined in the report. In response to queries that members were acting as trustees and not sitting as a Council Committee, Fiona Ledden (Borough Solicitor) explained that although members were sitting as trustees and their role was to consider the needs of the trust foremost, the meeting was a sub committee of the Executive and therefore a Council meeting and would be conducted as constituted under part 4 B of the Constitution. In response to motions raised by the public requesting the Committee to suspend making a decision until further options were explored such as the petition requesting the lease be passed to Pivot Point, it

was explained that the only options being considered were the two in the report and that previous bids could not be considered given the time that had expired since the bids were submitted. It was clarified that it had been decided that the Card Room and Snooker Room would be let to the Council. If the Committee chose to submit an appeal which was successful, the Planning Inspectorate was not required to place conditions on the licence however it was clarified that these would be placed on the lease and had previously been discussed and agreed with ACAVA. It was explained that these conditions would also prevent sub letting of the premises except to individual artists. In response to queries from the public it was explained that consent to let had been as a connected person to the Council with a subsequent application to the Charity commission being accepted with the rates as given and confirming that ACAVA were an acceptable tenant of the premises. The Operational Director of Property and Projects explained in response to queries that an appeal would be funded by the Trust and as it was revenue and therefore not committed as part of the capital. Members of the public queried whether voting for a planning appeal would set a precedent with Kensal Rise campaigners regarding the loss of community space and it was clarified that the original planning application was recommended for approval resulting in a unique situation that was not comparable to Kensal Rise.

Members felt that an informed description of the use of the Card Room and Lounge as well as the use and community engagement proposed by ACAVA was required to provide clarity for residents. This will be provided by the operational Director. Representatives of Pivot Point queried whether the expenditure of trust money on either option proposed were suitable use of Trust money when existing community groups could use the premises without planning permission for change of use being required. In response to the query raised it was confirmed that previous bidders could not be approached as the Trust would be left open to legal challenge by not placing the premises on the open market given the period of time that had gone by and also possibly by the Charity Commission.

Members highlighted that both options required the expenditure of Trust revenue and voted unanimously in favour of option two.

RESOLVED:


To pursue an appeal against the decision of the Local Planning Authority to refuse planning permission for the change of use of the premises.

5. Any other urgent business

None.

The meeting closed at 7.05 pm

R MOHER
Chair

 Brent	Barham Park Trust Committee 15 October 2014 Report from the Operational Director, Finance
Wards affected: ALL	
Annual Accounts 2013/14	

1.0 Summary

- 1.1 This report presents the annual accounts for the Trust for 2013/14.

2.0 Recommendation

- 2.1 That the Barham Park Trust Committee approves the annual accounts for 2013/14.

3.0 Detail

Annual Accounts for 2013/14

- 3.1 The accounts are set out for consideration by the Committee. As with the 2012/13 accounts these continue to set out a greater level of detail than the years up to 2011/12.
- 3.2 The accounts have also been subject to an independent examination by the Head of Audit and Investigations. The independent examiner's report is attached to this report and confirms that there are no issues regarding the accounts to be brought to the Committee's attention.
- 3.3 During 2013/14 the Trust incurred expenditure of £164,032 on refurbishment of the building complex and the park funded from the cash funds held in reserve. After taking account of interest earned of £10,926 this has led to the cash balance of the Trust reducing by £153,106 to £475,204.

3.4 General expenditure on the running and maintenance of the park and buildings reduced by £15,091 compared to 2012/13 and income decreased by £13,564. As a result the net contribution from Brent Council has reduced by £1,527 to £51,188.

3.5 Following approval by the Trust Committee the accounts will be submitted to the Charity Commission – the deadline for submission is 31 January 2015.

4.0 Financial Implications

4.1 As at 31 March 2014 the cash position of the Trust amounted to £475,204 as set out in 3.3 above.

5.0 Legal Implications

5.1 The annual accounts are required under the Charities Act 2011.

6.0 Diversity Implications

6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

None

Contact Officers:

Mick Bowden
Operational Director, Finance
020 8937 1460

1 Independent examiner's report to the trustees of the Barham Park Trust

I report on the accounts of the Trust for the year ended 31st March 2014, which are set out on pages 02 to 03.

2 Respective responsibilities of trustees and examiner

The charity's trustees are responsible for the preparation of the accounts. The charity's trustees consider that an audit is not required for this year under section 144(2) of the Charities Act 2011 (the 2011 Act) and that an independent examination is needed.

It is my responsibility to:

- examine the accounts under section 145 of the 2011 Act;
- to follow the procedures laid down in the general Directions given by the Charity Commission under section 145(5)(b) of the 2011 Act; and
- to state whether particular matters have come to my attention.

3 Basis of independent examiner's report

My examination was carried out in accordance with the general Directions given by the Charity Commission. An examination includes a review of the accounting records kept by the charity and a comparison of the accounts presented with those records. It also includes consideration of any unusual items or disclosures in the accounts, and seeking explanations from you as trustees concerning any such matters. The procedures undertaken do not provide all the evidence that would be required in an audit and consequently no opinion is given as to whether the accounts present a 'true and fair view' and the report is limited to those matters set out in the statement below.

4 Independent examiner's statement

In connection with my examination, no matter has come to my attention:

(1) which gives me reasonable cause to believe that in any material respect the requirements:

- to keep accounting records in accordance with section 130 of the 2011 Act; and
- to prepare accounts which accord with the accounting records and comply with the accounting requirements of the 2011 Act

have not been met; or

(2) to which, in my opinion, attention should be drawn in order to enable a proper understanding of the accounts to be reached.

Name: Simon Lane, Head of Audit and Investigation LB Brent.

Relevant professional qualification or body: IPFA

Address: Brent Civic Centre, Audit & Investigations, Floor 8W, Engineers Way, HA9 0FJ

Date: 9th September 2014



Charity Name Barham Park	No (if any) 302931
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Receipts and payments accounts

CC16a

For the period from	Period start date 01/04/2013	To	Period end date 31/03/2014
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Section A Receipts and payments

	Unrestricted funds to the nearest £	Restricted funds to the nearest £	Endowment funds to the nearest £	Total funds to the nearest £	Last year to the nearest £
A1 Receipts					
Ad-hoc lettings	14,782			14,782	14,435
Fun Fair	10,657			10,657	9,866
Car Parking	1,956			1,956	2,517
Catering Rights	1,560			1,560	1,500
Rental Income - Virgin Media	6,500			6,500	13,524
Rental Income - Brent Council	9,592			9,592	16,769
Brent Council Contribution	51,188			51,188	52,715
Interest earned	10,926			10,926	12,521
				-	-
				-	-
				-	-
				-	-
Sub total (Gross income for AR)	107,161	-	-	107,161	123,847
A2 Asset and investment sales, (see table).					
	-	-	-	-	
	-	-	-	-	
Sub total	-	-	-	-	-
Total receipts	107,161	-	-	107,161	123,847
A3 Payments					
Maintenance and Wardens	49,827			49,827	65,314
Premises - Utility	3,876			3,876	4,960
Premises - Insurance	3,214			3,214	2,965
Premises - Security	1,910			1,910	3,033
Premises - Cleaning	3,832			3,832	8,037
Premises - Repairs and Maintenance	6,380			6,380	5,750
Premises - Other				-	1,758
Supplies and Services				-	115
Waste Disposal	1,931			1,931	1,423
Trees - felling and planting	4,030			4,030	3,000
Machinery Repairs	2,904			2,904	5,071
NNDR	18,331			18,331	9,900
Surveys				-	20,579
Sub total	96,235	-	-	96,235	131,905
A4 Asset and investment purchases, (see table)					
Buildings, Parks Refurbishment	164,032	-	-	164,032	
	-	-	-	-	
Sub total	164,032	-	-	164,032	-
Total payments	260,267	-	-	260,267	131,905
Net of receipts/(payments)	- 153,106	-	-	- 153,106	- 8,058
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	628,310	-	-	628,310	636,368
Cash funds this year end	475,204	-	-	475,204	628,310

Section B Statement of assets and liabilities at the end of the period

Categories	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B1 Cash funds	Cash	475,204	-	-
		-	-	-
		-	-	-
	Total cash funds	475,204	-	-
	(agree balances with receipts and payments account(s))			
		Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B2 Other monetary assets		-	-	-
		-	-	-
		-	-	-
B3 Investment assets		Fund to which asset belongs	Cost (optional)	Current value (optional)
			-	-
			-	-
			-	-
B4 Assets retained for the charity's own use		Fund to which asset belongs	Cost (optional)	Current value (optional)
	Barham Park Building Complex	Unrestricted		
B5 Liabilities		Fund to which liability relates	Amount due (optional)	When due (optional)
			-	
			-	
			-	
Signed by one or two trustees on behalf of all the trustees	Signature	Print Name	Date of approval	

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 Brent	Barham Park Trust Committee 15 October 2014 Report from Director of Legal and Procurement
For Action	
The Future of Barham Park Trust	

1.0 Summary

- 1.1 This report considers the future governance of the Barham Park Trust. The current arrangements for the management of the Trust have been in place since November 2012 and in accordance with Charity Commission guidance it is appropriate to periodically review whether it continues to be in the best interests of the charity for the local authority to remain as sole trustee and to review its management arrangements.

2.0 Recommendations

- 2.1 That members consider the current arrangements for the management of the Trust and decide whether other options should be explored. In the event that members do wish to further explore options it is recommended that independent expert Trust advice on the alternative models be obtained.

3.0 Detail

- 3.1 The land (which includes various buildings) known as Barham Park was given by George Titus Barham on trust to the Council in 1938. The terms of the trust are 'to preserve the same for the recreation of the public in such manner and subject to such regulations in all respects as the Council may from time to time think proper'. It was registered with the Charity Commission in June 1963 and is regulated by that body.
- 3.2 The land is held by the Council on trust and accordingly can only be used in furtherance of its stated charitable purpose. In making decisions about the trust property and finances, the Council must act in the best interests of the trust and must be mindful of any conflict of interest.
- 3.3 Until 2012 the Executive made decisions about the Trust in its ordinary executive meetings. It was made apparent from the content of those reports that the decisions were in relation to the Trust. However, for the reasons set

out in the report attached as **Appendix 1**, in 2012 it was decided to create a more apparent and defined separation of roles and the Executive established the Barham Park Trust Committee to deal with decisions regarding the Trust land, property and finances. Over the past two years decisions have been made in accordance with the governance arrangements set out in that report and separate accounting systems have been established.

- 3.4 While the current arrangements provide a significant improvement on the previous position, the Council as trustee has a responsibility to periodically consider whether the current arrangements best serve the charitable purposes and whether alternative arrangements should be explored.
- 3.5 The Council as a corporate body is the trustee (rather than individual members) and accordingly it is for the Council to make decisions about the trust in its role as Trustee. The Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) provide that all 'functions' of the Council (widely defined), which are not the preserve of others, are 'executive' functions. In the case of the role of Trustee, no restriction is specified and accordingly members are advised that, while the Council is sole trustee, it falls to the Council's Cabinet to make decisions regarding the Trust. Under the Local Government Act 2000 the Cabinet sub committee comprises members of the Cabinet. Accordingly, for so long as the Council is sole trustee, it appears that it can only be managed under the current arrangements, with possible minor variations, for example to the size of the sub committee, or the form of officer delegations.
- 3.6 A legal alternative to the current governance arrangement is to transfer the assets to a new or existing charitable body with some or no connection to the Council. The Charity Commission is the regulatory body and as such its permission would be required to approve any transfer scheme. It is anticipated that where possible the Charity Commission would expect the current charitable purpose to continue and would want to be satisfied that any alternative arrangement would be in the best interests of the Trust and its beneficiaries. In the event that a new body is planned, trust documents would need to be drafted and membership of that body determined.
- 3.7 The dual role of the Council as provider of services and as trustee is not always straight forward, and while the Council has been mindful of and complied with the rules on conflict of interest it has on occasion led to some unusual situations where Cabinet members have had to separate out their responsibilities. However, such arrangements are not entirely alien to the Council since they arise in other areas such as planning. The establishment of a separate body may have certain advantages, including the option to involve persons or bodies outside the Council in decisions about the Trust, although it was the unequivocal intention of Titus Barham to entrust the decisions to the Council.
- 3.8 In addition to any legal issues around alternatives for management of the Trust the Council would also need to consider any financial and practical issues that may arise. The Trust has always been and continues to be heavily subsidised by the Council; the grounds maintenance costs, day to day management of the park and buildings and expert advice on the various business aspects of the Trust are currently met by the Council and while some form of funding may still be an option, the financial security of the Trust would

need to be carefully considered. The day to day cost of running the park was £96k in 2013/14, offset by £45k of income. The balance is a cost to the Council. There are also potential VAT implications for the Trust if it is separated from the Council.

- 3.9 The transfer of land from control of the Council to an independent Trust may also have some practical implications, for example the ability to make bye laws in respect of that land will be constrained. Furthermore, the maintenance of the park is now undertaken by Veolia and the implications of that would also need to be considered.
- 3.10 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 as such will incur a cost. The cost estimate is between £4,000 and £6,000
- 3.11 It is not the purpose of this report to identify all the possible options for the future management of the Trust, nor to set out the advantages and disadvantages of those options, but to outline the basis on which the Trust is managed as it is currently and to ask members to consider whether, in light of the broad outline given in this report, members wish to explore any possibilities further.

4.0 Financial Implications

- 4.1 The cost relating to the investigation of future options is the commissioning of external advice which is estimated in the body of the report as being between £4,000 and £6,000.

5.0 Legal Implications

- 5.1 Any legal implications are set out in the body of the report

6.0 Diversity Implications

- 6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 None

Background Papers

Charity Commission Guidance
Brent Council Constitution

Contact Officers

Fiona Ledden
Director of Legal and Procurement

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**Executive
12 November 2012**

**Report from the Director of
Legal and Procurement**

**The Future Administration and
Governance of Barham Park Trust**

1.0 Summary

- 1.1 This report recommends the further separation of the Council's role as Trustee for Barham Park Trust from its statutory role and functions as a London borough council, and the development of specific policies and procedures for the effective management and use of the Trust's assets in order to fulfil its charitable purposes. It also recommends changes to the financial management of the Trust funds. The review of governance issues is part of the major review of the Trust which started in 2009 and has been more actively pursued since the beginning of 2012. It also takes into account matters raised by the Charity Commission.

2.0 Recommendations

- 2.1 That officers agree that the Executive carrying out the functions of trustee of Barham Park Trust be advised to
- i) note the Barham Park Trust status as a charitable trust
 - ii) arrange for the trustee functions in relation to Barham Park Trust to be discharged by a sub-committee of 5 members of the Executive to be known as 'Barham Park Trust Committee'
 - iii) agree the membership and terms of reference of the Barham Trust Committee of the Executive as set out in paragraph 3.7 below
 - iv) delegate the day to day trustee functions and decision making to the Assistant Director Neighbourhood Services in consultation with the Assistant Director Regeneration and Major Projects and the Deputy Director Finance and Corporate Services who shall collectively be known as the 'Barham Park Trust Management Team'
 - v) the officers in iv) above are delegated such executive powers relating to their service areas as are necessary to carry out the day to day trustee functions and, in so far as they relate to Barham Park Trust

- matters, these powers are the same as those delegated to Directors in those service areas under Part 4 of the Constitution
- vi) recommend to Full Council that the Director of Legal and Procurement be requested to amend the Constitution accordingly
 - vii) Note the Director of Legal and Procurement will provide specific guidance to members and officers in their role as trustee, and provide training
 - viii) Note that changes to the Trust accounts will be undertaken.

3.0 Detail

- 3.1 The land (which includes various buildings) known as Barham Park was given by George Titus Barham on trust to the Council in 1938. The terms of the trust are 'to preserve the same for the recreation of the public in such manner and subject to such regulations in all respects as the Council may from time to time think proper'. It was registered with the Charity Commission in June 1963 and is regulated by that body.
- 3.2 The Council as a corporate body is the trustee (rather than individual members) and accordingly it is for the Council to make decisions about the trust in its role as Trustee. The Local Government Act 2000, The Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Council's Constitution provide that all functions of the Council, which are not the preserve of others, are 'executive' functions. In the case of the Trust function, no restriction exists and accordingly it falls to the Council's Executive to make decisions. Under the Constitution functions are also delegated to officers. The Executive has made all major decisions concerning the Trust as and when they arise, most particularly the sale of 776 and 778 Harrow Road, and deciding to undertake a feasibility study of future use of the buildings and improvements to the park.
- 3.3 Day to day management of the Trust assets has been undertaken by a group of officers; the Assistant Director Regeneration and Major Projects, the Assistant Director Neighbourhood Services and the Deputy Director Finance and Corporate Resources.
- 3.4 When deciding matters concerning the Trust the Council as Trustee is required by law to decide matters based on the best interests of the Trust and to put aside any Council interests. The duties include fiduciary responsibilities and use of the assets in furtherance of the charitable purposes. The Charity Commission document '*Councillor's guide; A Council's role as Charity Trustee*' provides useful advice on how Councils should fulfil the role of trustee in accordance with the charity law and how to avoid financial and reputational pitfalls when they arise. One of the main issues highlighted in the document is the need for the charitable trust to be independent, namely to operate solely for its charitable purposes. To that end the management of the charity must be kept separate, as far as possible, from the business of the Council.
- 3.5 The Charity Commission contacted the Council regarding the Council's dealings as trustee for Barham Park following complaints it had received. The matters raised by the Charity Commission concerned the governance structures, the discharge of the duties and responsibilities as trustees and

annual returns to the Charity Commission. The Council responded that it was satisfied that it had acted properly as a Trustee for Barham Park but there were areas in which improvements could be made. The Charity Commission has confirmed, having received the information from the Council, that it is satisfied that the Council as the trustee of the Charity has a good grasp of its responsibilities and duties in connection with the charity and it does not propose to examine the concerns raised further. It offered advice on avoiding any future pitfalls and this has been taken into account when recommending these changes to members.

- 3.6 While the governance and structure of the Council's decision making in relation to the Trust is clear, defined and on the whole in practice, distinct from its decision making regarding the Council's statutory functions, there are advantages to creating a separate Executive committee to decide Trust matters and recording in detail the delegation of functions to officers. It is recommended that functions of the Council as the Barham Park trustee be undertaken by a specially constituted Executive committee, which should meet not less than once per year, whose terms of reference include acting in the best interests of the Trust, and that those members be advised by the senior officers who are delegated day to day management of the Trust. This formal arrangement would provide a clear and apparent separation of the Council's roles (thereby avoiding conflicts of interest which may arise if the roles are confused). It will ensure that decisions are made on the basis of the interests of the Trust and by doing so protect the public reputation of the charitable trust and the Council as Trustee. It will enhance public confidence in the trusts dealings. It is particularly important at this point in time that the governance arrangements are robust since the Council as trustee is shortly to make major decisions regarding the future use of the buildings and improvements to the park.

- 3.7 The following Terms of Reference are recommended

Barham Park Trust Committee

Membership

The sub-committee is comprised of 5 members of the Executive appointed by the Executive

Chair and Vice Chair

To be appointed by the Barham Park Trust Committee

Quorum

3 Executive members

Terms of Reference

The Executive has agreed to delegate the following executive functions to the sub committee:-

- (1) *the trustee functions in relation to Barham Park Trust including decisions to dispose of land, vary or cease the charitable purpose, or change the trustee, except those functions it has delegated to officers*
- (2) *an annual review of how the trust is carrying out its charitable purposes and a review of the Trust's finances*
- (3) *any other matter which the Assistant Director Neighbourhood Services considers ought to be referred to the committee for a decision*

The Committee shall meet not less than once per year.

- 3.8 The reports to the Executive on Trust matters include detailed advice on the financial and legal duties of the trustee, and the officers involved in the Trust are aware of the need to deal separately and in the best interests of the charity. However, as a matter of good practice and in accordance with the advice from the Charity Commission specific guidelines and training about roles and responsibilities and how to identify and deal with conflict of interests would be useful. It is recommended that this be provided by the Director of Legal and Procurement.
- 3.9 The Council as trustee is required to submit annual returns to the Charity Commission regarding the Trust's finances. The Charity Commission guidance stresses the need to keep the finances of the Council separate from the trust with the use of discreet cost centres.
- 3.10 With regard to the previous years the Council will need to complete all remaining accounts and ensure that the 2011/12 accounts are submitted by the deadline 31st January 2013. These will be brought to the Barham Park Management Team and Barham Park Trust Committee for approval. This will address the issues around completeness of the accounts and the basis of charges to and from the Council.
- 3.11 With regard to the accounts for future years it is proposed that:
- the accounts are produced using distinct cost centres held centrally, outside of individual departments
 - Quarterly monitoring reports and annual accounts will be based on returns from Regeneration and Major Projects and Environment and Neighbourhood Services signed off by the relevant Assistant Director. These reports will be compiled by the central finance team.
 - The quarterly financial reports will be reported to the Barham Park Trust Management Team
 - The annual accounts approved by Barham Park Trust Management Team and Barham Park Trust Committee

4.0 Financial Implications

- 4.1 The proposals in section 3 do not change the financial position of the charity, whereby the expenditure by the Council exceeds the income currently generated.

- 4.2 There is also no change to the treatment of the receipt from the sale of 776 and 778 Harrow, which continues to be ring-fenced for use by the Trust.

5.0 Legal Implications

- 5.1 Any legal implications are set out in the body of the report

6.0 Diversity Implications

- 6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 None

Background Papers

Charity Commission Guidance
Brent Council Constitution

Contact Officers

Fiona Ledden
Director of Legal and Procurement

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