



## Barham Park Trust Committee

**Tuesday 8 September 2015 at 7.00 pm**

Barham Park Lounge, Harrow Road, Wembley, HA0  
2HB

### Membership:

#### Members

#### Councillors:

Pavey (Chair)  
Denselow  
Hirani  
McLennan  
Southwood

**For further information contact:** Bryony Gibbs, Democratic Services Officer  
020 8937 1355

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**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
<b>1 Declarations of interests</b>	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
<b>2 Minutes of the previous meeting</b>	1 - 4
<b>3 Matters arising</b>	
<b>4 General update to Trust Members on Property Matters</b>	5 - 12

To update the Trust with regard to the status of the various units at Barham Park and to seek approval in regard to their future use and tenure arrangements.

**Ward Affected:**  
Sudbury

**Contact Officer:** Richard Barrett  
Operational Director, Property and Projects  
Regeneration and Growth  
[richard.barrett@brent.gov.uk](mailto:richard.barrett@brent.gov.uk) 020 8937 1330.

## 5 Any other urgent business

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

**Date of the next meeting: Thursday 15 October 2015**



- 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 Thursday 2 July 2015 at 7.00 pm

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

Also Present: Councillor Perrin

Apologies were received from: Councillors Denselow and Southwood

### 1. **Declarations of interests**

Councillor Hirani highlighted that as Lead Member for Adults, Health and Wellbeing he had been involved in developing outdoor gyms in Brent.

### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 11 May 2015 be approved as an accurate record of the meeting.

### 3. **Matters arising**

None.

### 4. **Order of Agenda**

RESOLVED:

That the order of the agenda be amended as detailed below.

### 5. **Verbal Update - Outdoor Gyms**

Chris Whyte (Operational Director, Community Services) provided an update to the committee regarding the installation of an outdoor gym in Barham Park. Members were informed that the consultation conducted regarding the preferred location of an outdoor gym had recently concluded. Consultation was conducted via an online survey and the circulation of hard copies to local residents and users of the Barham Park complex of buildings. Seventy-nine responses had been received. It was emphasised that the survey had provided for four different options (as detailed in the report from the Director of Environment and Neighbourhoods submitted to the committee meeting held on 28 January 2015). A fifth option had subsequently been made known to officers but it was highlighted that the majority of respondents would not have been aware of this additional option. Outlining the results to the committee, Chris Whyte advised that a small proportion had indicated that they did not want an outdoor gym at the site at all, fifty-four per cent had selected option A,

thirty-one per cent option B and options C and D had been chosen by approximately 7 per cent of respondents. Five people had expressed a preference for the fifth option.

The committee questioned whether the fifth option would enable the gym to be visible from the road, as it was known that this could be an important factor in attracting users. The Chair invited comments from members of the public. Queries were raised regarding the co-location of the gym with the children's play area (as envisaged with the selection of option A) and concerns were expressed regarding the limitations that option A would place on the use of the park by the fair and those wishing to hold picnics in that area. A view was put that the historic aspect of the park would be spoilt by the installation of the outdoor gym at option A and a further view was expressed that the pollution from the road made this site fundamentally unsuitable. In explanation of the additional fifth option, it was commented that the installation of the gym at the proposed alternative site would encourage footfall through the park, thereby creating a safer environment for use by the general public.

Responding to the issues raised, Chis Whyte confirmed that the proposed alternative site was located in the centre of the park and would not therefore be visible from the road. It was further clarified that the pros and cons for each of the four options were made clear in the consultation.

The committee noted the security concerns raised in favour of the fifth option but agreed that these rather made a case for exploring additional security measures for the park. Members highlighted that the committee had at its last meeting identified a preferred location (option B), subject to consultation; however, the results of this consultation demonstrated a clear majority in favour of option A.

RESOLVED:

That option A, as defined in the report from the Director of Environment and Neighbourhoods submitted to the committee meeting held on 28 January 2015, be selected as the preferred location for the outdoor gym.

## 6. **General update to Trust Members on Property Matters**

The Chair informed the meeting that due to unforeseen circumstances, Richard Barrett (Operational Director, Property and Projects) was unable to attend the meeting. It was noted that as Property Adviser to the Trust, his input was likely to be necessary with regard to a number of the proposals before the committee regarding the Barham Park complex of buildings.

In discussing the report, members were pleased to note that the marketing process for Unit 4, the Barham Park Lounge, had been targeted locally. A member of the public expressed a concern that part of the criteria required an organisation to provide three years worth of audited accounts; it was felt that this disadvantaged smaller charities which were only required to submit their accounts to the Charity Commission and it was suggested that the criteria be amended accordingly. Arnold Meagher (Principle Housing and Litigation Lawyer) explained that it would not be possible to amend the criteria without restarting the tender process. The committee highlighted that the marketing process was already underway; however agreed that

officers should take this issue under consideration for any future marketing processes.

The Chair drew the committee's attention to the proposal to utilise Brent Council's Community Asset Transfer Policy with regard to Unit 1, the Card Room. Members noted that the Trust had previously agreed to proceed with a marketing process with a specific emphasis on community use. Though the Trust was not bound by the council's policy, employing this new approach could represent a better way forward for the trust in securing community use of the unit.

The committee noted that further information was required with respect to the proposals regarding the maintenance profile plan for the complex of buildings; the valuation of Unit 8, the Children's Centre; and the letting of Unit 2, the Snooker and Billiard Rooms, to the Barham Park Veterans' (Wembley). Members therefore agreed to defer consideration of these decisions to the next meeting of the committee. In doing so, members took note of the concern raised by a member of the public regarding the basis on which current service charges were decided in light of the proposal to obtain a maintenance profile plan and the implication of this question for the valuation of Unit 8. Members of the committee also highlighted that concerns had been raised by a member of the public regarding accessibility of the membership of the Barham Park Veterans' Club (Wembley) which required further investigation and that the committee had not had sight of the diversity questionnaire.

RESOLVED:


- i) That it be noted that the marketing process for Unit 4, the Barham Park Lounge, was underway and the deadline for receipt of tenders was Friday 10 July 2015.
- ii) That Unit 1, the Card Room, be offered to Third Sector Organisations utilising Brent Council's Community Asset Transfer Policy.
- iii) That the decision regarding approval of the procurement of a consultant to draw up a Maintenance Profile Plan be deferred to the next meeting of the committee.
- iv) That the decision to seek Charity Commission approval to let Unit 8, the Children's Centre, at a rent of £11,300 for a term of 5 years with consent to an organisation to continue the Children's Centre service, be deferred to the next meeting of the committee.
- v) That the decision to proceed to complete the approved letting of Unit 2, the Snooker and Billiard Rooms, to the Barham Park Veterans' (Wembley) be deferred to the next meeting of the committee.

## **7. Any other urgent business**

None.

The meeting closed at 8.08 pm

M PAVEY  
Chair

 <p><b>Brent</b></p>	<p><b>Barham Park Trust Committee</b> 8 September 2015</p> <p><b>Report from the Barham Park Trust Property Adviser</b></p>
<p>Wards affected: Sudbury</p>	
<p><b>Update on the Barham Park Building Complex, 660-Harrow Road, Wembley, HA0 2HB</b></p>	

## 1.0 Summary

- 1.1 To update the Trust with regard to the status of the various units at Barham Park and to seek approval in regard to their future use and tenure arrangements.

## 2.0 Recommendations

- 2.1 That the Trust approves the procurement of a consultant to draw up a Maintenance Profile Plan, such a plan to be reported to the Trust once it has been drawn up.
- 2.2 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. The terms of the lease proposed are set out below in Para 3.2 or with amendments by the Property Adviser to the Trust in conjunction with the Trust Chair.

## 3.0 Detail

- 3.1 At its last meeting the Trust requested that the application for Charity Commission consent to let the Children's Centre (Unit 8) shown on plan at Appendix A, to Brent Council be deferred. Because of time constraints an

application has been made to the Charity Commission following an independent valuation by the District Valuer. Brent will therefore take a lease subject to Charity Commission approval. The Council have selected Barnados to run fourteen centres across Brent and they will run this centre under a licence to be granted by Brent Council when the lease has been granted.

- 3.2 **Unit 2-The Snooker and Billiard Rooms** The Trust deferred the decision on letting unit 2 – details are repeated from the previous report below (i) Unit 2 is occupied by the Barham Park Veterans' Club (the Vets) under no formal tenure. In order to regularise this historic position, previously the Trust had agreed to let this Unit to the Council, (subject to Charity Commission consent), who would then sublet this Unit to the Vets. As mentioned above the Charity Commission did not grant consent to this proposal. Therefore the recommendation is that the Trust deal direct with the Vets.

As the Vets have been in occupation for a considerable period it is considered a priority to regularise that occupation rather than seek possession and market the unit. Similarly it is suggested that the rent should be staggered so as to allow the Vets a period of time to adjust to the more formal relationship. Therefore it is recommended that the Trust adhere to the terms which were agreed between the Vets and the Council which are not immediately market value but are considered to be a reasonable compromise. Thus the following, are the main terms for the sub-lease that was to be granted by the Council to the Vets and are now recommended to the Trust:

The lease to be for a 4 year term outside the security of tenure provisions of the 1954 Landlord and Tenant Act, with a stepped rent and service charge of:-

Year 1–Rent Nil; Service Charge and Insurance Nil.

Year 2- Rent £1,000 per annum (pa); Service Charge and Insurance £500pa.

Year 3- Rent £2,000 pa; Service Charge and Insurance £1,000 pa.

Year 4- Rent £3,000 pa; Service Charge and Insurance £1,500 pa.

These terms were agreed with the Vets, however on the 19<sup>th</sup> May 2014 the Vets' legal representative wrote to the Council rejecting these terms. The objections are believed to be resolvable and therefore Officers will need to re-engage with the Vets in order to persuade them to accept the above terms.

- 3.3 **Maintenance Profile Plan** The Trust deferred making a decision on the item below:

- 3.4 On 28<sup>th</sup> February 2014 the refurbishment works to Units 3, 4 and 5 to bring them up to a tenatable standard and to separate the various Units, were completed within the Trust's allocated budget. As part of the management of any property asset the Trust needs to provide cyclical and planned maintenance and to make provision for maintenance. This can be done with the aid of a long term Maintenance Profile Plan. Therefore the Property Adviser to the Trust is seeking consent to procure a consultant to prepare such a plan.



3.5 The Trust approved the marketing of Unit 1Card Room in accordance with the Community Asset Transfer process approved by the Council. This process will commence in the next two weeks.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There will be a cost incurred if a consultant is requested to draw up a long term maintenance plan for the building. The costs could be around £2,000 to £5,000.

#### **5.0 LEGAL IMPLICATIONS**

5.1 A disposal or letting of Trust land to another charity for similar charitable purposes is not subject to the procedural requirements in the Charities Act 2011 (applicable to a disposal to any other third party or a connected person like the Council)

5.2 The statutory requirements relating to any other disposal or letting of land are summarised as follows:

5.2.1 any disposal or letting of Trust land for more than 7 years to a third party (who is not a charity with similar purposes) can only be authorized by the trustees after considering a written report prepared by a qualified surveyor as to the marketing and the valuation of the land on the basis that the terms proposed for the disposal are the best that can be reasonably obtained

5.2.2 any disposal or letting of Trust land for 7 years or less to a third party (who is not a charity with similar purposes) can be authorized by the Trustees after considering the advice of a suitably qualified person

5.2.3 any disposal of recreational charity land or letting for more than two years to a third party or a connected person (who is not a charity with similar purposes) must be notified in the local press and on site and provide at least one calendar month for people to make representations

5.2.4 any disposal of Trust land or letting to the Council or any other connected person is subject to:  
(1) requirements as in 5.2.1, 5.2.2 and 5.2.3 depending on the terms of the disposal  
(2) and the written consent of the Charity Commission  
but the Charity Commission may at its discretion specify that the charity obtain a written report prepared by a qualified surveyor independent from the charity as to the marketing and the valuation of the land

#### **6.0 DIVERSITY IMPLICATIONS**

6.1 Positive impacts have been identified in respect of age, pregnancy and maternity, race, religion or belief and sex as the properties and services provided will be inclusive for everyone. In respect of the Units, Trust Officers

will make sure the opportunities are widely marketed and will encourage tenants to advertise and promote their services in a similar manner ensuring the Units and services are inclusive for all.

Negative impacts have been identified in respect of age, race and sex mainly affecting the Barham Park Veterans' Club who we have observed, and who comprise a group of 60 year old or over Asian men, as their use of the Card Room will cease, However as the proposal comprises the regularisation of their occupation which they don't currently have, the negative impact will be mitigated through providing security of tenure in respect of Unit 2, the existing service is considered non inclusive and not a position that is tenable.

We recognise the mitigations may not fully alleviate all negative impacts and that some may not work for various reasons. However the principle aim of these proposals is to market and lease under utilised valuable property assets and regularise existing occupation arrangements, aligning them with the charitable objectives of the Barham Park Trust for provision of recreational facilities for the benefit of members of the public.

## **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

7.1 None.

## **8.0 BACKGROUND PAPERS**

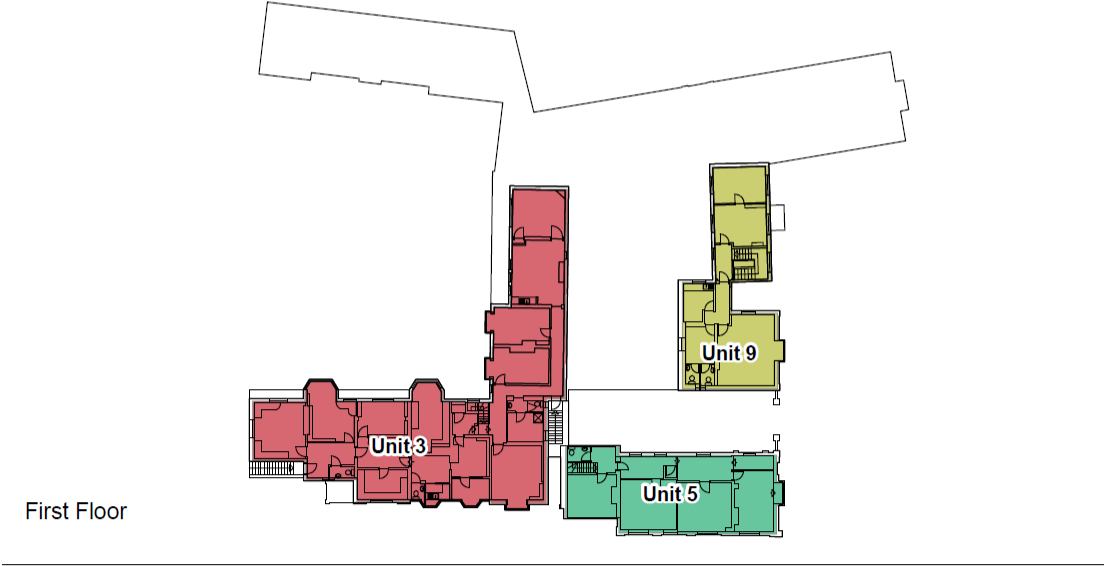
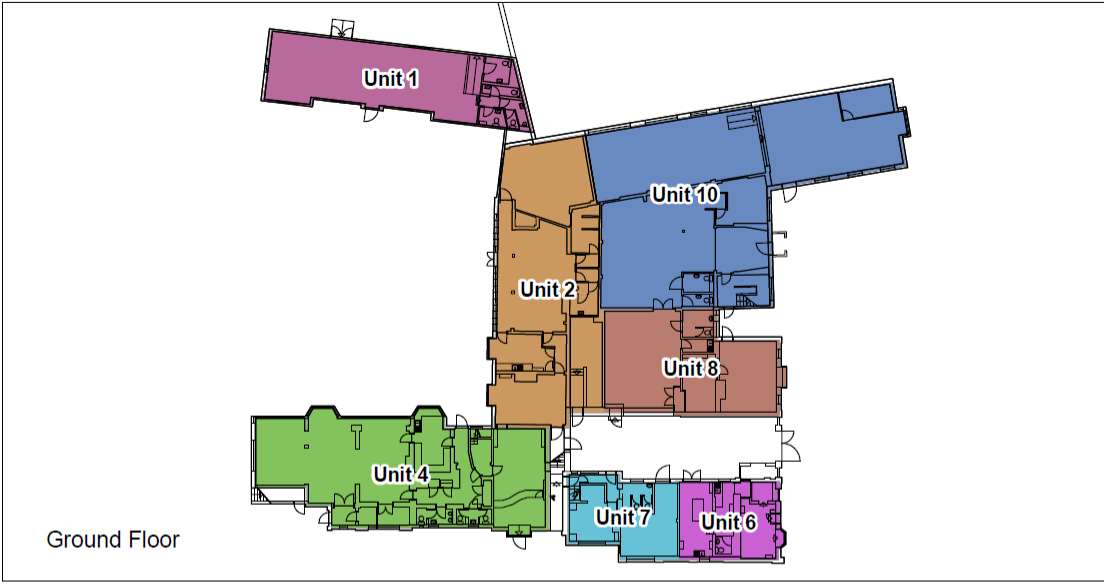
1. Charity Commission Guidance.
2. Brent Council Constitution.
3. 2nd July 2015 Barham Park Trust Committee Report -

### **Contact Officers**

Richard Barrett  
Operational Director, Property and Projects  
Regeneration and Growth  
[richard.barrett@brent.gov.uk](mailto:richard.barrett@brent.gov.uk) 020 8937 1330.

## Appendix I

# Barham Park Buildings, Barham Park, 660 Harrow Road, Wembley, HA0 2HB



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|--|---|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #800080; border: 1px solid black;"></span> Unit 1, Barham Park Charitable Trust         | <span style="display: inline-block; width: 15px; height: 15px; background-color: #800080; border: 1px solid black;"></span> Unit 6, ACAVA                           |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #D2691E; border: 1px solid black;"></span> Unit 2, Barham Park Veterans' Club (Wembley) | <span style="display: inline-block; width: 15px; height: 15px; background-color: #6495ED; border: 1px solid black;"></span> Unit 7, Veolia                          |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #DC143C; border: 1px solid black;"></span> Unit 3, ACAVA                                | <span style="display: inline-block; width: 15px; height: 15px; background-color: #A0522D; border: 1px solid black;"></span> Unit 8, Brent Council Children's Centre |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #32CD32; border: 1px solid black;"></span> Unit 4, Barham Park Charitable Trust         | <span style="display: inline-block; width: 15px; height: 15px; background-color: #9ACD32; border: 1px solid black;"></span> Unit 9, ACAVA                           |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #20B2AA; border: 1px solid black;"></span> Unit 5, ACAVA                                | <span style="display: inline-block; width: 15px; height: 15px; background-color: #4169E1; border: 1px solid black;"></span> Unit 10, ACAVA                          |





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