



## Barham Park Trust Committee

**Wednesday 28 October 2015 at 6.00 pm**

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

### Membership:

#### Members

#### Councillors:

Pavey (Chair)

Denselow

Hirani

McLennan

Southwood

**For further information contact:** Peter Goss, Democratic Services Manager  
peter.goss@brent.gov.uk, 0208 937 1353

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**[democracy.brent.gov.uk](http://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
<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 meetings (8 September and 8 October 2015)</b>	1 - 8
<b>3 Matters arising</b>	
<b>4 Presentation by Sudbury SNT</b>	
Sergeant Lorraine Warren from the Sudbury Safer Neighbourhood Team will attend to discuss issues relating to the security of the park and surrounding area.	
<b>5 Update on Barham Park Veterans Club</b>	9 - 12
This briefing note outlines the position of the Barham Park Trust in relation to concerns raised about the accessibility and inclusivity of the membership of the Barham Park Veteran's Club, a charity registered with the Charity Commission that has had a long-term lease relationship with the Council.	
<b>6 Barham Trust Annual report 2014/15</b>	13 - 20
This report presents the annual report for the Trust for 2014/15. <i>(The Examiners report will follow).</i>	
<b>7 Any other urgent business</b>	
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.	



Please remember to set your mobile phone to silent during the meeting.



## MINUTES OF THE BARHAM PARK TRUST COMMITTEE Tuesday 8 September 2015 at 7.20 pm

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

Also Present: Councillors Butt and Perrin

### 1. **Delayed start**

The Chair apologised for the delay in starting the meeting caused by not being able to access the meeting room.

### 2. **Declarations of interests**

Councillor Hirani repeated the declaration he made at the previous meeting concerning his involvement in developing outdoor gyms in Brent.

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

RESOLVED:-

that the minutes of the previous meeting held on 2 July 2015 be approved as an accurate record of the meeting.

### 4. **Matters arising**

#### *Verbal update - outdoor gym*

The Chair referred to the decision at the previous meeting to locate the outdoor gym according to option A and added that further representations had been received concerning the air quality at this location and the operation of the fun fair. Chris Whyte (Operational Director, Community Services) reported that the air quality did not pose a problem and that the operator of the fun fair was satisfied with the proposed location of the gym. The decision to proceed with option A was confirmed.

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

The Chair reported that further to the previous meeting, eleven applications for use of the Lounge had been received of which four had been interviewed and a choice was to be made on which one of two would be selected. It was the intention to make a decision by the end of the following week. The decision had been delegated to the Chair and Property Advisor to make and if they were unable to agree the matter would be referred back to the Trust Committee. The Trust members noted the current position.

Councillor Southwood emphasised the need to adopt a sustainable position on the letting of the Card Room (Unit 1) pursuant to the decision taken at the previous meeting.

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

Richard Barrett (Property Advisor to the Trust) referred to a number of items discussed at the previous meeting that had been deferred for further discussion at this meeting. He drew attention to paragraph 3.1 of the report before the Trust Members which provided an update on the letting of Unit 8. Trust Members went on to discuss a maintenance profile plan. It was explained that the calculation of a service charge was based on internal repair requirements and that, whilst an incoming tenant would be required to take on the responsibility for the internal upkeep of the building, it would be unreasonable to expect prospective tenants to bear full responsibility for any major works that might be found to be necessary, such as roofing, window, wiring etc. works. A maintenance profile plan would inform the Trust Members of what further works were required. A view was put to the meeting that this approach undermined the tendering procedure which had not made clear that a prospective tenant might not be made responsible for some aspects of the maintenance of the building. It was explained that this would be a matter of negotiation with an incoming tenant and that it reflected on the Trust, as landlord, acting in a reasonable way.

Richard Barrett reported that the Barham Park Veteran's' Club (the Vets) had supplied a copy of their constitution and membership. He read from these documents and undertook to circulate them to the Trust Members after the meeting. In response, Trust Members expressed their continuing concern over the membership criteria and the actual operation of the club and were reluctant to take any decision on formalising the club's occupation of Unit 2 until they had received re-assurances as to the clubs inclusivity. It was therefore agreed to ask the Council's Equality Team to discuss with the club how it might up-date its constitution to better reflect the approach to diversity that the club was expected to endorse.

RESOLVED:

- (i) that a consultant be procured to draw up a maintenance profile plan and that the plan be reported to a future meeting of the Trust Committee;
- (ii) that a report be submitted to the next meeting of the Trust Committee on the outcome of the work carried out by the Council's Equality Team with the Barham Park Veterans' Club before a decision is taken on leasing the snooker and billiard rooms (Unit 2) to the club.

## **6. Any other urgent business**

There was no urgent business to consider.

A request was made for the toilets within the snooker and billiard rooms to be opened up for walkers at week-ends. Richard Barrett (the Trust Property Advisor) undertook to investigate the possibilities for providing toilet facilities for people using the park.

It was agreed that an item be included for the next meeting of the Trust Committee on the provision of security around the park and that a representative of the Safer Neighbourhood Team be requested to attend the meeting.

**7. Date of next meeting**

It was agreed to postpone the next meeting from 15 October to a date later in the month.

The meeting closed at 8.15 pm

M PAVEY  
Chair

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## MINUTES OF THE BARHAM PARK TRUST COMMITTEE Thursday 8 October 2015 at 3.00 pm

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

Also present: Councillor Perrin

Apologies were received from: Councillor Denselow

### 1. **Introductions**

Councillor Michael Pavey (Chair) opened the meeting by stating that he would usually welcome contributions from the audience, however indicated that he would not be doing this at today's meeting.

Members of the Committee agreed that minutes of the previous meeting and any matters arising would be dealt with at the next meeting, scheduled for 28 October. Before inviting contributions from Members of the Committee, Councillor Pavey apologised to the applicants that this process had taken so long. He indicated that the process had, at times, been shambolic.

He continued by saying that Members of the Trust had been given unclear, and sometimes contradictory, information. Councillor Pavey clarified that much of the confusion centres on the interviews, conducted in August. He provided assurance to all applicants that the interviews had all been conducted professionally and in good faith.

Councillor Pavey stated the report for consideration underplays the importance of the interview stage in this process.

Councillor Pavey informed the Committee that a Freedom of Information request had already been submitted about the process. He stated that three interviewers had been unanimous in their opinion as to the strongest bid.

Councillor Pavey closed his introductory remarks by expressing his frustration that the process had taken well over three months and that Trust Members have been given inconsistent advice throughout.

### 2. **Declarations of interests**

None declared.

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

RESOLVED:-

that consideration of the minutes of the previous meeting held on 8 September 2015 be deferred to the next meeting.

4. **Matters arising**

Deferred.

5. **The letting of Unit 4, The Lounge, Barham Park Building Complex**

Councillor Pavey reminded Members of the Committee that Committee Members face a simple choice: to let the Lounge to the Friends of Barham Library, to Pivot Point or to rerun the tender process.

Councillor Pavey invited each Member of the Trust to give their views on these choices and we will then hold a vote if necessary.

Councillor Pavey read out a statement from Councillor James Denselow. He indicated that this would not count as a vote.

*“Sorry I can't be with the Committee today but I would like to express my support to the Friends of Barham Library proposal to run the Lounge building. I am on record already expressing my support to community libraries in this new era of massive Coalition and now Conservative cuts to local government. FOBL have shown great resilience and imagination in fundraising some £50,000 and building a stock of 10,000 books and deserve their chance to be based in a more secure location. Alongside ACAVA they will bring community services and involvement to one of Brent's fantastic green spaces”.*

Councillor Margaret McLennan indicated her support for Pivot Point Community Development Foundation. She said that although she had not attended the interviews, she considered the officers' report. She said that the interviews were an important but not the most vital aspect of the process. She said that deliverability was relevant and for this reason, she preferred the bid of Pivot Point Community Foundation.

Councillor Ellie Southwood indicated her support for Friends of Barham Library.

Councillor Krupesh Hirani indicated his support for Pivot Point Community Development Foundation. He referred to paragraphs 4.0 to 4.7 of the officers' main report and said that in his view, the bid of Pivot Point Community Development Foundation was slightly better.

Councillor Michael Pavey indicated his support for Friends of Barham Library. He said that the FOI process would show that at the interview stage, he awarded the highest marks to Friends of Barham Library. He said he accepted legal advice that these interviews were not binding. However, he also felt that having awarded these marks in a fair and transparent process, I should only change his mind if presented with new information. Councillor Pavey said that the officers' report accurately summarised the original written submissions but it did not provide any new information to challenge the scores that he awarded at interview. Consequently, Councillor decided to stick with the impartial judgement that he made at the interview stage and support Friends of Barham Library's bid

None of the Committee Members voted for a rerun of the tender process. Councillor Pavey asked for a show of hands for Pivot Point Community Foundation (“Pivot Point”) and Councillor McLennan and Councillor Hirani voted for Pivot Point. Councillor Pavey asked for a show of hands for Friends of Barham Library and Councillor Pavey and Councillor Southwood voted for Friends of Barham Library.

Councillor Michael Pavey stated that each bid had therefore received two votes.

Arnold Meagher, Principal Lawyer, confirmed to Committee Members that, in the event of an equality of votes, the Chair would have the casting vote.

Using his casting vote, Councillor Pavey confirmed the Committee’s decision to lease Unit 4 The Lounge to Friends of Barham Library.

Councillor Pavey said that throughout this process, there have been allegations that Friends of Barham Library are a politically motivated organisation and that they have a difficult relationship with other tenants of this building. The Trust has awarded this contract based strictly on the bids put before them. Councillor Pavey said that the Trust would ask that Friends of Barham Library continue to show political neutrality and work cooperatively with all sections of the local community.

6. **Any other urgent business**

None.

The meeting closed at 3.13 pm

M PAVEY  
Chair

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**Brent**

## Briefing note on Barham Park Veterans' Club

For information

### 1.0 Summary

This briefing note outlines the position of the Barham Park Trust in relation to concerns raised about the accessibility and inclusivity of the membership of the Barham Park Veteran's Club, a charity registered with the Charity Commission that has had a long-term lease relationship with the Council.

### 2.0 Recommendations

2.1 To note the contents of this briefing note and the proposed next steps.

### 3.0 Detail

#### 3.1 Legal background

- 3.1.1 The Equality Act 2010 places a general duty on public bodies to have due regard to the need to 1) eliminate discrimination, 2) advance equality of opportunity and 3) foster good relations when exercising their public functions.
- 3.1.2 Although charities are not public bodies, they may still be covered by the general duty if they exercise public functions, and equality legislation does have an impact on their service delivery or charitable objects.
- 3.1.3 The Equality and Human Rights Commission has produced a [Code of Practice for voluntary and community sector organisations \(including charities\)](#) which outlines the general provisions, as well as the specific charity exceptions in relation to their charitable objects and positive actions in service delivery.
- 3.1.4 The key provisions that charities must consider to ensure they act in accordance with equality law, as well as thinking about how they can use the positive provisions to further their charitable objects are:
- Firstly, equality law is about providing protection from less favourable treatment because of a protected characteristic and encouraging progress on equality. In doing so, equality law recognises that sometimes we need to treat people differently by providing specific services and taking positive action.
  - Secondly, if a charity wants to take positive action or to rely on an exception to the general rule of non-discrimination they must be satisfied that they are doing this to meet a legitimate aim and that what they are doing is both necessary and appropriate to meet this aim.

## **3.2 Background**

- 3.2.1** At its July meeting (under the Genral Update to Trust Members on Property Matters) the Barham Park Trust highlighted that *'concerns had been raised by a member of the public regarding accessibility of the membership of the Barham Park Veterans' Club (Wembley)'*. The Trust therefore resolved 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 [8<sup>th</sup> September] meeting.
- 3.2.2** At the September meeting (under the General Update to Trust Members on Property Matters) Trust Members *'expressed their continuing concern over the membership criteria and the actual operation of the club and were reluctant to take any decision on formalising the club's occupation of Unit 2 until they had received re-assurances as to the clubs inclusivity. It was therefore agreed to ask the Council's Equality team to discuss with the club how it might update its constitution to better reflect the approach to diversity that the club was expected to endorse.'*
- 3.2.3** It was resolved that a report be submitted to the next meeting of the Trust [on 28<sup>th</sup> October] on the outcome of the work carried out by the Council's Equality team with the Barham Park Veterans' Club before a decision is taken on leasing the snooker and billiard rooms (Unit 2) to the club.

## **3.3 Follow up conversations between the Head of Equality and relevant officers**

- 3.3.1** The Head of Equality met with the Operational Director of Property and Project to further discuss the current position on leasing Unit 2 to the Barham Park Veterans' Club. Richard Barrett confirmed that he has obtained a copy of the constitution, as well as some membership diversity profile information of the club that he kindly shared with the Head of Equality.
- 3.3.2** Findings based on the available information provided by the Chair of the club:
- The constitution was last updated in 2004, i.e. before the introduction of the Equality Act 2010 and the amended Charities Act 2011.
  - The Chair hasn't provided an Equality of Opportunity statement or policy. While it is not a mandatory requirement for the club to have such a statement / policy, it is considered to be good practice.
  - The members' diversity profile shows that the club currently has 95 members in total. All of the members are aged 65 and above. Of these, 89 are Asian or Asian British and the remaining six are White or White British. The majority (88 members) are Hindu, four are Christian and 3 are defining their religious beliefs as Other. The gender profile of the club is as follows: 58 members are men and 37 are women. Only 11 out of the 95 members have declared a disability.
- 3.3.3** The Head of Equality also met with the Operational Director of Community Services to discuss the matter, after which they arranged a meeting with the Chair of the club.
- 3.3.4** The Head of Equality and the Operational Director of Community Services met with the Chair and Secretary of the club on 15 October. The outcome of the meeting was positive. The Chair and Secretary gave their verbal assurance that they would work with the Council to resolve any concerns, and agreed to review the club's Constitution and make necessary amendments.

### **3.4 Next steps**

- 3.4.1** The Chair of the Barham Park Veterans' Club to provide the Council with an up-to-date membership list and other relevant membership documents (31 October 2015).
- 3.4.2** The Equality team to support the Chair in updating the Constitution, their membership documents and communication materials to ensure that the club is compliant with current legislation and is abiding by the Council's Equality and Diversity policies (30 November 2015).
- 3.4.3** The Property and Projects team, with support from the Equality team, to review the Equality and Diversity clause that applies to all leases, including the lease with Barham Park Veterans' Club to ensure that it is fit for purpose (30 November 2015).
- 3.4.4** The adoption of the proposed measures is not an end in itself and the impact of these arrangements must be monitored. The Council should also aim to establish an ongoing relationship with the Barham Park Veterans' Club and engage the club in activities and initiatives that could help diversify its membership and contribute to more inclusive approaches to recruiting new members.

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**Barham Park Trust Committee**  
28 October 2015

**Report from the Operational Director,  
Finance**

For information

Wards affected:  
ALL

**Annual Report 2014/15**

**1.0 Summary**

1.1 This report presents the annual report for the Trust for 2014/15.

**2.0 Recommendation**

2.1 That the Barham Park Trust Committee approves the annual report for 2014/15.

**3.0 Detail**

Annual Report for 2014/15

3.1 The annual report is set out for consideration by the Committee. It outlines the work undertaken on behalf of the Trust during the year, which included the improvement works on the park and ongoing work to secure tenants for the various buildings on the site.

3.2 The accounts have also been subject to an independent examination by the Audit Manager. 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 2014/15 the Trust incurred expenditure of £39,064 on refurbishment of the building complex and the park funded from the cash funds held in reserve. After taking account of interest earned of £9,108 this has led to the cash balance of the Trust reducing by £30,496 to £444,708.

3.4 General expenditure on the running and maintenance of the park and buildings reduced by £14,174 compared to 2013/14 and income increased by £18,404. As a result the net contribution from Brent Council has reduced by £32,578 to £18,610.

3.5 Following approval by the Trust Committee the annual report will be submitted to the Charity Commission – the deadline for submission is 31 January 2016.

#### **4.0 Financial Implications**

4.1 As at 31 March 2015 the cash position of the Trust amounted to £444,708 as set out in 3.3 above.

#### **5.0 Legal Implications**

5.1 The annual report is required under the Charities Act 2011.

#### **6.0 Diversity Implications**

6.1 None

#### **Background Papers**

None

#### **Contact Officers:**

Eamonn Mccarroll  
Operational Director Finance  
020 8937 2468

Chris Whyte  
Operational Director - Community Services  
020 8937 5342



# Trustees' Annual Report for the period

<b>From</b>	Period start date			<b>To</b>	Period end date		
	Day 01	Month 04	Year 2014		Day 31	Month 03	Year 2015

## Section A Reference and administration details

**Charity name**

**Other names charity is known by**

**Registered charity number (if any)**

**Charity's principal address**

Brent Civic Centre, Engineers Way
Wembley
Middlesex
Postcode HA9 0FJ

### Names of the charity trustees who manage the charity

	Trustee name	Office (if any)	Dates acted if not for whole year	Name of person (or body) entitled to appoint trustee (if any)
1	LB Brent	Barham Park Trust Committee		Not applicable as corporate sole trustee
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18				

### Names of the trustees for the charity, if any, (for example, any custodian trustees)

Name	Dates acted if not for whole year

**Names and addresses of advisers (Optional information)**

Type of adviser	Name	Address

**Name of chief executive or names of senior staff members (Optional information)**

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**Section B Structure, governance and management**

**Description of the charity's trusts**

Type of governing document  
(eg. trust deed, constitution)

The voluntary conveyance dated 22 October 1936 between George Titus Barham (1) and Wembley UDC (2) copy annexed

Related documents

- the conveyance dated 1st February 1937 between Florence Elizabeth Barham (1) and the Mayor Alderman and Burgesses of the Borough of Wembley (2) copy annexed
- the Assent dated 1st February 1938 between James Williamson and Kenneth Ewart Tansley (1) and the Mayor Alderman and Burgesses of the Borough of Wembley (2) copy annexed

How the charity is constituted  
(eg. trust, association, company)

London Borough of Brent as sole trustee

Trustee selection methods  
(eg. appointed by, elected by)

Not applicable – the Council as local authority is the sole trustee. The London Borough of Brent is statutory successor to the Borough of Wembley.

**Additional governance issues (Optional information)**

You **may choose** to include additional information, where relevant, about:

- policies and procedures adopted for the induction and training of trustees;
- the charity's organisational structure and any wider network with which the charity works;
- relationship with any related parties;
- trustees' consideration of major risks and the system and procedures to manage them.

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**Summary of the objects of the charity set out in its governing document**

The land is be held on trust 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

**Summary of the main activities undertaken for the public benefit in relation to these objects (include within this section the statutory declaration that trustees have had regard to the guidance issued by the Charity Commission on public benefit)**

The benefit is the provision of Barham Park and building for recreational purposes.

The Trustees received training on 16 September 2013 and this included a wide range of information including governance, conflicts of interest and public benefit.

**Additional details of objectives and activities (Optional information)**

You **may choose** to include further statements, where relevant, about:

- policy on grantmaking;
- policy programme related investment;
- contribution made by volunteers.

**Summary of the main achievements of the charity during the year**

During the 2013-14 financial year work was undertaken to improve the Barham Park Building Complex and work commenced on delivering the vision for the open space, in accordance with the decision taken by the Trust Committee in February 2013.

The first works progressed to achieve the open space vision was the tendering for a company to project manage the parks works. Ig9 was awarded this contract in October 2013 and have been working closely with Council officers to move works forward.

A bank of approximately 100 ageing Leylandii trees located adjacent to the railway line were removed in February 2014 and an Invitation To Quote was issued at the end of March 2014 to three companies to bid for the installation of a path at the rear of the park which will link the park from East to West.

The Feb 2013 report agreed parks works to the value of approximately £393k and stated that officers would continue to seek other sources of funding to implement the remainder of the vision. Officers have been granted a further £200k from S106 monies for 2014/15 and so works will be underway in 2014/5 not only to progress the works identified in the Feb 2013 report but also to undertake further works in line with the vision including: horticultural works to restore/improve the existing gardens and beds; building works including repointing, improvements to the main entrance and the provision of an outdoor gym.

During 2014/15 ACAVA completed their tenant alterations and their space is now fully occupied. They held successful meetings with Sudbury RA and are planning a number of community initiatives.

The Lounge has been placed on the market and attracted a good level of interest. At the date of this report a short list of four potential tenants have been selected for Trust Member level interview. It is anticipated that a preferred tenant will be selected and, subject to completion of the necessary legal documentation should be in occupation by the end of this calendar year. This letting will contribute to the revenue income generated by the occupation of the Barham Complex.

The Trust is currently seeking to regularise the long standing occupation of the Snooker and Billiard Room by the Barham Park Veterans Club. It is hoped the lease to the Barham Vets will also be completed this year. This will leave one unit vacant, The Card Room. The Trust made a decision in June 2015 to offer it out to the Community on a form of Community Asset Transfer. It will be offered out for expressions of interest later this year.

It is intended to recommend to Trust at the next meeting that a condition survey be compiled on the building to ensure any major issues are identified and if necessary to seek funding to address any critical problems in the fabric of the building.

The Trust has made an application to the Charity Commission for consent to lease the former library building comprising the Children's Centre to the Council on a five year lease at a rent assessed by the District Valuer.

## Section D Achievements and performance

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## Section E Financial review

**Brief statement of the charity's policy on reserves**

As at 31 March 2015 the charity held cash reserves of £444,708

In accordance with the decision of the trustees any future receipts will be used for improvements within Barham Park.

**Details of any funds materially in deficit**

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### Further financial review details (Optional information)

You **may choose** to include additional information, where relevant about:

- the charity's principal sources of funds (including any fundraising);
- how expenditure has supported the key objectives of the charity;
- investment policy and objectives including any ethical investment policy adopted.

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## Section F Other optional information

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## Section G Declaration

The trustees declare that they have approved the trustees' report above.

Signed on behalf of the charity's trustees

Signature(s)

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Full name(s)

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Position (eg Secretary, Chair, etc)

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Date

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