



Barham Park Trust Committee

Wednesday 7 September 2016 at 6.00 pm

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

Membership:

Members

Councillors:

McLennan (Chair)

Farah

Pavey

Hirani

Southwood

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

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

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 Appointment of Vice Chair	
3 Minutes of the previous meeting	1 - 2
4 Matters arising	
5 Barham Park Veteran's Club	
A discussion will be held with representatives of the Barham Park Veteran's Club who will be in attendance at the meeting.	
6 Barham Park Trustees Annual Report 2015-16	3 - 12
The Barham Park Trustees Annual Report 2015-16 is attached for members' consideration.	
7 Barham Park Trust Officer Delegations	13 - 16
This report updates Members on the delegation arrangements relating to Barham Park Trust Management Team and proposes changes.	
8 Property Update, Barham Park Building Complex, 660 Harrow Road, Wembley	17 - 22
This report updates members on property matters regarding the Barham Park building complex and seeks authorisation of proposals for the completion of leases for Units 2 and 4.	
9 Safer Neighbourhood Team	
A verbal update will be provided by a representative of the Safer Neighbourhood Team.	

10 Park Matters

Officers will provide a verbal update regarding park matters for members' information.

11 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: to be determined



- 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.

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MINUTES OF THE BARHAM PARK TRUST COMMITTEE Wednesday 27 January 2016 at 6.00 pm

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

Apologies were received from: Councillor Southwood

1. **Declarations of interests**

None declared.

2. **Minutes of the previous meeting**

The minutes of the previous meeting were amended by reference to the figures shown in the paper submitted under item 5 on the agenda.

RESOLVED:-

that the minutes of the previous meeting held on 28 October 2015 be approved as an accurate record of the meeting subject to the first line figures in the 2nd paragraph of minute 6 being amended to:
£18,404 - £15795.

3. **Matters arising**

Presentation by Sudbury SNT

Trust members requested that Sgt Warren provide an update to her presentation made on 28 October 2015 and thereafter an annual presentation by the SNT be programmed for meetings of the Trust.

An update on the issue of lighting in the park was requested for the next meeting. Trust members acknowledged that there were advantages and disadvantages of lighting the park and asked that the views of the SNT be sought and the suggestion that a specific area of the park would particularly benefit from lighting be addressed.

Barham Park Trust Annual Report 2014/15

Members clarified that they wished to see a proposed financial strategy addressing how much money it would be prudent to keep aside for risks and how much was available to invest. Members were reminded that this would be subject to the property investment strategy and that the Trust had previously agreed a plan of expenditure of which some had been carried out and some had yet to be. It was agreed this plan needed to be reviewed.

4. **Property Update, Barham Park Building Complex, 660 Harrow Road, Wembley**

In response to a question, Sarah Choudhry (Property Advisor) stated she would be contacting the Fire Brigade regarding the installation of a fire alarm system. A

request was made that the fire alarm be installed before any occupation of Unit 4 took place.

Trust members discussed the marketing of unit 7 and it was agreed that this should follow the same process as carried out for the ACAVA arrangements subject to a visual inspection by members.

The request was made for members of the trust to be sent details of the marketing of Unit 1 (the Card Room) for them to review if these had not already been published. The point was made that an efficient decision making process was needed for any selection process.

RESOLVED:

- (i) that the marketing of Unit 7 for a use that fulfils the Trust's charitable objectives providing for a leisure related use be approved and the terms of the proposed letting be agreed between the Property Advisor to the Trust and the Chair of the Trust;
- (ii) that expenditure of £13,251 be approved for installation of an integrated fire alarm system throughout the complex of buildings;
- (iii) that the Project Brief for the procurement of a consultant to draw up the Maintenance Profile Plan for the external fabric of the complex of buildings be approved and the Property Advisor to the Trust be delegated authority to agree the final terms of the consultant's commissioning agreement.

5. Amendments to 2014/15 Barham Park Report and Accounts

In explanation of why the figure for income had been reduced upon reviewing the figures, it was explained that a duplicate invoice had been identified and the rental figure had been reduced. The Council's contribution had increased because rental income from ACAVA had originally been set higher and so the Council had had to make up the difference. Members of the Trust expressed disappointment that such explanations had not been forthcoming at its previous meeting. A request was made for the ACAVA rent level to be clarified.

RESOLVED:

- (i) that the changes/amendments to the Barham Park Trust Accounts be noted;
- (ii) that the quarter 2 report for the Trust for 2015/16 be noted.

6. Any other urgent business

None.

The meeting closed at 6.40 pm

M PAVEY
Chair



Trustees' Annual Report for the period

		Period start date			Period end date		
From	Day	Month	Year		Day	Month	Year
	01	04	2015	To	31	03	2016

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
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
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.

Section D

Achievements and performance

Summary of the main achievements of the charity during the year

During the 2015-16 financial year, the Trust Committee decided to grant the lease in respect of Unit 4, The Lounge, to The Friends of Barham Library (FoBL) at its meeting on 8 October 2015 on the express basis of a rental of £7000 per annum for a term of 15 years. However, marketing of the Card Room was delayed till August 2016.

A condition survey related to dry rot was undertaken and subsequent treatments were carried out.

There was a delay in the regularising of the long standing occupation of the Snooker and Billiard Room by the Barham Park Veterans Club but that looks set to be finalised in 2016/17.

The Trust 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. The licence for the Children's Centre, which occupies the Lounge, has now been finalised with Barnardos operating the service from Children's Centre. However, the draft lease is still waiting to be signed. This letting will contribute to the revenue income generated by the occupation of the Barham Complex.

Decisions regarding the Card Room have not been taken. Finalising the regularising of the remaining leases has taken priority. The Trust made a decision in June 2015 to offer it out to the Community on a form of Community Asset Transfer. The aim is to offer it out for expressions of interest later this year.

2015/16 also saw the provision of an outdoor gym adjacent to the children's play area.

Section E

Financial review

Brief statement of the charity's policy on reserves

As at 31 March 2016 the charity held cash reserves of £457,085

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

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) Chris Whyte

Chris Whyte	
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Position Lead Officer, Barham Park Management Group

Lead Officer, Barham Park Management Group	
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Date 27 8 2016

27 8 2016

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Charity Name Barham Park	No (if any) 302931
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CC16a

Receipts and payments accounts

For the period from	Period start date 01/04/2015	To	Period end date 31/03/2016
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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					
Hall Hire, Fun Fair & Ice Cream Concessions	-			-	-
Property Rental Income	-			-	-
Ad-hoc lettings	7,913			7,913	6,043
Fun Fair	21,473			21,473	24,517
Car Parking	-			-	-
Catering Rights	-			-	1,000
Rental Income - Virgin Media	6,500			6,500	4,875
Rental Income - Other	43,000			43,000	24,408
Brent Council Contribution	-			-	24,097
Interest earned	8,953			8,953	9,108
				-	-
				-	-
Sub total (Gross income for AR)	87,838	-	-	87,838	94,047
A2 Asset and investment sales, (see table).					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	87,838	-	-	87,838	94,047
A3 Payments					
Maintenance and Wardens	32,003			32,003	42,863
Premises - Utility	2,404			2,404	3,538
Premises - Insurance	2,694			2,694	-
Premises - Security	-			-	3,760
Premises - Cleaning	2,685			2,685	4,944
Premises - Repairs and Maintenance	18,410			18,410	11,793
Premises - Other	595			595	-
Supplies and Services	2,557			2,557	15,513
Waste Disposal	-			-	1,235
Trees - felling and planting	449			449	5,400
Machinery Repairs	-			-	-
FM running Costs	-			-	-
NNDR	-			-	3,815
Surveys & Dry Rot Treatment	11,964			11,964	-
Consultancy	1,700			1,700	2,878
				-	-
				-	-
Sub total	75,462	-	-	75,462	84,939
A4 Asset and investment purchases, (see table)					
	-	-	-	-	-
Buildings Refurbishment	-			-	39,604
Sub total	-	-	-	-	39,604
Total payments	75,462	-	-	75,462	124,543
Net of receipts/(payments)	12,377	-	-	12,377	- 30,495
A5 Transfers between funds	-			-	-
A6 Cash funds last year end	444,708			444,708	475,204

Cash funds this year end	457,085	-	-	457,085	444,708

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	457,085	-	-
		-	-	-
		-	-	-
	Total cash funds	457,085	-	-
	(agree balances with receipts and payments account(s))	OK	OK	OK
B2 Other monetary assets	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
		12,203	-	-
		-	-	-
		-	-	-
B3 Investment assets	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
			-	-
			-	-
			-	-
B4 Assets retained for the charity's own use	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
	Barham Park Building Complex			939,071
B5 Liabilities	Details	Fund to which liability relates	Amount due (optional)	When due (optional)
		20,000	-	
			-	
			-	
Signed by one or two trustees on behalf of all the trustees	Signature	Print Name	Date of approval	

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 2016, 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

The trustees have prepared receipts and payments accounts and the accounts show the income received and expenditure incurred during the year. Some alterations were made to the draft accounts for both income and expenditure because my analytical procedures concluded that the figures presented in the accounts for both income and expenditure were likely to be understated. Some adjustments were also required which required movement from one category of income and expenditure to another. There was some expenditure on repairs and maintenance which in my view had not been accounted for in full. My discussion with the Head of Finance indicated that these sums were in the region of about £20,000 and they relate to expenditure incurred on behalf of the Trust which should have been recharged by the Council but were not. The accounts have been adjusted accordingly to ensure that all receipts and expenses received and incurred during the year have been correctly and appropriately accounted for. Improvements in processes with regards to the recording of income by Parks Services will be made by the Head of Finance to ensure that all income for the current year and beyond are being correctly recorded by the Service.

In connection with my examination, no matters except those referred to in the previous paragraph has come to my attention apart from accounting records not having been maintained properly in accordance with S130 of the 2011 Act:

(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.

A. Uduehi

Name: Aina Uduehi – Audit Manager Audit and Investigation, LB Brent.

Relevant professional qualification or body: Fellow Member of Association of Chartered Certified Accountants (FCCA)

Address: Brent Civic Centre, Audit & Investigations, Floor 7N, Engineers Way, HA9 0FJ

Date: 30th August 2016

 <p>Brent</p>	<p style="text-align: center;">Barham Park Trust Committee 7 September 2016</p> <p style="text-align: center;">Report from the Operational Director, Environment Services and the Chief Legal Officer</p>
For Action	Wards Affected: Sudbury
<p>Barham Park Trust Officer Delegations</p>	

1.0 Summary

- 1.1 This report updates Members on the delegation arrangements relating to Barham Park Trust Management Team and proposes changes.

2.0 Recommendations

- 2.1 That day to day trustee functions and decision making of the Barham Park Trust be delegated to the Operational Director Environment Services.

3.0 Detail

Background

- 3.1 The Barham Park Trust Committee was created by the Council's Executive at its meeting on 12 November 2012. At the same meeting, the Executive also agreed to 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. It was decided that these officers would collectively be known as the 'Barham Park Trust Management Team'.
- 3.2 Since November 2012, there have been a number of restructures within the Council as the Environment and Neighbourhoods Department is now within the Regeneration and Environment Department and the Property Team, which was within Regeneration and Growth, is now within the Resources Department. The functions of the Assistant Director Neighbourhood Services in relation to the Barham Park Trust are now carried out by the Operational Director, Environment Services, who now reports to the Strategic Director for

Regeneration and Environment and previously reported to the then Chief Operating Officer between February and December 2015. The functions of the Assistant Director Regeneration and Major Projects in relation to the Barham Park Trust are now carried out by the Head of Property, who reports to the Strategic Director for Resources. The functions of the Deputy Director Finance and Corporate Services in relation to the Barham Park Trust are now carried out by one of the Heads of Finance, who report to the Chief Finance Officer.

- 3.3 The requirement for the Operational Director Environment Services to consult with the Head of Property and a Head of Finance in respect of all day to day Trust matters is considered both unnecessary and unduly inflexible. Practical experience suggests that a more appropriate arrangement would be to delegate all day to day trustee functions and decision making of the Barham Park Trust simply to the Operational Director Environment Services. The Operational Director Environment Services will then take advice on property, financial, legal etc. matters as and when it is appropriate to do so either generally in accordance with the Council's constitutional arrangements and/or specifically having regard to the Council's obligations as a charitable trustee.
- 3.4 This report proposes no changes to the responsibilities and terms of reference of the Barham Park Trust Committee which are set out in Part 4 of the Council's Constitution.

4.0 Financial Implications

- 4.1 There are no financial implications arising from this report.

5.0 Legal Implications

- 5.1 These are set out in the body of the report.

6.0 Diversity Implications

- 6.1 There are no diversity implications.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 There are no staffing or accommodation implications.

Background Papers

None.

Contact Officers

Chris Whyte
Operational Director, Environment Services
Regeneration and Growth Department

Arnold Meagher
Principal Lawyer (Housing & Litigation)
Legal Services, Resources Department

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 <p>Brent</p>	<p>Barham Park Trust Committee 7 September 2016</p> <p>Report from the Barham Park Trust Property Adviser</p>
<p style="text-align: right;">Ward Affected: Sudbury</p>	
<p>Property Update, Barham Park Building Complex, 660 Harrow Road, Wembley</p>	

1.0 SUMMARY

1.1 The purpose of this report is to update the Trust Committee on:

- a. the marketing of Unit 1 The Card Room;
- b. granting the lease for Unit 2 The Snooker and Billiards Room;
- c. granting the lease for Unit 4 The Lounge;
- d. granting the lease for Unit 8 The Children's Centre;
- e. the marketing of Unit 7 the Mess Room;
- f. the installation of an integrated fire alarm system; and
- g. the Maintenance Plan for the building complex.

2.0 RECOMMENDATIONS

- 2.1 That the Trust Committee notes the content of this update report regarding the properties at the Barham Park building.
- 2.2 That the Trust Committee considers a request by Friends of Barham Library for a 12 month rent free period for Unit 4, the Lounge, as set out in paragraph 3.3 – 3.15 of this report.
- 2.3 That the Trust Committee authorises the Barham Park Trust Property Adviser to complete the lease in respect of Unit 4, the Lounge by 16 September 2016.
- 2.4 That the Trust Committee authorises the Barham Park Trust Property Adviser to proceed with completing the lease in respect of Unit 2, the

Snooker and Billiards Room with the Barham Park Veterans Club on terms agreed by the Trust Committee on 28 January 2015.

3.0 DETAIL

- 3.1 The marketing of unit 1, The Card room, was delayed as the lead surveyor left the Council's service. Marketing commenced on 20th August 2016 with a deadline to receive non-binding open market tenders by 31st August 2016. On 10th August the Trust Property Advisor extended the tender close date to 17th October 2016 as it was considered the marketing process needed a longer period. The marketing particulars have been added to the Councils 'Commercial Property To Let' website. A marketing board has been placed on site that has attracted a number of enquiries.
- 3.2 The draft lease for Unit 2 the Snooker & Billiards Room incorporating the revised equalities and diversity section is being reviewed by the Council's Legal Service and the final version should be sent to the Baham Park Veterans Club (the Vets) shortly. There was a delay as the equalities section had to be approved by the Vets at their AGM in April 2016 which subsequently took place. As this equalities section is now incorporated into the draft lease, the Trust Committee is invited to authorise the Barham Park Property Trust Adviser to complete the lease in respect of Unit 2 with the Barham Park Veterans Club on behalf of the Trust.
- 3.3 The Trust Committee decided to grant the lease in respect of Unit 4, The Lounge, to The Friends of Barham Library (FoBL) at its meeting on 8 October 2015 on the general terms set out in the marketing particulars and the specific terms offered in the bid submitted by FoBL. The marketing particulars did not offer a rent free period. Nor did the bid submitted by FoBL propose a rent free period for the first year of the term of the lease.
- 3.4 Subsequently, during the lease document preparation process, the FoBL requested a rent free period. The FoBL argued that the Vets had been offered a 12 month rent free period and therefore in the interests of fairness they should be offered the same terms. The FoBL also relied upon the fact that in order for them to operate their library services they would need to incur substantial fitting out costs.
- 3.5 Consistent with the Trust Committee's decision, the Heads of Terms prepared by the Council and dated 19 January 2016, and which the FoBL agreed, did not include a rent free period. However, a draft lease prepared by the Council in March of this year inadvertently included a 12 month rent free period. According to the FoBL the inclusion of a rent free period was not a mistake. They argue that they asked for it and it appeared in the lease and therefore it has been agreed and they have relied upon it in good faith and to their detriment ever since.

- 3.6 The Council would maintain, however, that a rent free period has not been agreed. It was obvious to officers that the basis upon which the Trust Committee decided to grant a lease to the FoBL did not permit officers to forfeit rental income totalling £7,000. In the circumstances, there can be little doubt that officers had neither the actual or ostensible authority to do so.
- 3.7 The officers concerned have confirmed that a rent free period had not been agreed and the extensive correspondence between the Council and the FoBL bears that out. The inclusion of the rent free clause in the lease was a mistake and when it came to light, albeit some months later, the FoBL were informed.
- 3.8 The Council's Heads of Terms were expressly marked 'without prejudice' and 'subject to contract'. Although the draft copies of the lease were not, in accordance with legal convention and general legal principles, they did not need to be. A draft lease, contract etc. has no legal force and is not legally binding during the drafting process. It becomes legally binding upon its completion. If a prospective tenant chooses to incur expenses and changes their position on reliance of a draft lease, they do so at their own risk.
- 3.9 The various Units at Barham Park have been let individually and subject to different letting processes and terms depending on the different commercial and other considerations unique to that Unit. The contention that FoBL should have a rent free period just because it has been approved in respect of a different Unit is not sustainable. Different terms for different Units do not amount to unfairness.
- 3.10 FoBL competed in an open competition in order to realise their ambition to take up occupation of the Lounge. A rent free period was not on offer and no such concession was requested prior to the acceptance of the successful bid submitted by FoBL. In these circumstances, it is incumbent on all bidders to anticipate start-up and running costs in any bid submitted to ensure that bids can be assessed on an equal footing.
- 3.11 In the circumstances, the Trust Committee need to consider whether to grant a rent free period to FoBL and, if so, for how long. This is a matter for the Trust Committee to decide consistent with the Council's obligations as trustee which include acting in the best interests of the Trust and in accordance with its fiduciary duties. The Council also has to act in accordance with public law principles.
- 3.12 Whatever the technical legal arguments, as the Trust Committee will appreciate, there is considerably more at stake. The letting of the Lounge has already been a protracted process demanding a disproportionate amount of resources both at Trust Committee and officer level. Any further delay will only add to the costs incurred by both the Council and the FoBL.

- 3.13 If the Trust Committee were to agree to the request for a rent free period, the Trust would suffer a loss in rental income. The amount would of course depend on the period. A 12 month rent free period would cost the Trust £7,000.
- 3.14 In addition, the Trust Committee should note that during the lease negotiation period, the FoBL sought permission “to move items in for storage” because they had to vacate their former premises. This was allowed and since then, in preparation of their occupation, FoBL have already incurred fitting out costs. This, they would argue clearly evidences their commitment to complete the lease and ensure they can be up and running without any further delay.
- 3.15 That being the case, it is equally important from the point of view of the Trust that the impasse between the Council and the FoBL is resolved once and for all. It is suggested that the FoBL be given the opportunity to complete a lease of the Lounge on the terms set by the Trust Committee by no later than 16 September 2016. If the lease is not completed, it is suggested that the offer of a lease to the FoBL be withdrawn and that the Trust’s Property Adviser be authorised to review the other bids received in 2015 and return to the Trust Committee with recommendations
- 3.16 The draft lease for Unit 8 the Childrens Centre is awaiting comments from the surveyor acting for the Trust. The licence to Barnardos and the service level agreement have now been finalised, with Barnardos operating the service from the Childrens Centre.
- 3.17 It is recommended that no further action is taken to market Unit 7 the Mess Room and Store, essentially a toilet and store area measuring 51 sqm, until the completion of all the outstanding leases of the Barham Park Buildings.
- 3.18 The integrated fire alarm system to service the 10 Units within the Barham Park Building Complex needs to be commissioned in line with the 27th January 2016 decision that was made by the Trust Committee. The Council’s Surveyor acting for the Trust will move forward with commissioning the work with the approved contractor that had previously tendered at £13,250,60, noting that the cost may have risen with the lapse of time.
- 3.19 The Maintenance Plan for the Building Complex required a Mechanical & Electrical (M & E) Survey and a separate Conditions Survey (CS). Out of four companies approached for an M & E Survey only NLF Associates submitted a tender at £6,630. Five companies were approached for the Conditions Survey of which Baqus Group tendered at £3,750, ig9 Limited tendered at £3,900 and Watts tendered at £4,480 with two organisations not applying. Taken together the combined surveys would have cost in excess of £10k. By way of an internal recommendation Rider Levett Bucknall were subsequently approached and have submitted a tender for both the Conditions and M & E Surveys combined at £2,247. This is an

unusually low survey fee and clarification is being sought as to whether the tender specifications have been correctly understood. If correct the Council's Surveyor acting for the Trust will move forward with commissioning the survey.

4.0 FINANCIAL IMPLICATIONS

4.1 Unit 1 the Card Room is to be let on Full Repairing & Insuring terms as the property requires substantial works. Other Units at The Barham Park Complex are on Internal Repairing & Insuring terms. As such there should be a minimal impact on the overall service charge budget for the Complex when the Card Room lease completes.

4.2 In respect of Unit 4, the Lounge, the financial implications of a rent free period are mentioned in the body of the report.

4.3 The expenditure on the integrated fire alarm system previously reported at £13,250.60 needs to be undertaken at an early stage to ensure that the Units are aligned with the current legislation and the integrity of the building fabric is maintained.

4.4 The Maintenance Plan that includes the Condition and M & E Survey is anticipated to cost less than the £6,000 reported in the 17th October 2015 Report.

5.0 LEGAL IMPLICATIONS

5.1 The 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.

5.3 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 authorised by 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. Subject to the proviso that a disposal to a connected person is subject to the consent of the Charitable Commission, which may specify additional requirements to those specified in this paragraph.

5.4 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.

5.5 The legal issues pertinent to the Trust Committee's consideration of the FoBL's request for a rent free period are set out in the body of the report.

6.0 DIVERSITY IMPLICATIONS

6.1 There are no direct equalities implications arising from this report, other than the ones already mentioned above and in previous reports.

7.0 STAFFING/ACCOMMODATION IMPLICATIONS

7.1 None

8.0 BACKGROUND PAPERS

8.1 None.

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