



Brent

Barham Park Trust Committee

Tuesday 3 September 2019 at 6.00 pm

Boardrooms 5 & 6, 3rd Floor, Brent Civic Centre,
Engineers Way, Wembley, HA9 0FJ

Membership:

Members

Councillors:

McLennan
Agha
Farah
M Patel
Krupa Sheth

Substitute Members:

Councillors:

Hirani
Southwood
Tatler

For further information contact: Bryony Gibbs, Governance 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

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

- (b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above.

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
1 Election of Chair and Vice Chair	
2 Apologies for Absence	
For the Committee to note any apologies for absence.	
3 Declarations of interests	
Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.	
4 Minutes of the previous meeting	1 - 4
To approve the attached minutes of the previous meeting on 14 January 2019 as a correct record.	
5 Matters arising (if any)	
To consider any matters arising from the minutes of the previous meeting.	
6 Tenant Organisations (Verbal Update)	
Representatives of the tenant organisations of Barham Park have been invited to provide a short verbal update on activities undertaken.	
7 Annual Report 2018-2019	5 - 18
This report presents the annual report for the Barham Park Trust for 2018/19. There is a statutory requirement to produce an annual report, including the accounts each financial year.	

8 Approval to apply to Charity Commission for permission to incur expenditure 19 - 24

This report seeks the approval of the Barham Park Trust Committee to seek the permission of the Charity Commission to increase an item of proposed expenditure on and for the benefit of Barham Park from the restricted funds of the Trust in relation to the events field drainage survey and design. The report also updates on recent expenditure and projects, on the main points from a Windows Schedule and issues that need to be considered.

9 General Update Report 25 - 30

To update Members on operational issues at Barham Park and on current progress on projects.

10 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. Any decisions taken urgently under this heading must comply with the provisions outlined in paragraph 39 of the Council's Access to Information Rules (part 2 of the Constitution).

Date of the next meeting: To be arranged as needed.



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 **Held on Monday 14 January 2019 at 6.00 pm**

PRESENT: Councillor McLennan (Chair), and Councillors Agha, Farah, M Patel and Krupa Sheth

Also Present: Councillors Daly and Stephens

1. **Apologies for Absence**

There were no apologies for absence.

2. **Declarations of interests**

None declared.

3. **Minutes of the previous meeting**

RESOLVED: that the minutes of the previous meeting held on 4 September 2018 be agreed as an accurate record.

4. **Matters arising (if any)**

None.

5. **Amendment to the Annual Accounts of the Barham Park Trust Committee**

The committee received a report presenting amended annual accounts for financial years 2015/16, 2016/17 and 2017/18 for consideration and approval. The Charity Commission had requested that the accounts be revised in order to show that the funds for the sale of 776 and 778 Harrow Road were classed as restricted funds. The amended accounts had been subject to an independent examination by the Head of Audit and Investigations and the resulting reports were provided as appendices to the report. Arnold Meagher (Head of Litigation and Dispute Resolution) drew the committee's attention to paragraph 3.4 of the report which set out a further minor amendment to the accounts for 2017/18. It was highlighted that as at 31 March 2018, the total Trust balance amounted £463,808 which was £1,349 less than the figure reported to the Trust Committee on 4 September 2018. This change was due to a correction of the figure brought forward from 2016/17 which officers had identified as a result of revising the accounts for 2017/18. With the permission of the Trust, the annual report for 2017/18 would be amended to reflect these changes.

The Chair thanked the officers for their introduction to the report.

RESOLVED:

- i) That the amended accounts for the 2017/18 financial year as set out in Appendix A and any necessary minor consequential amendments to the Annual Report for the 2017/18 financial year be approved for submission to the Charity Commission before 31 January 2019;
- ii) That the amended accounts for the financial years 2015/16 and 2016/17 as set out in Appendices C and E be approved for submission to the Charity Commission;
- iii) That the Independent Reviews of the Accounts by the Independent Examiner for the financial years 2015/16, 2016/17 and 2017/18 as set out in Appendices B, D and F be noted;
- iv) That Officers be authorised to update the Charity Commission with the above-mentioned amended and updated accounts for the aforementioned financial years and the Annual Report;
- v) That authority be delegated to the Operational Director for Environmental Services to deal with any issues arising regarding Barham Park Trust's accounts with the Charity Commission.

6. Approval to apply to Charity Commission for permission to incur specified items of expenditure on Barham Park from restricted funds

A report was presented to the committee by Arnold Meagher (Head of Litigation and Dispute Resolution) and Leslie Williams (Project Officer) seeking the approval to request permission of the charity commission to spend a number of items of expenditure on and for the benefit of Barham Park from the restricted funds of the Trust. It was proposed that the expenditure was drawn from the Trust's restricted funds as there were insufficient unrestricted funds available. Additionally, the council was unable to subsidise the expenditure due to budgetary pressures. If approval was granted by the Trust Committee, officers would submit the application to the Charity Commission to be considered under its powers under section 282 of the Charities Act 2011.

Leslie Williams explained that the proposed items of expenditure included works to the trees, event field drainage works and preparing a schedule of works in respect of all the existing windows, doors, frames and similar structures of the Barham Park building. It was highlighted that the latter item of expenditure related to drawing up the schedule of works and not the completion of the works. The schedule was needed to support the required planning application. The Trust's attention was subsequently drawn to the estimated costs for each item of expenditure as detailed at paragraph 3.1 of the report, totalling circa £167k, and the subsequent explanation of each item. It was noted that each item of expenditure was deemed prudent for the upkeep and preservation of the land at Barham Park for use by the public and in keeping with the spirit of the gift of the land.

The Chair thanked officers for their introduction to the report.

RESOLVED:

- i) That the proposed items of expenditure up to the total estimated sum of £167k as set out in the table in paragraph 3.1 of the report, to be paid from the Trust's restricted funds and permanent endowment arising from the sale proceeds of 776 and 778 Harrow Road, Wembley HA0 2HE, be approved;
- ii) That officers seek permission of the Charity Commission to spend the estimated sum stated in resolution i) (£167k) from the Trust's restricted funds using the procedure set out in section 282 of the Charities Act 2011;
- iii) That officers be authorised to submit the necessary application for permission to the Charity Commission and authority be delegated to the Operational Director Environmental Services to progress the application and deal with any issues, requirements and queries arising that are raised by the Charity Commission;
- iv) That officers be authorised to give public notice of this resolution if it is directed to do so by the Charity Commission pursuant to section 283 of the Charities Act 2011.

7. General Update Report

Presenting the general update report to the committee, Chris Whyte (Operational Director, Environment Services) advised that it was now intended to make the Project Officer position permanent and as a consequence, the remit of the position would be extended to include the other parks of the borough. The role was currently funded by the council and would not be funded by the Trust.

Leslie Williams (Project Officer) advised that the report provided an update on the works undertaken since the last reporting period in September 2018, including repairs to the hardstanding in front of the War Memorial, improvements to the old greenhouse area and urgent repairs being carried out to an area of the Barham Park buildings. This latter matter had necessitated a hold on any decision regarding the letting of Unit 7 of the Barham Park building complex. Chris Whyte advised that a meeting would be held with the bidders to clarify matters and it was anticipated that the letting process would be concluded by the end of the month.

The Chair thanked the officers for their contribution to the meeting.


RESOLVED: that the issues set out in the general update report be noted.

8. Any other urgent business

None.

The meeting was declared closed at 6.17 pm

COUNCILLOR MARGARET MCLENNAN
Chair

	Barham Park Trust Committee 3 September 2019
	Report from Strategic Director Regeneration and Environment
Annual Report and Annual Accounts 2018-2019	

Wards Affected:	Sudbury
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Three: Appendix A - Annual Report Appendix B - Annual Accounts Appendix C – Independent Examiner’s Report
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Jekaterina Popova, Senior Finance Analyst, Finance, Chief Executive’s Office. E-mail: Jekaterina.Popova@brent.gov.uk Tel: 020 8937 1463

1.0 Purpose of the Report

- 1.1 This report presents the annual report for the Barham Park Trust for 2018/19. There is a statutory requirement to produce an annual report, including the accounts each financial year.

2.0 Recommendation

For the Barham Park Committee to: -

- 2.1 Approve the annual report (Appendix A) and the Barham Park Trust’s accounts (Appendix B) for 2018/19.
- 2.2 Note the Independent Examiner’s Review of the Barham Park Trust’s accounts for 2018/19 (Appendix C).
- 2.3 Authorise officers to update the Charity Commission with the annual report and the accounts for 2018/19 of the Barham Park Trust.

3.0 Detail

Annual Report for 2018/19

- 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 repair and improvement works on the park and ongoing work to secure tenants for the various buildings on the site.
- 3.2 The Charity Commission has set a threshold below which independent audit of financial statements is not required. For England and Wales this was set as either gross income exceeding £1,000,000 or gross income exceeding £250,000 and gross assets exceeding £3,260,000. Therefore, an Independent Examiner's Report is an accepted way for smaller charities to present their accounts as allowed for by the Charities Act 2011.
- 3.3 The accounts have also been subject to an independent examination by the Head of Audit & 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.
- 3.4 During 2018/19 the Trust incurred expenditure of £76,845 on maintenance of the building complex and the park, and generated £101,334 receipts from rental income and interest earned which has led to the cash balance of the Trust increasing by £24,489 to £488,297. Out of this total sum of £488,297, the sum of £416,364 consists of restricted funds and the sum of £71,933 consists of unrestricted funds. There was no expenditure from the Trust's restricted funds in the 2018/19 financial year up to 31 March 2019.
- 3.5 General expenditure on the running and maintenance of the park and buildings decreased by £22,240 compared to 2017/18 and income increased by £1,417.
- 3.6 Following approval by the Trust Committee, the annual report and accounts for 2018/19 will be submitted to the Charity Commission – the deadline for submission is 31 January 2020.

4.0 Financial Implications

- 4.1 As at 31 March 2019 the cash position of the Trust amounted to £488,297 as set out in paragraph 3.4 above and this includes details of the amount of the Trust's restricted funds and unrestricted funds.

5.0 Legal Implications

- 5.1 The submission of an annual report and accounts by the Barham Park Trust to the Charity Commission is required under the Charities Act 2011.

6.0 Equality Implications

- 6.1 None.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 None.

Report sign off:

Amar Dave

Strategic Director of Regeneration and
Environment.

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Trustees' Annual Report for the period

		Period start date			Period end date		
From	Day 01	Month 04	Year 2018	To	Day 31	Month 03	Year 2019

Section A Reference and administration details

Charity name	Barham Park Trust
Other names charity is known by	Barham Park Trust
Registered charity number (if any)	302931
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	London Borough of Brent	Barham Park Trust Committee		Not applicable as corporate sole trustee
2				
3				
4				
5				
6				
7				
8				
9				
10				

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)	<p>The voluntary conveyance dated 22 October 1936 between George Titus Barham (1) and Wembley UDC (2) copy annexed.</p> <p>Related documents</p> <ul style="list-style-type: none"> • 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.

Section C Objectives and activities

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.

Members of the Barham Park Trust Committee received training in September 2017 and this included a wide range of information including governance, conflicts of interest and public benefit. Similar training was provided for a new member of the Trust Committee in July 2018.

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 2018-19, the Trust agreed:

- on the advice of the Charity Commission to amend the Trust accounts for the 2017/18 financial year, for the 2016/17 and 2015/16 financial years; and to update the Charity Commission with the amended and updated accounts.
- sought and received permission from the Charity Commission to incur specified items of expenditure on Barham Park from the restricted funds of the Trust.

The Trust took actions to remedy deterioration and to repair timbers and associated structures to part of the Barham Park buildings.

Working with the Council, a Barham Park Project Officer continued to work to progress operational issues, and to prepare capital projects towards commissioning both for the buildings and for the park. The Council's Project Officer continued to service Barham Park though the role of the Project Officer was widened during the year to include all parks in the Borough. Surveyors were commissioned to commence the preparation of a windows schedule, to catalogue details of the exterior of the building, to identify the priority of needs for renovation and an appropriate style for renovation.

Section E

Financial review

Brief statement of the charity's policy on reserves

As at 31 March 2019 the charity held cash reserves of £488,297. Out of this total sum of £488,297, the sum of £416,364 consists of restricted funds and the sum of £71,933 consists of unrestricted funds. There was no expenditure from the Trust's restricted funds in the 2018/19 financial year up to 31 March 2019.

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.

Section F

Other optional information

Section G

Declaration

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

Signed on behalf of the charity's trustees

Signature(s)

Full name(s)

CHRIS WHYTE	

Position (eg Secretary, Chair, etc)	Operational Director, Environment Services : Officer with delegated authority to deal with day to day trustee functions of the Trust.	
Date		



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

CC16a

For the period from	Period start date 01/04/2018	To	Period end date 31/03/2019
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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	22,284			22,284	19,495
Property Rental Income	-			-	-
Ad-hoc lettings	-			-	-
Fun Fair	-			-	-
Car Parking	-			-	-
Catering Rights	-			-	-
Rental Income - Virgin Media	6,500			6,500	9,750
Rental Income - Other	52,250			52,250	50,373
Brent Council Contribution	-			-	-
Children Centre	11,300			11,300	11,300
Interest earned	9,000			9,000	9,000
	-			-	-
	-			-	-
Sub total (Gross income for AR)	101,334	-	-	101,334	99,918
A2 Asset and investment sales, (see table).					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	101,334	-	-	101,334	99,918
A3 Payments					
Maintenance and Wardens	73,379			73,379	79,431
Premises - Utility	616			616	917
Premises - Insurance	2,500			2,500	2,500
Premises - Security	350			350	12,738
Premises - Cleaning	-			-	-
Premises - Repairs and Maintenance	-			-	-
Premises - Other	-			-	-
Supplies and Services	-			-	-
Waste Disposal	-			-	-
Trees - felling and planting	-			-	3,498
Machinery Repairs	-			-	-
FM running Costs	-			-	-
NNDR	-			-	-
Surveys	-			-	-
Consultancy	-			-	-
	-			-	-
	-			-	-
Sub total	76,845	-	-	76,845	99,085
A4 Asset and investment purchases, (see table)					
	-	-	-	-	-
Buildings Refurbishment	-	-	-	-	-
Sub total	-	-	-	-	-
Total payments	76,845	-	-	76,845	99,085
Net of receipts/(payments)	24,489	-	-	24,489	833
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	47,444	416,364	-	463,808	462,975
Cash funds this year end	71,933	416,364	-	488,297	463,808

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	71,933	416,364	-
		-	-	-
		-	-	-
	Total cash funds	71,933	416,364	-
	(agree balances with receipts and payments account(s))	OK	OK	OK
		Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B2 Other monetary assets		-	-	-
		-	-	-
		-	-	-
B3 Investment assets			-	-
			-	-
			-	-
B4 Assets retained for the charity's own use				
	Barham Park Building Complex			939,071
B5 Liabilities				
			-	
			-	
			-	
Signed by one or two trustees on behalf of all the trustees	Signature	Print Name	Date of approval	

Barham Park Trust

2018-19 accounts: Supplementary audit review

1 Introduction

- 1.1 The Audit and Investigations Unit (A&I) were asked to act as an Independent examiner and review the draft Barham Park Trust ("the Trust") 2018-19 accounts which will be submitted to the Charities Commission.

2 Respective responsibilities of trustees and examiner

- 2.1 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.
- 2.2 It is my responsibility to:
Examine the accounts under section 145 of the 2011 Act;
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 Charities Commission. An examination includes a review of the accounting records kept in respect of the Trust 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 officers acting for the 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

- 4.1 Officers acting for the trustees have prepared receipts and payments accounts. One minor alteration was needed in relation to a duplication purchase order that led to an overstatement of costs in the accounts and the error was corrected. 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.
- 4.2 No matter has come to my attention, other than those disclosed in the paragraph above 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 Charities Act; and
 - To prepare accounts which accord with the accounting records and comply with the accounting requirements of the Charities Act have not been met, or

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


A handwritten signature in black ink, appearing to read 'rog' with a stylized flourish at the end.

Michael Bradley – Head of Internal Audit and Investigations at London Borough of Brent

Relevant professional qualification or body: Fellow of the Chartered Institute of Internal Auditors

Brent Civic Centre, Audit & Investigations, Floor 7D, Engineers Way, HA9 0FJ

1st August 2019

	Barham Park Trust Committee 3 September 2019
	Report from the Strategic Director of Regeneration & Environment
Approval to apply to Charity Commission for permission to incur specified items of expenditure on Barham Park from the Trust's restricted funds	

Wards Affected:	Sudbury
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Chris Whyte, Operational Director, Environmental Services; chris.whyte@brent.gov.uk Leslie Williams, Project Officer, Parks Service, Environmental Services, Regeneration and Environment. E-mail: Leslie.Williams@Brent.gov.uk Tel: 0208 937 5628 Arnold Meagher, Head of Litigation and Dispute Resolution; Tel: 020 8937 2166; Email: arnold.meagher@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report seeks the approval of the Barham Park Trust Committee to seek the permission of the Charity Commission to increase an item of proposed expenditure on and for the benefit of Barham Park from the restricted funds of the Trust in relation to the events field drainage survey and design. The report also updates on recent expenditure and projects, on the main points from a Windows Schedule and issues that need to be considered. A resolution from the Trust Committee is required before seeking permission to apply to the Charity Commission to spend such items of expenditure from restricted funds. If approval is granted by the Trust Committee, officers will submit the application to the Charity Commission which will consider the same under its powers under section 282 of the Charities Act 2011.

2.0 Recommendation(s)

That the Barham Park Trust Committee RESOLVES:

- 2.1 To approve the proposed additional expenditure of £10,000 (from £5,000 to £15,000) on the events field drainage survey and design to be paid from the Trust's restricted funds and permanent endowment arising from the sale proceeds of 776 and 778 Harrow Road, Wembley HA0 2HE and seek permission of the Charity Commission to spend the additional aforementioned sum from the Trust's restricted funds using the procedure set out in section 282 of the Charities Act 2011.
- 2.3 To authorise officers to submit the necessary application for permission to the Charity Commission and delegate authority to the Operational Director Environmental Services to progress the application and deal with any issues, requirements and queries arising that are raised by the Charity Commission.
- 2.4 To authorise officers to give public notice of this resolution if it is directed to do so by the Charity Commission pursuant to section 283 of the Charities Act 2011.
- 2.5 To note and approve for officers to co-ordinate and submit a planning permission application to Brent Council's Planning Committee for the renovation works for exterior and appearance of the Barham Park building.
- 2.6 To note the progress on other projects.

3.0 Detail

- 3.1 At the Barham Park Trust Committee of 14th January 2019 the Trust Committee recommended to authorise officers to submit an application for permission to the Charity Commission to incur expenditure from the restricted funds of the Trust. The Charity Commission subsequently agreed to this request.

The table below sets out the agreed expenditure and the expenditure to date.

Item of expenditure	Expenditure in GBP (£) approved by Trust Committee and Charity Commission	Expenditure to date in 2019/20
Barham Park Tree Works	62,000	2,360
Schedule of works in respect of all of the existing windows, doors, frames and similar structures of the Barham Park building	10,000	9,713
Events Field Drainage Survey and Design	5,000	
Events Field Drainage Works	90,000	
Total	167,000	12,073

- 3.2 The drainage design and works requires a topographic survey of ground levels to inform the drainage design, which together with quotes for the drainage design works and consent for drainage discharge totals about £10,795. This exceeds the earlier estimate and request of £5,000 for the survey and design. To enable the design stages to proceed it is recommended that the ceiling be raised for the survey and design stages be raised to £15,000; and to seek approval to request from the Barham Park Trust Committee and with the approval of the Charity Commission an additional £10,000 (from £5,000 to £15,000) to be spent from the restricted funds of the Trust to pay towards events field drainage and design. The cost of the events field drainage and works remains as an estimate and those costs will need to be market tested once the design is known. The additional £10,000 is sought from the restricted funds of the Trust as part of the same overall project; and so that the changing balance of the unrestricted funds remains available for operational use during the financial year.
- 3.3 **Windows schedule** - RLB, a surveying consultancy have undertaken a windows schedule of all of the windows and external features of the Barham Park buildings. They have provided estimates of the priorities and costs of the works. As the Barham Park buildings are Locally Listed, Planning Permission will be sought for the works that may affect the external appearance of the building. The Planning Application will be for the whole of the building. The works can then be undertaken either as one or in phases. At present, the Trust's restricted funds can only be used for the schedule of works for the windows and not on the works to the windows.
- 3.4 The results of the windows schedule can briefly be summarised as:
- The majority of the windows, frames, and other external features require attention within bands of 1-2 and 3-5 years.
 - There are several damp issues, including works required for the roof and rainwater systems. There was also an issue identified, but outside of the scope of this survey, relating to penetrating damp partially attributable to a lack of damp proofing to the historically retrofitted concrete staircase on Harrow Road and abutting the external walls.
 - Estimates for the total cost of the works will be market tested after the Planning Permission stage. Some costs may be variable depending upon whether refurbishment or replacement of certain sets of windows and their frames are undertaken; and the materials of the frames which is subject to Planning. Scaffolding costs will be a significant amount of the total, such that there may be economies in undertaking all of the project at one time rather than piecemeal.
 - Total costs could be in the region of £400,000 to £500,000. Options for funding and works need to be worked up and considered in detail.

Planning Permission will be sought at the next stage. Officers are currently considering the detail of the reports. Officers could also consider the merits of attending to the damp problems ahead of the main works. Some of these works may be of an operational nature, while if of a larger scale, will require

reporting to the Trust.

- 3.5 **Tree works** - Following additional tests, works were undertaken to fell an Oak tree in the west of Barham Park and to pollard (with regrowth from the lower height expected in 2020) a nearby Weeping Willow also in the events field. It is intended to replace the Oak tree, as mentioned in the General Update Report. Officers are working to detail the surgery works required on some other trees in Barham Park. Plans for tree replanting and the future tree landscape of Barham Park will also be investigated.

4.0 Financial Implications

- 4.1 As of 31 March 2019 the Trust has accumulated £72k in unrestricted funds and £416k in restricted funds, with an overall year-end cash fund of £488k.
- 4.2 The recommendation to fund expenditure of £167k from the Trust's restricted fund was approved by the Trust Committee in January 2019 and will reduce the restricted fund balance to £249k, in the event that the whole sum of £167k from the Trust's restricted fund is spent.
- 4.3 Approval of the recommendation in paragraph 2.1 of this report to finance further expenditure of £10k from the Trust's restricted funds will further reduce the balance down to £239k, assuming the Charity Commission gives permission for the Trust to incur this further expenditure from its restricted funds. There is no other call on the restricted funds at present.
- 4.4 Other funding sources would need to be sought if all or part of the works required from the windows schedule highlighted in paragraph 3.4 above costing between £400k to £500k are to be undertaken. If priority works are carried out, they would need to be met from the Trust's unrestricted funds and / or another application for permission would be required to incur expenditure from the Trust's restricted funds though as stated in the previous paragraph, the available balance in respect of the Trust's restricted funds would be £249k in the event that the £167k expenditure which was approved in January 2019 is spent and the additional £10k as sought in this report is approved by both the Trust Committee and the Charity Commission.

5.0 Legal Implications

- 5.1 Under section 282 of the Charities Act 2011, a charity may make a resolution to spend funds from a permanent endowment if the capital of the fund consists entirely of property given by a particular individual and the charity's gross income in its last financial year exceeded £1000 and the market value of the endowment fund exceeds £10,000. In such circumstances, a charity's Trustees (or the Trust Committee in this instance) may resolve that part or all of the restricted funds arising from the permanent endowment ought to be freed from the restrictions with respect to expenditure of capital that apply. However, in order to do this, it is conditional the Trust Committee is satisfied that the purposes as set out in the Trust to which the endowment funds are subject could be carried out more effectively if the capital of the fund, or a relevant portion of the capital, could be expended as well as income accruing to it rather than just income. In this scenario, once such a resolution is passed by the Trust Committee, a copy of

the said resolution must be sent to the Charity Commission together with a statement of reasons for passing it. Such a resolution must not be implemented except in accordance with sections 282 and 283 of the Charities Act 2011. The Charity Commission may direct the Trust to provide it with any additional information or explanation requirements regarding the Trust's application for permission and the circumstances it has applied under section 282 of the Charities Act 2011 and the obligations imposed on the Trust under that section.

- 5.2 Under section 283, the Charity Commission may direct the Trust to give public notice of the resolution in such a manner as specified in the resolution and if it does make such a direction, it must take into account any representations made to it by persons appearing to it to be interested in the charity within the period of 28 days beginning with the date when public notice of the resolution is given by the Trust.
- 5.3 When considering whether to concur with the proposed resolution under section 284(1) of the Charities Act 2011, the Charity Commission must take into account any evidence available to it as to the wishes of the donor (ie the terms of the Trust) and any changes in the circumstances relating to the charity since the making of the gift of land and building at Barham Park (including, in particular, its financial position, the needs of its beneficiaries, and the social, economic and legal environment in which it operates).
- 5.4 Under section 284(2) of the Charities Act 2011, the Charities Commission must not concur with such a resolution unless it is satisfied that its implementation would accord with the spirit of the Trust's purposes and that the Trust Committee has complied with the obligations imposed on them by sections 282 and 283 of the Charities Act 2011. The Charity Commission must notify the Trust in writing within 3 months of receipt of the application made under section 282 of the Charities Act 2011 or within 3 months of a direction to give public notice of the resolution. If the relevant three month deadline has lapsed without the Charity Commission notifying the Trust that it does not concur with the proposed resolution, the specified portion of the restricted funds can be expended in carrying out the purposes set out in the trusts to which the fund is subject without regard to the restrictions on spending from the Trust's restricted funds.
- 5.5 The land (including the building) 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*".

6.0 Equality Implications

- 6.1 The proposed projects mentioned in this report will be subject to a screening for equalities impacts and where the potential for adverse impacts is identified, a full equalities impact assessment will be carried out and any requisite mitigating action taken.

7.0 Consultation with Ward Members and Stakeholders


Ward Members are kept updated of activities at Barham Park.

8.0 Human Resources/Property Implications (if appropriate)

8.1 Nothing specific other than noted in this report.

AMAR DAVE

Strategic Director of Regeneration &
Environment

 Brent	Barham Park Trust Committee 3 September 2019
	Report from the Strategic Director of Regeneration & Environment
General Update Report	

Wards Affected:	Sudbury
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Chris Whyte, Operational Director, Environmental Services; chris.whyte@brent.gov.uk Leslie Williams, Project Officer, Parks Service, Environmental Services, Regeneration and Environment. E-mail: Leslie.Williams@Brent.gov.uk Tel: 0208 937 5628

1.0 Purpose of the Report

- 1.1 To update Members on operational issues at Barham Park and on current progress on projects.

2.0 Recommendation(s)

For the Barham Park Trust Committee:

- 2.1 To note the issues set out in this report.
- 2.2 To note and agree to the proposal to provide a replacement Oak tree for the one felled towards the west of Barham Park.

3.0 Detail

- 3.1 Project Officer: The Project Officer is now within the Parks Service

team within the Environmental Services unit of Regeneration & Environment. That is a remit covering also other parks in the Borough. The post includes a continuing role for Barham Park given the special situation of Barham Park being managed by the Barham Park Trust. This role is currently funded by the Council and is not funded by the Trust.

3.2 Security: Recent security, anti-social behaviour and related issues are summarised in the table below:

Date:	Issue	Action	Outcome
April 2019	Rough sleeper reported	Referred to St Mungos for outreach support.	Outreach support completed and given advice/guidance.
April 2019	Reports of young people of school age congregating. Smoking, littering from 3pm onwards and causing some criminal damage to the QEII bench.	Referred to Police SNT for monitoring and patrols.	SNT patrols conducted, area monitored.
May 2019	Reports of beer cans by a bench indicating street drinking at the location.	Referred to WDP for outreach support of the area.	WDP updated they do outreach this location but would now also check all the bench sites.
June 2019	Reports of young people congregating again and littering.	Veolia were instructed to clean up the location.	SNT made aware of problem still occurring and to conduct patrols. If SNT can identify schools, they can make them aware of ASB by their students.
June 2019	Report of young people identified as specific school students congregating at the location.	Information passed to the SNT to contact the schools officer connected.	Information was shared, further monitoring by schools officers.
June 2019	Request to have the bench removed by Friends of Barham Park.	Referred to Neighbourhood Management (NHM).	NHM said there was no immediate need to remove the bench however would monitor ongoing need.
July 2019	SNT reported to St Mungos a rough sleeper.	SNT requested to conduct joint visit to the location with St Mungos on 12 July.	Joint Visit occurred. No further reports of ASB or rough sleeping at the location.

- There was also a break-in to the Barham Park buildings.
 - Fire security system. At the half-yearly Occupier's Meeting, tenant representatives were re-briefed in the operation of the fire-security system for Barham Park.
- 3.3 Works: Operational grounds maintenance at Barham Park continue to be undertaken by Veolia. Additional works have been made to reopen the former greenhouse path.
- 3.4 The Parks Service have amended the areas of grass left to grow longer during the spring and summer. As compared with 2018, the change involves a larger area of maintenance grassland (to 10cm) in the east of Barham Park. Areas of meadow have been sown in the higher ground in the north-east of Barham Park.
- 3.5 Projects to restore the Queen Elizabeth II Silver Jubilee Garden and the pond within the Walled Garden are in preparation, following Neighbourhood Community Infrastructure Levy funding.
- 3.6 A group of individuals from the community, some associated with Barham Park tenant and local resident associations, have researched aspects of the history of the gardens and are investigating whether one or more projects could be a focus for a grant application. At this stage the team are collecting information to identify suitable projects and grant sources.
- 3.7 Barham Park repairs: The Property team have completed urgent repairs to an area of the Barham Park buildings including the ground-floor Unit 7 and part of the first-floor above that is part of a unit occupied by ACAVA. This expenditure was from the Trust's unrestricted funds and is included in the accounts for the year 2018/19.
- 3.8 Barham Park building Unit 7: Negotiations with the lead tender applicant the Friends of Barham Library and their proposed partner organisation the Memory Lounge for a Dementia Centre at Unit 7 are moving forward. The property comprises of two distinct areas the Mess Room and a Store Room. The condition of the Store Room is poor as it was a former stable block. Both areas require a large investment the details of which are under discussion. The outcome will be reported back to the Trust Committee at a later date.
- 3.9 Trees: Sonograph tests on two mature Oak trees at the western end of Barham Park, indicated that one of the two trees is in reasonable condition. The other Oak tree of the pair required felling and that work was completed recently. A Weeping Willow in the Events Field that required major surgery was pollarded, to enable regeneration in 2020. A longer list of trees in Barham Park that require works is to be checked and costed, with those works to be undertaken during the autumn and winter of 2019/2020. Those works are being funded from the agreed expenditure from the restricted funds of the Trust.
- 3.10 The Oak tree that was felled was in a prominent landscape position on the west side of Barham Park and near to Sudbury Town. It was probably a tree on a former hedgerow boundary of the field / Barham Park and the Harrow Road. Officers recommend that this tree be replaced with a large nursery

grown specimen, also of the same Oak species (*Quercus robur*). Officers have costed the supply and installation of a 25cm girth, root-balled, Oak (*Quercus robur*) and watering to establishment at an estimated cost of £1,500. It is suggested that this cost be met from the operational budget of the Trust.

- 3.11 Financial accounts and matters relating to needs for capital works are contained in separate reports to the Barham Park Trust Committee at this meeting of the Trust Committee.
- 3.12 The Charity Commission has written to the Trust about two matters regarding concerns that have been raised with them about the way in which the Trust charity is being managed specifically relating to the letting of a card room at an undervalue under the Trustee's Community Asset Transfer Scheme and the accountability of the trustees to the local community. The Charity Commission has not given any further information or detail about the concerns that have been raised. Officers have responded to complaints in 2019 about the letting of the card room after the leaseholder of the card room applied for a licence to sell alcohol at those premises. As for the number of meetings of the Trust Committee, the Committee must meet at least once a year and has discretion to have further ad hoc meetings as and when necessary. The Trust Committee held two meetings in the 2018/19 financial year in September 2018 and January 2019. The Charity Commission advised that the Trust did not need to reply to their correspondence as it was sent under section 15(2) of the Charities Act 2011 to provide the Trust with information and advice to manage potential risks in the charity. The Charity Commission has also confirmed that it is not taking any further action at this time and it stated that the Trust should consider the two of the Charity Commission guidance documents entitled "It's your decision: charity trustees and decision making (CC27)" and "Sales leases transfers or mortgages: what trustees need to know about disposing of charity land (CC28)". Without further evidence or information of the concerns that have been raised with the Charity Commission and as the Charity Commission has advised that it will not take further action in this regard, officers are not in a position to comment further other than that which is set out in this paragraph. The content of the correspondence from the Charity Commission has been brought to the attention to the Chair of the Trust Committee.

4.0 Financial Implications

- 4.1 Financial implications have been highlighted in the report.

5.0 Legal Implications

- 5.1 In relation to paragraph 3.12 above, under section 15(2) of the Charities Act 2011, the Charity Commission may, in connection with its second general function (i.e. encouraging and facilitating the better administration of charities), give such advice or guidance with respect to the administration of charities as it considers appropriate. There are no further specific legal implications arising from the issues raised in this report.

6.0 Equality Implications

- 6.1 The proposed projects mentioned in this report will be subject to a screening for equalities impacts and where the potential for adverse impacts is identified, a full equalities impact assessment will be carried out and any requisite mitigating action taken.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Officers meet regularly with Ward Members.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 Nothing specific other than noted in this report.

AMAR DAVE
Strategic Director of Regeneration &
Environment

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