



## **MINUTES OF THE BARHAM PARK TRUST COMMITTEE**

**Held in the Conference Hall, Brent Civic Centre on Wednesday 1 September 2021 at  
10.00 am**

**PRESENT:** Councillor M Butt (Chair), Krupa Sheth (Vice-Chair) and Councillors Stephens, McLennan and Farah

**Also Present:** Councillor Daly (local ward councillor)

### **1. Election of Chair & Vice Chair**

**RESOLVED** to appoint Councillor Muhammed Butt as Chair and Councillor Krupa Sheth as Vice-Chair of the Trust Committee for the 2021-22 Municipal Year.

Members also took the opportunity to thank Councillor McLennan for her previous work and efforts as former Chair of the Trust Committee.

### **2. Apologies for Absence**

None.

### **3. Declarations of interests**

Councillor Stephens declared a personal interest as a Sudbury local ward councillor.

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

**RESOLVED** that the minutes of the previous meeting held on Tuesday 1 September 2020 be agreed as a correct record.

### **5. Matters arising (if any)**

None.

### **6. Public Representations**

Prior to consideration of the main agenda Councillor Muhammed Butt (as Chair) advised the Trust Committee that he had accepted a number of requests to speak at the meeting from a range of stakeholders in relation to matters due to be considered on the agenda.

Each representative was then invited to address the meeting with the following comments highlighted.

Councillor Daly (local ward councillor) was the first to address the Trust Committee highlighting local views in relation to potential development of the cottages at 776-778 Harrow Road and impact on Barham Park. Members were reminded of the

affection and affinity within which the park was held by the local community and their commitment towards ensuring its character was maintained and not lost or adversely impacted by any new local development. Whilst pointing out that local residents were not opposed to redevelopment, Councillor Daly felt it important to recognise this was on the basis that any development did not have an overbearing impact both in terms of design and biodiversity of the park or restricted public access to the site.

Councillor Muhammad Butt thanked Councillor Daly for highlighting views expressed by the local community and then invited Paul Lorber, representing the Friends of Barham Park Library (FoBL) (as an online participant) to address the Trust Committee.

Paul Lorber advised he was speaking in support of the lease of Unit 7 in the Barham Park building to the Friends of Braham Park Library in order to provide a Dementia Hub working in partnership with The Memory Lounge, with the process having been ongoing over the previous two years. This had involved FoBL having secured Neighbourhood Community Infrastructure Levy (NCIL) funding to support the associated internal refurbishment works. As a result the organisation was now keen to finalise the necessary lease approval so that the next stage, in terms of any planning approvals required, could begin on what he pointed out was a much needed community development. The Dementia Hub would be operated in partnership with the Memory Lounge and provide community support, outreach work and private consultations for individuals suffering with Dementia and their families. In addressing the Trust Committee Paul Lorber advised that FoBL, working collaboratively with the Council and Trust, were keen to secure a successful conclusion to the process so that the community could benefit as soon as possible from the scheme.

Councillor Butt thanked Paul Lorber for his comments and then invited Mr Danny Maher to speak representing Ashford Place & Community Action on Dementia (CAD).

Danny Maher representing Ashford Place & Community Action on Dementia also took the opportunity to highlight his support for the letting of Unit 7 within the Barham Park Building for use as a dementia centre and hub providing crucial support to those in need within the community. He advised members that in addition to the NCIL funding which had been secured, the scheme had also been awarded funding from the Big Lottery and were confident of additional funding streams in the future to continue to support the project. As a result, he was also keen to encourage members to make a decision as soon as possible on the lease arrangements in order to support the wider work being undertaken in relation to the provision of Dementia support across Brent.

Councillor Butt thanked Danny Maher for his comments and the positive work being undertaken by his organisation in order to ensure Brent was a dementia friendly borough.

As a final contribution, Councillor Butt then invited Mr Shivakumar Gurung representing Tamu Samaj UK (Nepalese Community Centre) to speak as one of the Trust's tenant organisations.

Shivakumar Gurung highlighted the benefits arising from Tamu Samaj UKs tenancy within the Barham Park building, which had enabled them to continue holding various community events as well as providing continued cultural, learning, and social opportunities for the Nepalese community in Brent. Whilst grateful for use of the building the opportunity was also taken to highlight the need for a specific community and religious centre within the borough for the wider Nepalese community in Brent

Councillor Butt thanked Shivakumar Gurung for his comments and in recognising the range of community based organisations currently supported within the Barham Park building, felt it important to highlight how this reflected the overall approach across the borough in making Brent welcoming to all communities.

In noting the comments and issues raised, Councillor Butt thanked everyone who had spoken for their participation.

## 7. **Annual Report & Accounts 2020-2021**

Olga Bennet (Head of Finance) introduced a report presenting the Annual Report and Accounts for the Barham Park Trust for 2020/21. In considering the report Members noted:

- The work undertaken on behalf of the Trust as detailed within the Annual Report, which had included repair and improvement works to the park and ongoing work to secure tenants for the various buildings on site;
- The accounts had been subject to an independent examination by the Head of Audit & Investigations, with the outcome attached as Appendix C to the report on the agenda. This had confirmed that there were no issues regarding the accounts that needed to be brought to the attention of the Trust Committee;
- During 2020/21 the Trust had incurred expenditure of £96,283 on maintenance of the building complex and park, which had comprised £60,383 of unrestricted funds expenditure and £35,900 of restricted funds. The Trust had generated £81,300 receipts from rental income and interest earned although members were advised this also included £76k of cumulative rental income due but not yet paid. Given the potential impact this had on the Trust's assets in terms of unrestricted cash funds, members were being asked to approve work being undertaken on development of a longer term financial strategy for the Trust to ensure it was able to continue operating on a viable and sustainable basis;
- The current position in respect of the restricted funds balance as at 31 March 21 and progress of works for which funding had previously been allocated, as detailed within sections 3.12 – 3.14 of the report.

Having noted the update provided and support for the development of the longer term financial strategy in order to ensure the park and its facilities could be sustained over the long term as an important asset for the local community, the Trust Committee **RESOLVED** to:

- (1) Approve the annual report and the Barham Park Trust's Accounts for 2020/21.
- (2) Note the Independent Examiner's Review of the Barham Park Trust's Accounts for 2020/21.

- (3) Authorise officers to update the Charity Commission with the Annual Report and the Accounts for 2020/21 of the Barham Park Trust.
- (4) Authorise officers to prepare a financial strategy in respect of the Barham Park Trust for consideration at a future meeting of the Trust Committee.

## 8. Options for funding the exterior renovation of the Barham Park building

Chris Whyte, Operational Director Environmental Services, introduced a report setting out options for funding exterior renovation of the Barham Park building.

In considering the report members noted the extent of the renovation works required and issues identified as a result of the deterioration of the exterior of the building, which included damage to window frames and the interior of the building; heat management and increased energy use, higher carbon emissions and costs and the impact on the buildings overall appearance and tenanted activities. Work funded by the Trust had already been undertaken to survey the renovation works required in relation to the windows and external condition of the building which would be compliant with its local Listed Building status and modern building standards, with a breakdown of the costs detailed within section 3.25 of the report.

Whilst the Trust had been unsuccessful with previous funding bids to support the renovation works through both the Neighbourhood Community Infrastructure Levy (NCIL) and Lottery Heritage Fund process it had been possible to secure approx. £167k through the Public Sector Decarbonisation Scheme towards the required works. This had been on the basis of the building having been identified as a priority due to energy conservation needs with the potential also identified to support this with an application for capital funding from the Council, although it was noted this would be subject to provision of the necessary business case and assessment against other priorities. In order to fund the remaining balance of the estimated project costs, members were also being asked to consider use of the remaining uncommitted restricted funds within the Trust Accounts totalling £228k, which subject to approval, it was noted would also require consent by the Charity Commission. Given the benefits associated with the renovation works in terms of both current and future use of the building and its ability to generate rental income for the Trust in support of them being able to continue functioning effectively, members were supportive of the approach outlined in terms of the proposed use of the available uncommitted element of their restricted funds to fund the exterior renovation works. Members also noted that discussions remained ongoing with the Lottery Heritage Fund regarding the potential use of any other available grant schemes.

Having noted the extent of the renovation works required and importance of the building as a community asset and in terms of the ongoing operation of the Trust it was **RESOLVED**:

- (1) To note and agree to the proposal for officers to investigate sources of funding in relation to the exterior renovation of the Barham Park Building and for the Operational Director for Environmental Services to approach the Council regarding seeking council capital funding towards funding the exterior renovation of the Barham Park building.

- (2) To approve that the total sum of £258,000 towards the part of the items of expenditure as set out in paragraphs 3.24 and 3.25 of the report for funding the exterior renovation of the Barham Park building, be paid from the Trust's remaining uncommitted restricted funds and permanent endowment arising from the sale proceeds of 776 and 778 Harrow Road, Wembley HA0 2HE.
- (3) That officers seek permission of the Charity Commission to spend the estimated sum stated in the resolution in (2) above from the Trust's uncommitted restricted funds using the procedure set out in section 282 of the Charities Act 2011.
- (4) 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.
- (5) 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.

## 9. **General Update Report**

Chris Whyte, Operational Director Environmental Services, introduced the report providing an update on operational issues at Barham Park along with current progress on a range of projects.

Members were provided with operational updates in relation to the following issues:

- General operational works – Members noted that operational grounds maintenance works continued to be undertaken by the Council's main contractor Veolia.
- Security and anti-social behaviour - as detailed within section 3.2 of the report, with members noting the incidents identified and ongoing work with the police to monitor and address them supported by the Public Space Protection Order covering all Brent's parks and open spaces.
- Rough sleeping with the Park - as detailed in section 3.4 of the report, with members noting the ongoing work being undertaken with St Mungo's and other partners to address the issue and support those individuals sleeping rough to access accommodation and other assistance according to their needs.
- Grass and meadows - with members noting the continued progress and improvements being made to the range of grasslands and associated wildlife within the park, as detailed within section 3.6 of the report.
- Fire Security System - with members noting the ongoing briefings being provided for tenant representatives on operation of the system, which continued to perform well, as detailed in section 3.8 of the report.
- The progress being made in relation to works previously approved through the Trust's Restricted Funds, as detailed within section 3.17 – 3.24 of the report.

- The progress in relation to works associated with tree planting and replacement, the Queen Elizabeth II Silver Jubilee Garden and Walled Garden Pool as detailed within section 3.25 – 3.28 of the report.

In addition to the operational issues identified above, members also received updates in relation to the following specific property and tenancy related issues:

- Barham Park building Unit 7: Members noted the update provided by Amin Soorma (Property Services) regarding the ongoing negotiations with the lead tender applicant (The Friends of Barham Library FoBL) and their proposed partner organisation the Memory Lounge, for a Dementia Centre at Unit 7 with the main outstanding issue being whether the proposed use represented a sub-letting or was considered a partnership in terms of operation of any lease arrangements. Whilst the tender marketing process had been clear that a sub-lease would not be considered, the provisionally accepted tenant of Unit 7 (FoBL) and the Memory Lounge project had envisaged use of the vacant unit as a partnership rather than sub tenancy arrangement and had also been successful in securing NCIL funding to provide significant investment for refurbishment works. Having noted the options identified and being keen to support a partnership arrangement, members were minded to delegate a final decision on the letting of Unit 7 to the Operational Director for Environmental Services in consultation with the Chair of the Trust Committee.
- Barham Park building Unit 8: Members noted the update provided in relation to renewal of the lease for Unit 8 to the Children Centre. Members were reminded that approval had been given at the previous meeting on 1 September 2020 to the underletting of Unit 8 (The Children’s Centre) by Brent Council’s Children and Young People Service to a voluntary sector provider, the Young Brent Foundation (YBF), on the same rental terms as the lease in respect of the Unit between the Trust and Brent Council, subject to the satisfactory clearance of financial checks. These had now successfully been completed with members therefore supporting approval of the lease renewal for a further five years on the basis set out in section 3.11 – 3.13 of the report. It was noted that this would also require consent by the Charity Commission, given the Council was considered to be a “connected person” to the Trust and be subject to an independent valuation in relation to the market rental. Subject to this and the sub-lease transaction being completed the YBF would continue to facilitate the Children’s Centre services at the location with there being no change to the conditions of the lease between the Trust and Brent Council nor to the annual rent, which YBF would reimburse to the Council’s Children and Young People Service. The lease to Brent Council in respect of Unit 8 would continue until the 27<sup>th</sup> October 2021 when the current five-year lease expired.
- Barham Park building Unit 2: Members noted that the current lease on the Barham Park Veterans Club (Wembley) expired on 6 September 2021 with the organisation having indicated they wanted to renew for a further four years. The passing rent was currently £3k p.a. with members supporting the modest increase proposed to £3.5k phased over the four year period in recognition of the Club’s charitable status and as an organisation that served elderly members of the community with no income other than its membership fees. The Veterans Club had also indicated they would be willing to proceed with the renewal on this basis.

- Having recognised the potential impact which the Covid-19 pandemic was having on tenants' ability to meet their rent commitments members were advised that a formal application process had been established (following approval by the Trust Committee in September 2020) enabling the Trust's tenants in respect of the Barham Park Building to request a full or partial rent deferral or rent negotiation. As an update members were advised that no applications had, at this stage, been received although further details had been provided for ACAVA. Members were supportive of the approach outlined having noted the ongoing impact which the accrual of rent arrears would have on the longer term operation of the Trust and its ability to maintain the estate. As a result, members were supportive of the measures being taken to reach negotiated solutions with those organisations currently in arrears having also noted the legal recovery powers available, should these be required in order to protect the Trust's assets at any stage in the future.
- 776-778 Harrow Road: Members noted the update provided in relation to the current position on the two cottages on the site which were located within Barham Park. Whilst these had been subject to a previous freehold sale this had been subject to a restrictive covenant which had required the site to be retained as two residential units. Given the submission of a recent planning application (subsequently withdrawn) to redevelop the site with multiple residential units members were being asked to consider how any future re-development proposals (given ongoing interest in the site) which included seeking to amend the terms of the restrictive covenant, should be dealt with. Whilst noting the concerns expressed locally, members felt there was a need to explore the possibilities of amending the current restrictive covenants with the owners of 776-778 Harrow Road, in order to assess any financial benefit that may be available towards supporting the ongoing future and operation of the Trust. In supporting these discussions, however, a clear assurance was provided that this would be on the basis of the outcome not having been predetermined and with any final decision being subject to further consideration and approval by the Trust Committee in advance of any formal legal process being undertaken.

Following on from the updates provided, Members were keen to recognise the role played by the park and facilities managed and maintained by the Trust as an important community asset and need to ensure a co-ordinated approach to address the strategic property issues and works identified in terms of securing future use of the Trust's assets for the benefit of the local community. Having noted the representations made at the start of the meeting, members were also keen to ensure that discussions continued with partner organisations in order to secure maximum use and value of all available assets.

As no further issues were raised it was **RESOLVED** on the basis of the discussion at the meeting:

- (1) To note the issues set out in the report and agree that members of the Trust Committee be invited to undertake a site visit in order to meet current occupiers and inspect the Barham Park Building.
- (2) To delegate authority to the Operational Director for Environmental Services in consultation with the Chair of the Trust Committee to decide on how to

- proceed moving forward regarding the letting of Unit 7 of the Barham Park Building.
- (3) To note that an independent valuation is being undertaken in respect of Unit 8 of the Barham Park Building (Children's Centre) and thereafter, that officers will make arrangements for a public notice to be provided regarding the proposed lease renewal of Unit 8 to the Council.
  - (4) To delegate authority to the Operational Director for Environmental Services to consider responses and objections in relation to the public notice regarding the proposed renewal of the lease in respect of Unit 8 of the Barham Park Building and address such issues in an application to the Charity Commission to seek consent to enter into the lease with the Council.
  - (5) To delegate authority to the Operational Director for Environmental Services to apply to the Charity Commission to seek their consent for the Trust to enter into a further five year lease with the Council in respect of Unit 8 of the Barham Park Building with consent to sublet the property to an organisation to continue the Children's Centre service on similar terms to the previous lease which was signed on 28 October 2016.
  - (6) Subject to consent of the Charity Commission, to delegate authority to the Operational Director for Environmental Services to make arrangements for the Trust to enter into a five year lease with the Council in respect of Unit 8 of Barham Park Building at a market rental set by the independent valuer.
  - (7) To delegate authority to the Operational Director for Environmental Services to enter into a lease renewal with the Barham Park Veterans Club (Wembley) in respect of Unit 2 of the Barham Park Building as set out in section 3.15 of the report.
  - (8) To authorise the Operational Director for Environmental Services to enter into discussions with the owners of 776-778 Harrow Road to explore the possibilities of reaching agreement to amend the restricting covenants on that property for the benefit of the Trust.

**10. Any other urgent business**

No items of urgent business were raised at the meeting, with members noting that should it be required, a further meeting of the Trust would be arranged to consider any further strategic property matters arising from the updates which had been provided.

The meeting was declared closed at 10.55 am

COUNCILLOR M BUTT  
Chair