



Brent

Barham Park Trust Committee

Monday 5 September 2022 at 10.00 am

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Please note this will be held as a physical meeting which all Committee members will be required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [HERE](#)

Membership:

**Members:
Councillors:**

M. Butt
Donnelly-Jackson
Mili Patel
Krupa Sheth
Tatler

**Substitute Members:
Councillors:**

Farah
Grah
Knight
Nerva

For further information contact: Abby Shinhmar, Governance Officer, Tel: 020 8937 2078; Email: abby.shinhmar@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

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.

Item	Page
1 Appointment of Chair and Vice Chair for 2022-23	
2 Apologies for Absence and clarification of alternative members	
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 or personal 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 minutes of the previous meeting held on Thursday 27 January 2022 as a correct record.	
5 Matters arising (if any)	
6 Annual Report and Accounts 2021/22	5 - 18
This item presents the annual report for the Barham Park Trust for 2021/22. There is a statutory requirement to produce an Annual Report, including the Accounts each financial year.	
Ward Affected: Wembley Central	Contact Officer: Solomon Akuffo, Senior Finance Analyst 020 8037 4272 solomon.akuffo@brent.gov.uk
7 General Update Report	19 - 26
To update Members on operational issues at Barham Park and on current progress on projects.	
Ward Affected: Wembley Central	Contact Officer: Leslie Williams, Project Officer Tel: 020 8937 5628 Leslie.Williams@brent.gov.uk

8 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 their 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 advised as required.**



- 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. Alternatively it will be possible to follow proceedings via the live webcast [HERE](#)



MINUTES OF THE BARHAM PARK TRUST COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Thursday 27 January 2022 at 11.30 am

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

1. Apologies for Absence

None.

2. Declarations of interests

No declaration of interest were made at the meeting.

3. 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.

4. Matters arising (if any)

None.

5. Strategic Property Matters Relating to Barham Park

Chris Whyte, Operational Director Environmental Services, introduced a report providing an update on various strategic property matters relating to the Barham Park Trust and Estate. In presenting the report members were reminded of the range of issues and conditions currently impacting the efficient running of the Estate. These involved a number of challenges relating to the condition of its buildings and the way these could be utilised, modernised and managed whilst also taking account of the specific needs of occupiers, users, the community, wider environment and level of financial resources available.

Whilst efforts had been made to improve the Estate infrastructure, these had tended to be focussed on shorter term solutions with the Trust therefore keen to provide a more holistic vision in terms of the strategic improvements required to the buildings and infrastructure for the whole Estate. This followed on from a site visit undertaken by members of the Trust Committee in October 2021 to inspect the Estate and review the level of work required. This had resulted in the need being identified to develop a more transformative, sustainable and holistic programme of refurbishment and improvement that would not only provide more flexibility in terms of use but also better meet the needs for existing users.

Having authorised officers (in September 21) to prepare a financial strategy in respect of the Trust, approval was now being sought to the appointment of an architect in order to lead development of a more holistic options appraisal relating to the feasibility of improvements to the buildings comprising the Estate and impact on

current occupation uses and tenancies. The cost identified for the architectural services required had been £25,000 which it was proposed to fund from the Council's Capital Programme rather than directly by the Trust, given the existing commitments on its available restricted and unrestricted funds.

In considering the proposal, members also noted the update provided in relation to the current position regarding the status of the lease negotiations relating to Units 2, 7 and 8, as detailed within section 3 of the report, following the decisions made at the previous Trust Committee meeting on 1 September 2021. Given the proposed decision now being sought in relation to the appointment of an architect it was also recommended that work to progress the leases in respect of each unit be put on hold pending the outcome and careful consideration of the more detailed and holistic options appraisal process.

The following comments were then highlighted by members in relation to the update provided:

- Members thanked officers for arranging the site visit, which it was felt had been helpful in highlighting the issues and challenges needing to be addressed in relation to the Estate and buildings and need for a more holistic approach in terms of the programme of work and improvements required. Members were therefore supportive of what they felt was the positive approach outlined within the report in seeking to develop a more comprehensive vision for the improvements required, which would not only reflect the Estate's existing character but also provide more sustainable options designed to meet the need of not only current but also potential future occupiers and users.
- In welcoming the approach outlined, members also felt it important to recognise the importance of the Estate, its buildings and park as a key feature within the local community and wider borough as a whole. Having noted that the Barham Park Building was a locally Listed Building members were keen to ensure that any changes made would be in keeping with this local Listing and were designed to reflect and preserve the history, heritage and status of the Estate.

Having recognised the benefits of the site visit and approach outlined with the report, members then received an update from Arnold Meagher (Head of Litigation and Dispute Resolution – Legal Services) regarding the current 20 year vision which had been agreed by the Trust in February 2013. Whilst noting that the core elements of the vision were focussed around the Park and management of its open spaces members felt that the approach outlined in terms of future improvement of the Estate would be in keeping with and complement the original vision whilst also addressing the condition of the buildings in order to ensure a viable, adaptable and sustainable future for them at the centre of the park as part of the whole estate.

In summing up Councillor Butt (as Chair) thanked members and officers for their contributions and work undertaken to date to develop and deliver what he felt would be a transformative programme of improvement to the Estate within the overall level of resource available. Whilst recognising the potential impact on existing tenants and users along with the status of ongoing lease negotiations, members welcomed the assurance provided that the approach agreed would be subject to further

discussion with existing tenants in order to minimise any potential disruption as a result of the works identified.

Having noted the information provided and support for the development of the infrastructure of the Barham Park Estate the Trust Committee **RESOLVED** to:

- (1) To delegate authority to the Operational Director for Environmental Services, in consultation with the Chair of the Trust Committee, to appoint an architect for the initial options appraisal of the Barham Park Building at 660 Harrow Road, Wembley, HA0 2HB and for the procurement for the appointment of an architect to be carried out pursuant to Contract Standing Order 86.
- (2) To delegate authority to the Operational Director for Environmental Services to seek the approval of the Council to meet the cost of the architect's report as aforementioned from Council resources.
- (3) To delegate authority to the Operational Director for Environmental Services in consultation with the Chair of the Trust Committee for officers to prepare a financial strategy for the Barham Park Trust once the options appraisal has been completed.
- (4) Following the decisions of the Trust Committee of 1 September 2021, to delegate authority to the Operational Director for Environmental Services regarding the letting of Unit 7 of the Barham Park Building and the lease renewals regarding Units 2 and 8 of the Barham Park Building to agree for the Trust not to enter into new leases in respect of Units 2, 7 and 8 of the Barham Park Building pending the completion and consideration of the options appraisal of the architect and thereafter, to agree for the Operational Director Environmental Services to decide on the way forward regarding those three units.


6. 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 update which had been provided.

The meeting was declared closed at 11.45 am

COUNCILLOR MUHAMMED BUTT
Chair

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	<p align="center">Barham Park Trust Committee 5th September 2022</p>
	<p align="center">Report from Director for Environment and Leisure</p>
<p align="center">ANNUAL REPORT AND ANNUAL ACCOUNTS 2021-2022</p>	

Wards Affected:	Wembley Central
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 1: Annual Report of the Barham Park Trust to the Charity Commission for the 2021/22 financial year. Appendix 2: Accounts of the Barham Park Trust for the 2021/22 financial year. Appendix 3: Independent Examiner's Review of the accounts of the Barham Park Trust for the 2021/22 financial year.
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Samantha Wharton, Head of Finance, Finance, Chief Executive's Office. E-mail: samantha.wharton@brent.gov.uk Tel: 0208 937 2554

1. Purpose of the Report

- 1.1 This report presents the annual report for the Barham Park Trust for 2021/22. There is a statutory requirement to produce an Annual Report, including the Accounts each financial year.

2 Recommendation

For the Barham Park Committee to:-

- 2.1 Approve the annual report and the Barham Park Trust's Accounts for 2021/22.
- 2.2 Note the Independent Examiner's Review of the Barham Park Trust's Accounts for 2021/22.

- 2.3 Authorise officers to update the Charity Commission with the Annual Report and the Accounts for 2021/22 of the Barham Park Trust.

3 Detail

Annual Report for 2021/22

- 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 set out in Appendix 3. The auditors recommended a minor adjustment to the account in relation to Property Rental Income. It was recommended that income related to funfair in the estate be reported separately from all other property rental income. There were no further recommendations.
- 3.4 During 2021/22 the Trust incurred expenditure of £61,105 on maintenance of the building complex and the park. These were all made up of unrestricted funds expenditure. The Trust generated £123,599 receipts from rental income and interest earned. This includes rental income related to previous years that is due but has not yet been paid. The cumulative rental income due but not paid as at 31 March 2021 was £55,967.83. Officers expect all the rent arrears to be cleared by March 2024 following discussions with tenants.
- 3.5 This means that as at 31 March 2022, the Trust had assets of:
- (i) £141k unrestricted funds cash
 - (ii) £353k restricted funds cash
 - (iii) £56k rental income due but not yet received (unrestricted funds)
 - (iv) £939k valuation of Barham Park Building Complex
- 3.6 This means that if the rental income arrears are not received, the Trust would have only £141k of unrestricted funds which would be enough to cover around two (2) years of maintenance and wardens costs.
- 3.7 Following approval by the Trust Committee, the annual report and accounts for 2021/22 will be submitted to the Charity Commission – the deadline for submission is 31st January 2023. In practice the documents are submitted shortly after the Trust committee meeting.

Comparison between 20/21 and 21/22

- 3.8 Overall expenditure compared to last year reduced by £35,178. This is because one-off costs related to Tree felling and planting together with surveys were incurred last financial year but not in the current year. In comparing costs related to the General maintenance of the complex including warden costs, there was a slight increase of £722.
- 3.9 Income increased by £23,681. The increase in income arose mainly from ad-hoc lettings and increased Property rental income mostly from The Irvin Organisation Ltd. There is presently an agreement for the organisation to hold funfairs on the grounds.

Restricted funds

- 3.10 The restricted funds balance as at 31st March 2022 remains at £353,152. In order for restricted funds to be spent, this expenditure needs to be approved by both the Committee and the Charity Commission. The Committee needs to be satisfied that the proposed expenditure of the restricted funds is in accordance with the terms of the Trust. The proposed expenditure in the sum of £167,000 was approved at the Trust Committee meeting on 14 January 2019 and approved by the Charity Commission shortly thereafter. The proposed expenditure in the further sum of £10,000 was approved at the Trust Committee meeting on 3 September 2019 and approved by the Charity Commission shortly thereafter. The proposed expenditure in the further sum of £258,000 was approved by the Trust Committee at its meeting on 1 September 2021 and approved by the Charity Commission shortly thereafter. Details of what the expenditure of restricted funds can be spent on as approved by the Trust Committee and the Charity Commission are set out in the respective reports to Trust Committee on 14 January 2019, 3 September 2019 and 1 September 2021.

4 Financial Implications

- 4.1 Financial implications are included in the body of the report.

5 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 Equality Implications

- 6.1 None.

7 Consultation with Ward Members and Stakeholders

- 7.1 None.

8 Human Resource/Property Implications

8.1 None

Report sign off:

Chris Whyte

Director for Environment and Leisure.



Trustees' Annual Report for the period

		Period start date			Period end date		
From	Day 01	Month 04	Year 2021	To	Day 31	Month 03	Year 2022

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.

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

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)

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 year of 2021-22, the Covid-19 pandemic affected activities by the community tenants of the Barham Park building. As at the year end, the last of the restrictions on communal activities had recently been lifted and tenant activities were able to recommence in full.

While public use of the park continued throughout the pandemic, communal activities returned with a fun fair, Remembrance Day event and other activities. A section of the meadow area received additional planting and flowered during the early autumn of 2021.

Working with the Council, Brent Council's Property Services and Parks Service continued to work to progress operational issues, and to prepare capital projects towards commissioning both for the buildings and for the park.

The Barham Park Trust Committee held a walkabout of the park and building in October 2021 and subsequently agreed at a January 2022 meeting to commission a strategic review of the use of the building to look at opportunities to improve the quality of the accommodation and income generation.

Energy saving improvements were commissioned for the interior of the building and installation was later completed.

In the park, the restoration was completed of the two ponds in the Walled Garden. Work commenced on a restoration of the seasonal pond in the park beyond the north of the Walled Garden.

Works on the hard-landscaping restoration of the Queen Elizabeth II (Silver) Jubilee Garden were completed including of the 'well' feature and of the metalwork arch. Works on the soft-landscaping commenced but the planting will be in 2022/23.

Section E

Financial review

Brief statement of the charity's policy on reserves

As at 31 March 2022, the charity held cash reserves of £550,162. Out of this total sum of £550,162, the sum of £353,152 consists of restricted funds and the sum of £197,011 consists of unrestricted funds, (£141,043.18 of unrestricted cash funds and £55,967.83 of rental income due as at 31 March 2022). There was no expenditure from the Trust's restricted funds in the 2021/22 financial year up to 31 March 2022, though designs for works were in progress.

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

Details of any funds materially in deficit

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Further financial review details (Optional information)

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

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

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Section F	Other optional information
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Section G	Declaration
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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)	Director for Environment and Leisure: Officer with delegated authority to deal with day to day trustee functions of the Trust.	
Date		

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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 01/04/21	To	Period end date 31/03/22
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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	3,089			3,089	2,000
Ad-hoc lettings	14,625			14,625	-
Fun Fair	28,172			28,172	-
Car Parking	-			-	-
Catering Rights	-			-	-
Rental Income - Virgin Media	6,500			6,500	6,500
Rental Income - Other	50,009			50,009	51,500
Brent Council Contribution	-			-	-
Children Centre	11,300			11,300	11,300
Interest earned	9,903			9,903	10,000
	-			-	-
	-			-	-
Sub total (Gross income for AR)	123,599	-	-	123,599	81,300
A2 Asset and investment sales, (see table).					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	123,599	-	-	123,599	81,300
A3 Payments					
Maintenance and Wardens	54,438			54,438	57,653
Premises - Utility				-	-
Premises - Insurance	2,500			2,500	2,500
Premises - Security	700			700	230
Premises - Cleaning	-			-	-
Premises - Repairs and Maintenance	-			-	-
Premises - Other	-			-	-
Supplies and Services	-			-	-
Waste Disposal	-			-	-
Trees - felling and planting	-			-	27,580
Machinery Repairs	-			-	-
FM running Costs	-			-	-
NNDR	-			-	-
Surveys	-			-	8,320
Consultancy	-			-	-
General contingency	3,467			3,467	-
	-			-	-
Sub total	61,105	-	-	61,105	96,283
A4 Asset and investment purchases, (see table)					
		-	-	-	-
Buildings Refurbishment	-			-	-
Sub total	-	-	-	-	-
Total payments	61,105	-	-	61,105	96,283

Net of receipts/(payments)	62,494	-	-	62,494	- 14,983
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	134,517	353,152	-	487,668	502,651
Cash funds this year end	197,011	353,152	-	550,162	487,668

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	197,011	353,152	-
		-	-	-
		-	-	-
	Total cash funds	197,011	353,152	-
	(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

2021-22 accounts: Supplementary Audit Review

1 Introduction

The Audit and Investigations Unit (A&I) were asked to act as an Independent examiner and review the draft Barham Park Trust ("the Trust") 2021-22 accounts which will be submitted to the Charities Commission.

1 Respective responsibilities of trustees and examiner

1.1 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.

1.2 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.

2 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.

3 Independent Examiner's statement

3.1 Officers acting for the trustees have prepared receipts and payments accounts. Expenditure made from the restricted fund has been approved in the Barham Park Committee report. One minor adjustment was needed to the accounts in relation to Property Rental Income. For the 2021/22 financial year the majority of the Property Rental Income (£28,172.08 of £31,261) was from the Fun fair. There is a row on the Charity Commission form specifically for 'Fun fair' income and this is where the £28,172.08 is now reported.

3.2 No matter has come to my attention, which gives me reasonable cause to believe that, in any material respect, the requirement:

- 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.

Darren Armstrong – Head of Internal Audit and Investigations at London Borough of Brent

Relevant professional qualification or body: Chartered Institute of Internal Auditors (CMAA, CIA)

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

15 August 2022

	Barham Park Trust Committee 5 September 2022
	Report from the Director of Environment and Leisure
General Update Report	

Wards Affected:	Wembley Central
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, Director of Environment and Leisure; 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)

That the Barham Park Trust Committee RESOLVES

- 2.1 To note the issues set out in this report.
- 2.2 To authorise that the day-to-day trustee functions and decision-making of the Barham Park Trust, be delegated to the Council's Director of Environment and Leisure following the Council's senior management restructure process and to authorise any previous decisions of the Trust Committee to delegate authority to the Operational Director for Environmental Services that have yet to be exercised to be delegated to the Council's Director of Environment and Leisure.

3.0 Detail

- 3.1 At its meeting on 7 September 2016, the Trust Committee resolved that the day-to-day trustee functions and decision-making of the Barham Park Trust, be delegated to the Council's Operational Director of Environmental Services. There has been a recent senior management restructure within the Council and as a result, the job title of the Council's Operational Director of Environmental Services has been changed to Director for Environment and Leisure which is effective from 1 September 2022. Therefore, it is proposed that the Trust's formal delegation arrangements which have been in place since September 2016 are slightly amended on terms as set out in paragraph 2.2 above. The Director for Environment and Leisure will have delegated responsibility for operational aspects of the Trust's activities at Barham Park which was previously delegated to the Operational Director of Environmental Services. The Council's Property Services and Parks service provide input given the special situation of Barham Park being managed by the Barham Park Trust. These roles are funded by the Council and are not funded by the Trust.
- 3.2 Security: Littering continues as a major issue within Barham Park. Feeding of a flock of pigeons by some visitors is a concern to some others due to the effects on the local townscape. On or about 31st July 2022, a bed of established Lavender plants on the park frontage of the car park were cut at the base and deposited nearby.
- 3.3 Public Space Protection Orders: Public Space Protection Orders were introduced to Brent's parks and open spaces in September 2019.
- 3.4 Persons sleeping rough: Brent Council works with the charities StreetLink and St Mungo's to reduce rough sleeping. Help is provided to people sleeping rough to find accommodation and help appropriate to their needs. The east side recessed porch area of the Barham Park building has been used by one or more persons sleeping rough during the year, then vacated and later re-occupied. During one of the periods earlier in 2022 when the area was not occupied, the porch received a thorough clean and jet-wash. If there is concern for someone found, contact StreetLink who have an online and telephone referral system which can be accessed by anyone concerned about the welfare of a person sleeping rough. Visit the [StreetLink website](#) to make a report: [Streetlink London](#)
- 3.5 Gated access: Officers are investigating the feasibility of a request from the tenant of Unit 8 (Children's Centre) for a gate to be added to cover the recessed porch area that fronts their fire exit in order to improve security. A similar request has been made for a security gate to the joint entrance to Units 3 and 5 (ACAVA) that has a recessed porch area as the entrance to Unit 5 and was subject to an attempted break in recently. The proposals are being reviewed by officers acting for the Trust as the improved security would assist with better management of the Barham Park Building.

- 3.6 Fun fairs: Irvin's Fun Fair were at Barham Park: Operating days between the 20th May to 5th June 2022 (on site 12th May to 6th June); Operating days between the 19th August to 4th September 2022 (and will be on site until a few days later).
- 3.7 Events: Brent Let's Grow, a training event for young people was organised by Young Brent Foundation on 9th July 2022. Shree Gurupournima Utsav festival was held on 16th July 2022.
- 3.8 Tenants. Tenant activities in the tenanted units of Barham Park have much resumed following the low levels of activity during the pandemic. The tenant organisations will be able to explain their respective levels of activity in their own words if they wish to do so at the Trust Committee meeting.
- 3.9 Thames Water works in Barham Park: A leak was identified in the early autumn of 2020 with the public surface water system (Thames Water) that takes water from the Sudbury Town area. This flows under the railway embankment to then continue to serve communities towards North Wembley. The works included the off-site design and manufacture of an insert replacement. Work by Thames Water and their contractors continued to early 2022.

Operational works

- 3.10 Works: Operational grounds maintenance at Barham Park continues to be Conducted by the contractor, Veolia. The Walled Garden at Barham Park achieved a Silver Gilt award in London In Bloom in September 2021.
- 3.11 Grass and meadows: The meadow area mix of seeded areas within longer grass continues to work well. The maturing grassland seeded in previous years was complemented by additional areas of poppies and other plants in 2020/21 which produced a vibrant display in early autumn 2021. Those will be less in evidence in 2022 but replaced by the now established, lower growing perennials. Grassland butterfly species have now established populations in the grassland and Bush Crickets provide a sensation of sound. An increased edge strip was cut during the summer. The meadow grasslands will be cut in September.
- 3.12 Barham Park building – Operational. The Property team continued to work on Maintenance matters across the building. During the year the Property team organised repairs for units including the replacement of gutters for Unit 2 (Barham Park Veterans Club) together with the porch area and door of Unit 4 (Friends of Barham Library). Currently repairs are in hand for an area of the slate roof of Unit 10 (ACAVA). In addition, the poor condition and disused small lean-to in the east-side court yard has been removed providing more open space that could be used for other purposes.
- 3.13 Fire security system. Property Services briefed the tenant representatives on the operation of the fire-security system for Barham Park. Tenant organisations can then re-brief their own members as required. The fire security system has

worked fairly well over the last year or so and there have been no major incidents reported on its operations.

- 3.14 Building: strategic review update: At its meeting dated 27 January 2022, the Trust Committee resolved to delegate authority to the Operational Director for Environmental Services, in consultation with the Chair of the Trust Committee, to appoint an architect for the initial options appraisal of the Barham Park Building at 660 Harrow Road, Wembley, HA0 2HB and for the procurement for the appointment of an architect to be carried out pursuant to Contract Standing Order 86. Rider Levett Bucknall (RLB) were appointed to undertake architect services in July 2022. At the time of drafting this report in early August 2022, the brief is being prepared. Once the feasibility report is completed and circulated to officers and members of the Trust Committee, proposals will be considered and thereafter submitted to a future meeting of the Trust Committee for a decision on the way forward. Until a decision is made by the Trust Committee regarding the Barham Park Building, the position remains the same regarding Unit 2 (which is leased to The Barham Park Veterans Club (Wembley), Unit 7 (the Mess Room and Store Room) and Unit 8 (the Children's Centre) as set out in the reports to the Trust Committee dated 1 September 2021 and 27 January 2022.
- 3.15 Rent Arrears update: The rent arrears of the tenants of the Barham Park Building have been significantly reduced due to the debt collection efforts of the Property and Debt Collection Teams of the Council. One of the tenants has agreed with the Council to pay the outstanding balance of rent arrears which accrued during the Covid pandemic period in monthly instalments so that the rent arrears are cleared by March 2024. Officers expect all the rent arrears in relation to the Barham Park Building which accrued during the Covid pandemic period to be cleared by March 2024. Officers submit that this is a positive arrangement for the Trust.
- 3.16 776-778 Harrow Road: 776 -778 Harrow Road consist of two cottages within Barham Park that were subject to a freehold sale some years ago. The restrictive covenant in the sale required that the site be retained as two residential units. Officers acting for the Trust have opened communications with Zenastar Properties Ltd in relation to varying the covenant on the land transfer that required the two houses to be separately maintained as a single dwelling house and not to divide the property into two or more dwelling or residential units. The Trust will be updated going forward on the outcome of any meaningful discussions to vary the covenant that may allow for a change to take place at the location. At its meeting dated 1 September 2021 under the item of General Update Report, the Trust Committee resolved 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. The aforementioned General Update Report dated 1 September 2021 also confirmed that the Trust Committee would have to make a decision or delegate a decision to officers in future as to whether to amend the restrictive covenant in respect of 776-778 Harrow Road and on what terms and for an application to be submitted to the Upper Tribunal (Lands Chamber) to amend

and modify the terms of the said restrictive covenant. Applications in respect of planning permission will be a matter for either the Council's Planning Department or the Council's Planning Committee to decide in the exercise of the Council's non-executive functions and that will not be a matter for the Trust to make a decision.

Works – restricted funding

- 3.17 The Barham Park Trust Committee previously agreed and sought the consent of the Charity Commission to spend some of the capital comprising the permanent endowment of the Trust's restricted funds under section 282 of the Charities Act 2011. The Charity Commission gave its concurrence for the Trust to use its restricted funds in respect of £167,000 on 24/01/2019 following the decision of the Trust Committee on 14 January 2019 and subsequently in respect of an additional sum of £10,000 on 17/09/2019 towards the events field drainage survey and design following the decision of the Trust Committee on 3 September 2019; and in respect of £258,000 towards part of the exterior renovation of the Barham Park building on 19/10/2021 following the decision of the Trust on 1 September 2021.
- 3.18 The table below sets out the agreed expenditure and the expenditure to date from the Trust's restricted funds, with a summary of progress in the paragraphs that follow. The cumulative expenditure column is of committed purchase orders.

Item of expenditure	Expenditure in GBP (£) approved by Trust Committee and Charity Commission	Cumulative expenditure to date to 12/08/2022
Barham Park Tree Works	62,000	43,130
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	15,000	10,370
Events Field Drainage Works	90,000	
Towards part of the exterior renovation of the Barham Park building	258,000	1,710
Total	435,000	64,923

- 3.19 Tree works: The main tree surgery works recommenced in 2020 were completed following the work restrictions during the early stages of the pandemic. There have been some subsequent works required on trees, particularly following storm damage during the winter of 2021/22 and for pollarding a willow following the fall of a branch during the summer of 2022. Those recent works have been paid for by the Council.

- 3.20 Windows and exterior of the Barham Park building: It was previously reported to this Trust Committee that the Barham Park building had been included in the Public Sector Decarbonisation Scheme (PSDS) in relation to the potential for energy / Carbon Dioxide emission savings. For Barham Park the potential focus was on the windows and exterior and for energy saving changes to some of the units. Design consultants to the Public Sector Decarbonisation Scheme measured-up the windows but found that the carbon savings per unit of investment could not meet the Public Sector Decarbonisation Scheme criteria if the windows were predominately to be framed in wood. The PSDS was operating under a tight timetable for expenditure; and the budget was re-assigned to other Brent projects. However it was established that there was potential for a higher proportion of frames to be of uPVC away from the key public-facing elevations for which wood frames are required. That has potential cost-savings but requires a revised planning consent which is in preparation. The PSDS was able to proceed with works interior to the Barham Park building including the addition of roof insulation where accessible to the various Barham Park Building Units together with the addition of new LED lighting and controls throughout at a total cost of close to £50,000 including consultation fees that was entirely funded through a government grant. Going forward the PSDS are considering a bid for the next stage of the grant scheme and there may be potential to include some of the Barham Pak Building in the next bid, although the criteria has changed and the details may need to be reviewed more closely.
- 3.21 Events Field drainage: The Barham Park Events Field, on the west (Sudbury Town) side of the park provides space for informal recreation and hosts, typically two visiting fun fairs each year (though recently restarted following the pandemic). Poor drainage can cause problems for the fair in years when there is heavy rainfall in either or both of the spring or the summer. The fair is a significant source of rental income to the Trust. In winter, the Events field can be water-logged making it un-useable for informal recreation, while also affecting access on sections of the footpath to the west side. The Council's Procurement team organised a competitive tendering exercise for a drainage scheme. That remains under evaluation.
- 3.22 Events field effluent: While the Funfair was onsite during June and July 2021, a foul effluent was noticed from approximately the centre of the Events Field. There are no known public / Thames Water, nor Council / Trust foul water systems in the immediate vicinity. Thames Water were however contacted, but have not reported a leak. Officers have kept an open mind as to the possible source, but no further reports of the problem have been noted.

Works – other funding

- 3.23 Oak tree and disease-resistant Elms. The planted replacement Oak tree and disease resistant Elms planted on the curve of Barham Park facing Sudbury roundabout, are at an establishment stage.
- 3.24 Queen Elizabeth II Silver Jubilee Garden. The garden is situated in the open courtyard to the west (Sudbury Town facing side) of the Barham Park building.

Following technical changes to the design and a procurement exercise, a contractor was appointed and works commenced on site in June 2021. Works for the hard-landscaping completed in autumn 2021 except for some parts that were supplied in early 2022. A design for the soft-landscaping / vegetation is in preparation; and involving also the Social Club who would like to plant part of the area with herbs. Renovation is also proceeding for a low wall that extends from the courtyard. This is funded with a Neighbourhood Community Infrastructure Levy grant.

- 3.25 Barham Park Walled Garden Pond: The restoration of the two ponds in the Walled Garden has been completed. Renovation of the pond on the north side of the Walled Garden wall is in progress, albeit that pond is shallow and holds water only seasonally during the wetter months of the year. It is in a shaded situation and the renovation will attempt to work with those two limitations. Repairs have been made also to the crazy-paving path alongside. This is funded with a Neighbourhood Community Infrastructure Levy grant.
- 3.26 Trees and open woodland: Barham Park has received funding from an earlier round of the Neighbourhood Community Infrastructure Levy for the planting of replacement and other trees in Barham Park and for the planting of woodland ground flora in some areas of open woodland and on hedges. The design is in preparation for planting during the autumn / winter of 2022/23.

4.0 Financial Implications

- 4.1 The financial implications are set out in the main body of the report.

5.0 Legal Implications

- 5.1 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*”.
- 5.2 The Commercial Rent (Coronavirus) Act 2022 (“the 2022 Act”) provides a legally binding arbitration process to resolve disputes in relation to commercial rent arrears accrued during the COVID-19 pandemic when businesses were forced to close. The 2022 Act applies to business tenancies to which Part 2 of the Landlord and Tenant Act 1954 applies. Since March 2020, there has been a moratorium in effect preventing commercial landlords from exercising their usual rights to recover rent arrears. The 2022 Act creates a new moratorium from 25 March 2022 which applies until 24 September 2023 or, if the matter is referred to arbitration, the day on which the arbitration concludes. This moratorium only applies to “protected rent debt”, which is defined in clause 3 of the 2022 Act. The new arbitration process should only be used for business tenants who are behind on their rent because of coronavirus-related restrictions.

5.3 Detailed legal implications regarding the issue of the restrictive covenant that is discussed in the section above regarding 776-778 Harrow Road are set out in the legal implications section of the General Update Report to the Trust Committee meeting dated 1 September 2021.

5.4 The remaining legal implications are set out in the main body of the 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.

Related Documents:

- (i) General Update Report to the Barham Park Trust Committee dated 1 September 2021;
- (ii) Strategic Matters relating to Barham Park, 660 Harrow Road, Wembley HA0 2HB to the Barham Park Trust Committee dated 27 January 2022.

CHRIS WHYTE

Director for Environment and
Leisure