



Brent

MINUTES OF THE RESOURCES AND PUBLIC REALM SCRUTINY COMMITTEE

Wednesday 2 October 2024 at 6.00 pm

PRESENT: Councillor Kennelly (Vice-Chair in the Chair) and Councillors Moghaddam, S Butt, Dixon, Georgiou, Long and Mitchell

Also Present: Councillor Muhammed Butt (Chair of the Barham Park Trust Committee) and Councillor Lorber (representing the members who had called-in the decision)

1. **Apologies for absence and clarification of alternate members**

Apologies for absence were received from Councillors Conneely (Chair), Maurice, Molloy and Shah.

2. **Declarations of interests**

Councillor Lorber declared a personal interest in respect of Agenda Item 3: Call-In: Barham Park Trust Committee decisions (10 September 2024) - Strategic & Operational Property Matters relating to Barham Park Estate as a Director and Trustee of the Friends of Barham Library who occupied Unit 4 in the Barham Park building. In addition, he advised he was also a Trustee of the Friends of Barham Park and had a close association with other tenant organisations currently occupying the Barham Park building including Barham Veterans Club and Tamu Samaj UK. He also advised he had previously been approached by the applicant in relation to the planning application for the site at 776 & 778 Harrow Road.

Referring to advice he had received in advance of the meeting from the Corporate Director Law & Governance, Councillor Lorber advised that having spoken to present the call-in he would then withdraw from the meeting for the duration of the item.

Councillor Georgiou declared a personal interest as one of the Councillors who had signed the call-in request.

No other interests were declared at the meeting.

3. **Call-In: Barham Park Trust Committee decisions (10 September 2024) - Strategic & Operational Property Matters relating to Barham Park Estate**

In opening the item, the Chair advised that the meeting had been arranged, in accordance with Standing Order 14, to consider a call-in submitted by five members of the Council in relation to decisions made by the Barham Park Trust Committee on 10 September 2024 regarding the following items:

- (a) Strategic Property Matters relating to Barham Park; and following on from this report
- (b) Operational Property Matters relating to Barham Park

In considering the call-in, the Chair reminded the Committee that the line of questioning must remain specifically within the remit of the call-in and that issues raised on anything wider would not be valid and ruled out for consideration.

Having clarified the basis of the call-in, the Chair then proceeded to invite Councillor Lorber to outline the reasons for the call-in as representative of the members who had supported its submission.

In presenting the call-in, Councillor Lorber highlighted the following key issues as the basis for which the decision had been called-in:

- The call-in had related to all of the decisions made in relation to the Strategic Property review and six out of the nine subsequent decisions taken in relation to the Operational Property review.
- The Members who had submitted the call-in felt strongly that the advice provided to the Trust Committee was inadequate and that Trustees had not been provided with information that they had previously requested in relation to provision of a Business Plan, detailed costings, Investment Plan and analysis of any legal risks associated with the development option identified.
- In presenting the proposals to the Trust Committee, Trustees had been advised that 2031 would be the key date for achieving vacant possession of the various units, effectively deferring the implementation of the proposals until that year, which appeared to have been accepted with no challenge or questions asked.
- The report provided had also not included reference to any potential risk relating to Sure Start grant clawback in relation to Unit 8 being vacated given that grant agreement was not due to expire until 2034 which it was felt required further consideration given the potential financial impact and delay in being able to achieve vacant possession.
- Concern was also expressed at the decision seeking to develop proposals to expand the Trusts charitable purpose for submission to the Charity Commission in order to allow broader use of the Barham Park building as part of the process in taking forward the Strategic element of the property review, which it was highlighted would be strongly opposed by local residents. It was pointed out that no representations had been permitted from stakeholders or members of the public at the Trust Committee meeting on 10 September 2024 despite clear guidance from the Charity Commission, which stated that not only did Councils have particular and specific responsibilities when dealing with a charity, but a Council who is effectively a Trustee had an extra responsibility to ensure that it properly engaged with members of the public and local community. Councillor Lorber highlighted what was felt to be a

further year of inactivity in relation to meaningful engagement with existing tenants and local residents following the initial decisions taken by the Trust Committee in 2023 on the initial outcome of the feasibility study and options to be pursued in relation to the strategic property review, the opportunity to allow interested parties to make representations at the most recent meeting in 2024 had also been denied.

- Attention was then drawn to a number of concerns relating to operational property matters that had been agreed by the Trust including changes to the delegation of day-to-day Trustee functions and decision-making authority to officers. It was felt that the previous delegation of these powers had failed, resulting in missed opportunities to generate income for the Trust, failure to implement terms of leases and rent reviews, deal with rent collection and debt recovery and apply appropriate rates of interest. In recognising the fiduciary duties on Trustees, the call-in was therefore seeking a full review of the Trust's governance arrangements with Trustees needing to be aware of the implications of their decisions.
- Additional concerns highlighted as part of the call-in included the management of leases, particularly those which had now expired and financial impact on the Trust, which the members who had called-in the decision did not feel had been adequately addressed in the advice provided for the Trust Committee. As an example, reference was made to officers commissioning independent valuations and to the issue of Section 25 notices without stating who the Independent Valuer would be or what the costs of obtaining those valuations would be or making it clear that most of the Section 25 Notices related to unprotected leases.
- In summing up, the Committee were advised that the call-in had identified eight primary areas where complex operational decisions made by the Trust Committee on the 10 September 2024 were felt to be flawed based on a meeting lasting just over 20 minutes and with no public representation permitted which had led to the decisions being called in for further consideration.

The Chair thanked Councillor Lorber for summarising the reasons for the call-in and invited Members to ask any questions they had in relation to the information presented.

- Clarification was sought on why it had been felt the Trust would be required to wait until 2034 before they could implement the preferred bronze development option as part of the Strategic Property Review. Councillor Lorber advised this view had been based on the position regarding the clawback of Sure Start grant linked to provision of a Children's Centre within Unit 8 of the building. In explaining the background to the original decision to lease Unit 8 to the Council for the purposes of providing a Children's Centre, it was felt that whilst the Unit was no longer being used for its original purpose should the arrangements cease in advance of the expiry of the grant period in 2034 this may trigger a risk that some of the grant funding could be clawed back. The members who had called in the decision felt this issue had not been

sufficiently addressed within the report provided for the Trust Committee in terms of 2031 being identified as the year of the longest lease expiry. The opportunity was also taken to highlight the view that a genuine Children's Centre had failed to operate from the premises for a number of years with the current arrangements in place involving the provision of coordinated youth services by the Young Brent Foundation having been established (it was felt) to avoid a possible clawback of the Sure Start Grant.

- Members sought details on whether there was precedent for Sure Start grant funding to have been clawed back Sure Start elsewhere. Whilst advising this would be a matter for officers to address, Councillor Lorber highlighted that advice provided for the Trust Committee had identified this as a potential risk. In his view, the report presented to the Trust Committee had included a number of unanswered questions regarding the potential level of any clawback and whether liability for this would rest with the Trust or the Council. In the view of the members who had called-in the decision, the fact that the Children's Centre was a Council led service would imply that the responsibility for any clawback fell on the Council, but irrespective of this view, it was felt the position needed to be clarified before any further decision was agreed regarding the leasing of Unit 8.
- Referring to Barham Park in general, Members sought clarification on the wider facilities available for the public in the park as opposed to the building. In outlining the range of facilities, Councillor Lorber made specific reference to the Queen Elizabeth II Garden and pond, which had benefitted from improvements funded through Neighbourhood Community Infrastructure Levy (NCIL) funding supported by the Friends of Barham Library. The park also attracted many visitors as a valued local community facility for casual walking and leisure activities in the playground and open green areas, but it was primarily the activities taking place in the building that contributed significantly. This use included the Barham Veterans Club, which had been running for over 70 years providing support to tackle the issue of loneliness and isolation amongst older men. Tamu Samaj UK, a Nepalese run local Community Centre as well as the Friends of Barham Library, which in addition to extensive local community use (including access to the only available toilet in the park) also provided a home to a memory lounge for people with dementia and their carers.
- Following on from the previous question, details were sought on other leisure facilities in the park aside from a playground and outside gym, to which the response from Councillor Lorber confirmed this was based on the availability of green open space in an urban area. All of the facilities and space available was well used as a popular and well-loved park. There were also funfairs that took place in the park twice a year.
- As a further issue raised in relation to the length of the September 2024 Trust Committee meeting further details were sought on whether, given no public representations had been made at the meeting, requests to speak had been submitted. In response, Councillor Lorber confirmed that whilst requests to speak had been submitted these had been refused for which, he felt, no valid reasons had been given. In highlighting that the Charity Commission encouraged Trusts to engage with the public he pointed out that the Friends of

Barham Library had and would continue to attend meetings of the Barham Park Trust Committee and wished to positively engage with Trustees in order to support and maintain the objectives of the Trust and continue upholding the wide-ranging community use of all facilities within Barham Park.

- Further details regarding when and why the restrictive covenant relating to the use of the residential properties at 776 and 778 Harrow Road had been established were also sought by Members. In explaining the background to establishment of the restrictive covenant, Councillor Lorber advised this had been put in place to restrict the scale of any future development on the site currently occupied by the two original staff cottages within the Park site at the time of their disposal being considered as a means on providing funds for reinvestment into the Park Estate. Following sale of the properties and approval of planning permission for redevelopment, negotiations remained ongoing with the developer regarding the required amendment of the restrictive covenant to enable the redevelopment of the site to proceed. Whilst the report to the Trust Committee had referred to an updated valuation and legal activities to resolve a boundary issue, no further details had been provided on the associated costs and who would be liable for them. It was pointed out the report had also failed to mention the value/level of receipt that the Trust may receive should the covenant be amended, which members were reminded had been put in place for good reason and with the full knowledge of the developer. The Committee was also reminded of the strong level of opposition from the local community to the lifting of the Covenant to which objections would also follow any submission made by the Trust to the Charity Commission for its amendment. Despite the public interest, it was felt members of the public were being kept in the dark and denied the right to speak at the Trust Meetings to express their views.

The Chair thanked Councillor Lorber for responding to the Committee's queries and advised that he had also accepted a further three requests to speak from members of the public and stakeholders in relation to the call-in. On this basis he then moved on to invite Gaynor Lloyd (as a local residents and supporter of the Friends of Barham Pak), to address the Committee with the following key issues highlighted.

Gaynor Lloyd began by highlighting the need to recognise Barham Park, its building and valuable covenants as assets that she reminded the Committee would require formal Charity Commission consent in terms of any changes being proposed to either the restrictive covenant or objectives of the Trust. The opportunity was also taken to remind the Committee of the obligations on its Trustees to comply with requirements of charity law and their fiduciary duties in relation to their role and decisions made by the Trust Committee. This included the need highlighted on the Charity Commission website for Trustees to show that they had based any decisions relating to the operation and management of the Trust on sufficient and relevant information, taking account of relevant impact and risks based on the provision of professional advice and consultation. In expanding on the establishment of the restrictive covenant relating to development of the site at 776 and 778 Harrow Road it was pointed out that the current developer was owned by the same person who also ran the funfairs in the Park with any amendment or removal of the covenant controversial. The original planning application on which negotiations to amend the covenant were ongoing in order to enable development to proceed, had attracted many objections with Charity Commission consent

requiring a professional valuation. It was highlighted that the recent report to the Trust Committee did not address the potential costs of hiring a specialist valuer or obtaining legal advice, nor did it clarify how the covenant would be changed. Once a valuation was secured, it would serve merely as a baseline for negotiations regarding an open market valuation. After all factors were disclosed to the public, it was felt these could then be set against the charity's considerations for the park and its beneficiaries. It was therefore felt that a further report was necessary to outline these considerations and clarify the basis on which any final decision was made by the Trustees.

The Chair thanked Gaynor Lloyd for her comments and attendance at the meeting and then invited Members to ask any questions they had in relation to the information presented, with the following issues raised.

- Members enquired whether it was felt all the necessary actions had been complied with by the Trust Committee in relation to the decision concerning the ongoing negotiations on the potential amendment of the restrictive covenant. Gaynor Lloyd responded that this was difficult to determine as reports to the Trust Committee since disposal of the site had only stated that negotiations were ongoing in respect of 776-778 Harrow Road and no detail (despite a Freedom of Information request) was available on any independent valuation.
- Following on from the previous question, views were sought in relation to the potential impact of the loss of Barham Community Library as part of the bronze development option being progressed under the Strategic Property Review. In response Gaynor Lloyd outlined her concern that the library did not appear to be included within the initial plans for the building presented to the Trust Committee for consideration in relation to the bronze option proposal, which (without any assurance having been provided) it was felt indicated when the lease expired in 2031, the library would close, leaving only three community based libraries operating across the borough and impacting on the existing and much valued community use of the building.

The Chair thanked Gaynor Lloyd for responding to the Committee's queries and then moved on to invite Mrs Keiko Taimuri (who had registered to speak on behalf of the Memory Lounge Dementia Group) to address the Committee, with the following issues raised.

Keiko Taimuri introduced herself as one of the beneficiaries of the support offered through the Memory Lounge and also one of its volunteers. The Committee were advised of the wide range of activities currently offered through the Memory Lounge including drawing, yoga, wellbeing talks, walks and meditation, some taking place twice a week and with over 80 attendees. As a volunteer, Keiko Taimuri advised that the Memory Lounge wished to continue offering good care to the community and individuals living with dementia for which the current space being provided within the Barham building with support from Friends of Barham Library remained crucial. Support was also expressed in seeking to resolve the position and finalise the lease enabling ongoing provision of the service within Unit 7.

The Chair thanked Keiko Taimuri for her comments and attendance at the meeting and then invited Members to ask any questions they had in relation to the information presented, with the following issues raised.

- In response to clarification being sought about the frequency at which activities took place within the Memory Lounge and repairs and improvements being sought to Unit 7 the Committee were advised that Memory Lounge would be able to take advantage of any additional space provided to extend the range of services available. This would include the provision of training and guidance to carers supporting people living with dementia.
- Details were sought on the number of people that benefitted from the service currently provided by Memory Lounge. Keiko Taimuri advised that regular attendance consisted of approx. 80 people with a waiting list for support given the service was oversubscribed. Further details were also provided on the range of specific activities provided with the importance of the Memory Lounge as a safe space for carers to look after people living with dementia being reiterated.
- In response to a query relating to funding and any alternative locations that may be able to support the service, should the existing unit not be available, Keiko Taimuri advised that the Lounge was supported in part by contributions made by users. In relation to alternative locations, it was felt that the Barham building remained the most appropriate location given the access to green and open spaces and the good transport links available.
- The Chair referenced earlier comments made about the need for additional space to provide a wider service to the community and praised the vital work being undertaken by the Memory Lounge to support those living with dementia and their carers in the local community. In terms of being able to utilise any additional space made available to expand their service, Keiko Taimuri advised that whilst requiring the necessary level of specialist trained staff the provision of additional space would be utilised and valued by those requiring access to support.

As there were no further questions from the Committee, the Chair then welcomed Mr Mahendra Desai (speaking on behalf of Mr Jagdish Patel who had requested to speak on behalf of the Barham Veterans Club) as the final speaker and invited him to address the Committee, with the following issues raised.

The Committee were advised that the Veterans' Club had been established in 1947 to tackle the issue of loneliness and isolation among elderly men. Whilst the Club had initially been supported through grants provided by the Council it was now financially self-sufficient and required to cover the cost of rent, utility bills and costs related to other activities with the Club providing a valuable local resource. The Veterans' Club had been disappointed that the Trust had failed to provide them with an opportunity to address the last Trust Committee meeting given concerns the Club had in relation to future development and use of the building and detrimental impact this may have on their ability to continue operating from that venue. Mahendra Desai expressed the hope that the club could continue to provide important services to help meet the Council's own objectives to tackle issues of loneliness and isolation among older people. In concluding his response, Mahendra

Desai urged the Committee to therefore refer the original decision taken by the Trust Committee back for reconsideration highlighting the need for further engagement and consultation and to recognise the potential impact on the future operation of the Club as a valued community resource.

The Chair thanked Mahendra Desai for his comments and attendance at the meeting and then invited Members to ask any questions they had in relation to the information presented, with the following issues raised.

- Further details were sought regarding the Club's view on the strategic and operational property decisions made by the Trust given their potential impact on their ongoing viability and ability to continue operating from that venue.. Whilst recognising and grateful for the support provided to date in providing a suitable space to run their activities, Mahendra Desai advised of the difficulty the organisation would have in being able to cover any increase in costs or rent meaning they would need to explore alternative funding sources in order to be able to continue operating. Despite these challenges, the Club continued to encourage elderly individuals to engage in their activities rather than remain at home, which would not be possible should the Club not be able to continue operating from its current location leading to a detrimental impact on those currently benefitting from the services and activities provided.
- Details were sought, if relocation was necessary, as to whether there was a suitable alternative local space that the club could use, either temporarily or on a more permanent basis. Mahendra Desai responded that the current space was well-liked. Most attendees travelled to the Club by walking or taking the bus making any alternative location more difficult to find.
- Members sought clarity on what time of the day the Club met with it confirmed it now operated from 11am to 6pm, six days a week and opened on more limited hours on a Sunday.

With no further issues raised, the Chair thanked Mahendra Desai for responding to the Committee's queries and then proceeded to invite Councillor Muhammed Butt as Chair of the Barham Park Trust Committee to respond to the issues raised within the call-in.

Councillor Muhammed Butt thanked the speakers for their contributions. In responding to the call-in and explaining the basis of the decisions made by the Barham Park Trust Committee, he felt it was important to begin by highlighting that the proposals presented for consideration in relation to the Strategic Property review had been designed as long-term options with the operational matters subsequently agreed following as a means of addressing current maintenance and management issues in relation to ongoing use of the building. For the avoidance of doubt, he assured the Committee there were no proposals to remove anyone from the building with the importance of looking after and maintaining the building emphasised. In reminding the Committee that the building and land original gifted to the Council had not been accompanied by any funding for its maintenance or management, members were advised this had required the Trust to invest income generated through rental receipts in order to maintain the estate with the Trust, it was felt, having been diligent in ensuring that the building and land were well looked after. In terms of the governance issues highlighted, confirmation was

provided that the Trustees had received the necessary training regarding their responsibilities with the decisions made by the Trust Committee, that were now subject to call-in, having been based on appropriate advice and designed to secure the long-term future of the building to ensure that Trust's obligations continued to be met.

Tanveer Ghani (Director of Property and Assets) was then invited to address the strategic element of the call-in. In terms of development of the proposals, members were advised of the delicate balance needing to be achieved between providing enough detail to engage interested parties and tenants and avoiding being overly prescriptive. Regarding the plans presented to the Trust Committee, these had contained detail on the proposed redistribution of community space that would now be able to support engagement and discussions with tenants moving forward as the next stage in the process.. This would, however, need to be undertaken on an individual basis, given each tenant was subject to their own distinctive lease arrangements with the outcome then used to begin the process of engagement with the Charity Commission on any potential amendment in the purposes of the Trust to support the possible incorporation of some level of commercial use to help cross subsidise the community elements. Highlighting the need to ensure an appropriate Asset Management Plan was in place, this had been the approach adopted by the Trust Committee. From an operational property matters perspective, the Committee was once again advised that the approach adopted had needed to reflect the individual circumstances of each of the existing tenants and units with the aim being to regularise and address decisions previously made by the Trust regarding the leases and recognising the Estates value as a local community asset and in order to sustain ongoing investment in the Park and Estate.

Having thanked Councillor Muhammed Butt and Tanveer Ghani for their initial response on the call-in the Chair then invited comments from the with the following points covered:

- A further explanation was sought from Councillor Muhammed Butt as Chair of the Trust Committee, as to why members of the public and tenant organisations were not given an opportunity to speak at the Barham Park Trust Committee meeting on 10 September 2024, despite the Charity Commission's guidance relating to engagement. In responding to the issues raised, Councillor Muhammed Butt emphasised that the aim of the decisions made was to ensure that meaningful engagement and consultations could be undertaken moving forward. Now that a way forward had been identified by the Trust Committee a process of discussion and engagement would commence with each individual tenant organisation in relation to the long-term plan. In response to further questioning, Councillor Muhammed Butt responded that the reports presented at the Barham Park Trust Committee meeting outlined the details and proposals for the building and park whilst also ensuring the necessary investments could be provided to maintain the building in order to secure its long-term future. Once again assurance was provided that within the process, the Trust would be engaging with each tenant on an individual basis so that personal conversations could be undertaken to address any specific concerns relating to their organisations circumstances.
- Members posed clarifying questions around whether it was the current intention for the library and other community groups currently operating as

tenants to continue doing so from 2031 onwards, or if the proposed bronze model would end their tenancies. Councillor Muhammed Butt as Chair of the Trust Committee clarified that the Trust would be engaging with existing tenants in order to understand their needs and how improvements could be made in relation to future use and maintenance of the building which, the Committee were advised, would not exclude current tenants. In terms of the Library it was confirmed their current lease would not expire until 2031. Following on from Councillor Muhammed Butt's response, Tanveer Ghani (Director of Property and Assets) added that in the longer term, the refurbishment plans would be reflective of the engagement that had been conducted with the tenants with the final proposals and make up/use of the building subject to the outcome of the engagement process and approval being obtained from the Charity Commission regarding any associated change required in the Trust's charitable purpose.

- As a further issue, details were also sought as to how this process would reflect and link with consideration of the social value element included within the Council's Property Strategy and members keen to explore how the value of an asset such as the library or other community use would be assessed in relation to their social as well as financial impact. In recognising the issues highlighted, Councillor Muhammed Butt felt it was important to consider what value any operator or tenant brought to any asset or space, with it noted that the Council's Property Strategy related to assets held by the Council which were distinctly separate from those held by the Trust. In relation to the Barham Park buildings and park, the Trust would need to consider the existing uses within the building and wider value provided when evaluating any options and requirements moving forward.
- In addition to the planned engagement and consultation process with existing tenants, members queried what, if any, further consultation was planned on the strategic property option and whether this would include local ward councillors as well as the local community. In response, Tanveer Ghani (Director of Property and Assets) advised that the starting point of consultation would be engagement with existing tenants who would be most impacted by the proposals. Public consultation would depend on whether a planning application might be necessary and on pre-planning engagement with residents and members. Any wider public consultation would not take place until there was certainty about the feasibility of the bronze option or any variations of it, particularly in relation to initial engagement with the tenants. Councillor Muhammed Butt as Chair of the Trust Committee added that trustees had an obligation to ensure that they were working within the constraints of what was permitted, in line with Charity Commission guidance. Advice was always sought from officers and the Charity Commission on what would be necessary and acceptable moving forward. This raised related questions about how essential it was to seek Charity Commission approval for any change in the Trust's charitable purpose to allow wider commercial use of the building with the Committee advised that this related to the ability of the Trust to generate income from the estate to support its ongoing use. Whilst social value remained an important consideration there was also a need to ensure a sufficient yield was generated to sustain and improve the building with Tanveer Ghani advising that one of the reasons the gold and silver options had been rejected from the original strategy property review options

was that they essentially involved commercial takeovers of the estate, necessitating significantly greater investment and commercial rent to make the overall investment plan feasible. In contrast, the bronze option proposed a smaller amount of commercial activity to provide a cross-subsidy for the long-term maintenance of the Trust's charitable purposes. As a further query regarding consultation, members were keen to explore whether discussions would include representatives of each tenant's management body or wider membership and interested community groups, such as the Friends of Barham Park. In response, Tanveer Ghani advised that the starting point for consultation would be with management representatives and individuals who were dealt with on a landlord / tenancy basis, but this would not prevent those organisations engaging with their members to ensure their views were also feedback as part of the engagement process.

- Having noted the concerns expressed within the call-in regarding the proposed changes in delegation of powers to Council officers acting on behalf of the Trust, assurance was sought that the Trust Committee retained confidence in the advice and exercising of these delegated powers to date, which Councillor Muhammed Butt confirmed. Highlighting reference within the call-in to concerns regarding performance in relation to rent collection, the conducting of rent reviews and application of service charges to tenant organisations further clarification was sought on the background given the potential impact on income being generated to support the Trust and maintenance of the Estate. Whilst recognising the issues highlighted, Tanveer Ghani supported by Denish Patel (Head of Property) felt it important to outline the work being undertaken to improve performance in relation to the collection of rent and clearance of outstanding arrears in partnership with the relevant tenant organisations. In terms of current arrears, it was acknowledged that dialogue with tenants did not always result in the desired outcomes and in these instances the Trust would need to rely on legal powers to support the work being undertaken in as efficient a way as possible.. It was noted that during the height of the pandemic rent arrears had accrued, and since then officers had been working hard to support tenant organisations in seeking to sustain tenancies over the long term, balanced against the desire to provide them with the opportunity to financially recover and clear any arrears. In terms of service charges, it was acknowledged that historically these had not been applied with the aim moving forward to rectify this in order to support ongoing maintenance and improvement works required. If the Trust was to continue receiving support in delivering its charitable objectives, a balance needed to be struck between income and social value. The operational property matters report dealt with the present while the strategic property matters report concentrated focus on the long-term sustainability of the estate and effective estate management requiring both an operational and strategic approach. Councillor Muhammed Butt referenced earlier comments made by the Veterans' Club regarding how they had currently reached the maximum amount they could afford and explained that if rent increases were necessary, discussions would need to take place with each tenant to ensure they understood the implications. Denish Patel (Head of Property) noted that rent increases would be implemented from April 2025 in a gradual and fair way to enable sustainability in tenancies and allow for tenants to be able to adapt to the changes.

- In terms of the longer-term plan to address and enhance performance Tanveer Ghani (Director of Property and Assets) advised that there was a detailed plan in place to address the matters raised. This included the need to progress urgent building repairs, address the status of leases held by tenants and the vacant units within the building (including the undertaking of outstanding rent reviews and implementation of service charges), complete negotiations relating to the restrictive covenant and commence a process of engagement with tenants on the longer term proposals in advance of seeking an approvals required from the Charity Commission to progress the longer-term plan.
- Returning to the issue of rent arrears, members again queried performance on the clearance of rent arrears and pointed out that in the 2022-23 financial year, the arrears totalled £39,500. Having been advised that the aim was to clear these by the end of the 2024-24 financial year the Committee noted this had not been achieved prompting questions around the reasons for this. Denish Patel (Head of Property) clarified that this partly related to the issue of backdated rent reviews which had been undertaken earlier in the year with the current level of arrears reflecting the outcome of that process and progress continuing to be made in seeking to clear debts in an ethical and supported way to sustain tenancies.
- As a follow up issue, further details were also sought on the reasons for service charges not having been consistently applied which Denish Patel (Head of Property) advised reflected the approach adopted in seeking to balance income against social value. Whilst the Trust remained committed to supporting community organisations the need to adjust this approach had now been identified to reflect the current costs involved in maintenance and upkeep of the Estate.
- In response to a query regarding the costs associated in seeking to remove the restrictive covenant on the site at 776 and 778 Harrow Road, Denish Patel advised that main costs would include the legal fees for preparing the deed, the costs of an updated valuation, and the time officers spent obtaining any required approvals.
- Members observed that the costs of maintaining the park had been rising each year. For the past six years, the park's income had remained stagnant at around £100,000, raising questions around future plans regarding market or affordable rent and the ultimate goal for community benefit. The Committee were advised that the ultimate aim for community benefit was to ensure the estate's sustainability and provide high-quality accommodation for tenants, some of whom would be involved in delivering community services while others would be able to offer commercial and retail services, subject to Charity Commission approval. It was therefore crucial that the estate was self-sufficient and did not require funding from other sources to run the operations as a sustainable venture. In relation to the strategic property options presented to the Trust Committee it was pointed out that the gold and silver options which had been rejected would have required consideration of open market rents and converting the building into a commercial space, which did not align with the Trust's objectives. Whilst progressing the bronze option

would require discussions with the Charity Commission around the possibility of incorporating partial commercial use within the building along with the provision of a Business Case and Investment Strategy to establish the ability to fund the refurbishment proposal, it was once again highlighted that the final design would need to reflect the outcome of the engagement process shortly due to commence regarding future use of the building including the need to ensure the estate remained as accessible as possible.

- Returning to the issue of consultation, members asked whether only those who used the Barham Park facilities would be consulted, or if the consultation would also include individuals who might not feel the park was meant for them. Officers responded that the priority issues concerned the building estate, the tenants, and units with that identified as an initial focus for the engagement process. Following up, views were also sought on whether any consideration had been given to whether the building was in fact felt to be worth preserving or would pose a substantial burden that obstructed progress. Officers responded that, although there were challenges given the current condition of the building, it was essential to tackle strategic operational issues, lease renewals, and landlord responsibilities that the Trust needed to uphold. The importance in making the building accessible to the wider community was also emphasised. It was further explained that part of the request to the Charity Commission to expand its use was aimed at encouraging broader engagement, attracting more members of the public to enjoy both the building and the park and reflecting its current level of use as a valued community asset.
- In response to Committee questions around the financial investment required to progress the proposals and associated risks in seeking to pursue the options in advance of the development of a Business Plan and any necessary Charity Commission approval, Members were advised that the work undertaken by architects had helped to articulate what was possible across the three different options which had initially been presented to the Trust Committee. In terms of the investment plan, there was a sufficient level of detail to provide an outline of initial cost proposals with the bronze option assessed as requiring investment of approximately £1.7m based on current market conditions, which would primarily need to be funded through capital borrowing. This did not, however, rule out the possibility of exploring other grant opportunities or Strategic Community Infrastructure Levy (SCIL) funding in future. The work required to prepare an appropriate Investment Strategy and Business Plan would need to reflect development of the design proposals which the decisions taken by the Trust Committee had been designed to ensure could now be taken forward.
- Following on from the previous question, details were sought on whether climate change implications had also been considered in design of the proposed options considered by the Trust Committee, including retrofitting and energy supply sources as the report had indicated there were none. Members were advised that at this stage in their development detailed considerations relating to what materials would be used or what features could be included in the fixed design process had not yet been undertaken, which would dictate opportunities for retrofitting, carbon emissions, and achieving net zero. Officers would explore potential climate change mitigation strategies as part of

the long-term investment plan, focusing on options that provided the best value for money with the next phase in their development and procurement of the appropriate design team following on from an assessment of the outcome from the engagement and consultation process.

- In terms of progressing the proposals, views were also sought as to how confident the Trust remained on the ability to secure any necessary approvals from the Charity Commission. Tanveer Ghani (Director of Property and Assets) responded that the current proposals were centred around maintaining the current charitable purposes of the estate, and whilst officers were confident in being able to present a compelling case, it was recognised that the final decision would remain outside of their control.
- Returning to the issue of engagement, further assurance was sought by the Committee in relation to the commitment to actively engage with current tenants prior to the proposals being progressed any further. In response, Councillor Muhammed Butt re-iterated that the starting point of consultation would be with existing tenants with the Trust (subject to the outcome of the call-in) having granted officers permission to initiate the consultative process, which would commence once the call-in process had been completed. Following the outcome of the call-in, next steps would be evaluated with an outline of proposed timescales having been outlined within the original report presented to the Trust Committee in September.
- In response to clarification being sought regarding the potential clawback of any Sure Start grant funding Denish Patel (Head of Property) confirmed that as this related to services commissioned by Brent Council and not directly by the Trust it would be the Council who would be responsible for addressing any clawback provisions under the funding arrangement should the lease on Unit 8 not be renewed prior to the end of the existing grant agreement.
- Clarification was also sought regarding the position of the lease for Unit 7, with members noting its original intended use as a dementia advice and outreach service. Officers responded that potential leasing arrangements would be discussed with Friends of Barham Library who had managed the original process with the Trust keen to bring Unit 7 back into use. Highlighting the impact of the delay in the position being addressed in terms of potential access to the Unit by an important local service and on the income position of the Trust, members were keen to explore the basis of the delay which officers explained had related to the need identified for development of a strategic plan that would clarify the long-term vision for the estate. Now that this plan was in place, meaningful discussions could begin in collaboration with the Memory Lounge regarding the leasing of Unit 7.
- As a final issue, reference was made to the concerns highlighted within the call-in relating to the governance arrangements for the Trust with assurance provided that these arrangements were subject to regular and ongoing review by Trustees in order to assess and ensure they continued to provide the most appropriate model.

As no further comments were raised, the Chair thanked everyone for their contributions to the discussion.

Having considered the grounds for the call-in and response provided at the meeting in outlining the basis for the decisions which had been taken by the Barham Park Trust Committee a majority of members on the Committee, in summing up and having considered the options available under the call-process, indicated they were minded to confirm rather than refer back the original decisions taken by the Barham Park Trust Committee in relation to both the strategic property and operational property matters.

Having noted the comments from the one member who voted against confirming the decision and in favour of referring the decisions back to the Trust Committee for reconsideration on the basis it was not felt the issues raised under the call-on had been adequately addressed the Committee **RESOLVED** as a final outcome of the call-in to confirm the original decision made by the Barham Park Trust on 10 September 2024 to agree the decisions relations to strategic property matters and operational property matters with it noted that the decision would therefore take immediate effect following the meeting.

4. **Any other urgent business**

No items of urgent business were identified.

The meeting closed at 8.00 pm

COUNCILLOR DANIEL KENNELLY
Vice-Chair in the Chair