



Resources and Public Realm Scrutiny Committee

Wednesday 2 October 2024 at 6.00 pm

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 the meeting can be followed via the live webcast. The link to follow proceedings via the live webcast is available [HERE](#)

Membership:

Members

Councillors:

Conneely (Chair)
Kennelly (Vice-Chair)
Ahmadi Moghaddam
S Butt
Dixon
Georgiou
Long
Maurice
Mitchell
Molloy
Shah

Substitute Members

Councillors:

Aden, Afzal, Collymore, Ethapemi, Fraser, Mahmood, Rajan-Seelan, Ketan Sheth and T.Smith

Councillors:

Kansagra and J.Patel
Lorber and Matin

For further information contact: Rebecca Reid, Governance Officer
Tel: 020 8937 2469 Email: rebecca.reid@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:

www.brent.gov.uk/committees

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 significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then 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 of 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 or 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 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 is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item **Page**

1 Apologies for absence and clarification of alternate members

2 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 item on this agenda and to specify the item(s) to which they relate.

3 Call-In: Barham Park Trust Committee decisions (10 September 2024) - Strategic & Operational Property Matters relating to Barham Park Estate 1 - 68


To consider a call-in in respect of the following decisions taken by Barham Park Trust Committee on 10 September 2024:

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

4 Any other urgent business


Notice of items to be raised under this heading must be given in writing to the Deputy Director Democratic Services or their representative before the meeting in accordance with Standing Order 60.

Date of the next meeting: Tuesday 5 November 2024

 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](#)

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 Brent	Resources and Public Realm Scrutiny Committee 2 October 2024
	Report from the Corporate Director Law & Governance

Call-in: Barham Park Trust Committee decision on Strategic and Operational Property Matters relating to Barham Park

Wards Affected:	Wembley Central
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	Four: Appendix 1: Call-In Form Appendix 2: Report to Barham Park Trust Committee (10 September 24) – Strategic Property Matters relating to Barham Park Appendix 2a: Appendix 1 Barham Park Trust Committee report (10 September 24): Redevelopment Options Appendix 2b: Appendix 2 Barham Park Trust Committee report (10 September 24): Strategic Property Review timeline Appendix 3: Report to Barham Park Trust Committee (10 September 24) – Operational Property Matters relating to Barham Park Appendix 3a: Appendix 1 Barham Park Trust Committee report (10 September 24): Works and Cost Summary. Appendix 3b: Appendix 2 Barham Park Trust Committee report (10 September 24): Tenancy map. Appendix 4: Call-In Protocol
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	James Kinsella, Governance & Scrutiny Manager Tel: 020 8937 2063 Email: james.kinsella@brent.gov.uk

1.0 Executive Summary

1.1 Decisions relating to the following reports considered by the Barham Park Trust Committee (which has been established as a Cabinet Committee) at its last meeting on 10 September 2024 have been called-in for consideration by the Resources and Public Realm Scrutiny Committee, in accordance with Standing Order 14:

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

(b) Operational Property Matters relating to Barham Park

1.2 The call-in has been accepted as valid and now therefore needs to be considered by the relevant Scrutiny Committee (in this case Resources & Public Realm) with this report containing details of the decisions which have been called-in for review, reasons and alternative action being sought under the call-in and procedure for dealing with the call-in.

2.0 Recommendation(s)

2.1 That the Committee considers the call-in and agrees to one of the following outcomes:

2.1.1 The Committee does not wish to refer the matters back to the decision maker or to Council, at which point the decision is deemed to be confirmed and takes effect immediately following the meeting; or

2.1.2 The Committee decides to ask the Barham Park Trust Committee to reconsider the decisions made, in light of any observations of the Committee; or

2.1.3 Having had regard to the advice of the Corporate Director of Law and Governance or Corporate Director of Finance & Resources, the Committee considers the decision is contrary to the Council's Budget or Policy Framework, at which point it refers the matter to the next practicable meeting of the Council, subject to the provisions of Standing Orders.

3.0 Detail

Contribution to Borough Plan Priorities & Strategic Context

3.1 The land (which includes various buildings) 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". The Trust was registered with the Charity Commission in June 1963 and is regulated by that body. The Council as sole trustee conducts the

various governance and management arrangements on behalf of the Trust through the Barham Park Trust Committee, which has been established as a Committee of the Council's Cabinet.

Background

3.2 At their last meeting on 10 September 2024, the Barham Park Trust Committee considered two connected reports relating to the following matters:

(a) Strategic Property Matters relating to Barham Park, and following on from this report

(b) Operational Property Matters relating to Barham Park

3.3 The report on Strategic Property Matters considered the strategic options available for addressing current challenges identified in relation to management and operation of the Barham Park Estate in order to enhance delivery of the Trust's charitable purposes. Following the decisions in relation to the Strategic Update, a report was then considered which dealt with a number of more detailed Operational Property matters related to the management of the Estate building and tenancies.

3.4 The decisions taken by the Trust Committee in relation to each report were as follows:

3.4.1 Strategic Property Matters relating to Barham Park

RESOLVED:

(1) *In relation to the Strategic Property Review options outlined within the report, to adopt development option 1 (bronze) with redevelopment and strategic investment beginning in 2031.*

(2) *To authorise officers to develop proposals for expanding the Trust's charitable purposes to be submitted for approval to the Charity Commission to allow broader uses of the buildings and bring a report on the proposals to a future Trust Committee meeting.*

3.4.2 Operational Property Matters relating to Barham Park

RESOLVED to:

(1) *Delegate day-to-day Trustee functions and decision-making authority to the Director of Property and Assets, replacing the Director, Public Realm (formerly the Operational Director for Environmental Services, as detailed within paragraph 3.4 of the report.*

(2) *Authorise the Director of Property and Assets to renew the expired leases for Units 1, 2, and 8 and regularise any associated subtenancies, as outlined in paragraph 3.7 of the report.*

- (3) *Authorise the Director of Property and Assets to let Unit 7 for meanwhile use as outlined in paragraph 3.8 of the report.*
- (4) *To approve the use of restricted funds, under existing Charity Commission permissions, to carry out essential repairs (year one) identified in the Watts analysis, valued at £269k plus professional fees, ensuring the building remains safe and compliant, as detailed within paragraphs 3.20 to 3.26 of the report.*
- (5) *Note that the Director of Property and Assets will implement service charges for all tenants under their lease terms, starting from the 2025-26 fiscal year, as detailed in paragraph 3.9 of the report.*
- (6) *Note that the Director of Property and Assets will continue negotiations with Zenaster Properties Ltd for the potential amendment to the restrictive covenant at 776 and 778 Harrow Road, as outlined in paragraph 3.12 of the report.*
- (7) *Note that the Director of Property and Assets will finalise terms, submit necessary applications to the Charity Commission, address any related issues, and, if required by the Charity Commission under Section 283 of the Charities Act 2011, provide public notice of this resolution.*
- (8) *Note that the Director of Property and Assets will seek to agree on repayment plans with tenants in arrears, which may include re-gearing leases to ensure sustainability. If an agreement cannot be reached or a default occurs, leases may be terminated for breach, as detailed within paragraph 3.10 of the report.*
- (9) *Authorise the Director of Property and Assets to seek the consent of the Charity Commission where required to fulfil the recommendations in this report.*

3.5 With the exception of resolutions (4), (7) and (9) under the Operational Property report, the above decisions have subsequently been called-in by five members of the Council (comprised of members from two different political groups), with details of the call-in attached as Appendix 1 to this report.

3.6 The reports on which the called-in decisions are based have been attached as Appendices 2 and 3 to this report.

3.7 The procedure for dealing with the call-in and the conduct of the Scrutiny Committee meeting is attached at Appendix 4 of this report.

4.0 Stakeholder and ward member consultation and engagement

4.1 None specifically applicable to this report.

5.0 Financial Considerations

5.1 There are no direct financial considerations arising from this covering report. The financial considerations relating to the called-in decisions have been detailed within the report to the Barham Park Trust Committee (attached as Appendices 2 and 3) which formed the basis of the original decisions made.

6.0 Legal Considerations

6.1 There are no direct legal considerations arising from this covering report. The procedure for dealing with the call-in and options available to the Resources & Public Realm Scrutiny Committee have been set out in Appendix 4 of the report with the legal considerations relating to the called-in decisions having been detailed in the report to the Barham Park Trust Committee (attached as Appendices 2 and 3 of this report) which formed the basis of the original decision made.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

7.1 There are no direct Equality, Diversity & Inclusion considerations arising from this covering report.

8.0 Climate Change and Environmental Considerations

8.1 There are no direct climate change and environmental considerations arising from this covering report.

9.0 Communication Considerations

9.1 There are no direct communication considerations arising from this covering report.

Report sign off:

Debra Norman
Corporate Director of Law & Governance

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CALL-IN FORM

For the Attention of: Deputy Director Democratic Services

From: Councillor Lorber

Date: 16 September 2024

Decision(s): Item 7 Strategic Property Review & Item 8 Operational Property Matters

Date of decision: Barham Park Trust Committee (10 September 24)

Five non-cabinet members making request, which must include representatives from more than one political group (Note: all five members do not have to be listed on or sign the same form):

	Name of councillor & Political Group	Signature <i>(only required if submitted in hard copy)</i>
1	Councillor Paul Lorber (Liberal Democrats)	
2	Councillor Anton Georgiou (Liberal Democrats)	
3	Councillor Hannah Matin (Liberal Democrats)	
4	Councillor Michael Maurice (Conservative)	
5	Councillor Sunita Hirani (Conservative)	

Please provide below an explanation as to why you are calling in the decision and if you are calling in all or part of the decision:

(Note: according to the Protocol On Call-in (Part 5 of the Constitution), call-in requests will not be considered valid if they:

- *are used as a means of gaining information/understanding or discussing general concerns with Members and officers,*
- *duplicate a call-in on the same issue within the previous six months,*
- *are based on reasons already discussed by the relevant Scrutiny Committee prior to the decision being made,*
- *concern a decision of the Cabinet referring a matter to Full Council for consideration.*
- *concern operational management decisions, or*
- *are otherwise considered by the Chief Executive to be frivolous, vexatious or clearly outside the call-in provisions.)*

At its meeting on 5 September 2023 Barham Park Trust Committee agreed the following:

- (1) To note the outcomes from the architect's feasibility study commissioned by the Council on behalf of the Trust, as detailed within the report.
- (2) To delegate authority to the Director for Environment and Leisure Services in consultation with the Chair of the Trust Committee to:
 - (a) Obtain detailed costings of the preferred option presented in the architect's report including a cost/benefit analysis and financial appraisal of the proposed scheme.
 - (b) Undertake detailed analysis of the legal risks associated with the proposed scheme and the means as to their mitigation and management.
 - (c) Prepare a draft investment strategy to establish the Council's ability to fund the refurbishment proposal and prepare an outline delivery plan for consideration by the Trust.
- (3) To agree for the Director for Environment and Leisure Services in consultation with the Chair of the Trust Committee to report back the findings and recommendations to the next available Trust Committee, outlining the suggested interventions, the amount of funding required to deliver the whole Estate option being recommended by RLB, and the potential financial options that would enable delivery of the scheme.

The Report presented to the Trust Committee at its last meeting (over a year later) on 10 September on the Strategic Property Review did none of those things:

- a. There are no detailed costings
- b. There is no detailed analysis of the legal risks – and there are no estimates how much it will cost to undertake some of the work proposed – for example the cost of preparing the request to the Charity Commission to change the charitable objects of the Trust
- c. There is no draft investment strategy showing how the cost of £1.7 million will be funded. There is no indication if a request for strategic CIL will be made or a strategy for any form of Grant Funding or who would make the Grant applications.
- d. In relation to (3) above there was no report back on the potential financial options to deliver the whole Estate option recommended by RLB.

Please provide below an outline alternative course of action to the decision being called in:

Strategic Property Matters relating to Barham Park

In view of the concerns highlighted the following alternative actions in relation to the decisions taken by the Trust Committee on 10 September 2024 on the Strategic Property Matters report are requested:

Under **RESOLVED (1)** the Trust Committee agreed:

“In relation to the Strategic Property Review options outlined within the report, to adopt development option 1 (bronze) with redevelopment and strategic investment beginning in 2031”

Officers set 2031 as the key date and this was accepted by the Trustees without question and the basis of the statement this is the year of the “longest lease expiry”. There is no calculation in the report of the possible Sure Start Clawback if Unit 8 is vacated at the same time because officers failed to advise, and the Trustees failed to ask, when that risk expires completely.

There is a risk that Unit 8 may need to be occupied for a few years (to avoid the Sure Start funding clawback – which may amount to tens of thousands of pounds) and thus create a situation of leaving most of the buildings vacant and failing to generate any income.

The bronze (or any of the other options) have not been subject to any consultation with existing tenants or users of Barham Park despite the Charity Commission recommendations that the trust actively engages with interested parties.

Alternative action being sought:

For all the above reasons to refer this decision back to the Trust Committee to reconsider with a recommendation that the decision taken should not be confirmed until such time as:

- (1) All the financial and legal consequences of the decision are clearly set with a supporting business case and funding plans.
- (2) The extra costs which will arise as a result of obtaining vacant possession of all units (including Unit 8) have been calculated and evaluated for risk.
- (3) A full engagement consultation has been undertaken with the tenants and local people who are the direct beneficiaries of the Titus Barham bequest which resulted in the gift of his home and gardens for “the enjoyment of the public” and not for the provision of retail outlets or hotels.

Under **RESOLVED (2)** the Trust Committee agreed:

“To authorise officers to develop proposals for expanding the Trust’s charitable purposes to be submitted for approval to the Charity Commission to allow broader uses of the buildings and bring a report on the proposals to a future Trust Committee.”

Titus Barham donated his home and gardens for the “recreational enjoyment” of the public. Up to now Wembley Council and its successor Brent Council broadly fulfilled this wish. The gardens were turned into a Barham Park while the buildings were initially home to the Barham Museum and later the Barham Public Library. Other parts were used as a reception facility and many older Wembley residents still remember holding birthday parties, wedding receptions and similar events.

Things only changed after Brent Council closed the Public Library in 2011 and brought in an external tenant who lets part of their leased premises to people from outside of Brent and has in recent years failed to pay their rent. Over the past 12 years Brent Council has failed to maintain the buildings or the park to an acceptable standard, missed many opportunities to apply for external grants, wasted large sums of money on surveyors and consultants and failed to collect rents and charges due.

The Architects study which led to the Bronze, Silver and Gold Options cost over £20,000. The Trust was told, and the Trustees proceeded with the study on a clear decision that the cost would not be paid by the Trust. Without any formal decision by the Trustees, the cost was then charged to the Barham Park Trust.

More importantly despite the fact that all the architect's recommendation that the proposed work depended on "vacant possession" officers of the Council failed to check when vacant possession could be achieved and the architects failed to ask.

There may be a valid case for "failure of due professional care" and a demand from the Trust to the Architects for a refund of the fees charged.

In response to previous residents' complaints the Charity Commission expressed the view that the Trust should consult and engage with interested parties and users of the park before making major decisions.

Alternative action being sought:

For the above reasons to refer this decision back to the Trust Committee to reconsider with a recommendation that the decision taken should not be confirmed until the Charity Commission recommendation for greater consultation and engagement with interested parties is carried out.

Operational Property Matters relating to Barham Park

In addition, the following decisions made by the Trust Committee on 10 September 2024 have also been called in given their links to the Strategic Property Review. These relate to Agenda Item 8 – Operational Property Matters relating to Barham Park.

Under **RESOLVED (1)** the Trust Committee agreed:

"To delegate day-to-day Trustee functions and decision-making authority to the Director of Property and Assets, replacing the Director, Public Realm (formerly the Operational Director for Environmental Services, as detailed within paragraph 3.4 of the report"

Delegation in recent years has failed. Rents were not collected, services were not charged, actions required were not taken and as a result the Barham Park Trust has lots many tens of thousands of pounds.

Trustees have fiduciary and other duties towards the Trust which they have failed to fulfil properly. It is clear that the current Trustees have neither the time, experience or sufficient knowledge to undertake their responsibilities properly.

Key oversight functions have been delegated to Council officers which should not have been, resulting in the Trusts affairs being put at risk.

Alternative action being sought:

For the above reasons to refer this decision back to the Trust Committee to reconsider with a recommendation that the Council should once again review the Governance arrangements for the Trust and appoint Trustees with sufficient knowledge, experience and interest who will manage the affairs of the Trust better than has been done in recent years.

Delegation to Council Officers should also be deferred until this has been done and until the losses made by the Trust, as a result of the delegation of powers to officers, have been identified and evaluated and a revised set of duties and responsibilities have been listed to avoid similar failures in the future.

Under **RESOLVED (2)** the Trust Committee agreed:

“To Authorise the Director of Property and Assets to renew the expired leases for Units 1, 2, and 8 and regularise any associated subtenancies, as outlined in paragraph 3.7 of the report.”

The report to the Trust refers to:

“officers will commission independent valuations and issue Section 25 notices etc” without stating who the Independent Valuer will be or what the costs of obtaining those valuations will be. Issuing Section 25 Notices to the tenants also has material implications for the Charity tenants as they will have to seek their own independent legal advice, which will be costly. Bearing in mind that all of this could have been avoided had the Council started negotiations in good time – before the leases expired – an alternative approach should be pursued in relation to Unit 1 or 2 bearing in mind that the leases will be for relatively short periods and the legal costs that would be incurred would be disproportionate.

As far as Unit 8 is concerned this was previously leased to Brent Council so that it could provide a Children Centre. A genuine Children Centre ceased to operate from the premises many years ago.

The current arrangements are only in place to avoid a possible clawback of the Sure Start Grant. Even though the Council has been aware of the risk of clawback the officers of the Council are not able to advise whether the claw back would need to be paid by the Council or the Barham Park Trust. In the view of the members who have called-in the decision, the fact that the Children Centre was a Council Service would lead to responsibility for any clawback falling on the Council. Irrespective of this view, however, the position should be clarified before the leasing of Unit 8 is pursued further. There is a related issue in that it is questionable whether the arrangements for Unit 8 have been on an ‘*arms length*’ basis or whether officers have been acting for the benefit of the Council rather than the Trust.

Unit 8 is clearly not being used for its original intended purpose. In view of the apparent drive for commercialising part or all of the buildings in the Barham Park complex there is an opportunity to take a different approach.

Alternative action being sought:

For the above reasons to refer this decision back to the Trust Committee to reconsider with a recommendation that:

- (1) In relation to Units 1 & 2 and bearing in mind that the 2 current tenants are charities providing community services and the fact that the leases are for a relatively short 7 year period and to avoid unnecessary costs to both the Trust and the two Charities, the decision made should be varied so that new terms are negotiated in line with current arrangements with possible indexation in line with similar leases in place until 2031.
- (2) In relation to Unit 8, this should no longer be leased to Brent Council but marketed externally to a suitable provider who meets the requirements of Sure Start Grant and thus guarantees NO clawback for the full 25-year term.

Under **RESOLVED (3)** the Trust Committee agreed:

“To Authorise the Director of Property and Assets to let Unit 7 for meanwhile use as outlined in paragraph 3.8 of the report.”

This Unit was intended for a Dementia Advice and Outreach service. Heads of Terms were being negotiated as far back as 2018 and stalled because of lack of understanding by Council officers. The officer report refers to NCIL grant of £150,000 while referring to “NCIL considerations”. NCIL has nothing to do with the Trust and officers or Trustees should neither interfere or make assumptions about it.

What the report does NOT mention is the fact that officer and Trustee actions have wasted 6 years and deprived dementia sufferers and their carers of an important local service and that as a result of the Unit remaining derelict the Trust has lost out on £150,000 of improvements and up to £15,000 of rent!

The report also does not explain either what is meant by “meanwhile use” and what “updated terms” means. Bearing in mind that the space will be used by vulnerable people and the unit is derelict (no heating, outdated electrics, wrecked toilets, no sink, uneven floors, no disabled toilet, no ramps or disabled entrance door etc) the full £150,000 NCIL grant may be needed to meet all the refurbishment costs.

Unit 7 also suffered from substantial water damage from upstairs because officers failed to deal with a leaking roof when it was reported to them. All the timbers in the upstairs units had to be removed because of wet rot which also penetrated the downstairs. Unit 7 had a window removed and boarded up and large sections of plasterwork hacked off as a result. It was agreed at the time that the Trust would meet the cost of the replacement window and to pay for the re-plastering when the refurbishment of Unit 7 started. The cost of this will not come out of the NCIL Grant.

Alternative action being sought:

For the above reasons to refer this decision back to the Trust Committee to reconsider with a recommendation that

- (1) The Trust reconfirms its decision to let Unit 7 for a Dementia Advice and Outreach Support Hub and pursue terms in line with the original Heads of Terms issued by officers working on behalf of the Trust.
- (2) The Trust agrees to meet in full the cost of making good the damage cause by the water penetration from above.
- (3) The threat of remarketing in 3 months be removed bearing in mind that the failure to get the unit refurbished and generating income for the Trust lies with officers and the Trustees.

Under **RESOLVED (5)** the Trust Committee agreed:

“To note that the Director of Property and Assets will implement service charges for all tenants under their lease terms, starting from the 2025-26 fiscal year, as detailed in paragraph 3.9 of the report.”

In another part of the report officers claim that service charges were not made because the Trust wished to support the charities occupying parts of the building. This seems an odd statement because the lessee of Unit 8 is Brent Council and NOT a charity and the relationship between the Trust and the Council should have been on an arms-length basis.

Some members may recall the issue of Service Charges was raised under a previous call-in relating to the Trust Accounts 2022-23. The plain truth is that officers simply forgot that service charges should have been made and the Trustees did not check. Hence my point that unlimited delegation should not be made and that better Trustees with knowledge, interest and time should be appointed.

In relation to maintenance (or lack of it) over the past 13 years the Trust has incurred large fees on a succession of surveys and recommendations which have never been implemented. The maintenance of the buildings has been neglected resulting in much greater deterioration of the fabric of the buildings than would have happened otherwise. It is therefore not right that the work identified in the latest survey and marked SC (presumably suitable inclusion in a service charge) should in fact be charged to the tenants. The impact of the failure to carry out regular maintenance should be evaluated and fully taken into account in a downward adjustment to any service charges.

Alternative action being sought:

For the above reasons to refer this decision back to the Trust Committee to reconsider with a recommendation:

- (1) Service charges due for Unit 8 should be backdated to the date of the original Lease and paid over to the Trust.
- (2) Any future Service Charges should have a downward adjustment to take into account the deteriorating condition of the buildings as a result of the failure to carry out regular and timely maintenance – (the external woodwork has not been painted since at least the closure of the Public Library in 2011 which

explains the amount of rotting woodwork visible on the external parts of the buildings).

Under **RESOLVED (6)** the Trust Committee agreed:

“To note that the Director of Property and Assets will continue negotiations with Zenaster Properties Ltd for the potential amendment to the restrictive covenant at 776 and 778 Harrow Road, as outlined in paragraph 3.12 of the report.”

This issue has been going on for well over a year. The report from officers refers to obtaining an updated valuation and legal activities to sort out a boundary issue. All of this has costs associated with it. Yet nowhere in the report do officers provide details of the costs incurred to date, the costs to be incurred in the future and the cost of vast amount of officer time on this issue. There are no costs in relation to this matter shown in the Trust Accounts for the last 2 years, so the presumption is that all these costs will be borne by Brent Council and the Brent Council taxpayers. If this is so then this should be confirmed and clearly stated.

If the intention is to recharge the costs to the Trust then this should be stated too.

The report also makes no mention of the range of values/receipts that the Trust may receive for removing the Covenant which was of course put in place for a good reason and to which the purchaser of the two cottages signed up to in full knowledge of its implications.

There is strong opposition from the local community to the lifting of the Covenant and objections will inevitably follow any submissions made by the Trust to the Charity Commission. Despite the public interest, members of the public are being kept in the dark and denied the right to speak at the Trust Meetings to express their views.

Alternative action being sought:

For the above reasons to refer this decision back to the Trust Committee to reconsider with a recommendation that

- (1) The Trust should suspend further work, incurring of costs and negotiations on the matter of the Covenant until:
 - (a) All the costs incurred to date and estimates of further costs are identified and reported to the Trust in an Open Meeting
 - (b) The range of possible capital sum to be received for the lifting of the Covenant is reported.
 - (c) The public are informed about all the implications, costs, income and process and consulted as to whether they are in favour or against the idea.

Under **RESOLVED (8)** the Trust Committee agreed:

“To note that the Director of Property and Assets will seek to agree on repayment plans with tenants in arrears, which may include re-gearing leases to ensure

sustainability. If an agreement cannot be reached or a default occurs, leases may be terminated for breach, as detailed within paragraph 3.10 of the report.”

In the notes to the 2023-24 Trust Accounts there is a reference to rent arrears of £44,500 as at 31 March 2024 – the officers report states that by the 2nd quarter of 2024 (presumably as at July/August 2024) the rent arrears stand at over £62,000.

Under the call-in on the Trust Accounts considered last year, two issues were raised in relation to rents - the failure to collect rent and the failure to implement rent reviews.

It is important to note that as part of last years accounts (2022-23) and report to the Trustees, officers advised that the rent arrears at 31 March 2023 stood at around £39,500 and that they expected them to be cleared by the end of the financial year – by 31 March 2024. These arrears have not been cleared as expected and in fact have grown.

It was also pointed out last year that according to the leases any arrears outstanding from more than 21 days are subject to interest charges at base rate plus 4%. YET no interest was charged. With a base rate at around 5% the interest on arrears would be around 9%.

Persistent non-payment could (should?) lead to legal action for eviction and termination of the lease. Why has it taken so long, and arrears of over £62,000 before firm action is taken? Did the Trustees have proper oversight and did delegation to officers go too far?

In considering this call-in scrutiny members also need to be aware that the Council makes cash advances to the Trust equal to the balance of rent arrears to assist with cash flow and to also pay interest on these figures (it is not clear what the rate of interest is and whether it equates to base rate +4%). So, while the Trust may be partially compensated for the loss of interest it is the Brent Council Taxpayers and not the tenant who is meeting this cost.

It is also not clear what would happen if there was a rent default (i.e the £62,000 currently owed was never paid) – who would suffer the loss? Would the Trust have to repay the ‘advance’ in which case the loss would be fully suffered by the Barham Park Trust. The report to the Trustees does not make the position on this clear.

Alternative action being sought:

For the above reasons to refer this decision back to the Trust Committee to reconsider with a recommendation that officers should be requested to:

- (1) Charge interest on any rent arrears as per the terms of the lease back dated to the time when interest could or should have been charged.
- (2) Inform the relevant tenants to clear all their arrears of rent within 2 months of the date of next Trust meeting to which this recommendation is reported and to start legal proceedings to recover the Trust property if the outstanding rent has not been paid.

Please return this form to a representative of the Deputy Director Democratic Services, by email (from your individual email address) james.kinsella@brent.gov.uk at or in hard copy (with signatures) and in person to the Governance Team on the fourth floor of Brent Civic Centre.



Barham Park Trust Committee Meeting

10 September 2024

Strategic Property Matters Relating to Barham Park, 660 Harrow Road, Wembley HA0 2HB

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	Two Appendix 1: Redevelopment options Appendix 2: Timeline
Background papers:	
Contact Officer(s):	Denish Patel, Head of Property 020 8937 2529 Denish.Patel@brent.gov.uk Tanveer Ghani, Director of Property and Assets 020 8937 1722 Tanveer.ghani@brent.gov.uk

1.0 Executive Summary

- 1.1 The Barham Park Estate (Estate) faces significant operational and financial challenges that hinder its charitable purposes and viability. To address these issues, the Barham Park Trust Committee (Trust Committee) aims to develop a sustainable, long-term vision that moves beyond temporary fixes. Its goal is to transform the Estate into a dynamic centre that enhances the park's appeal and improves functionality for both visitors and tenants.
- 1.2 While ongoing repairs are essential, the Trust's limited finances, supplemented by the Council, are inadequate. Rental income of around £100,000 annually falls short of covering maintenance costs. The Trust has refrained from charging tenants service charges to support charitable organisations whose purposes align with the Trust's, further straining its finances. Additionally, the Estate's design, with underused outdoor spaces, poses security risks and attracts antisocial behaviour.

1.3 This report considers the strategic options for addressing the current challenges and improving the Estate to better deliver the Trust's charitable purposes.

1.4 This report should be read with the 'Operational Property Matters' report, which sets out the building and tenancies' operational requirements.

2.0 **Recommendations:**

That the Barham Park Trust Committee RESOLVES

2.1 To adopt development option 1 (bronze) with redevelopment and strategic investment beginning in 2031.

2.2 To authorise officers to develop proposals for expanding the Trust's charitable purposes to be submitted for approval to the Charity Commission to allow broader uses of the buildings and bring a report on the proposals to a future Trust Committee meeting.

3.0 **DETAIL**

Background

3.1 To move beyond short-term infrastructure fixes, the Trust Committee authorised the appointment of an architect in January 2022 to comprehensively address the Estate's complex challenges. The goal was to develop redevelopment options that would meet the needs of current and future occupants while creating more welcoming, safe, accessible, and functional buildings and parks. Rider Levett Bucknall (RLB) was selected for this task. As a result, new leases and renewals have been put on hold, and significant capital expenditures for repairs have been delayed until the study is completed and presented to the Trust Committee.

3.2 The Estate's ageing infrastructure and restrictions on its use for 'recreational and leisure purposes' limit its ability to generate the funds needed for maintenance and operational efficiency. This report and 'Operational Property Matters' consolidate past evaluations, current needs, and prospects to help the Trust Committee make informed decisions. The aim is to ensure the building's longevity and utility while addressing tenants' concerns about security, maintenance, and future development plans.

3.3 The Barham Park building and the more expansive park are at a crucial crossroads. The Trust Committee must decide between making strategic improvements or maintaining the status quo. While strategic investment involves higher upfront costs, it offers the potential for improved long-term cash flow. Conversely, maintaining the current course of action will further deteriorate the already constrained cash flow. Additionally, post-pandemic shifts in organisational behaviour demand modern, flexible facilities to attract a broader range of tenants.

- 3.4 The architect's feasibility study (silver and gold options) was reported to the Committee at its meeting in September 2023. The report showed how the Estate could be re-visioned to create more modern rentable space that could generate better revenue and make the Estate more sustainable—with stronger links to the park and broader community. Subsequently, a bronze option has been added for consideration.
- 3.5 Therefore, the three options to consider are:
- 1) Bronze – minimum interventions to optimise space.
 - 2) Silver – more significant internal interventions and additional space.
 - 3) Gold – significant interventions, including external building extensions.
- 3.6 A transformational and strategic approach will be required to overcome the financial constraints of redevelopment and improve the Estate. The recommendation is that the Trust Committee defers the investment options proposed by RLB until vacant possession of the whole building can be acquired in 2031 (due to existing fixed-term leases with the longest one expiring in October 2031) at the latest and seeks to implement the vision in a phased approach, starting with regularising leases, carrying out urgent repairs and, subject to Charity Commission approval, expanding the permitted uses to attract a broader range of tenants to improve cash flow. This phased and incremental investment approach addresses immediate concerns and sets the stage for sustainable long-term growth and success. It is the most responsible, pragmatic and strategic path forward for the future vision of Barham Park.
- 3.7 **Strategic Review**
- Options Appraisal
- 3.8 The Estate's current usage and existing lease terms significantly impact the feasibility of the redevelopment options. Moreover, the Trust's charitable purposes, primarily to serve public recreation, restrict broader activities that can generate revenue, limiting potential income.
- 3.9 The following options focus on enhancing Estate sustainability while navigating the constraints of the Trust's charitable purposes and the current market for recreational uses. Further exploration of potential revenue streams and capital investment needs will be critical for informed decision-making.
- 3.10 Rider Levett Bucknall's feasibility study explored renovation and reconfiguration options for the Estate to enhance connectivity with the park and address security vulnerabilities. The study proposed three investment levels—bronze, silver, and gold—each varying in the degree of intervention and potential revenue. The potential maximum income for each option remains uncertain due to factors such as the requirement to adhere to current charitable purposes, fluctuations in demand, and the risk of vacancies, among other considerations. Consequently, this report emphasises the minimum income necessary to ensure the financial viability of each scheme based on net present value calculations over a 60-year financing period. Obtaining approval from the

Charity Commission to widen the building's uses will generate higher revenue and support future redevelopment.

3.11 Option 1: **Bronze**—Appendix 1:

- This option entails minor interventions, such as refurbishing and removing partition walls, to improve the space's attractiveness, accessibility, and functionality. The estimated cost for these enhancements is approximately £1,700,000¹ for 15,645 square feet of lettable space, similar to the currently available area. An income of £160,707 per annum would be required, translating to approximately £10.27 per square foot. The bronze option is unlikely to need planning permission.

3.12 Option 2: **Silver**—Appendix 1:

- This option involves moderate interventions, including structural alterations, removing most partition walls, and adding a floating central structure to create additional lettable floor space. The required investment is approximately £3,200,000 for about 19,195 square feet of lettable space. An income of £243,325 per annum would be necessary, which equates to approximately £12.68 per square foot. The silver option may require planning permission.

3.13 Option 3: **Gold**—Appendix 1:

- This option involves significant interventions, including structural alterations, extensive remodelling, and enhancements to the courtyard and connections to the park. The estimated cost for these improvements is £4,000,000 for approximately 19,572 square feet of lettable space. An income of £282,715 per annum would be required, which equates to approximately £14.44 per square foot. The gold option will likely require planning permission.

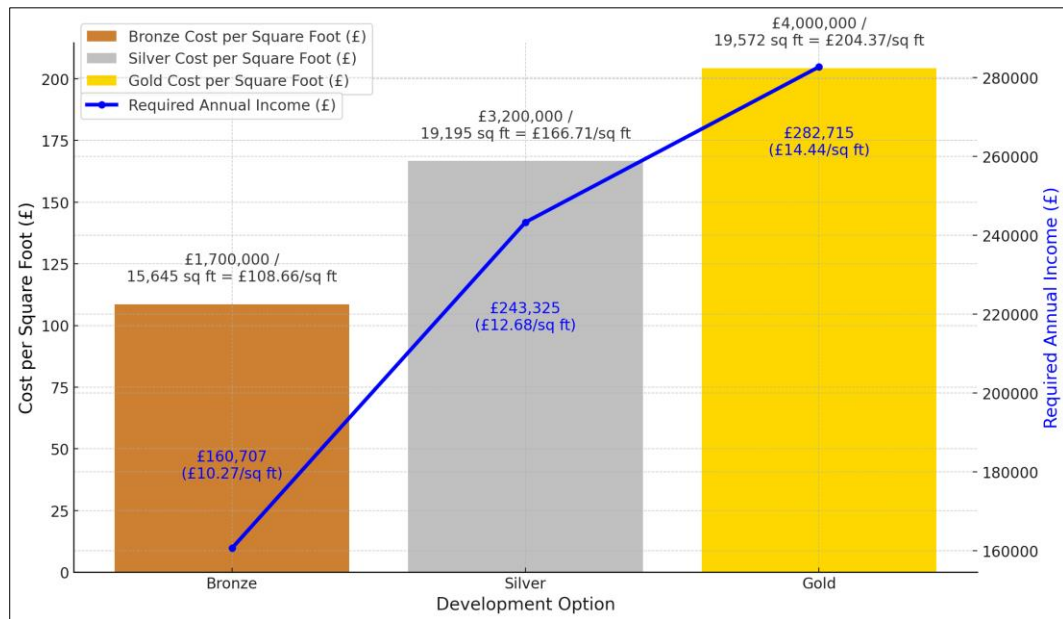
Options Analysis

- 3.14 Each redevelopment option—bronze, silver, and gold—offers varying levels of enhancement to the Estate, with corresponding financial implications and potential for increased rental income. The Trust Committee must weigh these options against its economic strategies and the overarching goal of improving the Estate's sustainability and functionality while fulfilling its charitable purposes.

A key consideration is the financial efficiency of each option. As the lettable space increases with the silver and gold redevelopment options, the cost per square foot also rises—53.4% from bronze to silver and another 22.6% from silver to gold. This indicates that the investment required for each additional square foot of space becomes increasingly less efficient, as shown below:

¹ The options' cost estimates are based on a preliminary scheme and do not represent a comprehensive, detailed cost plan. As the project advances, the costs will be continually reviewed and updated.

Graph 1: Cost psf and required annual income across options



This analysis demonstrates that the bronze option is the most financially efficient choice. It offers meaningful enhancements to the Estate at a significantly lower cost per square foot. It requires the least income, imposing the lowest financial burden on the Trust. The income-generation capacity of the space is sufficient to meet this requirement without straining the Trust's financial resources. In contrast, while providing additional lettable space, the silver and gold options introduce a greater risk of vacancies, which could undermine the Trust's financial stability. Consequently, the bronze option emerges as the Trust's most prudent and sustainable choice.

3.15 Risks

3.16 The redevelopment proposal faces several significant risks that must be considered and mitigated.

3.17 **Revenue Risk:** The project faces a high likelihood of revenue risk across all options, including the option of taking no action, which could severely impact its financial sustainability. To mitigate this risk, it is recommended that the Trust Committee seeks approval from the Charity Commission to expand the charity's purposes and diversify the Estate's use (such as commercial uses in part of the building). This expansion could generate additional revenue streams, thereby reducing reliance on existing sources and supporting the Trust's charitable purposes more sustainably.

- 3.18 **Development Costs:** The cost of remodelling the Estate in 2031, when vacant possession becomes possible as the longest lease expires, is likely to exceed initial estimates, presenting a significant risk to the project's budget. Obtaining updated and accurate cost estimates is crucial to manage this risk before moving forward with the project. This should be done at the right stage to avoid potential financial shortfalls.
- 3.19 **Charity Commission Approval:** The current charitable purpose of the Barham Park Trust, focused on public recreation, limits the range of permissible activities and tenants within the Estate. An amendment to the charitable purpose is required to engage in activities outside the Trust's existing objectives. Officers will seek Charity Commission approval to expand the building's permitted uses, which is essential to improving cash flow, attracting a broader range of tenants, and ensuring the optimal use of the Estate to meet its charitable objectives. Currently, the average rent from existing tenants is approximately £5 per square foot, below average market rates, which jeopardises the financial sustainability of the Estate.
- 3.20 Obtaining approval from the Charity Commission is crucial for any changes to the charitable purpose, i.e., leasing parts of the Estate for commercial use. A robust business case must be developed to secure this approval, demonstrating that all other potential avenues—such as maximising rents, applying service charges, and letting out vacant properties—have been thoroughly explored and exhausted. This will strengthen the case for the necessary changes. Officers will prepare a business case detailing the types of uses and the proportion of the building to be allocated for broader purposes to support the Estate's financial viability. While it is difficult to estimate the exact timeframe for a decision from the Charity Commission, such decisions typically take between 8 to 12 months.
- 3.21 Expanding the permitted uses, including commercialising parts of the building, is vital to improving cash flow, attracting a more comprehensive range of tenants, and ensuring the Estate's optimal use aligns with its charitable objectives. Without this expansion, the Estate's future viability and ability to serve Barham Park and its community are at risk. Approval from the Charity Commission to amend the Trust's charitable objectives is essential for these changes.
- 3.22 **Risk Management:** Each risk requires proactive management to achieve the project's objectives without compromising financial viability or regulatory compliance.
- 3.23 **Consultation with Tenants and Building Users**
- 3.24 Officers will engage tenants and users of the building in a focused consultation on the bronze option. The primary purpose of this consultation is to gather feedback on how the bronze option can be improved to serve the charitable purposes of the Estate better. This process will include discussing the potential

impacts, identifying areas for enhancement, and exploring collaborative solutions to optimise the benefits for all stakeholders. The indicative timeline for this is set out in Appendix 2.

3.25 A series of meetings will be held with existing tenants to understand their perspectives on the bronze option, acknowledging that other options are not being considered. The consultation will allow tenants to influence the final plans, particularly in areas directly affecting their building use.

3.26 Although tenants have not firmly pushed for broader strategic changes due to cost concerns and the potential impact on their tenancies, they have requested specific improvements, such as addressing the building's exterior and thermal performance. Early engagement with tenants will be essential to gathering their input and ensuring the bronze option is refined to align with the charitable objectives. The consultation process may involve presentations, questionnaires, and meetings to collect feedback.

3.27 The public will be consulted separately when developing proposals to expand the Trust's charitable purposes.

3.28 **Discounted Options**

3.29 It is noted that the silver and gold options would be challenging to achieve given the income levels that could realistically be generated, even if the uses were broadened with Charity Commission approval. While the silver option may generate sufficient income to make the scheme viable, there is considerable uncertainty in the market for the foreseeable future due to post-pandemic shifts in demand for rental space. This uncertainty significantly undermines the financial reliability of the silver option. The higher costs and risks associated with the silver and gold options make them less feasible. Therefore, it is proposed that these options be ruled out in favour of the bronze option, which appropriately balances risk and reward in line with the Trustee's fiduciary duties.

3.30 **Do nothing**

3.31 Essential repairs and maintenance must be undertaken to achieve minimal functionality and compliance. These are also necessary to improve long-term financial sustainability and to fully address infrastructural deficiencies as part of a broader strategic plan. Short-term investment complements longer-term redevelopment and may reduce future redevelopment costs by creating synergies between immediate repairs and subsequent enhancements. Therefore, undertaking essential repairs and maintenance as a foundation for pursuing the bronze option is recommended as the strategic direction.

3.32 **Timeline**

3.33 An indicative timeline has been developed that weaves the strategic and operational elements from both property-related reports presented to the Trust Committee at this meeting. This timeline is set out in Appendix 2.

4.0 Financial Considerations

- 4.1 The Trustees of Barham Park Trust have a fiduciary duty to ensure the Trust's long-term financial stability. When acting as Trustees, they must put the trust's financial interests ahead of the Council.
- 4.2 As noted in the risks section, generating sufficient rental income from any redevelopment so the Trust can repay the redevelopment costs is a significant risk. As the proposals are developed further, the Trust must consider how to maximise the potential future income whilst minimising the risks of vacant units and non-payment.
- 4.3 Given the long payback period, the Trust will be unlikely to secure commercial funding for any such redevelopment, so any loan provided for this will likely have to come from the Council unless another source of non-commercial finance can be identified. If the Trust requires a loan from the Council, then this will require formal approval by the Cabinet.
- 4.4 The financial assessment of the investment options is subject to the Trust's securing the Charity Commission's approval to undertake more commercial lettings. Given the challenging commercial marketing space, additional work is also required to assess the commercial rental potential following the investments. The paper notes that these investment plans will occur after vacant possession has been secured on the Estate, which is estimated to be achieved in 2031. Another assessment would be required after these conditions have been completed to confirm the viability.

5.0 Legal Considerations

- 5.1 The land (which includes various buildings) 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 occasionally think proper'. It was registered with the Charity Commission in June 1963 and is regulated by that body.
- 5.2 The terms of the Trust are extremely wide, and it is difficult to summarise the uses allowed in general terms. Section 5 of the 2011 Act states that it is charitable to "provide or assist in the provision of facilities for recreation or other leisure time occupation if the facilities are provided for social welfare." Commercial office space, retail, surgeries, etc., would not fall under the scope of recreational or leisure use for social purposes (though a park café would be in scope).
- 5.3 To comply with the procedural terms of the Charities Act 2011, any letting that falls outside of the terms of the Trust would require an application to be made to the Charity Commission. It is considered that there are prospects of success in obtaining approval for such an application, given that without such a change, the charitable purposes are at significant risk.

- 5.4 The Trust's ability to obtain vacant possession to enable the works depends on the existing contractual terms of the leases.
- 5.5 To comply with the procedural terms of the Charities Act 2011, any letting that falls outside of the terms of the Trust would require an application to be made to the Charity Commission. It is considered that there are limited prospects of obtaining approval for such an application.
- 5.6 An amendment to the purposes of the Trust set out in 5.1 to enable a broader range of uses of the Estate will require the approval of the Charity Commission. Any new purposes must be charitable and in the Trust's best interests. The Charity Commission will consider whether the new purposes are similar to the current purposes and whether they are suitable and effective in current social and economic circumstances.

6.0 Equity Diversity and Inclusion Considerations

- 6.1 Any proposals that come forward in due course must be assessed in compliance with the Trust's equality duties. The proposed options mentioned in this report will be subject to 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 will be 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 When undertaking remodelling works proposed by RLB for the Barham Park Building, ensure the procurement process aligns with the requirements under the Charities Act 2011, ensuring that the Trust acts in the best interests of its beneficiaries.

9.0 Climate Change and Environmental Considerations

- 9.1 None other than those identified within the main report.

10.0 Communication Considerations

- 10.1 None other than those identified within the main report.

Related document(s) for reference:

Reports to Barham Park Trust Committee (27 January 2022 & 5 September 2023) - Strategic Property Matters Relating to Barham Park, 660 Harrow Road, Wembley HA0 2HB

Report Sign Off:

Tanveer Ghanu

Director of Property and Assets

Initial Feasibility Study Options

Existing Layout

Ground Floor - Existing

- + Mix of masonry & stud walls which have been modified and added to in the past
- + Layout is highly compartmentalised & fragmented, reflecting the building's history, structural design & current occupancy
- + Few or no links between existing internal areas, and between internal & external areas
- + Total Existing Ground Floor GIA approx 1,000 sqm plus external courtyard approx. 100sqm



Note: Existing plans have been based upon initial information provided by client. Full measured topographical & building survey will be required

HARROW ROAD

First Floor - Existing

- + Mix of masonry & stud walls which have been modified and added to in the past
- + Layout is highly compartmentalised & fragmented, reflecting the building's history, structural design & current occupancy
- + Few or no links between existing internal areas, and between internal & external areas
- + Total Existing First Floor GIA approx 460 sqm



Note: Existing plans have been based upon initial information provided by client. Full measured topographical & building survey will be required

'Bronze' Scheme Option



Schedule of Accommodation:

Retail	TOTAL	130 sqm
Office		
Office 4	84 sqm	
Office 5	143 sqm	
Office 6	29 sqm	
Meeting / Conference	74 sqm	
TOTAL OFFICE	330 sqm	
Cafe / Bar	152 sqm	
Community		
Community Space 1	121 sqm	
Community Space 2	113 sqm	
Reception	15 sqm	
External courtyard	113 sqm	

KEY:

- Existing retained structure
- New structure

NOTES:

All works are to be undertaken in accordance with Building Regulations and the latest British Standards.

This drawing shall not be scaled to ascertain any dimensions. Work Figure dimensions only.

All Dimensions and level are to be checked on site.

Any discrepancies are to be reported to the Architect before any work commences.

Unless noted below, all known hazards have been highlighted on the drawing.

All information shown is preliminary - The drawing has been produced as an initial concept design for client discussion purposes ONLY.

Full measured topographical survey and full measured building survey will be required.

All information shown as part of these proposal is subject to consultation and development with other consultants.

ALL furniture shown is indicative.

This drawing shall not be scaled to ascertain any dimensions. Work Figure dimensions only.

All Dimensions and level are to be checked on site.

Any discrepancies are to be reported to the Architect before any work commences.

Unless noted below, all known hazards have been highlighted on the drawing.

GROUND FLOOR - BRONZE OPTION

Schedule of Accommodation:	
Office	
Office 1	27 sqm
Office 2	54 sqm
Shared Meeting	9 sqm
TOTAL OFFICE	90 sqm
Studios	
Studios total (incl. circulation)	244 sqm

KEY:

- Existing retained structure
- New structure

NOTES:

All works are to be undertaken in accordance with Building Regulations and the latest British Standards.

This drawing shall not be scaled to ascertain any dimensions. Work Figure dimensions only.

All Dimensions and level are to be checked on site.

Any discrepancies are to be reported to the Architect before any work commences.

Unless noted below, all known hazards have been highlighted on the drawing.

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Full measured topographical survey and full measured building survey will be required.

All information shown as part of these proposal is subject to consultation and development with other consultants.

All furniture shown is indicative.

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All Dimensions and level are to be checked on site.

Any discrepancies are to be reported to the Architect before any work commences.

Unless noted below, all known hazards have been highlighted on the drawing.



FIRST FLOOR - BRONZE OPTION

**Barham Park Feasibility - Estimate Cost Plan - Rev A
Brent Council**

3.0 ELEMENTAL SUMMARY

REF	ITEM	TOTAL COSTS
1	WORKS BREAKDOWN	
1.01	Building Fabric	£ 908,880
1.02	M&E	£ 327,600
2	SUB-TOTAL	£ 1,236,480
2.10	PRELIMINARIES	£ 222,566
2.20	OVERHEADS & PROFIT	£ 72,952
3	CONSTRUCTION TOTAL	£ 1,531,999
3.10	CONTINGENCY	£ 153,200
4	CONSTRUCTION TOTAL INCLUDING CONTINGENCY	£ 1,685,199

'Silver' Scheme Option

Ground Floor - Initial Concept Design ('Silver' Scheme option)

- + Community uses proposed for two of the buildings facing the western courtyard, with the potential to link them together internally. Potential to use external courtyard area for playground or similar
- + Cafe / bar proposed for the existing library area at ground floor, with possibility to use external courtyard for events or gatherings
- + Retail units proposed along the rest of Harrow Road with access potential from central courtyard or from the pavement.
- + Link created between eastern and western courtyards.
- + Primary circulation core created around existing stair, with new lift and WCs. Corridor linking to new office areas.
- + Office use proposed for the remainder of the ground floor with potential for the meeting / conference room to be used separately or incorporated as part of Office 6 (with ramp to accommodate level change).
- + Potential location for an external bin store is by the existing main site entrance

Schedule of Accommodation:

Retail	
Retail units total	130 sqm
Office	
Office 5	84 sqm
Office 6	143 sqm
Office 7	29 sqm
Meeting / Conference	74 sqm
TOTAL OFFICE	330 sqm
Cafe / Bar	
Cafe / bar	152 sqm
Community	
Community Space 1	121 sqm
Community Space 2	113 sqm
Other	
Reception	15 sqm
External courtyard	112 sqm



Existing window locations shown on plan in this location are not drawn accurately on the existing information supplied by the client and will require measured survey

First Floor - Initial Concept Design ('Silver' Scheme option)

- + Single storey elements to be demolished, ground floor slab to be retained if possible; new steel frame & second storey to be constructed above, primary circulation core leads to new first floor.
- + Office 1 sits within a partially glazed 'box' in the centre of the new space with lightwells surrounding to bring light down to ground floor level, with the views of the existing historical facades retained from inside.
- + Office 2 situated in remainder of new first floor extension.
- + Central circulation corridor allows access to all upper floor areas.
- + Majority of first floor space above the cafe and retail could either be upgraded studio space or used as storage for retail units below.
- + Existing stair moved to the south & new access walkway created to allow access to the upper floor of the southeastern building.

Schedule of Accommodation:	
Office	
Office 1	63 sqm
Office 2	107 sqm
Office 3	54 sqm
Office 4	70 sqm
Shared Meeting	9 sqm
TOTAL OFFICE	303 sqm
Studios	
Studios total (incl. circulation)	244 sqm



Existing window locations shown on plan in this location are not drawn accurately on the existing information supplied by the client and will require measurement survey.

2.0 Elemental Summary

Ref	Item	Total Cost
1	WORKS BREAKDOWN	
1.01	Building Fabric	£ 1,554,500.00
1.02	M&E	£ 744,800.00
2	SUB-TOTAL	£ 2,299,300.00
2.10	Preliminaries	£ 229,930.00
2.20	Overheads & Profit	£ 344,895.00
3	CONSTRUCTION TOTAL	£ 2,874,125.00
3.10	Contingency	£ 287,413.00
4	CONSTRUCTION TOTAL INCLUDING CONTINGENCY	£ 3,161,537.50

'Gold' Scheme Option

Ground Floor - Option 2 Concept Design (Optimal 'Gold' scheme)

- + Community uses proposed for two of the buildings facing the western courtyard, with the potential to link them together internally. Potential to use external courtyard area for playground or similar
- + Existing library area at ground floor retained as existing, subject to future development and building phasing
- + Retail units and a cafe unit proposed along the rest of Harrow Road with access potential from central courtyard or from the pavement.
- + Link created between eastern and western courtyards.
- + Primary circulation core created around existing stair, with new lift and WCs. Corridor linking to new office areas.
- + Office use proposed for the remainder of the ground floor with potential for the meeting / conference room to be used separately or incorporated as part of Office 6 (with ramp to accommodate level change).
- + Existing tenancy boundaries have been overlaid to inform potential future phasing



Schedule of Accommodation:

Retail	
Retail units total	66 sqm
Office	
Office 5	90 sqm
Office 6	143 sqm
Office 7	40 sqm
Meeting / Conference	74 sqm
TOTAL OFFICE	347 sqm
Cafe / Bar	
Cafe / bar	27 sqm
Community	
Community Space 1	121 sqm
Community Space 2	113 sqm
Other	
Reception	15 sqm
External courtyard	112 sqm
Library	175 sqm

First Floor - Option 2 Concept Design (Optimal scheme)

- + Single storey elements to be demolished, ground floor slab to be retained if possible; new steel frame & second storey to be constructed above, primary circulation core leads to new first floor.
- + Office 1 sits within a partially glazed 'box' in the centre of the new space with lightwells surrounding to bring light down to ground floor level, with the views of the existing historical facades retained from inside.
- + Office 2 situated in remainder of new first floor. Extension footprint has now been increased to extend to line of building below with additional lightwells
- + Central circulation corridor allows access to all upper floor areas.
- + Majority of first floor space above the cafe and retail could either be upgraded studio space or used as storage for retail units below.
- + Existing stair moved to the south & new access walkway created to allow access to the upper floor of the southeastern building.
- + Existing tenancy boundaries have been overlaid to inform potential future phasing



Schedule of Accommodation:

Office	
Office 1	63 sqm
Office 2	176 sqm
Office 3	54 sqm
Office 4	70 sqm
Shared Meeting	9 sqm
TOTAL OFFICE	372 sqm
Studios	
Studios total (incl. circulation)	244 sqm

**Barham Park Feasibility - Estimate Cost Plan - Rev A
Brent Council**

3.0 ELEMENTAL SUMMARY

REF	ITEM	TOTAL COSTS
1	WORKS BREAKDOWN	
1.01	Building Fabric	£ 2,324,280
1.02	M&E	£ 655,200
2	SUB-TOTAL	£ 2,979,480
2.10	PRELIMINARIES	£ 536,306
2.20	OVERHEADS & PROFIT	£ 175,789
3	CONSTRUCTION TOTAL	£ 3,691,576
3.10	CONTINGENCY	£ 369,158
4	CONSTRUCTION TOTAL INCLUDING CONTINGENCY	£ 4,060,733

Indicative timelines 2024/25

Description of task

Oct Nov Dec Jan Feb Mar Apr May June July Aug Sep

Develop proposals for changing charitable purposes

Lease renewals units 1, 2, and 8

Letting of unit 7

Agree arrears repayment plans

Building works (year one)

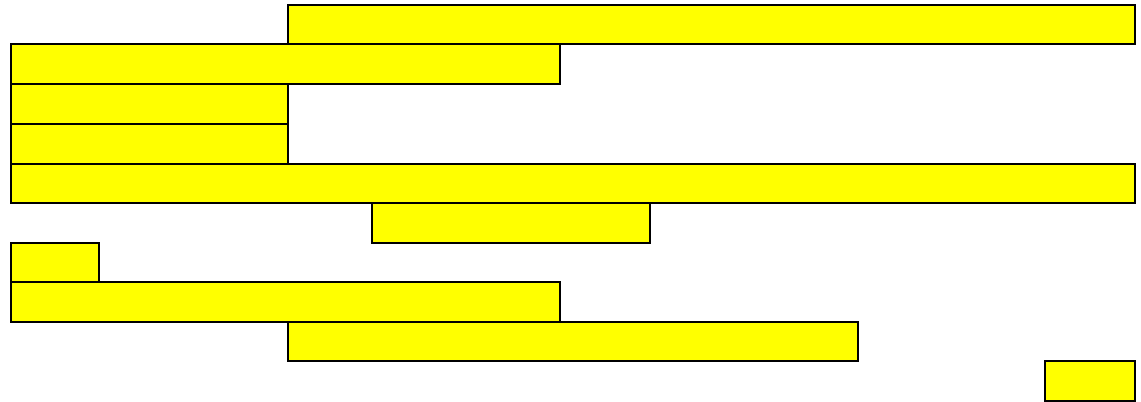
Implementation of service charges

Transfer control of management

776/778 Harrow Road negotiations

Consultation with tenants and users (bronze option)

Finalise bronze option proposal



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**Barham Park Trust Committee
Meeting
10 September 2024**

Operational Property Matters Relating to Barham Park, 660 Harrow Road, Wembley HA0 2HB

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	Two Appendix 1: Works and Cost Summary Appendix 2: Tenancy map
Background papers:	None
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1.0 Purpose of the Report

- 1.1 This report provides an overview of the Barham Park Estate building's condition, summarising the essential findings and recommendations from the Watts Building Survey regarding necessary repairs and associated costs in the short, medium, and long term. It also addresses the restrictive covenant on properties at 776 and 778 Harrow Road, where the current owner, who has obtained planning permission for further development, seeks to negotiate a modification with the Trust. Previous discussions authorised by the Trust Committee explored this potential change, which could benefit the Trust.
- 1.2 The report revisits the Trust Committee's earlier decision to hold off on decisions regarding Units 2, 7, and 8 until an architect's options appraisal is completed. It now offers strategic recommendations for these units and other operational matters that have arisen. Additionally, it stresses the importance of implementing service charges as per tenants' leases to ensure sufficient funds for ongoing maintenance.

- 1.3 The report addresses the recent Council restructuring, which has shifted senior management responsibility for the building's day-to-day operations.
- 1.4 This report should be read alongside the 'Strategic Property Matters' report, which outlines the overarching strategy from which operational activities will flow for ensuring the Barham Park Estate is sustainable, well-maintained, and aligned with the Trust's charitable objectives.

2.0 Recommendation(s)

That the Barham Park Trust Committee RESOLVES

- 2.1 To delegate day-to-day Trustee functions and decision-making authority to the Director of Property and Assets, replacing the Director, Public Realm (formerly the Operational Director for Environmental Services, as per paragraph 3.4).
- 2.2 To authorise the Director of Property and Assets to renew the expired leases for Units 1, 2, and 8 and regularise any associated subtenancies, as outlined in paragraph 3.7.
- 2.3 To authorise the Director of Property and Assets to let Unit 7 for meanwhile use as outlined in paragraph 3.8.
- 2.4 To approve the use of restricted funds, under existing Charity Commission permissions, to carry out essential repairs (year one) identified in the Watts analysis, valued at £269k plus professional fees, ensuring the building remains safe and compliant, as per paragraphs 3.20 to 3.26.
- 2.5 To note that the Director of Property and Assets will implement service charges for all tenants under their lease terms, starting from the 2025/26 fiscal year, as detailed in paragraph 3.9.
- 2.6 To note that the Director of Property and Assets will continue negotiations with Zenaster Properties Ltd for the potential amendment to the restrictive covenant at 776 and 778 Harrow Road, outlined in paragraph 3.12.
- 2.7 To note that the Director of Property and Assets will finalise terms, submit necessary applications to the Charity Commission, address any related issues, and, if required by the Charity Commission under Section 283 of the Charities Act 2011, provide public notice of this resolution.
- 2.8 To note that the Director of Property and Assets will seek to agree on repayment plans with tenants in arrears, which may include re-gearing leases to ensure sustainability. If an agreement cannot be reached or a default occurs, leases may be terminated for breach. See paragraph 3.10.
- 2.9 Authorise the Director of Property and Assets to seek the consent of the Charity Commission where required to fulfil the recommendations in this report.

3.0 Background

- 3.1 In January 2022, the Trust Committee reviewed various issues affecting the Estate and authorised the appointment of an architect to assess the Estate's spatial and socioeconomic characteristics. The objective was to evaluate the Estate's potential as a sustainable environment that meets the needs of both current and future users. The architect was tasked with developing a range of options, from minor to significant remodelling solutions ("bronze, silver, gold" concepts).
- 3.2 Additionally, the Trust Committee decided to halt new leases for Units 2, 7, and 8 of the Barham Park Building until the architectural options appraisal was completed. The Operational Director of Environmental Services (this post is now designated the Director, Public Realm) was responsible for determining the future of these units following the assessment.
- 3.3 **Council restructure and changes to day-to-day delegated authority for Estate management**
- 3.4 This report proposes transferring the current delegated authority for the day-to-day management of the Barham Park Estate from the Director for Environmental Services (now Director, Public Realm) to the Director of Property and Assets. This recommendation aligns with the recent Council senior management restructuring. Under this proposal, the Director of Property and Assets would take on responsibility for operational decisions related to the Estate, including lease agreements, building maintenance, and strategic planning, while continuing to collaborate closely with the Director, Public Realm to manage the wider park estate.
- 3.5 **Operational matters following completion of the architectural appraisal**
- 3.6 Following the completion of the architectural appraisal and in alignment with the strategic direction outlined in the Strategic Property Matters report (Agenda Item 7), which targets redevelopment of the bronze option in 2031, the following landlord activities are recommended to ensure that vacant units are available at that time and in the meantime income is maintained for the Trust:
- 3.7 Lease Renewals for Unit 1 (Tamu Samaj UK), Unit 2 (Veterans' Club (Wembley), and Unit 8 (Brent Council - Children Centre)

Tenants currently occupying these units on expired leases are to be offered the opportunity to renew their leases. Officers will commission independent valuations and issue Section 25 notices to ensure lease renewals occur within statutory time limits, with independent valuations guiding negotiations. These renewals will align with strategic objectives, ensuring leases terminate before the anticipated redevelopment in 2031. They will include appropriate break clauses and exclusion from the Landlord and Tenant Act 1954 to obtain vacant possession at the proper time.

The Young Brent Foundation occupies Unit 8 and delivers the Children's Centre services. Officers will formalise these arrangements under a sub-tenancy to ensure legal compliance, safeguard the rights of all parties and establish a clear framework for the ongoing use of the premises.

3.8 Vacant Unit 7 Re-activation

In 2018, Unit 7 was marketed, and the Friends of Barham Library, who occupy Unit 4, were awarded the bid, supported by an NCIL grant of £150,000 for a Dementia Advice and Support project. However, the lease was not finalised due to unresolved lease terms and the Trust Committee's pause on new leases pending the completion of the architectural study. It is now proposed that Unit 7 be temporarily reactivated for 'meanwhile use', allowing flexibility while seeking Charity Commission approval to modify the charitable purposes, enabling other or commercial uses of part of the building.

The Friends of Barham Library will be offered the first opportunity to occupy Unit 7, subject to agreeing to updated terms that incorporate 'meanwhile use' and NCIL considerations. The original bid terms are outdated and not aligned with the strategic objective of securing vacant possession by 2031 or earlier. If no agreement is reached, the unit will be remarketed for alternative temporary use within three months.

3.9 Implementation of Service Charges

Starting in April 2025, service charges will be applied across all leases at Barham Park to fund the building's upkeep and maintenance. Although the lease provisions for service charges have not been previously activated, this is now necessary. Tenants will be notified in advance to allow adequate time for financial planning. Service charges will be calculated according to the formulas outlined in their leases. The process begins with an initial assessment and communication phase, where the total maintenance, repairs, and other expenses are calculated. Tenants are then informed about the upcoming service charges through detailed explanations of the calculation methods in their respective leases. By implementing service charges, the Trust can begin to mitigate any financial impact and gradually build the necessary funds (such as a sinking fund) to maintain and improve the Barham Park Building and broader estate.

Appendix 1 outlines the specific expenditure items eligible for recharging to service charges (items marked with 'S/C').

3.10 Arrears Management

Discussions are ongoing to establish a repayment plan with tenants who have fallen into arrears. However, the Trust Committee should be aware that proactive measures, including forfeiture or legal action, may be necessary for tenants who fail to comply with payment plans or do not settle their arrears. The delegated officer (Director of Property and Assets) will actively enforce contractual obligations. The total debt is approximately £62,355¹ as of Q2 2024/25 financial year.

3.11 Improving Income (see Strategic Property Matters report)

The Barham Park Trust's current charitable purpose limits the Estate's activities and tenancy options, affecting its financial sustainability. An amendment to the charitable purpose is necessary to address this, allowing for expanded uses

¹ Accrual basis.

that could improve cash flow and attract a broader range of tenants. Officers will seek Charity Commission approval for these changes, supported by a robust business case demonstrating that all other revenue-boosting options have been explored. This approval process typically takes 8 to 12 months, but it is essential for ensuring the Estate's long-term viability and its ability to continue serving the community effectively.

3.12 776 and 778 Harrow Road

In 2011, the Trust sold 776 and 778 Harrow Road with covenants restricting their development. The current owner, Zenaster Ltd, sought to amend these covenants in 2021 to allow the demolition and construction of four new houses, with planning permission granted in June 2023. An independent valuation assessed the Trust's share of the development, but negotiations remain unresolved. Officers are now seeking an updated valuation and actively engaging with the owner to reach an agreement on amending the covenants. The owner wishes to commence development within six months. Several boundary issues between the owner and the Trust were identified, including potential parkland encroachment (an independent boundary report obtained by Officers in January 2024 suggested that the owner had fenced off small sections of the parkland). The owner has now agreed upon the correct boundaries, with remedies to follow.

3.13 Barham Park Funfair

In 2022, the Irvin Organisation Ltd was granted a five-year license to operate funfairs in several parks, including Barham Park, from January 2022 to January 2027. The license permits funfair operations between 11:00 AM and 11:00 PM, with specific terms requiring the Licensee to maintain cleanliness, adhere to health and safety regulations, secure necessary consents, and avoid disturbances. The Licensee is also responsible for fire safety measures, insurance coverage, and indemnifying the Trust as Licensor. The license can be terminated with three months' notice or immediately in case any breach is not remedied, and it naturally expires in January 2027. This funfair operation provides valuable rental income to the Trust.

Fulfil Landlord Functions and Obligations

3.14 The rent review process is now completed in line with the provision of individual leases to help strengthen the Trust's financial position. Rent reviews have been carried out on the following tenants whose leases contain rent review provisions:

- Tamu Samaj UK
- ACAVA (Association for Cultural Advancement through Visual Art)
- Friends of Barham Library

3.15 The total rent uplift from the rent reviews is £4,652 p/a, and the backdated rent owed due to the rent reviews is £20,835. No other tenant's lease has a rent review provision. Instead, their rents will be reviewed at lease renewal.

Statutory Compliance Summary for Barham Park Building.

- 3.16 Energy performance certificates have recently been renewed for all ten units, and ratings are between C and D. These ratings are above the minimum E rating required under the Minimum Energy Efficiency Standards (MEES) regulations. Looking ahead, there are upcoming changes to EPC regulations. By 2030, it is anticipated that it will be unlawful to let commercial properties with an EPC rating below B unless exempt (e.g., voids, 7-year payback test not met). Interim targets include achieving an EPC rating of C by 2027. Under the MEES regulations, the Barham Park Trust, as Landlord, is responsible for ensuring the building has up-to-date EPCs.
- 3.17 Eton Environmental Group Ltd (Eton) recently conducted a comprehensive asbestos survey of the building. However, due to access limitations, a few units were not inspected. The provisional report indicates that some building areas contain asbestos and are classified as very low-risk. These can be managed by labelling the affected regions and conducting regular re-inspections. The responsible officers will coordinate these actions with the occupants. Additionally, Eton will be re-commissioned to return and inspect the remaining units. It is important to note that any future building redevelopment must consider the presence of asbestos to ensure safe and compliant management.

Other Statutory Compliance Issues

- 3.18 The Barham Park Building at ground level is designed with accessibility in mind, featuring level thresholds and well-planned landscaping. These features ensure that navigation throughout the property is generally straightforward and accessible. Units 3, 5, and 9 are on the first floor and may have accessibility issues. Officers will audit accessibility standards to review whether improvements are required to meet the Equality Act 2010 and improve accessibility for tenants and users, particularly in the strategic redevelopment context.

Health and Safety

- 3.19 Officers actively liaise with tenants to ensure all health and safety compliance information is current and accurate. This includes essential documentation such as electrical and gas safety certificates, among other safety documentation, as shown below. Officers continue to chase outstanding documentation and compliance.
- Fire risk assessments
 - Electrical certificates
 - Gas safety certificates
 - Legionella risk assessments

Building Condition

- 3.20 The exterior of the building has received piecemeal repairs over many decades, much of which is now also in need of repair. Many window frames need to be in better condition, while the glazing provides poor insulation; therefore, there

is room to improve heat and energy management. The following repairs are recommended improvements by Watts within one year:

3.21 Summary Table of Costs

3.22 Based on the provided figures, the estimated costs and timing for the necessary works are as follows:

Building Element		Approximate costs			
		1 Years	3 Years	10 Years	TOTAL
1	External	£248,750	£194,850	£221,050	£664,650
2	Structure	£8,800	0	0	£8,800
3	Internal	0	0	£7,500	£7,500
4	External Areas/Boundaries	£11,400	£2,100	£600	£15,600
TOTAL		£268,950	£196,950	£229,150	£695,050

3.23 This table highlights the key areas requiring attention and the phased approach to addressing the condition and safety of the Barham Park Building. Year one works for £268,950 (plus circa 10% professional fees) is recommended to ensure the building remains safe, compliant, and functional. The detailed estimated costs and itemised breakdown are shown in Appendix 1.

Park Services is currently testing Verti-drainage on the events field, which uses vertical drains designed to filter and prevent clogging, at an annual cost of £700. So far, the funfair has not been prevented from using the events field. If the solution continues to work, it could result in substantial savings on future drainage expenses. However, more significant costs may be incurred if the trial is unsuccessful in the coming years.

3.24 Proactively undertaking maintenance and improvement works at this stage is not only a prudent strategy for preserving the current state of Barham Park but also serves as a cost-effective measure for the long term. By addressing potential issues now, we can mitigate the escalation of repair costs and complexities that may arise if these issues are left unattended until the planned redevelopment in 2031. Early intervention can significantly reduce the overall financial burden of future redevelopment by minimising the scope of necessary works, ensuring that the park remains in good condition and that future redevelopment efforts can be carried out more efficiently and economically.

3.25 The events field west of Barham Park serves as a key recreational area, hosting a play area, outdoor gym, and various fairs and events that generate income for the Trust. Funds have been invested in addressing flooding and drainage issues in recent years.

3.26 In 2019/20, the Barham Park Trust Committee, with Charity Commission approval, allocated approximately £177k from restricted funds for drainage design, tree works, and external improvements. Due to high costs, a trial with

more affordable vertical drainage systems is underway. Three permissions, totalling £435k, have been secured in total from the Charity Commission, using the procedure set out in Sections 282 to 284 of the Charities Act 2011, to utilise restricted funds for necessary repairs, with around £70k spent so far on park improvements. This means the Trust can use restricted funds of up to £365k, subject to available funds, or use unrestricted funds to fill any shortfall, covering the essential works for year one and associated field drainage works.

Heritage and Planning Status

- 3.27 Barham Park Estate, including its grounds and buildings, is a designated heritage site due to its historical significance and contributions to the local community. The estate is not listed on the National Heritage List for England but is recognised locally for its heritage value. This local listing means that any changes to the buildings or grounds must respect and preserve their historical and architectural significance.
- 3.28 Planning permission was sought and granted for window repairs under Planning Permission Reference: Ref. 22/3817. This application encompassed repairing and replacing deteriorating timber and metal windows, addressing critical issues such as energy efficiency and water ingress. The planning permission was granted subject to conditions, ensuring that all renovations comply with the relevant planning regulations and standards.

Do Nothing (maintain the status quo)

- 3.29 Do nothing is not an option as the Barham Park Trust must maintain the building per its obligations under the lease agreements, the Landlord and Tenant Act 1954, and its responsibilities as a charitable trust to preserve the property for the benefit of the community and ensure compliance with the Charities Act 2011. This option would continue the cycle of minimal and costly short-term repairs, likely leading to increased long-term costs and further property value and utility degradation. Therefore, the Trust Committee must perform urgent repairs to ensure the building is safe and compliant and act as appropriate to preserve the Trust's charitable objectives and financial sustainability.

4.0 Financial Considerations

- 4.1 The Trustees of Barham Park Trust have a fiduciary duty to ensure its long-term financial stability. When acting as Trustees, they must prioritise the Trust's financial interests over those of the council.
- 4.2 As of March 2024, the Trust had £285k in accumulated unrestricted funds and £353k in restricted funds: £638k in total. The Trust collects, on average, £103k in receipts per annum, most of which relate to rent and funfair charges. Payments, on average, cost £78k per annum, although this has fallen in recent years. The average increase in restricted funds has been £25k per annum.
- 4.3 The Trust must spend £269k (plus professional fees of approximately 10%) on urgent building repairs and potentially £150k on drainage works in the future. The total cost of all repairs for all years will likely exceed the Trust's available funds as of March 2024.

- 4.4 The DfE capital grant of £423k for Unit 8 is at risk of clawback if the use of Unit 8 changes. Assuming nine years out of the 25-year term are clawed back, this would constitute a charge of £152k. It is unclear whether the Trust or the Council would be liable for this cost.
- 4.5 The arrears for the Trust's tenants also pose a risk to the Trust, given its finances' tightness. Suppose tenants default on the £62k they owe. In that case, the trust may require emergency financial support from the Council to address immediate cashflow issues at a minimum and potentially longer term if its finances cannot be more sustainable.
- 4.6 In recent years, the Trust has only averaged an increase of its funds by £25k annually. At the present rate, it would take nearly three years for the trust to recover from a £62k hit to its finances.
- 4.7 The rent increases from reviews detailed in paragraph 3.15 of less than £5k per annum are insufficient to significantly improve the Trust's financial position.
- 4.8 A potential gain for 776 and 778 Harrow Road (if the amendment to the restrictive covenant can be agreed upon) offsets these risks and expected future costs.
- 4.9 In recent years, the Council has provided grants of £150k from NCIL for various works for the Trust. If the Council had not provided these funds, the Trust would have had to use its funds to carry them out. The financial challenges highlighted above suggest that additional funds may need to be found to support the Trust in the foreseeable future.
- 4.10 The Council has also awarded £150k to the Friends of Barham Library for Unit 7, which has not been let under the 2018 tender. So far, only £15k of this has been provided. In the context of paragraph 3.8, the Council will need to review what happens to these monies and any legal requirements on them.

5.0 Legal Considerations

- 5.1 The land (which includes various buildings) 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 occasionally think proper". It was registered with the Charity Commission in June 1963 and is regulated by that body.
- 5.2 The terms of the Trust are extensive. Section 5 of the 2011 Act states that it is charitable to "provide or assist in providing facilities for recreation or other leisure time occupation if the facilities are provided for social welfare." Commercial office space, retail, surgeries, etc., would not fall under the scope of recreational or leisure use for social purposes (though a park café would be in scope).

- 5.3 To comply with the procedural terms of the Charities Act 2011, any letting that falls outside of the terms of the Trust would require an application to be made to the Charity Commission.
- 5.4 The key EPC regulations are the Energy Performance of Buildings Regs 2012, SI 2012/3118, and the Building Regs 2010, SI 2010/2214. An EPC is required when an existing building is sold or rented out. Enforcement of the EPC regime is by the local weights and measures authorities (through trading standards officers). These officers can request that a copy of the EPC recommendation report or inspection report be provided within seven days of request. Penalties are set out in EPC Regs 2012, SI 2012/3118, reg 38, and breaches connected to non-dwellings could lead to fines of between £500 and £5,000, depending on the rateable value of the building. In most cases, the fine is set at 12.5% of the rateable value of the building, subject to a minimum fine of £500 and a maximum fine of £5,000, with a default penalty of £750 where the formula cannot be applied.
- 5.5 Legislation governs the disposal of charitable land. For example, the Trustees can only authorise the disposal or letting of Trust land for more than seven years to a third party (who is not a charity with similar purposes) after considering a written report prepared by a qualified surveyor on the marketing and valuation of the land, if the terms proposed for the disposal are the best that can be reasonably obtained.
- 5.6 Officers to take more proactive action against tenants in arrears. This should include the option of forfeiture or initiating legal proceedings for debt recovery for those not complying with agreed payment plans or not paying off their arrears. The Trust Committee is to note that the delegated officer will seek to enforce contractual obligations actively.

6.0 Equity Diversity and Inclusion Considerations

- 6.1 While there may be temporary impacts on some protected characteristics, particularly for community-centred tenants, our ongoing focus is on enhancing facilities for all community tenants and park users. Officers are committed to carefully assessing potential equality impacts as we work towards achieving our broader strategic objectives. Should any concerns arise, a thorough equalities impact assessment will be conducted to identify potential issues, and appropriate steps will be taken to address them.

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 what is noted in this report.

9.0 Climate Change and Environmental Considerations

- 9.1 None other than those identified within the main report.

10.0 Communication Considerations

10.1 None other than those identified within the main report.

Tanveer gHANI
Director of Property and Assets

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Item/defect	Repair	Approximate costs £					
		1 Year	3 Years	10 Years	S/C / T / LL	TOTAL	
External							
Unit 1							
1	Elevation and roof work requires access.	Provide access and edge protection.	750.00		1,000.00	S/C	1750.00
Roofs:							
2	Broken, slipped and missing tiles to pitched roof. Delaminating tiles. Incomplete ridge.	Year 1: Replace broken, missing and slipped tiles, poorly sized ridge tiles and complete installation to ridge. Year 4-10: Allow for future tile replacements.	1,000.00		350.00	S/C	1350.00
3	Rodent infestation in loft.	Year 1: Procure rodent control services. Clear and sanitise loft.	excl			T	0.00
4	Flat roof aged, balding, poorly installed, poor drainage, split leadwork, eroding mortar to coping. Moss throughout.	Year 1: Repair flashing, damaged upstand, clear roof and repair parapets. Year 1-3: Replace roof membrane and build up, including upstands/ encapsulate parapets and review drainage	550.00	4,750.00		S/C	5300.00
5	Blockages to rainwater goods. Lack of below ground drainage to north elevation.	Year 1: Clear rainwater goods. Install below ground drainage connecting to existing.	3,150.00			S/C	3150.00
Elevations:							
6	Decay to shiplap cladding, fascia and bargeboards, peeling paint.	Year 1-3: Strip paint where necessary, repair timber and redecorate.		4,700.00		S/C	4700.00
7	Peeling paint to upstand. Corrosion to vents and blockages over vents.	Year 1: Clear vents. Year 1-3: Replace corroding vents. Paint upstand.	50.00	600.00		S/C	650.00
Windows and doors:							
8	Decaying windows and door frames. Broken glazing. Poor security installation. Decorations to doors starting to peel, corrosion to hinge and poor repair.	Year 1-3: Remove security grates. Replace broken glazing. Overhaul and repair windows and redecorate. Allow to install internal window bars. Repair and redecorate doors.		9,200.00		S/C	9200.00
Unit 2-3							
9	Elevation and roof work requires access.	Provide access and edge protection.	1,000.00	6,000.00	750.00	S/C	7750.00
Roofs:							
10	Slipped, broken and missing tiles to pitched roofs. Many replaced with tingles that are unfurling. Perishing mortar fillets. Cables strewn across roof. Water ingress around chimney. Torn flashing.	Year 1: Replace broken, missing and slipped tiles. Repair flashing (including around chimney) and repoint spalled mortar. Year 1-3: Take up, retain tiles and relay (allowing for necessary replacements of tiles and leadwork). Verify, remove/ tidy cables	1,000.00	30,000.00		S/C	31000.00
11	Section of flashing missing to lead roofing. Build up to bay window lead roofing. Torn flashing.	Year 1: Clear roofs. Replace missing and torn flashing.	600.00			S/C	600.00
12	Minor cracking to mortar joints and fillets and spalling bricks to chimneys. Corroding aerals and satellite. Chimneys no longer in use.	Year 1-3: Verify and remove or repair aerals and satellite. Repoint eroded mortar and cracked mortar fillets. Allow to cap.		800.00		S/C	800.00
13	Organic growth to parapets and erosion of mortar.	Year 1: Clear and repoint parapets.	250.00			S/C	250.00
14	Leaks to lean-to pitch and missing and cracked tiles. Poor flashing. Moss accumulation.	Year 1: Replace damaged missing tiles and clean down. Replace and provide suitable leadwork.	400.00			S/C	400.00

Item/defect		Repair	Approximate costs £				
			1 Year	3 Years	10 Years	S/C / T / LL	TOTAL
15	Felt roofing poorly repaired, leaking to felt and skylights. Poor drainage provisions.	Year 1: Undertake further patch repairs including to upstands. Year 1-3: replace felt membrane and skylights, allow for necessary insulation and drainage provisions and adaptations to upstands and parapets. Including additional outlets and downpipes. Allow for any deck repairs. (Note: 33% of cost included here the remaining under unit 10).	1,000.00	25,400.00		S/C	26400.00
16	Blockages to rainwater goods. Leaks to joints, cracked joints and corroding fixings. Undersized gutter. Poorly fitted connections.	Year 1: Clear rainwater goods. Overhaul and repair leaving watertight and suitably sized and correct connections.	1,200.00			S/C	1200.00
Elevations:							
17	Localised spalling mortar joints and poor cementitious pointing. Spalled bricks. Overgrown ivy. Decaying ply boxing. Water damage at low level	Year 1: Investigate damp. Allow for repairs. Year 1-3: repoint poor mortar joints and reface spalled bricks. Cut back ivy and renew boxing	1,200.00	750.00		S/C	1950.00
18	Failing paint to timber fascia, bargeboards and beams. Minor decay.	Year 1-3: Repair and redecorate.		3,700.00		S/C	3700.00
19	Soiling to render and fading paint to mock beams. Lead poor to cornice detail.	Year 4-10: Redecorate mock beams and cornice detail and replace leadwork.			700.00	S/C	700.00
20	Guano and roosting birds.	Year 1: Clean down and allow to install bird deterrents.	350.00			S/C	350.00
Windows and doors:							
21	Water runs down face of curtain wall bay windows. Water ingress via windows. Windows aged.	Year 1: Replace all windows. Allow to alter and improve overhang of the bay window roof/fascia detail.	48,000.00			S/C	48000.00
22	Decoration peeling to timber door.	Year 4-10: Redecorate inside and out.			200.00	S/C	200.00
Unit 3 - 4							
23	Elevation and roof work requires access.	Provide access and edge protection.	1,000.00	3,500.00	6,000.00	S/C	10500.00
Roofs:							
23	Slipped, broken and missing tiles to pitched roofs. Many replaced with tingles that are unfurling. Section of missing flashing.	Year 1: Replace cracked and missing tiles and refix loose. Year 4-10: Relay tiles allowing for replacement tiles and leadwork as may be necessary.	1,600.00		66,000.00	S/C	67600.00
24	Felt roofs aged and poor drainage, debris and moss accumulations. Minimal upstands and torn flashing. Water ingress.	Year 1: Clear roof. Year 1-3: Replace felt, upgrading insulation and adapting upstands and drainage falls as necessary.	100.00	13,500.00		S/C	13600.00
25	Liquid and flashband repairs to lead roof over porch, missing flashing.	Year 1: Inspect and repair roof to temporary repairs and missing flashing. Year 4-10: Replace roofing, upgrade insulation and ventilation as necessary.	650.00		3,500.00	S/C	4150.00
26	Lean-to roof localised cracked and slipped tiles. Moss.	Year 1: Clear and replace damaged tiles. Year 4-10: Future allowance for repairs.	50.00		250.00	S/C	300.00
27	Rain water goods leaking and blocked. Poor connections. Undersized.	Year 1: Clear rainwater goods. Overhaul and repair leaving watertight and suitably sized and correct connections.	3,000.00			S/C	3000.00
Elevations:							

Item/defect		Repair	Approximate costs £				
			1 Year	3 Years	10 Years	S/C / T / LL	TOTAL
28	Heavy erosion to mortar and brick faces, poor cementitious pointing. Mortar fillets perished. Decaying ply cover. Corrosion vents and grates. Minor blockage to sub-floor vents.	Year 1-3: Repoint all eroded mortar and cementitious mortar and reface and renew missing and spalled bricks. Replace corroded through vents and treat and decorate rest. Break out blockage/hardstanding to vent and leave clear. Remove and repair behind ply.		5,500.00		S/C	5500.00
29	Render stained. Localised damaged area on first floor porch. Painted render fading to mock beams. Spalling render on staircase parapet.	Year 1: Repair spalled render. Year 1-3: Clean down and install bird deterrents. Year 4-10: Redecorate painted render.	400.00	450.00	700.00	S/C	1550.00
30	Cornice detail failing paint, localised decay and torn lead.	Year 1-3: Repair and decorate timber and renew leadwork.		3,200.00		S/C	3200.00
31	Damp at low level to front elevation and internal walls adjacent. Damp to chimney breast.	Year 1: Further investigation of damp and allowance for repairs. Cap / cover pots to chimney.	7,000.00			S/C	7000.00
32	Failing paint to timber fascia, bargeboards and beams. Minor decay.	Year 1-3: Repair and redecorate.		4,800.00		S/C	4800.00
33	Peeling paint and corrosion to waste pipe and stacks.	Year 1-3: Rub down and redecorate.		300.00		S/C	300.00
34	Water ingress to both staircases, minor impacts to treads. Failing paint and corrosion to railing.	Year 1: Weather stair and upstand and introduce ventilation. Rub down, treat and redecorate handrail.	2,100.00			S/C	2100.00
	Windows and doors:						
35	Decay to timber, corrosion to metal critchall and at least two broken panes. Cracked cills.	Year 1: Replace windows as per planning permissions. Undertake repairs to cills (pointing cracks and replacing one concrete).	35,000.00			S/C	35000.00
36	Doors generally sound.	Year 4-10: Redecorate timber doors.			400.00	S/C	400.00
	Unit 5,6,7						
37	Elevation and roof work requires access.	Provide access and edge protection.	2,500.00	2,500.00	6,000.00	S/C	11000.00
	Roofs:						
38	Slipped, broken and missing tiles to pitched roofs. Many replaced with tingles that are unfurling. Snapped foul drainage stack.	Year 1: Replace cracked and missing tiles and refix loose. Year 4-10: Relay tiles allowing for replacement tiles and leadwork as may be necessary and renewing stack section.	900.00		50,000.00	S/C	50900.00
39	Felt roof between pitches aged, cracking. Leak around chimney. Moss throughout.	Year 1: Clear roof, inspect and allow for repairs around chimney detailing. Year 4-10: Renew felt, upgrading insulation and adapting upstands and drainage falls as necessary.	800.00	2,200.00		S/C	3000.00
40	Weathering over bay windows and porch poor condition.	Year 1-3: Renew weathering and termination detailing.		3,000.00		S/C	3000.00
41	Debris in rainwater goods. Leaks to joints, detached connections, undersized hopper and below ground drainage filled with litter.	Year 1: Clear rainwater goods and below ground drain points. Overhaul and repair leaving watertight and suitably sized and correct connections.	900.00			S/C	900.00
	Elevations:						

Item/defect		Repair	Approximate costs £				
			1 Year	3 Years	10 Years	S/C / T / LL	TOTAL
42	Porch to side elevation decaying. Failing paint to timber fascia, soffits, bargeboards and beams. Minor decay.	Year 1-3: Repair and redecorate.		4,200.00		S/C	4200.00
43	Spalled mortar joints, brick faces spalling below DPC, mortar fillets spalling, missing and loose bricks to an area at eaves, cracks through mortar joints between windows, vegetation invading joints. Redundant service holes and redundant cables.	Year 1: Replace missing brickwork and repair cracking to lintel with stainless steel ties, rake out and repoint cracker mortar. Repoint eroded mortar and fillets and infill service openings. Reface and cut out and replace as necessary spalling brickwork. Year 4-10: Verify cabling and remove redundant, tidy retained	1,400.00		200.00	S/C	1600.00
44	Creasing tiles to projection between first and ground floor cracked and moss build up, peeling paint to mortar fillet.	Year 1-3: Clear moss and replace broken tiles and repoint as necessary. Redecorate fillet.		200.00		S/C	200.00
45	Stucco render subject to cracking and blistering paint. Cracking to pebbledash render and localised peeling paint. Soiling throughout. Decaying ply boxing.	Year 1: Tap and identify hollow render and renew, rake out stable cracks and point. Remove ply boxing and allow for repairs. Year 1-3: Prepare and redecorate painted render	2,100.00	400.00		S/C	2500.00
46	One stone cill heavily spalled and two have spalled corners.	Year 1-3: Replace heavily spalled stone cill and repair corners of cills. Redecorate all painted cills.		2,100.00		S/C	2100.00
47	Paint to pipework peeling and corroding.	Year 4-10: Redecorate.			200.00	S/C	200.00
48	Grate over extract fan snapped off.	Year 1: Provide cover.	50.00			S/C	50.00
Windows and doors:							
49	Timber window are in a tired state of repair with cracked putties, panes, decay and peeling paint. Several windows boarded up. Large gap over one window.	Year 1: Replace windows as per planning permissions. This includes boarded up windows not apparently included in permissions.	50,000.00			S/C	50000.00
50	Timber doors subject to localised decay and peeling paint. Elevations to archway:	Year 1: Undertake timber repairs and redecorate. Overhaul door furniture.	700.00			S/C	700.00
51	Render and brickwork spalling. Vegetation taken root to elevation. Paint peeling. Paint to gates weathering and surface corrosion evident, boarding on gates decorations peeling. Redundant decaying post.	Year 1: Remove vegetation, identify hollow render and renew. Rake out and point sound cracks. Redecorate render. Year 4-10: Redecorate gates and boarding. Treat corrosion. Remove redundant post.	1,000.00		400.00	S/C	1400.00
Units 8,9,10							
52	Elevation and roof work requires access.	Provide access and edge protection.	2,500.00	2,500.00	8,000.00	S/C	13000.00
Roofs:							
52	Slipped, broken and missing tiles to pitched roofs. Many replaced with tingles that are unfurling. Flashband repairs to upstand. Moss and lichen accumulation.	Year 1: Clear roof. Replace cracked and missing tiles and refix loose. Renew flashing to flashband repair. Year 4-10: Relay tiles allowing for replacement tiles and leadwork as may be necessary	800.00		69,500.00	S/C	70300.00

Item/defect		Repair	Approximate costs £				TOTAL
			1 Year	3 Years	10 Years	S/C / T / LL	
53	Felt roof between pitched roof is poorly detailed and aging. Leadwork tearing and brittle.	Year 1: Overcoat in liquid and replace and provide new lead detailing. Year 4-10: Replace roof membrane.	1,900.00		3,600.00	S/C	5500.00
54	Felt roofing poorly repaired, leaking to felt and skylights. Poor drainage provisions.	Year 1: Undertake further patch repairs including to upstands. Year 1-3: replace felt membrane and skylights, allow for necessary insulation and drainage provisions and adaptations to upstands and parapets. Including additional outlets and downpipes. Allow for any deck repairs. (Note: 67% of cost included here the remaining under unit 2)	300.00	51,500.00		S/C	51800.00
55	Central parapet with brick soldier coping eroding brick and mortar, and moss. Chimney subject to fine cracking to mortar joints.	Year 1: Above item renewal of roofing should address parapets; allowance for repairs if needed. Rake out and repoint cracking mortar to chimney.	200.00			S/C	200.00
56	Felt roof over unit 8 is aged and trapped water below membrane and above deck. Heavy moss and silt accumulation indicating poor drainage.	Year 1: Replace felt membrane, allow for necessary insulation and drainage provisions and adaptations to upstands and parapets and further outlet and hopper arrangement. Including to lift AC unit	18,500.00			S/C	18500.00
57	Large skylight, perishing film, aged.	Year 4-10: Renew film, allowance for repairs to gaskets and glazing.			800.00	S/C	800.00
58	Felt weathering to bay window perished.	Year 1: Renew felt weathering and all detailing.	1,200.00			S/C	1200.00
59	Lead weathering to bay window sound but aged.	Year 4-10: allow for closer inspection and any repairs.			500.00	S/C	500.00
60	Clay tiles porch lacks flashing and has a few cracked tiles and lichen accumulating.	Year 1: Clear tiles. Replace cracked tiles. Take up edge and lay apron and flashing detail appropriately terminated in elevation.	1,100.00			S/C	1100.00
61	Rainwater goods accumulating debris. Downpipes disconnected in places, missing sections of downpipe and gutter. Elevations:	Year 1: Clear rainwater goods. Overhaul and repair leaving watertight and suitably sized and correct connections.	1,700.00			S/C	1700.00
62	Eroded mortar in areas. Mortar fallen out above steel and bricks dropped over parapet outlet. Localised holed and damaged bricks. Ivy climbing walls. Paint peeling to painted brickwork	Year 1: Replace support over parapet outlet. Remove vegetation. Year 1-3: Rake out and repoint eroded mortar and reface damaged bricks. Year 4-10: Redecorate	300.00	700.00	900.00	S/C	1900.00
63	Paint peeling and cracks adjacent beams to pebbledash render. Climbing vegetation. Stucco render subject to widespread cracking, peeling paint, with area spalled off to upstand.	Year 1: Remove vegetation. Rake out and point cracked pebbledash render and touch up paint. Tap and identify hollow stucco render and renew, repoint stable cracks. Fully prepare and redecorate. Year 4-10: Redecorate pebbledash render	5,800.00		1,100.00	S/C	6900.00
63	Failing paint and decay to timber fascia, pitched porch, soffits, bargeboards and beams. Finials at gable ends heavily decayed and one fallen out.	Year 1: Repair and redecorate.		8,400.00		S/C	8400.00

Item/defect		Repair	Approximate costs £				
			1 Year	3 Years	10 Years	S/C / T / LL	TOTAL
64	Small timber porch with felt roof poor condition. Leading to water running to door.	Year 1: Remove and make good.	50.00			S/C	50.00
65	Steel beam corroding, notably around missing hopper location.	Year 1: Remove corrosion, treat and redecorate beam.	500.00			S/C	500.00
66	Leaks to wastewater pipes and corroding fixings.	Year 1: Overhaul.	350.00			S/C	350.00
Windows and doors:							
67	Timber and metal crittal windows are in a poor state of repair with cracked putties, panes, decay/corrosion and peeling paint. Broken windows from trespassers.	Year 1: Replace windows as per planning permissions.	40,000.00			S/C	40000.00
68	Timber doors subject to localised decay and peeling paint.	Year 1: Undertake timber repairs and redecorate. Overhaul door furniture.	1,000.00			S/C	1000.00
69	Metal security bars over windows are corroding.	Year 1: treat and redecorate.	300.00			S/C	300.00
70	Tiled cills poor condition, missing and cracked tiles.	Year 1: Replace cracked tiles and missing tiles and repoint.	500.00			S/C	500.00
Structure							
71	Unit 4: vertical crack below window on rear.	Year 1: Monitor. Repair including brick stitching.	3,400.00			S/C	3400.00
72	Unit 9: Cracking to west elevations overlooking flat roof.	Year 1: Further investigation and repairs including localised rebuilding to parapet and brick stitching.	5,400.00			S/C	5400.00
73	Unit 10: Cracking to floor and plasterboard internally.	Year 1: Further investigation and repairs. (Outside scope, no cost).	excl			T	0.00
Internal							
74	Finishes to common parts are in fair condition subject to general wear and tear.	Year 4-10: Redecorate and shampoo clean carpet.			7,500.00	S/C	7500.00
External Areas/Boundaries							
75	Rodents.	Year 1: Procure rodent control services.	1,000.00			S/C	1000.00
76	Backed up surface below ground drainage.	Year 1: CCTV survey, clear out. Allow for necessary repairs.	6,000.00			S/C	6000.00
77	Paint peeling and corrosion to cast iron railings and gate.	Year 1-3: Rub down, treat and redecorate.		1,800.00		S/C	1800.00
78	Vegetation to concrete front hardstanding and lacking drainage. Minor cracks and spalling concrete. Water bypasses aco drain in front of door	Year 1: Weed kill. Repair concrete. Introduce further surface water drainage. Breakout ramp and aco, reset aco lower and reform ramp. renew aco drainage	3,700.00			S/C	3700.00
79	Damaged and poorly repaired blocks to courtyard. Weeds.	Year 1: weed kill. Year 4-10: repair blockwork.	200.00		600.00	S/C	800.00
80	Ivy climbing elevations.	Remove ivy. Cut roots, dig up and kill off plants.	500.00			S/C	500.00
81	Impacted and spalled surrounds to below ground drainage.	Year 1-3: Repair surrounds.		300.00		S/C	1800.00
Structure and fabric sub total			£268,950.00	£196,950.00	£229,150.00		£695,050.00
TOTAL			£268,950.00	£196,950.00	£229,150.00		£695,050.00

Ground Floor - Existing Tenancies

- + Unit 1 - Tamu Samaj UK
- + Unit 2 - Barham Park Veterans Club (Wembley)
- + Unit 3 - ACAVA
- + Unit 4 - Trustees of Barham Library
- + Unit 5 - ACAVA
- + Unit 6 - ACAVA
- + Unit 7 - Vacant
- + Unit 8 - Brent Council Children's Centre
- + Unit 9 - ACAVA
- + Unit 10 - ACAVA
- + Boiler Room, Landlord



First Floor - Existing Tenancies

- + Unit 1 - Tamu Samaj UK
- + Unit 2 - Barham Park Veterans Club (Wembley)
- + Unit 3 - ACAVA
- + Unit 4 - Trustees of Barham Library
- + Unit 5 - ACAVA
- + Unit 6 - ACAVA
- + Unit 7 - Vacant
- + Unit 8 - Brent Council Children's Centre
- + Unit 9 - ACAVA
- + Unit 10 - ACAVA
- + Boiler Room, Landlord



Note: Existing plans have been based upon initial information provided by client. Full measured topographical & building survey will be required

PROTOCOL ON CALL-IN

1. INTRODUCTION

- 1.1 The basic premise of call-in is that it is a failsafe mechanism enabling non executive Councillors to make the Cabinet, Cabinet Committee, Cabinet Member or an officer making a key decision, re-consider a particular decision if it is of major concern or in Members' eyes profoundly flawed.
- 1.2 The statutory guidance on call-in states that there needs to be an appropriate balance between effectively holding the executive to account, being able to question decisions prior to them being implemented and allowing effective, efficient decision making. It also balances the need to make the process accessible and the need to ensure that call-in procedures are not abused or used to delay or slow down the decision making process.
- 1.3 As call-in can inevitably result in a delay to the implementation of decisions it should not be used for party political purposes to seek to further discuss a decision that some members do not agree with. Equally, the rights of non executive members to call-in a decision and exercise their right to question the decision, the decision maker and consider alternative options needs to be respected.
- 1.4 This protocol is designed to provide a locally agreed framework within which call-in can operate, a clear set of criteria against which an otherwise valid call-in request can be judged and a format for the effective conduct of the meeting considering the call in.

2. WHAT IS A CALL-IN?

- 2.1 A decision made by the council's Cabinet or a Cabinet committee, or a key decision by an officer, can be called in for review before it is implemented. Decisions can be called in by five non-executive members representing more than one political group or by the Scrutiny Committee. If a Cabinet decision is called-in, that decision cannot normally be implemented until it has been considered by a scrutiny committee. An urgency procedure is in place in Standing Orders for any decision that cannot afford to be delayed.
- 2.2 The Scrutiny Committee is required to meet within 15 working days of the date on which a call-in is accepted as valid. The Committee may decide to refer the matter back to the Cabinet or other decision maker, along with the reasons why the Committee thinks it should be reconsidered. The Cabinet or other decision maker will then decide whether to implement the original decision or review the decision based on the views of the Scrutiny Committee. Alternatively the Committee can decide that the matter should not be referred back to the Cabinet or other decision maker in which case the original decision will be implemented.

3. THE CALL-IN PROCESS

- 3.1 A call in request must be submitted in accordance with the requirements of Standing Order 14 within 5 days of the relevant decision being made or in the case of a key decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. When submitting the call in request members must either complete the call-in form available [LINK]) or include in their written request all the information required by the form. In particular this includes:
 - an explanation as to why they are calling in the decision and if they are calling in all or part of the decision(s).

- an outline of the suggested alternative course of action.
- 3.2 When a call-in request is submitted to the Deputy Director of Democratic Services which meets the requirements of Standing Order 14(b)((i) – iv) the Deputy Director of Democratic Services will refer it to the Chief Executive, who, in consultation with the Deputy Director Democratic Services (the council’s designated Scrutiny Officer) and the Corporate Director of Law & Governance, will decide whether or not an otherwise valid call-in conforms with the following requirements of this protocol. The call-in request will be assessed against the following criteria:
- Is the call-in process being used as a means of gaining information / understanding or discussing general concerns with Members and officers? If this could be achieved through the general overview and scrutiny process or by talking to the relevant officer or lead member informally the call-in will not be valid,
 - Does the call-in duplicate a recent call-in on the same issue? If the call-in duplicates another call-in made within the previous 6 months it will not be valid,
 - Have the reasons for calling in the decision already been discussed by the Scrutiny Committee? If the reasons for calling in the decision have been discussed by the Scrutiny Committee prior to the decision being made the call-in will not be valid,
 - Call-in of a decision of the Cabinet referring a matter to Full Council for consideration will not be valid,
 - Call in of operational management decisions taken by officers will not be valid
 - If the call in request is considered by the Chief Executive to be frivolous, vexatious or clearly outside the call-in provisions it may be deemed invalid.

Prior to deciding the validity the Corporate Director of Law & Governance and the Deputy Director Democratic Services may seek clarification from the members concerned.

4. THE CONDUCT OF THE CALL-IN MEETING

- 4.1 Scrutiny Committees are official committees of the council and meet in public.
- 4.2 The purpose of a call-in meeting is for non-executive members to examine and consider the decision made by the Cabinet, Cabinet Committee, or officers (in respect of key decisions) and for members of the committee to make suggestions and recommendations they consider appropriate to the decision maker. The Scrutiny Committee meeting provides an opportunity for members to seek clarification of the methodology used in enabling a decision to be made, as well as explore work undertaken by officers culminating in the matter coming before the decision maker .
- 4.3 The relevant Cabinet Portfolio Holder and Chief Officer (or his/her representative) will be invited to attend the scrutiny committee meeting to explain the reasons for the decision, respond to the issues raised in the call-in request and answer questions at the meeting.
- 4.4 It is the chair of the scrutiny committee’s responsibility to manage the meeting effectively by applying standing orders, maintaining good discipline and fostering a culture of respect. All contributions to the meeting should go through the chair and the chair should ensure that no purely personal disagreements or comments are allowed to continue.
- 4.5 To ensure that the meeting is effective the procedure at the meeting (subject to the Chair’s discretion) shall be as follows:

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- (a) The chair will ask a representative of the members who called in the decision to set out the reasons for the call in for up to 5 minutes. In the event that different members have identified different reasons the chair may in their discretion as more than one member to speak in which case the available time shall be shared equally between the members.
- (b) The chair will consider whether to permit any member of the public who has made a request to address the meeting to do so, the rules relating to members of the public addressing a meeting as set out in Standing Orders apply. Members of the public can be allowed to speak for 2 minutes. If a number of requests to speak have been received then the chair should seek to limit the number of contributions to avoid hearing the same points repeated and should seek advice from the Deputy Director Democratic Services about how this should be managed.
- (c) All of the members of the public who it has been agreed will address the meeting will be heard prior to the lead member and any relevant officers being asked to respond to the issues raised by the call-in.
- (d) The lead member shall then be invited to respond to the issues raised in the call in.
- (e) The chair will then invite members of the committee to question the lead member and officers and discuss the issues. Members who are not members of the committee but wish to ask a question can be invited to do so.
- (f) Having considered the call-in invite members of the committee are required to come to one of the following conclusions:
- That the matter should be referred back to the decision maker for reconsideration with reasons for its request and what the committee wants the decision maker to do.
 - That it does not object to the decision and the decision can be implemented.

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