



Barham Park Trust Committee
1 September 2020

**Report from the Strategic Director
of Regeneration & Environment**

GENERAL UPDATE REPORT

Wards Affected:	Sudbury
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One Appendix A: Brent Park Signs Survey
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Chris Whyte, Operational Director, Environmental Services; chris.whyte@brent.gov.uk Tel: 020 8937 5342 Leslie Williams, Project Officer, Parks Service, Environmental Services, Regeneration and Environment. Leslie.Williams@Brent.gov.uk Tel: 0208 937 5628

1.0 Purpose of the Report

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

2.0 Recommendation(s)

That the Barham Park Trust Committee RESOLVES

- 2.1 To note the issues set out in this report.
- 2.2 To note and agree to the proposal to the underletting of Unit 8 of the Barham Park Building (The Children's Centre) by Brent Council's Children and Young People Service to a voluntary sector provider, namely the Young Brent Foundation, on the same rental terms pursuant to the lease in respect of Unit 8

between the Barham Park Trust and Brent Council and subject to the satisfactory clearance of financial checks.

- 2.3 To delegate authority to the Operational Director for Environmental Services in consultation with the Chair of the Trust Committee to decide upon the proposal for rent abatement and deferrals from the Veterans in respect of quarters 2 and 3 for the year 2020/21 in respect of Unit 2 of the Barham Park Building, the details of which need to be finalised and the proposal for rent abatement and deferral from ACAVA in respect of quarters 2 and 3 for the year 2020/21 in respect of Units 3, 5, 6, 9 and 10 of the Barham Park Building and note that such decisions will take into account the Ministry for Housing, Communities and Local Government Guidance and the Charity Commission Guidance as set out in paragraph 3.15 of this report.
- 2.4 To delegate authority to consider and decide upon any further requests for rent abatement or deferral in respect of the Units at the Barham Park Building that are arising from the Covid-19 Pandemic to the Operational Director for Environmental Services in consultation with the Chair of the Trust Committee and note that such decisions will take into account the Ministry for Housing, Communities and Local Government Guidance and also the Charity Commission Guidance as set out in paragraph 3.15 of this report.
- 2.5 To note and agree to the proposal to approval the installation of signs in Barham Park to inform and to facilitate cycling.

3.0 Detail

- 3.1 Project Officer: The Project Officer is within the Parks Service team within Regeneration & Environment. That is a remit covering also other parks in the Borough. The post includes a continuing role for Barham Park given the special situation of Barham Park being managed by the Barham Park Trust. This role is funded by the Council and is not funded by the Trust.
- 3.2 Security: Recent security, anti-social behaviour and related issues for the period of 1st April 2019 to 31st March 2020 are summarised in the table below:

Date:	Issue	Action	Outcome
April 2019	Rough sleeper in public toilet in Barham park	Referred to St Mungos	Outreach conducted
April 2019	Reports of youngsters (14 to 18) have been congregating in the area. They smoke, probably weed and occasionally drink and always leave a mess behind. They started kicking and eventually broke part of the 1977 original QE II	Referred to WDP for outreach and the SNT for patrols & to investigate criminal damage.	Outreach & patrols conducted

	Silver Jubilee wooden seats.		
May 2019	Reports of street drinking by the bench / littering	Referred to WDP for outreach & SNT for patrols / enforcement. Referred to Neighbourhood Manager to arrange clean up	WDP updated they went to check the location last week, afternoon hours, around 3-4 pm. The cans were cleared by then and we did not see anyone around the location- in fact no street drinkers in the park on the day. Veolia requested the location to be cleared up
June 2019	Reports of teenagers at the location from 3pm - 6pm. Reports of heavy smoking going on, including probably weed and always loads of litter left behind.	Referred to WDP for outreach & schools officer contacted.	Neighbourhood Manager updated it has been decided there is no immediate need to remove the benches as previously requested.
July 2019	SNT reported rough sleepers in the park	Referred to St Mungos	St Mungos & SNT conducted joint outreach along with WDP
Nov 2019	ASB in the park	Neighbourhood Patrol Team tasked to visit hotspot locations including parks as Public Space Protection Order in place covering parks and open spaces	Neighbourhood Patrol Team to enforce on ASB in parks.
Nov 2019	Reports of break-ins	Referred to the SNT	SNT updated as follows:- We do try to visit and speak to all burglary victims. They have found 2 burglaries at location in the last 6 month and a criminal damage.

			<p>One of the suspects was charged and convicted. Individual received 26 weeks suspended sentence.</p> <p>SNT do patrol the park on a regular basis.</p>
Oct 2019	Reports of robberies & groups of young men congregating on benches	Referred to the SNT Referred to the Neighbourhood Manager to consider removing the bench	<p>Patrols conducted by the SNT & they updated as follows:-</p> <p>There has been 2 robberies at location in the last 3 months. . We did have a spike sometimes during the Spring and we did put extra resources into the area including dispersal zones.</p>
Jan 2020	Reports of break-ins at ACAVA's premises within the Barham Park Buildings	Referred to SNT	<p>Suggestion was for improvements to be made to the building to reduce the risk of further break-ins ie:- consider an alarm, lighting, repairing the boarded up window / door and CCTV.</p>
April 2020	Report of rough sleeper	Referred to St Mungos	<p>Client who was sleeping rough in Barham Park is now housed and request made to have the location cleared up.</p>

3.3 Public Space Protection Orders: Public Space Protection Orders were introduced to Brent's parks and open spaces in September 2019 and implementation has been in progress.

3.4 Rough sleepers: Brent Council works with the charity St Mungo's and other partners to reduce rough sleeping and to help people sleeping rough to find accommodation and help appropriate to their needs. During the year St Mungo's were aware of three rough sleepers at Barham Park and were working with all three clients. The information available is that during the winter of 2019/20 all three were offered accommodation at night shelters and each had

either refused or subsequently abandoned the offered accommodation. At the start of the Covid-19 pandemic, all of the clients of St Mungo's at Barham Park were moved into accommodation. However, two have since returned to sleep at or near to Barham Park.

Operational works

- 3.5 Works: Operational grounds maintenance at Barham Park continue to be undertaken by the contractor, Veolia. Other recent works have included making safe and opening a gap in an internal fence between the Events field and the Queen Elizabeth II Gardens to enable easier access by visitors.
- 3.6 London In Bloom: Barham Park Walled Garden achieved a Walled Garden Award (Silver Gilt) in the London in Bloom awards announced in September 2019. The Walled Garden is maintained by Veolia as part of the grounds maintenance contract with the Trust / Council.
- 3.7 Grass and meadows: The Parks Service continue to improve the range of grasslands across the Borough's parks and within individual parks. At Barham Park the grass management includes regularly mown grass particularly alongside paths, at the Events field and in areas of gardens; areas of maintenance grassland where the height is maintained at about 10cm; and areas of meadow grassland. The meadow grassland, located towards the east of the park is a mix of the natural grass allowed to grow longer and the strips that were seeded in 2018/19. The floral element of the seeded areas is less dramatic than in 2019 though the maturity enables some of the perennial species to establish. Also establishing are species dependent upon this habitat including grassland butterflies and Bush Crickets. The Bush Crickets bring a sensation of sound, to add to the visual amenity. The meadow grasslands will be cut in September.
- 3.8 Barham Park building – Operational. The Property team continued to work on maintenance and are currently in discussions concerning repairs to the units occupied by the Veterans Club and by the Friends of Barham Library. This expenditure was from the Trust's unrestricted funds and is included in the accounts for the year 2018/19.
- 3.9 Fire security system. Tenant representatives are briefed at the Occupier's Meetings about the operation of the fire-security system for Barham Park. Tenant organisations can re-brief their own members as required.
- 3.10 Barham Park building Unit 7: Negotiations with the lead tender applicant, the Friends of Barham Library and their proposed partner organisation the Memory Lounge for a Dementia Centre at Unit 7 are continuing. Officers are unclear how the partnership may function in terms of the lease and to this end clarification has been sought for the proposals. The property comprises of two distinct areas the Mess Room and a Store Room. The condition of the Store Room is poor as it was a former stable block. Both areas require a large investment the details of which are under discussion. In support of the refurbishment costs the Friends of Barham Library have indicated that a successful NCIL bid has taken place and this has been confirmed by NCIL Section of the Council.

- 3.11 Barham Park building Unit 8: Members of the Committee are recommended to approve the underletting to the Young Brent Foundation (YBF), subject to the satisfactory clearance of financial checks, with Brent Council (Children and Young People Service) remaining as the leaseholder. Unit 8 at Barham Park has been let by the Trust since 2016 to Brent Council's Children and Young People service pursuant to the current lease and the unit is known as the Children's Centre. The Centre has been managed by the voluntary organisation, Barnardo's. Due to reorganisation and other changes it is proposed for Unit 8 to be under-let to another voluntary sector provider, namely the Young Brent Foundation. The proposal is that Unit 8 would still be used as a children's centre where council staff will be involved in delivering and facilitating children's centre services and furthermore, The Young Brent Foundation would facilitate some of the Children's Centre services (including facilitation of a community toy library and hosting some Dads' group work) to continue to be run at Unit 8 and run workshops for community and voluntary sector providers and strengthen voluntary sector development. Brent Council (Children and Young People) will remain as the leaseholder to the Barham Park Trust. The report to the Cabinet meeting on 14 October 2019 on the development of family hubs makes reference to Unit 8 as the Barham Park Annex and refers to the possible future use for Unit 8 as a community resource by a voluntary sector provider. There is no change to the conditions of the lease between the Trust and Brent Council nor to the annual rent, which Young Brent Foundation will reimburse to the Council's Children and Young People Service. If the Barham Park Trust authorises the sub-letting of Unit 8 as set out above, there will be a licence to underlet between the Trust and the Council whereby the Trust will consent to the Council for the underletting in respect of Unit 8 to the Young Brent Foundation. The lease to Brent Council in respect of Unit 8 will continue until the 27th October 2021 when the current five-year lease expires.
- 3.12 At least two of leaseholders have submitted an application either for a rent abatement or deferment that would need to be reviewed by the Trust.
- 3.13 Unit 2: The Veterans have closed since the 23rd March 2020 lockdown date. The membership age profile consists of those in their seventies and plus. There is real concern there may be incidence of Covid-19 amongst members due to their demographics profile. They are reliant on membership fees for rental payments and this has not been largely obtainable. An application has been received by Officers requesting rent abatement and deferrals over the second and third quarters 2020. The Trust is recommended to review the applications and provide a considered response. There is also a risk the membership may not return by September 2020, which may impact the collection of the fourth quarter rent and this may possibly result in additional requests for rent abatement during the 2020/2021 financial year and possibly beyond.
- 3.14 Units 3, 5, 6, 9 & 10: ACAVA rely on rents collected from their artists' studios. The 23rd March 2020 lockdown had a considerable impact on the studios ability to operate. In one incident police questioned an artist as to whether their work was essential and if they should be operating. Their impact on studio rent collection has been noticeable. ACAVA's position needs to be clarified, but a rent abatement and rent deferral request has been discussed for the second and third quarter. The Trust may want to review the request as otherwise, ACAVA may not be able to sustain their substantial rental contribution to the Trust going forward. The Covid-19 position is still uncertain and additional requests for rent abatement and deferrals may be received during the

2020/2021 financial year and possibly beyond. Were the Trust to be inclined to support ACAVA, the income loss could be considerable to the Trust. There is a risk that other occupiers could submit similar requests, which may compound the Trust finances for 2020/2021 at least.

- 3.15 Any requests for rent abatement and rent deferral will need to be considered upon taking into account the potential impact on the finances of the Trust, in particular the unrestricted funds, and whether this is in the best interests of the Trust. The recommendations section in section 2 of this report makes provision for the delegation of authority to the Operational Director for Environmental Services in consultation with the Chair of the Trust Committee to consider and decide upon requests for rent abatement and deferral during 2020/21 and possibly beyond in respect of the units in the Barham Park Building. When considering such requests, it is proposed that two items of guidance from the Ministry for Housing, Communities and Local Government and the Charity Commission will be taken into account which are set out below:
- (i) The Government's guidance entitled: Code of Practice for commercial property relationships during the COVID-19 pandemic which was published in June 2020 and can be located on the following weblink: <https://www.gov.uk/government/publications/code-of-practice-for-the-commercial-property-sector/code-of-practice-for-commercial-property-relationships-during-the-covid-19-pandemic>
 - (ii) The Charity Commission has provided the following guidance entitled "Manage financial difficulties in your charity caused by coronavirus" which was published on 23 April 2020 and can be located on the following weblink: <https://www.gov.uk/guidance/manage-financial-difficulties-in-your-charity-caused-by-coronavirus>

Works – restricted funding

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

Item of expenditure	Expenditure in GBP (£) approved by Trust Committee and Charity Commission	Cumulative expenditure to date to 04/08/2020
Barham Park Tree Works	62,000	42,330
Schedule of works in respect of all of the existing windows, doors, frames and similar structures of the Barham Park building	10,000	9,713
Events Field Drainage Survey and Design	15,000	10,370
Events Field Drainage Works	90,000	
Total	177,000	62,413

- 3.18 Tree works: A proportion of the mature trees at Barham Park have been accessed as requiring works to improve safety. Additionally, there were minor works required on some other trees, to a few self-seeded trees that have grown close to the Barham Park building and to some trees that were out-shading fruit trees. Care has been taken wherever possible to opt for surgery rather than removal of trees. Following some initial works in the summer of 2019, the main work commenced in the late winter of 2019/20. Works were stalled by the Covid-19 pandemic restrictions, but some works recommenced more recently and will complete in the autumn of 2020. Note that a Weeping Willow near to the Sudbury Town side of Barham Park, which received surgery rather than felling in 2019, has now put on fresh vegetative growth.
- 3.19 Windows: During the year the Windows schedule including details of frames, doors, skylights and other details of the exterior of the Barham Park buildings was undertaken. Those documents formed the basis of a Planning Application for those works to the exterior of the Locally Listed Building and the grant of Planning Approval. The documents and drawings are available on the Brent Council Planning website pages for the application reference 19/3769: https://pa.brent.gov.uk/online-applications/applicationDetails.do?keyVal=DCAPR_147523&activeTab=summary
- 3.20 The windows and exterior works are a need for the fabric of the building, for the security and comfort of the tenants, for energy conservation; and to restore and enhance the visual appearance of the building within the Barham Park setting. Estimates indicate that the works would be best done in a single phase as there will be economies of scale, for example, on the costs of scaffolding. The project has a high cost, with professional estimates of £400,000 to £500,000. This is a higher cost than the Barham Park Trust has available from its own resources. With the technical documents in place, there is a need to seek the funding from grant or other sources.

- 3.21 Events Field drainage: The Barham Park Events Field, on the west (Sudbury Town) side of the park provides space for informal recreation and hosts, typically two visiting fairs each year. Poor drainage can cause problems for the fair in years when there is heavy rainfall in either or both of the spring or the summer. The fair is a significant source of rental income to the Trust. In winter, the Events Field can be water-logged making it un-useable for informal recreation, while also affecting access on sections of the footpath to the west side.
- 3.22 Events Field drainage survey and design: During the year a topographical survey of levels was undertaken, soakaway tests performed and a drainage plan was commissioned consistent with the requirements to high-peak flows into the public surface water system.
- 3.23 Events Field drainage works: At the time of the preparation of this report, documents were being collated with Brent Council's Procurement team to undertake a competitive tender exercise for selecting a contractor to undertake the drainage works.

Works – other funding

- 3.24 Oak tree replacement at west side of Barham Park: At the September 2019 meeting of the Barham Park Trust, the Committee resolved to replace an Oak tree that had had to be felled at the west (Sudbury Town) side of Barham Park. The original Oak tree was the one of a pair of prominent, former hedgerow Oak trees, that had had to be felled due to reasons of safety. Tests had indicated that the second tree could be retained. A suitable tree was sourced from a nursery and the order was about to be placed for delivery and planting in March 2019. The Covid-19 pandemic and lockdown restrictions put a hold on that work. It is now planned for the supply and planting of the tree to be scheduled for the autumn / winter of 2020/21. It was recommended that this cost be met from the operational budget of the Trust.
- 3.25 A Neighbourhood Community Infrastructure Levy grant had previously been granted for the restoration of the Queen Elizabeth II Silver Jubilee Garden in the open, west side courtyard of the Barham Park. The project has been delayed by several technical issues. On the design side, some changes from the 1977 design are necessary due to the subsequent growth of a tree, the need to make for a more even walking surface, and for the strengthening of the central metalwork feature. A fresh competitive tender exercise will be undertaken with the Brent Council Procurement team.
- 3.26 Barham Park Walled Garden Pond: The northern of the two ponds in the Barham Park Walled Garden leaks. In dry weather the water level can drop and it requires topping-up with mains water. A Neighbourhood Community Infrastructure Levy grant enabled a contracted survey and community event in the autumn of 2019 to investigate the condition of the pond. A contractor has now been identified to undertake the clearing of accumulated debris to identify the leak and pricing has been obtained for the repair works. That work is planned for the early autumn of 2020.

Cycling in Barham Park – installation of informative signs

- 3.27 The Committee are asked to recommend the approval to install signs in Barham Park to inform and to facilitate cycling.
- 3.28 On 25th November 2019 a decision was made at full Council to revoke a byelaw regarding cycling in parks with the effect to allow cycling in Brent's parks and open spaces. Detailed surveys and observations of all parks and open spaces covered by the byelaw have been completed to identify any potential areas of conflict between cyclists and other park users, these areas included:
- Entrances
 - play areas
 - outdoor gyms
 - cafes and picnic areas
 - paths that may be too narrow to allow safe sharing of the space, or
 - places with a steep topography that may affect cycling speeds as hills can encourage faster and slower paces.

Where potential conflicts and risks have been identified, mitigation measures are recommended which include; '5mph' signs and surface markings to reduce speed and encourage safe cycling and 'no cycling' signs in areas where the paths are too narrow or close to park facilities. The attached Appendix A includes details of the signs identified for Barham Park and we would appreciate your approval to install the signs.

4.0 Financial Implications

- 4.1 As this report indicates, there have been requests for rent abatement and there may be more requests for rent abatement and/or rent deferrals. In addition, the visiting fair at Barham Park was not held and missed both the usual spring and August visits.
- 4.2 Consequently, there could be a considerable reduction in Trust income during the 2020/21 financial year and possibly beyond. At the same time, the expenditure incurred by the Trust to maintain the park and building have had to continue at similar levels to those of recent years. Rental income accounts for approximately 60% of the Trust's total annual income, with ACAVA contributing circa 75% of the total rental income.
- 4.4 On average, over the last three years, the Trust has generated £100k of unrestricted receipts and incurred £78k worth of unrestricted expenditure. The Trust's unrestricted funds currently stand at £114k. This is the equivalent to eighteen months of expenditure if no income is received. Therefore, careful consideration needs to be given to the decision regarding rent abatement and/or rent deferrals as this would create a considerable shortfall between the income and expenditure of the Trust during 2020/21 and possibly beyond. Alternative sources of income, such as grants or sponsorships, would need to be sought in order to maintain a break-even position.
- 4.5 The "*Code of Practice for Commercial Property Relationships During the Covid19 Pandemic*", which is referred to in paragraph 3.15 above, allows for landlord organisations to have regard to their own financial commitments and fiduciary duties when considering whether to provide support to tenants.

5.0 Legal Implications

- 5.1 The land (including the building) known as Barham Park was given by George Titus Barham on trust to the Council in 1938. The terms of the Trust are “*to preserve the same for the recreation of the public in such manner and subject to such regulations in all respects as the Council may from time to time think proper*”.
- 5.2 The lease between the Barham Park Trust and Brent Council in respect of Unit 8 of the Barham Park Building is due to expire on 27 October 2021 with the Council having rights of renewal under the Landlord & Tenant Act 1954, though such a renewal will require the permission of the Charity Commission. Under the lease in respect of Unit 8, underletting requires the permission of the Barham Park Trust and such permission must not be unreasonably withheld. Under the lease, the authorised use of Unit 8 is as a Children’s Centre within Class D1 of the Town and Country Planning (Use Classes) Order 2005 with such other uses to be subject to the written consent of the Barham Park Trust. If the Barham Park Trust authorises the sub-letting of Unit 8 as set out above, there will be a licence to underlet between the Trust and the Council whereby the Trust will consent to the Council for the underletting in respect of Unit 8 to the Young Brent Foundation.
- 5.3 There are no further specific legal implications other than those already set out in the main body of this report.

6.0 Equality Implications

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

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Officers meet regularly with Ward Members.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 Nothing specific other than noted in this report.

AMAR DAVE
Strategic Director of Regeneration &
Environment