

	<p align="center">Barham Park Trust Committee 5 September 2022</p>
	<p align="center">Report from the Director of Environment and Leisure</p>
<p>General Update Report</p>	

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

1.0 Purpose of the Report

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

2.0 Recommendation(s)

That the Barham Park Trust Committee RESOLVES

2.1 To note the issues set out in this report.

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

3.0 Detail

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

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

Operational works

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

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

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

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

Works – restricted funding

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

Item of expenditure	Expenditure in GBP (£) approved by Trust Committee and Charity Commission	Cumulative expenditure to date to 12/08/2022
Barham Park Tree Works	62,000	43,130
Schedule of works in respect of all of the existing windows, doors, frames and similar structures of the Barham Park building	10,000	9,713
Events Field Drainage Survey and Design	15,000	10,370
Events Field Drainage Works	90,000	
Towards part of the exterior renovation of the Barham Park building	258,000	1,710
Total	435,000	64,923

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

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

Works – other funding

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

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

3.25 Barham Park Walled Garden Pond: The restoration of the two ponds in the Walled Garden has been completed. Renovation of the pond on the north side of the Walled Garden wall is in progress, albeit that pond is shallow and holds water only seasonally during the wetter months of the year. It is in a shaded situation and the renovation will attempt to work with those two limitations. Repairs have been made also to the crazy-paving path alongside. This is funded with a Neighbourhood Community Infrastructure Levy grant.

3.26 Trees and open woodland: Barham Park has received funding from an earlier round of the Neighbourhood Community Infrastructure Levy for the planting of replacement and other trees in Barham Park and for the planting of woodland ground flora in some areas of open woodland and on hedges. The design is in preparation for planting during the autumn / winter of 2022/23.

4.0 Financial Implications

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

5.0 Legal Implications

5.1 The land (including the building) known as Barham Park was given by George Titus Barham on trust to the Council in 1938. The terms of the Trust are “*to preserve the same for the recreation of the public in such manner and subject to such regulations in all respects as the Council may from time to time think proper*”.

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

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

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

6.0 Equality Implications

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

7.0 Consultation with Ward Members and Stakeholders

7.1 Officers meet regularly with Ward Members.

8.0 Human Resources/Property Implications (if appropriate)

8.1 Nothing specific other than noted in this report.

Related Documents:

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

CHRIS WHYTE

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Leisure