



Barham Park Trust Committee
5 September 2023

**Report from the Director Environment
& Leisure**

Review of Governance and Guidance documents

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:	One: Appendix A Proposed changes to Governance & Guidance document
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Chris Whyte, Corporate Director Environment & Leisure 020 8937 5342 Chris.Whyte@brent.gov.uk Biancia Robinson 020 8937 1544 Biancia.robinson@brent.gov.uk

1.0 Summary

1.1 This report proposes changes to the Barham Park Trust Governance and Guidance Document date 2013, primarily to reflect the changes following Organisational restructures in the council and updated guidance issued by the Charity Commission.

2.0 Recommendations

2.1 To agree the amendments to the Governance and Guidance documents set out in Appendix A.

3.0 Detail

- 3.1. The council is the sole trustee of Barham Park Trust, and accordingly the Barham Park Trust is set up as committee of the Cabinet. The committee meetings are conducted in accordance with the Council's Constitution but are subject to and governed in accordance with charity law as well and decisions are made in the best interests of the charity.
- 3.2. The Governance and Guidance document sets out the responsibilities of the council as trustee, the charity's purposes and, how the Barham Park Trust (the Trust) is to be administered. It recognises that decisions about the administration and operation of the charity must be taken solely with a view to furthering its charitable purposes and for no other purpose; and that the council realises it has a dual role, first, as a local authority and secondly as a charity trustee and the two roles must be kept entirely separate. In addition, it acknowledges and highlights the process for identifying and addressing conflicts of interest. Lastly, it recognises the role of the Charity Commission as the main sources of detailed advice and information about charities as well as its enforcement and regulatory functions.
- 3.3. The document has not been formally reviewed since 2013. Accordingly, it does not reflect the new job titles following organisational restructures, section changes to the London Borough of Brent's Constitution, the delegation to the Director of Environment & Leisure in September 2022 or the updated guidance regarding conflicts of interests issued by the Charities Commission. Alongside these changes, it is also proposed to recognise the change in the frequency of the formal officer meetings for Barham Park Trust matters following the change in management delegations in September 2022. Dedicated discussions between officers regarding Barham property and parks matters generally fall as business as usual for their respective services. Accordingly, it is proposed to retain the flexibility to meet for Barham Park Trust matters "as and when required" but have dedicated meetings for Trust matters "no less than once a year", as opposed to the previous requirement of "no less than twice per year". The proposed changes, set out in Appendix A, reflect these changes and are essentially administrative in order to bring the Governance & Guidance document up to date.
- 3.4. There are no substantive changes that alter the charitable trust which would require permission of the Charities Commission.

4.0 Legal Considerations

- 4.1 There are no specific legal considerations arising from this report.

5.0 Financial Considerations

- 5.1 There are no specific financial considerations arising from this report.

6.0 Equality, Diversity & Inclusion (EDI) Considerations

- 6.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have 'due regard' to the need:
- a) to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
 - b) advance equality of opportunity; and
 - c) foster good relations between those who share a "protected characteristic" and those who do not.

This is the Public Sector Equality Duty (PSED). The 'protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation

- 6.2 No equalities considerations are considered to arise from this report.

Report sign off:

Chris Whyte

Director Environment & Leisure