



MINUTES OF THE BARHAM PARK TRUST COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Tuesday 5 September 2023 at 10.00 am

PRESENT: Councillor M Butt (Chair) and Councillors Donnelly-Jackson, Farah & Krupa Sheth.

Also Present: Councillors Georgiou and Lorber.

1. Appointment of Chair and Vice Chair for 2023-24

RESOLVED to confirm the appointment of Councillor Muhammed Butt as Chair and Councillor Tatler as Vice-Chair of the Trust Committee for the 2023-24 Municipal Year.

2. Apologies for Absence and clarification of alternate members

Apologies for absence were received from Councillor Mili Patel (with Councillor Harbi Farah attending as alternate member) and Councillor Tatler.

3. Declarations of Interests

Councillor Donnelly-Jackson declared a personal interest in Agenda Item 7 Barham Park Strategic Property Review as a Trustee of Actionspace who were an art based Charity supporting emerging and established artists with learning disabilities that had used studio space provided through ACAVA (one of the tenant organisations in the Barham Park building).

No other declarations of interest were made at the meeting.

4. Minutes of the Previous Meeting

RESOLVED that the minutes of the previous meeting held on Monday 5 September 2022 be agreed as a correct record, subject to the following correction:

- Reference to Friends of Barham Park Library being amended to read Friends of Barham Library.

5. Matters Arising (if any)

None.

6. Public Representations

Prior to consideration of the main agenda Councillor Muhammed Butt (as Chair) advised the Trust Committee that he had accepted a number of requests to speak at the meeting from representatives of tenant organisations occupying the Barham Park building updating the Trust Committee on the work being undertaken through their organisations supported through use of the building.

Each representative was then invited to address the meeting with the following comments highlighted.

Lorna Gemmell (representing ACAVA) was the first to address the Trust Committee stating that the charity had been running affordable artist studios and community arts programmes for many years and was currently supporting over 400 artists and creative organisations. ACAVA had been a tenant in the Barham Park building for over 9 years with a number of art studios located within the building. There are currently renovations underway in the community studio space to make ready for a new arts programme commencing in Autumn. In concluding, the Trust Committee were asked to ensure meaningful consultation was undertaken with all tenant organisations with regard to any proposals for future development of the Barham Park building.

Following on from the representations made by ACAVA, Jane Ryan (as a local artist using a studio provided through ACAVA) spoke about a persistent intruder to the building and the nuisance and security concerns being caused to users of the community spaces as a result, which she was keen to see addressed in a co-ordinated way and as part of any security enhancements to the building.

Chris Murray then spoke (representing the Young Brent Foundation) in order to highlight the work of the charity and support the concerns raised in relation to security of the Barham Park building, given issues being caused by the same individual referred to by Jane Ryan in persistently gaining illegal access to the property. Highlighting a number of incidents and impact this was having in limiting current use of the building due to the safety concerns he supported the request for a co-ordinated approach to be developed in tackling the security concerns and individual identified.

Mr J M Patel (representing Barham Park Veterans Club) was then invited to speak. In highlighting the work of the club and links to the local community support was also sought in securing accessible access and the ongoing maintenance of the building.

As a further contribution, Shivakumar Gurung (representing Tamu Samaj UK) highlighted the work of the organisation and range of activities and educational programmes being offered for all sections of the local community with the request made for the Trust Committee to consider an extension of their lease to further support development and use of the facility.

As a final contribution, Francis Henry (representing Friends of Barham Library) began by seeking clarification and further detail on the potential impact relating to the outcome of the Feasibility Study and Strategic Property Review and plans to engage with current tenants within the Barham Park building. Prior to enabling him to proceed further, Councillor Butt (as Chair) paused the meeting to remind Mr Henry of the scope of the representations being sought by the Trust Committee which related to an update on the work being undertaken by each organisations supported through use of the Barham Park building rather than any other matters due to be considered on the agenda. In expressing concern at what he felt to be the limited scope of the representations Mr Henry used the remainder of the time available to highlight the work and activities being delivered through the Library and

its value to the local community, which he felt needed to be recognised as part of any wider development proposals due to be considered during the meeting.

In noting the comments raised, Councillor Muhammed Butt thanked everyone who had spoken for their participation and advised that the issues raised would be responded to as appropriate during the remainder of the meeting.

7. Barham Park Trust Annual Report and Accounts 2022/23

Councillor Muhammed Butt (as Chair) advised the Trust Committee that due to an issue needing to be resolved in relation to the presentation of the Barham Park Trust Accounts this item had been withdrawn from the agenda.

In providing further details, Chris Whyte, Director of Environment & Leisure, advised that as a result of an issue identified with the version of the Charity Commission template which had been used to present the Trust Accounts the need had been identified for the accounts to be resubmitted on the basis of a revised and updated template. In order to enable final consideration, it was therefore confirmed that the Trust Accounts for 2023-24 would be resubmitted to an additional meeting of the Trust Committee, which would be scheduled to take place prior to the end of September 2023.

8. Barham Park Strategic Property Review

Chris Whyte (Director of Environment & Leisure) supported by Denish Patel (Head of Property) introduced a report providing an update on the Barham Park Strategic Property Review, including the position regarding the restrictive covenant relating to 776-778 Harrow Road. In introducing the report, the Trust Committee noted:

- The appointment, following the Trust meeting on 27 January 2022, of an architect, Rider Levett Bucknall (RLB), who had been commissioned to prepare a feasibility study on design options to address the issues identified in relation to the infrastructure and condition of the Barham Park Estate. The study had been commissioned in order to provide a more holistic review of options towards the Estate's infrastructure & maintenance given the wider impact on its effective operation and running costs.

The report detailed the outcome of the feasibility study, including the key elements of the initial concept, proposed design and high-level cost estimates with the options designed to focus on the renovation and potential reconfiguration of the existing old court buildings. The Trust Committee were advised that in undertaking the study the aim had been to look at options that whilst cost-effective would not only preserve the historically significant parts of the structure but also enhance the overall relationship between the building and park and enable the development of upgraded and adaptable facilities, new spaces and modern facilities to reflect market demand and trends with respect to a wide variety of sustainable community uses. In recognising the current position relating to the configuration and maintenance of the existing building, the Trust Committee were advised that the feasibility study had resulted in three different design options being identified, as summarised in section 3 of the report. Whilst the bronze option had been discounted early in the design process due to the insufficient value identified, details on the Silver

and Gold feasibility options had been set out within Appendices 2 and 3 of the report, which at this stage it was noted had been provided for initial feedback and to show what might be possible.

In considering the update provided the Trust Committee was advised of the additional work that would be required to develop the options for further consideration, which would include identification of the necessary capital investment required (estimated at between £300-400k) and consultation and engagement with both statutory and non-statutory consultees, including existing tenants and other relevant stakeholders in the park. In supporting the need for a full engagement and consultation process, the Trust Committee were advised this would be undertaken once the necessary investment strategy had been identified and that pending this, there would be no impact on the occupation of existing tenants arising from the feasibility study.

- The details provided within Appendix 3 of the report (classified as containing exempt information) on the independent valuation that had been commissioned on behalf of the Trust (following the decision taken by the Trust Committee on 1 September 2021) as part of the process in seeking to explore the possibility of reaching an agreement to vary the restrictive covenant relating to redevelopment of the site of the two residential dwellings at 776 and 778 Harrow Road which was owned by a single private owner on a freehold basis. The independent valuation had been obtained in order to establish the market value opinion of varying the covenant for the benefit of the Trust, with the owner seeking an amendment to the terms of the restrictive covenants having obtained planning permission to develop the site involving the demolition of the two existing dwellings and construction of 4 new three storey dwellinghouses on the same site. In recognising the level of concern on the proposed development, The Trust Committee were advised that any final decision relating to the varying of the restrictive covenant would be a matter for the Trust to consider having taken account of the wider considerations alongside the potential value of any financial benefit and opportunity provided to reinvest the proceeds back into the Estate (as a permanent endowment) that could be used to support the development of a multi-faceted investment strategy for the wider refurbishment project. The Trust Committee were therefore being asked, at this stage, only to consider the way forward in order to progress consideration of the matter.
- As a final update, the Trust Committee were provided with an update on the decision made at its meeting on 27 January 2022 not to enter new leases in respect of Units 2, 7 and 8 of the Estate pending the completion and consideration of the strategic property options appraisal. In recognising the varying nature of the existing tenancy arrangements for those tenants in occupation the Trust Committee were advised of the need to work through the feasibility and design options identified in order to consider their potential impact on the current occupation, uses, leases and tenancies of the Estate, prior to the Trust being in a position to offer any new tenancies or lease renewals. Officers were therefore recommending that the current status quo be maintained, with the letting/lease renewal of units 2, 7 and 8 being held in abeyance pending the viability in progressing the design options identified as part of the feasibility study having been further assessed and developed

alongside a detailed Business Case to support any whole Estate development.

Having thanked officers for the updates provided the Chair then invited comments and questions from members of the Trust Committee, with the following issues raised:

- In relation to the outcome of the strategic property feasibility study and design options identified further details were sought on the potential mix of units and uses that had been referred to as possible recommended interventions for any remodelled mixed-use Estate along with the plans to ensure current tenants were included as part of future consultation and engagement as the proposals were assessed and developed.

In response, Chris Whyte (Director of Environment & Leisure) assured the Trust Committee of the plans to engage and consult tenants in seeking to develop the proposals but advised this would need to be undertaken once a further and more detailed assessment on the viability in progressing the options had been completed and the necessary investment had been identified as available to support a meaningful Business Plan and scheme. In terms of the potential mix of units, The Trust Committee were advised this would need to be consistent with the aims of the Trust and overall fabric of the building, including supporting the financial sustainability of the Estate with the initial concept focussed around smaller independent socio-economic and enterprise units.

- In seeking to further clarify the extent of the development proposals for which planning permission had been granted in relation to the two residential dwelling on the site at 776 and 778 Harrow Road, confirmation was provided that the permission granted did not extend beyond the boundary of the existing combined site. Further clarification was provided that the restrictive covenant also related to development on the same site with the existing owner, having obtained planning permission, now seeking the consent required to amend that restrictive covenants to enable the development of the combined plot to progress.
- In view of the security concerns highlighted during the representations made by tenant organisations at the start of the meeting, further details were sought on the measures in place to address the specific issues identified. In response Amin Soorma (Estate Surveyor, Property Services) and Leslie Williams (Project Manager) outlined the measures being taken to engage with the individual identified as causing the issues and also with the police and Council's Community Safety Team in order to ensure a co-ordinated multi-agency approach was developed towards tackling and preventing the ongoing nuisance, disturbance and harassment being experienced. Whilst measures had been taken to prevent access and deter the individual, problems were still being experienced, with further security enhancements being considered including the use of security bars on windows and possible extension of CCTV coverage, although it was recognised that these additional measures would require the identification of the necessary funding.

As no further issues were raised the Chair thanked officers for the update and it was **RESOLVED**, having noted the exempt information contained in Appendix 3 of the report and on the basis of the discussion at the meeting:

- (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 (following the additional meeting being arranged to consider the Trust Accounts), 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.
- (4) To agree to hold in abeyance the letting/lease renewal of units 2, 7 and 8 until such time as the Director for Environment and Leisure Services has considered the viability of progressing the proposed scheme, with an update being provided at the next available Trust Committee.
- (5) Agree for the Director for Environment and Leisure Services in consultation with the Chair of the Trust Committee to negotiate in principle the variation of the restrictive covenant in respect of 776 and 778 Harrow Road for the best terms that can reasonably be obtained, subject to final approval by the Trust Committee, and any approval required by the Charity Commission under the Charities Act 2022 and 2011.

9. **General Update Report**

Leslie Williams (Projects Officer, Parks Service) introduced the report providing an update on operational issues at Barham Park along with current progress on a range of projects.

Members were then provided with operational updates in relation to the following issues:

- The welcome resumption of the full range of activities in the tenanted units within the Barham Park building following the pandemic, with officers (on

- behalf of the Trust) having held their annual meeting with occupiers to review matters associated with the building and the park in February 2023.
- Park events – as detailed within section 3.3 of the report, with members having noted and welcomed the enhanced range of events successfully hosted within the Park including Irvin’s Fun Fair, a range of events being hosted through Barham Library including health and wellbeing activities and support for people with dementia, Brent Let’s Grow (a training event for young people organised by Young Brent Foundation), Wellness Wonder and other Health related walks and activities along with a number of religious and cultural festivals.
 - Security and anti-social behaviour - as detailed within section 3.4 of the report, with the Trust Committee noting (following the discussion under the previous item) the crime, nuisance and disorder from various sources continuing to cause disturbance and harassment to occupiers and to park users. In addition to the previous concerns regarding break-ins by an individual at the building, other recent issues had involved individuals climbing onto the flat roof of the Barham Park building, motorbike riding within the park and graffiti (which had been cleaned by the Council’s grounds maintenance team) along with littering, with the Trust Committee keen to ensure that work being undertaken to address the issues identified on a co-ordinated and multi-agency basis was progressed and the Council’s Cabinet Member for Safer Communities & Public Protection also kept updated on further developments and action.
 - Public Space Protection Orders – as detailed in section 3.5 of the report with the Trust Committee advised of the revised PSPO and signage introduced in April 2023 which included a prohibition for nuisance vehicles.
 - Rough sleeping with the Park - as detailed in section 3.6 of the report, with members noting the ongoing work being undertaken with StreetLink and St Mungo’s to address the issue and support those individuals sleeping rough to access accommodation and other assistance according to their needs. Members were advised that the east side recessed porch area of the Barham Park building had been used by one or more persons sleeping rough during the year and as a result gated access had now been installed in order to restrict the access to that area and ensure its use only for access to the building.
 - Thames Water works – as detailed within section 3.7 of the report. Whilst now completed, members noted the complex nature of the works which had needed to be undertaken which had resulted in the need for some follow up works related to the public surface water system in the vicinity of the railway line.
 - General operational works – Members noted the change in the contractor appointed to undertake operational grounds maintenance works which, with effect from 1 August 2023, had changed from Veolia to Continental Landscapes Ltd.
 - Grass and meadows - with members noting the continued progress and improvements being made to the range of grasslands and associated wildlife within the park, as detailed within section 3.9 of the report and welcoming its contribution to the Council’s wider biodiversity and climate change activities.

In addition to the operational issues identified above, members also received updates in relation to the following specific issues:

- The progress being made in relation to works previously approved through the Trust's Restricted Funds, as detailed within section 3.11 – 3.15 of the report. These included the works being undertaken to maintain trees across the Estate and to upgrade windows and the exterior of the Barham Park building. In terms of the windows, planning consent had now been obtained for a revised mix of wood window frames on the key public-facing elevations with UPVC frames to be used elsewhere, which had been designed to achieve energy and carbon-emissions savings in a more cost-effective way and on which a procurement process was now underway to source. The Trust Committee were also advised of the works undertaken in relation to the events Field drainage involving the introduction of a maintenance technique that introduced aeration, relieved compaction and could provide near to the surface drainage while a longer-term solution was sought.
- The progress in relation to the funding of other works associated with tree/other planting and maintenance of open woodland, the Queen Elizabeth II Silver Jubilee Garden (including additional planting undertaken by the Community Library in the central "well" feature), the rebuild of the wooden pergola and further restoration works to the Walled Garden Pool as detailed within section 3.16 – 3.19 of the report.

As no further issues were raised, Councillor Muhammed Butt (as Chair) thanked officers along with tenant organisations, volunteers and users of the park for their efforts in supporting the maintenance and management of the park and facilities given their importance as a community asset with the Trust keen to ensure a co-ordinated approach was maintained in seeking to secure the long-term use of the Trust's assets for the benefit of the local community.

As no further issues were raised it was **RESOLVED** to note the issues set out in the report along with the co-ordinated multi-agency approach being developed to address the security concerns which had been identified during the meeting.

10. **Review of Alternative Administration and Governance Models**

Bianca Robinson (Senior Constitutional Lawyer) introduced the report setting out for review, in accordance with recommended good practice by the Charity Commission, the governance and management options available for the Barham Park Trust Committee.

In considering the report, the Trust Committee were reminded that the Charity Commission considered it good practice for the Trust to periodically review its governance and management arrangements and whether it was felt to remain in the best interest of the charity for the local authority to remain as trustee. Previous reviews had been undertaken in 2015 and 2018 when it had been decided to maintain the status quo and it was now considered timely to undertake a further review.

In terms of the current governance and management arrangements, the Committee were reminded of the original terms under which the Trust had been established with the land held by the Council as sole trustee and only available for use in furtherance of the Trust's stated charitable purpose. The Council was therefore ultimately responsible for the management and administration of the Trust acting in the best interests of the Trust and its beneficiaries. As part of these arrangements

the Council had generally met the costs of managing, maintaining developing and running the Park, supplemented by rental income and interest on capital along with any additional grant funding obtained. In practical terms this has meant the Trust receiving a subsidy from the Council with the Trust's funds managed and accounted for separately to those of the Council. The Trust Committee was also reminded of the fundamental limitations with the land held for recreational purposes, no express power of sale in the conveyance nor for the Council to acquire Barham Park for assimilation into its property portfolio without permission of the Charity Commission or Court.

Having noted the background and context provided to the current management and administration of the Trust, the Committee then moved on to consider the various options identified for review in relation to its future management and governance arrangements. The options identified were as follows with the Trust Committee, in considering each option, having noted the further detail provided as set out in section 4 of the report:

- Option 1: Maintaining the status quo
- Option 2: Appoint additional trustees alongside the Council
- Option 3: Appoint a Corporate Trustee
- Option 4: Establish a new corporate charity to take on ownership and control of Barham Park; and
- Option 5: Outright transfer to another charity

In welcoming the comprehensive overview of the options provided and recognising the potential impact on future operation of the Trust, the Committee's attention was also drawn to additional written representations submitted in advance of the meeting by a local resident (Mr Philip Grant) in relation to Option 2 and the potential to establish a Trust Advisory Committee consisting of independent members including some nominated by local community groups and Barham Park users to support the Trust Committee in its role and formal management arrangements.

Having considered the options available, the Trust Committee indicated they were minded to support Option 1: Maintaining the status quo as an outcome of the review and preferred way forward, recognising the longer term financial stability for the Trust offered through the current governance arrangements and flexibility provided in terms of the powers and support available from the Council in seeking to preserve and maintain the unique status of the Park.

Having thanked officers for the overview provided the Chair then invited comments and questions from members of the Trust Committee, with the following issues raised:

- Further details were sought on the potential options under the existing governance arrangements to encourage wider engagement with key stakeholders and park users on the future management of the Park. In valuing the role of organisations such as Friends of Park Groups and the ongoing dialogue with tenants on operational issues relating to the Barham Park building the Trust Committee advised they would be keen to explore in more detail the potential establishment of a wider consultation mechanism to engage with key stakeholders (including park users, local community

representatives and existing tenants) on issues relating to the ongoing management of the park and its facilities.

Having considered the detailed options available for the future governance of the Barham Park Trust, it was therefore **RESOLVED**:

- (1) To approve Option 1 (Maintain the Status Quo) as the ongoing governance model to conduct the management arrangements for the Trust.
- (2) on the basis of (1) above, to agree and confirm that it continues to be in the best interest of the charity for the local authority to remain as trustee.
- (3) That officers be requested to explore the potential establishment of a wider consultation mechanism to engage users of the park and the local community representatives, alongside other key stakeholders such as tenant organisations, on issues relating to the ongoing management of the park and its facilities.

11. **Review of Barham Park Trust Governance Document**

Bianca Robinson (Senior Constitutional Lawyer) introduced the report setting out proposed updates to the Barham Park Trust Governance and Guidance Document. The Trust Committee noted that the Governance and Guidance Document set out the responsibilities of the Council as Trustee along with the Charity's purposes and how the Trust was to be administered. The proposed amendments, whilst mainly administrative in nature had been designed to reflect changes following an organisational restructure within the Council and updated guidance issued by the Charity Commission, as detailed within section 3.3 of the report.

In supporting the proposed amendments identified, Councillor Muhammed Butt (as Chair) also took the opportunity to highlight the importance and comprehensive nature of the training which had provided for all members of the Trust in support of their role and responsibilities.

As no further issues were raised it was **RESOLVED** to approve the amendments to Trust Governance and Guidance Documents as set out in Appendix A of the report, subject to reference to Environmental and Leisure Services being corrected to Environment and Leisure.

12. **Exclusion of the Press & Public**

There were no items that required the exclusion of the press or public.

13. **Any Other Urgent Business**

No items of urgent business were raised at the meeting, with members noting that further meetings of the Trust Committee would be arranged as required during the year in order to progress the various actions identified during the meeting.

The meeting was declared closed at 11.20m

COUNCILLOR MUHAMMED BUTT
Chair