

	<p align="center">Barham Park Trust Committee 24 January 2024</p>
	<p align="center">Report from the Corporate Director of Governance</p>
<p>Reference back of Call-In: Barham Park Trust Committee decision on Barham Park Trust Annual Report & Accounts 2022 – 23</p>	

Wards Affected:	Wembley Central
Key or Non-Key Decision:	Original Trust decision was classified as 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:	<p>Two:</p> <p>Appendix 1: Report to Barham Park Trust Committee (26 September 23) - Barham Park Annual Report and Accounts 2022-23</p> <p>Appendix 1a: Appendix 1 Barham Park Trust Committee report (26 September 23): Annual Report of the Barham Park Trust to the Charity Commission for the 2022/23 financial year</p> <p>Appendix 1b: Appendix 2 Barham Park Trust Committee report (26 September 23): Accounts of the Barham Park Trust for the 2022/23 financial year</p> <p>Appendix 1c: Appendix 3 Barham Park Trust Committee report (26 September 23): Independent Examiner's Review of the accounts of the Barham Park Trust for the 2022/23 financial year.</p> <p>Appendix 2: Call-In Form</p>
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	<p>Amira Nassr, Head of Chief Executive & Member Services Tel: 020 8937 5436 Email: amira.nassr@brent.gov.uk</p>

1.0 Executive Summary

1.1 This report details the outcome of a call-in considered by the Resources &

Public Realm Scrutiny Committee on Thursday 26 October 2023 relating to the decision taken by the Barham Park Trust Committee Tuesday 26 September 2023 to approve the Annual Report and Barham Park Trust Accounts for 2022 – 23.

- 1.2 Having considered the call-in, the Resources & Public Realm Scrutiny Committee agreed (under the call-in procedure) to refer the decision on this item back to the Trust Committee for reconsideration. As a result, the Trust Committee is now required to reconsider its original decision made on the 2022-23 Accounts taking account of the reasons provided as the basis for the reference back by the Scrutiny Committee, as set out within this report.

2.0 Recommendation

- 2.1 That as required under the call-in procedure, the Trust Committee reconsider its original decision to approve the Annual Report and Barham Park Trust Accounts for 2022 – 23 taking into account the reasons provided by the Resources & Public Realm Scrutiny Committee (set out in section 3.6 – 3.8 of this report) and agree one of the following outcomes:

- (a) To amend the decision, having taken account of the comments made; or
- (b) To confirm the original decision made, enabling it to take immediate effect.

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 (including the preparation of the Trust Accounts and Annual Report) on behalf of the Trust through the Barham Park Trust Committee, which has been established as a Committee of the Council’s Cabinet.
- 3.2 There is a statutory requirement on the Barham Park Trust to produce an Annual Report, including the Accounts each financial year which following their approval by the Trust are then submitted to the Charity Commission.

Background

- 3.3 The Barham Park Trust Committee took a decision at its meeting on Tuesday 26 September 2023 to approve the Annual Report and Barham Park Trust Accounts for 2022 – 23. The decision taken by the Trust Committee was as follows:

RESOLVED having noted the receipt of written submissions from Francis Henry and Councillor Lorber in advance of the meeting relating to the presentation of the accounts:

- (1) To approve the Annual Report and Barham Park Trust Accounts for 2022-23.*
- (2) To note the Independent Examiner's review of the Barham Park Trust Accounts for 2022 – 23.*
- (3) To authorise officers to update the Charity Commission with the Barham Park Trust Annual Report and Accounts for 2022 – 23.*
- (4) To confirm, in relation to the future examination of the Trust Annual Accounts, that the Trust had agreed to continue with the current arrangement for independent examination by the Council's Head of Audit & Investigation (as detailed within Option 1 in section 3.5 of the report).*

3.4 Consideration of the Accounts and Annual Report followed their initial withdrawal from the agenda of the Trust Committee on 5 September 2023 to enable review of the Charity Commission template used as a basis for preparing the Accounts and further clarification on this being provided at an additional Trust Committee arranged specifically for that purpose on 26 September 2023. The original report considered by the Trust Committee has been attached as Appendix 1 of this report.

3.5 The subsequent decision by the Barham Park Trust Committee to approve the Trust Annual Report and Accounts for 2022 – 23 was called-in by five members of the Council, with the reasons for the call-in and alternative action sought as a result set out within Appendix 2 of this report.

3.6 The Resources & Public Realm Scrutiny Committee met on Thursday 26 October 2023 to consider this call-in, with Councillor Lorber representing the members who had submitted the call-in and the Vice-Chair of the Trust Committee (Councillor Tatler - Deputy Leader & Cabinet Member for Finance, Resources & Reform) along with the Council's Deputy Director of Finance responding to the issues raised. As an outcome of the call-in process the Scrutiny Committee subsequently agreed to refer the original decision back to Trust Committee (as the original decision-maker) for reconsideration.

3.7 In referring the decision back the Committee, whilst confirming they had confidence in the professionalism of officer's work in relation to the accounts and understood the rationale for use of the revised accounts template, were also made aware that a separate high level consultancy-based review had been commissioned by the Chief Executive relating to issues and concerns raised in relation to the accuracy of the accounts which was also due to be concluded. As a result, the Committee felt the most appropriate outcome, having considered the options available under the call-in process, was to refer the called-in decision back to the Barham Park Trust Committee for reconsideration once the high-level consultancy-based review commissioned

by the Chief Executive had concluded enabling any reflections on the outcome of that review to also be shared with the Trust Committee prior to reconsideration of their original decision.

- 3.8 A separate report from the Chief Executive has therefore been included as Item 5 on the Trust Committee agenda, which provides a summary of the high-level consultancy based review relating to concerns and issues raised regarding the Barham Park Trust (BPT) Accounts for the year ended 31 March 2023, which the Committee are also being asked to review in reconsidering the original called-in decision.

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 decision have been detailed within the report to the Barham Park Trust Committee (attached as Appendix 1) which formed the basis of the original decision 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 3 of the report with the legal considerations relating to the called-in decision having been detailed in the report to the Barham Park Trust Committee (attached as Appendix 1 of this report) which formed the basis of the original decision made.
- 6.2 Under Standing Order 14 (h) (i) Cabinet, having reconsidered any called-in decision referred back by a Scrutiny Committee has the option to proceed with implementation or to amend its original decision, as it sees fit having taken account of the views expressed and any recommendations made as a result of the call-in.

7.0 Equality, 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 Governance