



**Resources and Public Realm  
Scrutiny Committee**  
2 October 2024

**Report from the Corporate Director  
Law & Governance**

**Call-in: Barham Park Trust Committee decision on Strategic  
and Operational Property Matters relating to Barham Park**

<b>Wards Affected:</b>	Wembley Central
<b>Key or Non-Key Decision:</b>	Not applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	<p>Four:</p> <p>Appendix 1: Call-In Form</p> <p>Appendix 2: Report to Barham Park Trust Committee (10 September 24) – Strategic Property Matters relating to Barham Park</p> <p>Appendix 2a: Appendix 1 Barham Park Trust Committee report (10 September 24): Redevelopment Options</p> <p>Appendix 2b: Appendix 2 Barham Park Trust Committee report (10 September 24): Strategic Property Review timeline</p> <p>Appendix 3: Report to Barham Park Trust Committee (10 September 24) – Operational Property Matters relating to Barham Park</p> <p>Appendix 3a: Appendix 1 Barham Park Trust Committee report (10 September 24): Works and Cost Summary.</p> <p>Appendix 3b: Appendix 2 Barham Park Trust Committee report (10 September 24): Tenancy map.</p> <p>Appendix 4: Call-In Protocol</p>
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	James Kinsella, Governance & Scrutiny Manager Tel: 020 8937 2063 Email: <a href="mailto:james.kinsella@brent.gov.uk">james.kinsella@brent.gov.uk</a>

## **1.0 Executive Summary**

1.1 Decisions relating to the following reports considered by the Barham Park Trust Committee (which has been established as a Cabinet Committee) at its last meeting on 10 September 2024 have been called-in for consideration by the Resources and Public Realm Scrutiny Committee, in accordance with Standing Order 14:

(a) Strategic Property Matters relating to Barham Park; and following on from this report

(b) Operational Property Matters relating to Barham Park

1.2 The call-in has been accepted as valid and now therefore needs to be considered by the relevant Scrutiny Committee (in this case Resources & Public Realm) with this report containing details of the decisions which have been called-in for review, reasons and alternative action being sought under the call-in and procedure for dealing with the call-in.

## **2.0 Recommendation(s)**

2.1 That the Committee considers the call-in and agrees to one of the following outcomes:

2.1.1 The Committee does not wish to refer the matters back to the decision maker or to Council, at which point the decision is deemed to be confirmed and takes effect immediately following the meeting; or

2.1.2 The Committee decides to ask the Barham Park Trust Committee to reconsider the decisions made, in light of any observations of the Committee; or

2.1.3 Having had regard to the advice of the Corporate Director of Law and Governance or Corporate Director of Finance & Resources, the Committee considers the decision is contrary to the Council's Budget or Policy Framework, at which point it refers the matter to the next practicable meeting of the Council, subject to the provisions of Standing Orders.

## **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 on behalf of the Trust through the Barham Park Trust Committee, which has been established as a Committee of the Council's Cabinet.

## **Background**

3.2 At their last meeting on 10 September 2024, the Barham Park Trust Committee considered two connected reports relating to the following matters:

(a) Strategic Property Matters relating to Barham Park, and following on from this report

(b) Operational Property Matters relating to Barham Park

3.3 The report on Strategic Property Matters considered the strategic options available for addressing current challenges identified in relation to management and operation of the Barham Park Estate in order to enhance delivery of the Trust's charitable purposes. Following the decisions in relation to the Strategic Update, a report was then considered which dealt with a number of more detailed Operational Property matters related to the management of the Estate building and tenancies.

3.4 The decisions taken by the Trust Committee in relation to each report were as follows:

3.4.1 Strategic Property Matters relating to Barham Park

### **RESOLVED:**

(1) *In relation to the Strategic Property Review options outlined within the report, to adopt development option 1 (bronze) with redevelopment and strategic investment beginning in 2031.*

(2) *To authorise officers to develop proposals for expanding the Trust's charitable purposes to be submitted for approval to the Charity Commission to allow broader uses of the buildings and bring a report on the proposals to a future Trust Committee meeting.*

3.4.2 Operational Property Matters relating to Barham Park

### **RESOLVED to:**

(1) *Delegate day-to-day Trustee functions and decision-making authority to the Director of Property and Assets, replacing the Director, Public Realm (formerly the Operational Director for Environmental Services, as detailed within paragraph 3.4 of the report.*

(2) *Authorise the Director of Property and Assets to renew the expired leases for Units 1, 2, and 8 and regularise any associated subtenancies, as outlined in paragraph 3.7 of the report.*

- (3) *Authorise the Director of Property and Assets to let Unit 7 for meanwhile use as outlined in paragraph 3.8 of the report.*
- (4) *To approve the use of restricted funds, under existing Charity Commission permissions, to carry out essential repairs (year one) identified in the Watts analysis, valued at £269k plus professional fees, ensuring the building remains safe and compliant, as detailed within paragraphs 3.20 to 3.26 of the report.*
- (5) *Note that the Director of Property and Assets will implement service charges for all tenants under their lease terms, starting from the 2025-26 fiscal year, as detailed in paragraph 3.9 of the report.*
- (6) *Note that the Director of Property and Assets will continue negotiations with Zenaster Properties Ltd for the potential amendment to the restrictive covenant at 776 and 778 Harrow Road, as outlined in paragraph 3.12 of the report.*
- (7) *Note that the Director of Property and Assets will finalise terms, submit necessary applications to the Charity Commission, address any related issues, and, if required by the Charity Commission under Section 283 of the Charities Act 2011, provide public notice of this resolution.*
- (8) *Note that the Director of Property and Assets will seek to agree on repayment plans with tenants in arrears, which may include re-gearing leases to ensure sustainability. If an agreement cannot be reached or a default occurs, leases may be terminated for breach, as detailed within paragraph 3.10 of the report.*
- (9) *Authorise the Director of Property and Assets to seek the consent of the Charity Commission where required to fulfil the recommendations in this report.*

3.5 With the exception of resolutions (4), (7) and (9) under the Operational Property report, the above decisions have subsequently been called-in by five members of the Council (comprised of members from two different political groups), with details of the call-in attached as Appendix 1 to this report.

3.6 The reports on which the called-in decisions are based have been attached as Appendices 2 and 3 to this report.

3.7 The procedure for dealing with the call-in and the conduct of the Scrutiny Committee meeting is attached at Appendix 4 of this report.

#### **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 decisions have been detailed within the report to the Barham Park Trust Committee (attached as Appendices 2 and 3) which formed the basis of the original decisions 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 4 of the report with the legal considerations relating to the called-in decisions having been detailed in the report to the Barham Park Trust Committee (attached as Appendices 2 and 3 of this report) which formed the basis of the original decision made.

## **7.0 Equity, 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 Law & Governance