



Resources and Public Realm Scrutiny Committee

3 April 2025

Report from the Director of Law

Call-in: Barham Park Trust Committee decision on Operational Property matters and Restrictive Covenant 776- 778 Harrow Road

Wards Affected:	Wembley Central
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt: Appendices 1 & 5 within the report to the Barham Park Trust Committee (24 February 25) are not for publication as they contain the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)".
List of Appendices:	Four: Appendix 1: Call-In Form Appendix 2: Report to Barham Park Trust Committee (24 February 25) – Operational Property Matters & 776-778 Harrow Road Restrictive Covenant(s) update Appendix 2a: Appendix 1 (exempt) Barham Park Trust Committee report (24 February 25): Designated Advisers Report Appendix 2b: Appendix 2 Barham Park Trust Committee report (24 February 25): 776-778 Transfer Documents Appendix 2c: Appendix 3 Barham Park Trust Committee report (24 February 25): (24 February 25) – Planning Committee report Appendix 2d: Appendix 4 Barham Park Trust Committee report (24 February 25): Planning decision notice Appendix 2e: Appendix 5 (exempt) Barham Park Trust Committee report (24 February 25): Heads of Terms.

	Appendix 3: Call-In Protocol
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	James Kinsella, Governance & Scrutiny Manager Tel: 020 8937 2063 Email: james.kinsella@brent.gov.uk

1.0 Executive Summary

1.1 This report presents details on a call-in which has been received, under Standing Order 14, relating to decisions made at the Barham Park Trust Committee (which has been established as a Cabinet Committee) on 24 February 2025 on the following item:

- (a) Operational Property Matters & 776-778 Harrow Road Restrictive Covenant(s) update

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 providing details on the decisions which have been called-in for review, reasons and alternative action being sought as a result 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 the Barham Park Trust Committee, at which point the decision is deemed to be confirmed and takes effect immediately following the call-in 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 Director of Law 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 24 February 2025, the Barham Park Trust Committee considered a report providing updates in relation to various operational property matters relating to Barham Park as well as the restrictive covenants on 776-778 Harrow Road.

3.3 The decisions taken by the Trust Committee were as follows:

RESOLVED having acknowledged the written representation received from a local resident prior to the Trust Committee meeting and noted the exempt information contained within the appendices of the report to:

- (1) *Approve the modification of the restrictive covenants at 776 and 778 Harrow Road, as detailed in paragraphs 3.8-3.11 of the report and delegate authority to the Director of Property and Assets to execute a deed with Zenaster Properties Ltd for the agreed sum of £200,000, subject to (2) below.*
- (2) *Approve seeking Charity Commission consideration of the Qualified Surveyor's Report (included as an exempt appendix to the report) and authorisation under Section 105 of the Charities Act to modify or discharge the covenants.*
- (3) *Approve an increase in the allocated funding for Year 1 works from £268,950 plus professional fees to £352,221 to account for VAT and seek Charity Commission approval to utilise restricted funds.*
- (4) *Authorise the Director of Property and Assets to negotiate and finalise the lease re-gear for Unit 6 with ACAVA.*

3.4 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.

3.5 The report and supporting appendices on which the called-in decision was based have been attached as Appendix 2 this report.

3.6 The procedure for dealing with the call-in and the conduct of the Scrutiny Committee meeting is attached at Appendix 3 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 Appendix 2) 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 3 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 Appendix 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 Equity, 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:

Marsha Henry
Director of Law