



**Barham Park Trust Committee
Meeting**
9 September 2025

Operational and Strategic Update Relating to Barham Park Estate HA0 2HB

Wards Affected:	Wembley Central
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1 Schedule 12A of 1972 Local Government Act)	Part Exempt — Appendix 1: is exempt as it contains 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)”
No. of Appendices	One Appendix 1: Lease valuations and new rents (exempt)
Background papers:	None
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1.0 Executive Summary

- 1.1 This report provides an update on the operational and strategic property matters related to the Barham Park Estate. It includes progress on lease renewals, arrears management, and building works; updates on 776 and 778 Harrow Road; and outlines the current financial position of the Trust. It also details the ongoing strategic tenant engagement process in support of future redevelopment and the proposed expansion of the estate's charitable purposes.

- 1.2 The report further provides an update on the application made to the Charity Commission under Section 105 of the Charities Act 2011 regarding the use of restricted funds for building works and concerning 776 and 778 Harrow Road.

2.0 **Recommendations:**

- 2.1 That the Barham Park Trust Committee notes the operational and strategic updates within the report.

3.0 **Detail**

Operational Updates

3.1 **Lease Renewals and Lettings**

- 3.2 Since the last meeting of the Trust Committee, there has been good progress in regularising tenancy arrangements across the Barham Park Estate, aligning with both operational requirements and the Trust's long-term strategic objectives. The Trust Committee of 10 September 2024 provided delegated authority to the Director of Property and Assets to renew the expired leases of units 1, 2, and 8 and let unit 7 for meanwhile use. The Trust Committee report of 24 February 2025 provided an update on the Council's plans to vacate from unit 8 and for the unit to be marketed and relet.
- 3.3 Lease renewal for Unit 1, occupied by Tamu Samaj UK, has completed. The lease renewal for Unit 2, occupied by the Veterans' Club, is at an advanced stage. Both leases are for a five-year term and include phased rent increases. Rents have increased, reflecting the historically low starting points and the Trust's duty to optimise income from its assets. These increases have been informed by independent professional valuation advice and structured to align with the Trust's strategic priorities, ensuring leases are set on a more sustainable path toward greater consistency with prevailing rental values, while remaining appropriate to the charitable use of the estate. See confidential Appendix 1 which sets out the valuations and new rents.
- 3.4 In relation to Unit 8, the Council formally yielded up the property with vacant possession at the end of April 2025 and will pay rent to the Trust up to that date. Following a marketing exercise, the unit has been allocated to a new community-focused tenant, EchoVibe Hub, subject to a lease agreement. The new lease is substantially in an agreed form. The letting has been structured to reflect market-aligned terms while supporting the Trust's broader charitable objectives.
- 3.5 Once the lease renewals and new lettings are completed, including the re-letting of vacant Unit 8, the Trust's annual rental income is expected to increase by £17,820, reaching a total of £87,991 in the short term. An additional £2,250 is anticipated from scheduled rent uplifts for units 1 and 2, bringing the total to £90,241 per annum in the long term. This projected increase will help strengthen the Trust's financial position, support ongoing maintenance, and contribute to the achievement of its strategic objectives.

- 3.6 Heads of terms have been agreed with the Friends of Barham Library for the temporary occupation of vacant Unit 7. This arrangement would provide the Trust with short-term income while preserving flexibility for future redevelopment. Following this agreement, the prospective tenant has expressed interest in making external alterations, i.e., a new front entrance to improve accessibility. These proposals were not included in the original terms and may have implications for planning, heritage, and future redevelopment, and will therefore require careful consideration. In line with the Equality Act 2010, the Trust must consider reasonable adjustments to improve accessibility, taking into account cost, practicality, and overall impact. Officers have agreed to consider the proposals in principle, subject to submission of full architectural drawings, supporting statements, and any required consents. Final approval will rest with the Director of Property and Assets, ensuring alignment with the Trust's legal obligations, charitable objectives, and strategic plans for the estate.
- 3.7 In each case, the terms of renewals or new lettings ensure that the occupation of units remains consistent with the Trust's strategic priorities for long-term redevelopment in 2032 and long-term sustainability.
- 3.8 **Rent arrears and lease management**
- 3.9 Arrears across the estate have continued to decline, with outstanding debt from an existing tenant falling from £51,800 in March 2024 to £22,577 in March 2025, and further to £14,384 as at the date of this report, in respect to just one quarter's rent. This progress is encouraging and reflects positive engagement from the tenant following earlier financial difficulties related to the pandemic. Although the repayment plan aimed at clearing all arrears by March 2025 was only partially met, the tenant has remained in regular contact with Officers and continues to work towards full repayment. Officers consider it to be in the Trust's best interest to maintain this constructive approach, given the ongoing progress. However, the Trust reserves the right to take legal action, including forfeiture, under the lease terms, if necessary, as a last resort.
- 3.10 The proposed re-gear of ACAVA's lease to release Unit 6 from their demise has not yet advanced and discussions are ongoing.
- 3.11 Virgin Media, which vacated the premises, remains subject to ongoing legal proceedings for the recovery of outstanding arrears totalling £3,520.
- 3.12 There are currently no outstanding rent reviews. All scheduled reviews under the lease provisions were completed by mid-2024, resulting in a total annual rent increase of £15,671. The next cycle of rent reviews is expected in approximately five years, aligning with the expiry of leases – subject to redevelopment plans.
- 3.13 **Year one building works (pre-planned maintenance programme)**
- 3.14 The scope of required urgent works is based on the Watts report and OCR Surveying Ltd's site-specific recommendations. Planned improvements include

priority roof repairs to make the building weather-tight, render repairs, selective window replacements, external redecorations, and façade enhancements to both the park-facing and Harrow Road elevations. The project is expected to take approximately 10–12 weeks from start-on-site.

- 3.15 The works will be funded from the Trust's restricted funds (inclusive of VAT and professional fees). This figure represents an increase from the initial estimate of £268,950, primarily due to VAT obligations that the Trust cannot recover. The budget breakdown is as follows:

- £266,834 for refurbishment works
- £26,683 for professional fees
- £58,704 VAT allowance (20%)

As a result, the Trust's restricted reserves will be almost fully committed.

- 3.16 The Trust Committee should note that an application was submitted to the Charity Commission seeking approval to use £352,221 from restricted funds to deliver the year one building works. The Charity Commission has recently confirmed its approval to use restricted funds for this purpose.

- 3.17 A competitive tender was issued in May 2025 via the Pagabo Framework, by OCR Surveying Ltd (OCR), the Trust's appointed property consultant. The tender sought to appoint a contractor to deliver the Year 1 building works, with a submission deadline of 25 June 2025. Three bids were received; however, all exceeded the available budget. OCR is currently in dialogue with the bidders to explore opportunities for value engineering and scope adjustments to bring the project within budget. Once these revisions are finalised, the Director of Property and Assets will proceed to award the contract under delegated authority.

3.18 **Parks**

- 3.19 Essential tree maintenance works valued at £18,055 + VAT have now been commissioned following a competitive procurement process. These will be funded through unrestricted funds and are necessary due to storm damage identified in the 2024 Tree Survey.

- 3.20 Drainage on the events field remains a concern. The results of ongoing vertical drainage works being carried out by the grounds maintenance team are expected later this year and will inform future actions. The event field is also inspected before and after each funfair event.

- 3.21 The funfair is scheduled to take place on two occasions this year, with the total number of operational days (including set-up and de-rig) likely to exceed the 28-day threshold permitted for temporary uses under Permitted Development Rights. Normally, exceeding this threshold would require formal planning permission. However, the organisers, George Irvin's Funfair, contend that the long-standing nature of the event, having taken place on a similar basis for over ten consecutive years, establishes a lawful use that does not require further

planning consent. Officers are currently reviewing the planning position in consultation with colleagues in the Planning Service to determine whether the continued operation of the funfair requires a certificate of lawfulness or retrospective planning permission.

- 3.22 Expected revenue from the funfair this year is approximately £42,313 from two events over 34 operational days.

3.23 **Health and Safety and Compliance**

- 3.24 The Trust continues to work towards maintaining statutory compliance across all units and Officers are continuing to work with tenants to ensure all required safety documentation is in place and up to date, including asbestos, fire, gas, electrical and legionella risk assessments. Under the leases the tenants are responsible for complying with all health and safety laws relating to the property and occupation/use. EPC ratings have been updated, with all units achieving between C and D. An asbestos survey has been carried out of the whole building that made recommendations for very low/low risks asbestos control and management, which the Council will implement in due course.

3.25 **Finance update**

- 3.26 The Trust's financial position as at March 2025 is as follows:

- Unrestricted funds: £342,228, with a current liability of £16,034 (invoices due for surveying and professional fees not yet paid).
- Restricted funds: £369,978, before the anticipated commitment of £352,221 for year one building works.
- Lettings income: Currently £70,171 per annum, with projected increases as follows:
 - +£3,220 p.a. from lease renewals (Units 1 and 2)
 - +£14,600 p.a. from new lettings (Units 7 and 8)
 - +£2,250 term uplift (Units 1 and 2)
 - Total projected income: £87,991 p.a. once lease renewals and new leases are in place, gradually rising to £90,241 p.a from uplift.
- Funfair income: Forecast at £42,313 for 2025/26.
- Significant expenditure: The year one building works, valued at £352,221, will be funded from restricted reserves, with Charity Commission approval.

- 3.27 A new bank account/s (interest-bearing and non-interest-bearing accounts) for the Trust have been successfully established. Given the imminent drawdown for building repairs, restricted funds will be significantly reduced. Officers are also exploring alternative funding mechanisms for future capital works, including service charges and grant funding where possible.

- 3.28 While the additional income of £17,820 - £20,070 per year from lease renewals and new lettings is welcome and provides some financial relief, the Trust's reserves will be significantly depleted after completing the year one building works. The Watts Building Survey identified £695,050 of necessary repairs over the next 10 years, including the current works. Without new income streams to replenish restricted funds, the Trust will face increasing challenges in maintaining the building in a safe and serviceable condition. It is therefore vital that the Trust continues to advance its redevelopment plans to diversify income and achieve the long-term financial stability required to fulfil its charitable objectives.
- 3.29 Service charges, although outlined in existing lease agreements, have not historically been applied. These are now scheduled to start from 2025/26, following completion of the first year of essential building works. This timing ensures tenants contribute only after tangible improvements have been delivered, aligning charges with visible investment in the estate. Officers are currently preparing a service charge budget based on projected ongoing maintenance costs. Charges will be allocated in line with each lease's provisions. This phased and transparent approach supports the Trust's financial responsibilities while remaining fair to tenants, and forms part of a broader strategy to improve long-term estate management and sustainability.

3.30 **Strategic matters**

776 and 778 Restrictive Covenant modifications

- 3.31 In respect of 776 and 778 Harrow Road, following approval by the Trust Committee in February 2025 an application was submitted to the Charity Commission seeking consent to modify or remove the covenants in exchange for a one-off payment of £200,000 to the Trust. As at the date of this report, a decision from the Charity Commission remains pending.
- 3.32 Subject to a decision from the Charity Commission, Officers will then be able to advise on related matters such as the boundary correction, the type of development coming forward and the value of the transaction.

3.33 **Proposed Redevelopment and Charitable Purpose Expansion:**

- 3.34 Work is ongoing to develop the long-term plan for Barham Park, in line with the 'bronze option' approved by the Trust Committee in 2024. Officers are close to completing Phase 1 of the tenant engagement process, which involved sending questionnaires to all tenants to gather feedback on current use and future aspirations. Responses have been received from Tamu Samaj (Unit 1), the Veterans Club (Unit 2), and ACAVA (Units 3, 5, 6, 9 and 10). A response from the Friends of Barham Library is still awaited; if none is received within 14 days, their input will be recorded as a nil return to enable work on Phase 2 to progress.
- 3.35 Phase 2, which will involve formal consultation on redevelopment proposals, is scheduled to begin in 2026. This timeline allows for careful planning and analysis of Phase 1 feedback. The outcomes of both phases will inform a

business case to be submitted to the Charity Commission, seeking approval to broaden the Trust's charitable purposes. This approval is a critical step toward enabling limited commercial use of the estate, key to supporting the Trust's long-term financial sustainability and delivering on its charitable aims. Officers are currently exploring funding options, including the potential use of Strategic Community Infrastructure Levy (SCIL), to support the proposed redevelopment. This includes assessing the types of proposals that could be developed to secure and ring fence funding for future implementation.

3.36 Approach to Strategic Property Management

3.37 As part of good estate management, officers will review the Council's Property Strategy to identify best practice approaches that may be applicable to the Trust. This review will be considered alongside the outcomes of ongoing tenant engagement and consultation, ensuring that any recommendations are grounded in both operational realities and strategic priorities. A further update will be presented to the Trust Committee once the review and wider engagement process are complete.

3.38 Officers have received a tentative approach from advisers to a water company, for the temporary siting of a works compound at Barham Park to facilitate works to water infrastructure on the Harrow Road. The proposal is for a period of five months from October 2025. Currently, the applicant would like to place the compound in proximity to the entrance to the park near to Copland Avenue. At this stage Officers are awaiting more details of the proposed location and of the size of the compound. If it were to proceed, and subject to a license and fees, Officers would seek to ensure that access is maintained for park visitors and for the park's grounds maintenance contractor. Full reinstatement following the works will be expected by the licensee.

4.0 Financial Considerations

4.1 The Trustees of Barham Park Trust have a fiduciary duty to ensure the Trust's long-term financial stability. When acting as Trustees, they must prioritise the Trust's financial interests over those of the Council.

4.2 The report details the Trust's challenging financial position and the need to generate more income.

4.3 The Trust is limited in its ability to recover VAT. It can only recover VAT on its non-business activities, and not on its business activities. Operating the park for the public's benefit is a non-business activity, so the Trust can recover VAT paid for tree maintenance. The Trust charges for renting out the building, which is a business activity. Therefore, the Trust cannot recover VAT on building maintenance. The Trust needs to budget for the total cost of the work on its building, including VAT.

5.0 Legal Considerations

- 5.1 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 occasionally think proper”. It was registered with the Charity Commission in June 1963 and is regulated by that body.
- 5.2 Section 5 of the Charities 2011 Act states that it is charitable to “provide or assist in providing facilities for recreation or other leisure time occupation if the facilities are provided for social welfare”. This section of the Act has been complied with.
- 5.3 The restrictions on disposal under the Charities Act 2011 state that if disposition involve the grant of a lease for less than seven years the duty is to obtain and consider advice that the terms of the disposition are the best that can reasonably be obtained. The confidential Appendix 1 sets out the factors considered.

6.0 Equity Diversity and Inclusion Considerations

- 6.1 Any proposals that come forward in due course must be assessed in compliance with the Trust’s equality duties. The recommendations in this report have been carefully reviewed and are confirmed to have no adverse impacts on equality, diversity and inclusion.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Officers meet regularly with Trust Committee Members and Ward Members.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 These have been highlighted in the main body of the report.

9.0 Climate Change and Environmental Considerations

- 9.1 None other than those identified within the main report.

10.0 Communication Considerations

- 10.1 None other than those identified within the main report.

Report sign off:

Tanveer Ghani

Director of Property and Assets