Brent	**Barham Park Trust Committee Meeting** 8 September 2026

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

Wards Affected:	Wembley Central
Key or Non-Key Decision:	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	Three Appendix 1: (Exempt) Rents & Service Charges. Appendix 2: Unit 7 Indicative Plans. Appendix 3: Tenant Pre-consultation Feedback.
Background papers:	None
Contact Officer(s):	Denish Patel, Head of Property 020 8937 2529 Denish.Patel@brent.gov.uk Karim Pabani, Interim Director of Property and Assets 020 8937 1764 Karim Pabani@brent.gov.uk

1.0 Executive Summary

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

1.2 The report further provides an update on engagement with the Charity Commission in relation to the restrictive covenants affecting 776 and 778

Harrow Road, together with an update on the use of restricted funds for building works.

2.0 **Recommendations:**

That the Barham Park Trust Committee:

2.1 Notes the operational and strategic updates within the report.

2.2 Approves formal consultation on the 2031 redevelopment vision, with a view to seeking the Charity Commission's approval to broaden the permitted use of the Trust's buildings to enhance the Trust's long-term financial sustainability.

2.3 Approves an application for planning permission or a certificate of lawfulness, as appropriate, for annual events in the Park.

2.4 Approves the variation or discharge of the restrictive covenants at 776 and 778 Harrow Road in relation to the development approved under planning permission 26/0196, subject to obtaining up-to-date advice from an independent designated adviser, agreement of appropriate financial and other terms in the best interests of the Trust, and compliance with any Charity Commission and other statutory requirements that may apply.

2.5 Delegates authority to the Interim Director of Property and Assets, in consultation with the Chair of the Barham Park Trust Committee and the Council’s legal advisers, to agree the final terms of any variation or discharge and to take all necessary steps to implement the decision, provided that the terms are consistent with the independent advice obtained and are considered to be in the best interests of the Trust.

2.6 Approves the use of the unspent balance of the restricted funds allocated to the Phase 1 works to replace the remaining dilapidated windows across the Estate that were not included in Phase 1.

3.0 Detail

Operational Updates

3.1 **Lease Renewals and Lettings**

There are 10 units in total across the Estate as follows:

Unit	Occupier	Lease start/renewal Date	Lease end	Rent reviews	Total rent	Total service charge
1	Tamu Samaj	11/07/2025	01/04/2030	Reviewed at renewal	Appendix 1	Appendix 1
2	Veterans Hall	23/03/2026	05/10/2031	Reviewed at renewal	Appendix 1	Appendix 1
3,5,6,9,10	ACAVA	16/09/2014	15/09/2029	N/A	Appendix 1	Appendix 1
4	Friends of Barham Library	07/10/2016	07/10/2031	07/10/2026	Appendix 1	Appendix 1
7	HoTs agreed with FOBL	Pending	05/10/2031	N/A	Appendix 1	Appendix 1
8	EchoVibe Hub Ltd	17/09/2025	05/10/2031	Reviewed at renewal	Appendix 1	Appendix 1

The total service charge for 26/27 has been estimated at £10,206 and will be apportioned on the basis of the leases, commencing in Quarter 2 on a pro-rata basis.

3.2 **Update on Unit 7, planning and works:** Following a successful bid for Unit 7, the Friends of Barham Library (FOBL) are in discussions with the Barham Park Trust regarding a lease and proposals to refurbish and reconfigure the building to improve disabled access. The proposed plans are shown in Appendix 2. Planning permission was granted in August 2026 under reference 26/1224 for the conversion of the ground-floor storage unit (Use Class B8) to Community Use Space (Use Class F2), replacement of the ground-floor front window with a door, infilling of rear window openings and the addition of a new door to the rear elevation. The proposals include converting the Tack Room into habitable accommodation and creating a new entrance from Harrow Road to improve disabled access.

3.3 An NCIL allocation of £150,000 has been confirmed for the scheme, part of which has been released to FOBL. Officers are reviewing the overall NCIL funding position and any further allocations that may have been proposed or approved. The estimated cost of the works has subsequently increased, and FOBL has requested an additional £70,000 of NCIL funding to reflect increased building materials and labour costs. Any further release of the existing allocation, together with any additional funding request, will be subject to review, taking account of value for money, the scope and deliverability of the proposed works, the Estate's longer-term plans and the 2031 vision, and the Council's relevant funding and governance requirements.

3.4 **Unit 8:** The Council formally handed over the property with vacant possession at the end of April 2025 and has paid 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, in line with the Trust's charitable objectives, under an approximately 6-year contracted-out lease. The letting has been structured to reflect market-aligned terms while supporting the Trust’s broader charitable objectives.

3.5 All rent reviews have been completed and reported on in the Sept 2025 Committee Report. One rent review is due in October 2026, relating to Friends of the Barham Library. Officers will ensure that this is carried out in a timely manner once the necessary CPI information is available for that date. All tenants are liable to pay rents on time, and legal action can be taken to recover arrears if this does not take place.

3.6 The licence renewal for the Irvin Organisation Ltd (FunFair) is currently being negotiated. Officers are also working with the planning department on behalf of the Trust to ensure the necessary approvals are in place for all temporary events.

3.7 **Rent Reviews and Lease management**

3.8 Arrears across the estate have continued to decline, with outstanding debt from an existing tenant falling from £19,327 in March 2025 to £14,267 in March 2026. The outstanding balance as of March 2026 was fully recovered soon after the year-end. Officers consider it in the Trust’s best interest to maintain a constructive approach with tenants regarding debt, 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.

3.9 The proposed re-gear of ACAVA's lease to release Unit 6 from ACAVA's demise has not yet progressed and remains subject to further discussions with Officers.

3.10 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 due in October for FOBL, and in approximately 2031 for the remaining tenants, aligning with the expiry of the new leases, which remain subject to redevelopment plans.

3.11 **Virgin Media litigation**

3.12 Virgin Media, which vacated the premises, remains subject to ongoing legal proceedings to recover outstanding arrears totalling £3,250. The matter concerns the status of the lease and related liabilities, including utilities, following earlier correspondence about terminating the arrangement. Officers are taking appropriate legal steps to protect the Trust’s interests and ensure any outstanding obligations are properly addressed. Given the sensitivity of live legal proceedings, this public report does not include further detail.

3.13 **Year one building works (pre-planned maintenance programme)**

3.14 **Phase 1 building works and Phase 2 future proposals**

Phase 1 works have now been substantially completed. These works addressed priority external fabric and maintenance issues, including window and door replacements, roof and rainwater goods repairs, masonry and render repairs, external decoration, drainage works, and selected courtyard improvements. The approved Phase 1 budget was £352,221, to be funded from the Trust's restricted funds and inclusive of VAT and professional fees.

The Phase 1 works have been delivered within the budget previously agreed by the Trust Committee, with a slight underspend.

Costs are as follows:

- Contract sum/final account: £227,735.82
- Building surveying fees: £17,481.75
- Structural engineering fees: £950
- Asbestos survey: £385
- Building control fees: £1,790

Total: £248,342.57 + VAT

£298,011.08 incl VAT

3.15 This is expected to leave a balance of approximately £54,000, inclusive of VAT, from the approved allocation, which can be carried forward to support priority Phase 2 items (remaining window replacement), subject to budget confirmation and approval.

3.16 A potential Phase 2 works programme is being developed to address additional building-condition priorities across the Estate. The anticipated scope may include further window replacements, entrance-door works, flat-roof renewal, additional masonry repairs, utilities tracing, electrical separation works, a fire compartmentation review, and internal repairs where damp, rot or damage has been identified. O.C. Builders have been instructed to review the electrical metering arrangements across all Barham Park units, establish the current configuration, and identify any improvements required to clarify responsibility for electricity consumption and associated costs under the respective leases.

3.17 The Phase 2 works proposals remain subject to confirmation of budget availability, further design development, updated cost estimates, and any required procurement or governance approvals. Officers will bring forward a further report or update once the funding position has been confirmed and a deliverable programme can be recommended to the Trust Committee. Subject to budget confirmation, the indicative programme would be developed to minimise disruption to occupiers and ensure that priority health, safety, fabric and compliance matters are addressed in a planned and coordinated manner.

3.18 **Parks**

3.19 Essential tree maintenance works, valued at £18,055 + VAT, have now been completed. These were funded from unrestricted funds and were necessary due to storm damage identified in the 2024 Tree Survey.

3.20 Drainage on the event field remains a concern. The results of the ongoing vertical drainage works carried out by the grounds maintenance team are expected later this year and will inform future action. The event field is also inspected before and after each funfair event, with repairs carried out where required. Officers are also considering an alternative drainage remedy for the flooding issues, which involves seaweed-based soil treatment to increase water absorption and slow the release of water following heavy rains. This may help resolve an issue with the current drainage proposals, which cannot be moved forward because traditional drainage pipes may be affected by event/marquee posts.

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) potentially exceeding the 28-day threshold permitted for temporary uses under Permitted Development Rights. Normally, exceeding this threshold would require formal planning permission. However, the organisers, The Irvin Organisation Ltd, contend that the event’s long-standing nature, having taken place on a similar basis for over ten consecutive years, establishes a lawful use that does not require further planning consent.

3.22 Officers are reviewing the planning position, in consultation with colleagues in the Planning Service, to determine whether the continued operation of park events requires a certificate of lawfulness or retrospective planning permission. If planning permission is required, Officers will submit a planning application on the Trust's behalf. The Trust is to note that the planning requirement relates to the cumulative use of the space by any event organisers.

3.23 Expected revenue from the funfair this year (FY 2026/27) is approximately £31,000 in total, generated from 2 events over approximately 28 operational days.

3.24 The current 5-year licence for the funfair held by the Irvin Organisation Ltd will expire in January 2027, and a new licence is being negotiated.

3.25 Barham Park hosted a number of community events during the 2025-26 year, including a weekly walking for health group. The role of community organisations and volunteers in the life of Barham Park and in organising many activities is acknowledged. The park hosts, in addition to the funfairs, cultural and other events during the year, with the larger events agreed with the Borough’s Safety Advisory Group.

3.26 The park features include a Walled Garden, which received a Silver Gilt award in the London in Bloom 2025 awards. Other themed gardens include the Queen Elizabeth II Jubilee Garden, where additional planting was established during the year; this project was funded by NCIL (Neighbourhood Community Infrastructure Levy) grants from Brent Council. Barham Park hosted the Borough Remembrance Day event in November 2025.

3.27 **Health and Safety and Compliance**

3.28 All required EPCs have been completed and are rated D or above. Asbestos reports have been carried out, and asbestos management is being followed up by Eton Environmental Services. OCS contractors carry out fire alarm testing on the first Monday of every month.

3.29 **Finance update**

3.30 The Trust's financial position as of March 2026 is as follows:

- Unrestricted funds: £378,808, with a current liability of £4,822 (Incl. VAT) (invoices due but not yet paid).

- Restricted funds: £378,254, with a current liability of £164,185 (incl. VAT), before the anticipated commitment of £92,000 (excl. VAT) and retention for year-one building works. While a portion of the bank interest income is added to the restricted funds each financial year, the restricted funds will be significantly depleted following Phase 1 expenditure.

- Lettings income: £84,769.

- Funfair income: £41,081.

- Significant expenditure: Phase 1 building works are now complete, and Phase 2 building works need to be assessed and will be subject to budget availability.

3.31 The Trust's reserves will be significantly depleted after the completion of 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 growing 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.

3.32 Service charges, although outlined in existing lease agreements, have not historically been applied. They are now scheduled to be billed from September 2026, following completion of Phase 1 of the essential building works. This timing ensures tenants contribute only after tangible improvements have been delivered, aligning charges with visible investment in the estate. Charges have been allocated in line with each lease's provisions. This phased, 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.

3.33 **Strategic matters**

<u>776 and 778 Restrictive Covenant modifications</u>

3.34 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 in relation to the proposed modification of the restrictive covenants in exchange for a one-off payment of £200,000 to the Trust. The Charity Commission responded on 10 November 2025 requesting further information before determining the application. Since that application was submitted, the owner of 776 and 778 Harrow Road has withdrawn the original redevelopment proposal.

3.35 The owner (Zenastar Properties Ltd) sought new planning permission for "*erection of an additional floor with projecting gables, alterations to fenestration, two-storey side extensions, two-storey rear extension, installation of cladding to all elevations, 2x rooflights & solar panels on the roof, associated hard & soft landscaping, new boundary treatment, refuse storage to dwellinghouses at No. 776 & No. 778 Harrow Road*" under planning reference 26/0196, which was approved in July 2026. Under the restrictive covenants affecting 776 and 778 Harrow Road, the proposed development requires the Trust's permission and compliance with any Charity Commission and other statutory requirements that may apply. The owner has requested permission, and Officers will obtain independent designated adviser advice on value and liaise with the Charity Commission as appropriate to inform the Trust's decision and any Heads of Terms.

3.36 The Barham Park Trust bore the cost of the initial valuation. This is standard practice in market transactions, with parties seeking their own independent, confidential advice, whether or not the transaction proceeds. However, given the abortive cost of the first proposal and the Trust's limited funds, it is proposed that any subsequent valuation in respect of this land be at the owner's expense, with the Trust's reasonable costs covered by the owner.

3.37 In considering any modification or discharge of the restrictive covenants in relation to the revised proposal, the Trust will follow relevant Charity Commission guidance and comply with any applicable statutory requirements. This will include obtaining up-to-date independent advice from a designated adviser on the financial value and implications of any proposed variation, and liaising with the Charity Commission to obtain any authority or approval that may be required.

3.38 **Proposed Redevelopment and Expansion of Permitted Uses**

3.39 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 have completed Phase 1 of the tenant engagement process, which involved sending questionnaires to all tenants to gather feedback on current use and future aspirations. Responses were received from Tamu Samaj (Unit 1), the Veterans

Club (Unit 2), ACAVA (Units 3, 5, 6, 9 and 10), and the Friends of Barham Library. Tenants consistently described the Barham Park Estate as a valuable and well-used community asset, delivering significant social benefit and supporting the Trust's charitable objectives. However, concerns were raised about building condition, reactive maintenance, energy efficiency and management arrangements. While most tenants considered their premises fit for purpose, this is often depended on investment and improvements made by the tenants themselves. Appendix 3 summarises the pre-consultation feedback, received prior to completion of the Phase 1 works.

3.40 Formal consultation on the redevelopment proposals and the 2031 vision is scheduled to begin in mid-2027. This will allow time to consider the pre-consultation feedback, the impact of the completed Phase 1 works, the further works required to maintain the Estate, and the Trust's increasingly challenging financial position. The outcomes of the pre-consultation and formal consultation will inform the development of a business case for submission to the Charity Commission, seeking any approval required to broaden the permitted uses of the Trust's buildings to include limited commercial use. This would support the diversification of income and the Trust's long-term financial sustainability while enabling it to continue delivering its charitable objectives. Officers are also exploring potential funding sources, including the Strategic Community Infrastructure Levy (SCIL), to support future redevelopment and are considering how appropriate proposals could be developed to secure and ring-fence funding for implementation.

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 recover VAT only on its non-business activities, 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 Act 2011 provides 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 provide that where a proposed disposition involves the grant of a lease for a term ending not more than seven years after it is granted, the trustees must obtain and consider appropriate advice and be satisfied that the terms are the best that can reasonably be obtained for the charity.

6.0 Equity Diversity and Inclusion Considerations

6.1 Any proposals that come forward in due course must be assessed in accordance with the Trust’s equality duties. The recommendations in this report have been carefully reviewed and confirmed to have no adverse impact on equality, diversity and inclusion. The proposals to improve access to Unit 7 will have a positive impact on equality and diversity.

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:

Karim Pabani
Interim Director of Property and Assets