



Barham Park Trust Committee
8 September 2015

**Report from the Barham Park Trust
Property Adviser**

Wards affected:
Sudbury

**Update on the Barham Park Building Complex, 660-Harrow Road,
Wembley, HA0 2HB**

1.0 Summary

- 1.1 To update the Trust with regard to the status of the various units at Barham Park and to seek approval in regard to their future use and tenure arrangements.

2.0 Recommendations

- 2.1 That the Trust approves the procurement of a consultant to draw up a Maintenance Profile Plan, such a plan to be reported to the Trust once it has been drawn up.
- 2.2 That the Trust directly lease the Snooker and Billiard Rooms, (Unit 2), to the current occupiers, The Barham Park Veterans' Club (Wembley), under appropriate leasing arrangements to ensure compliance with the aims of the Charitable Trust. The terms of the lease proposed are set out below in Para 3.2 or with amendments by the Property Adviser to the Trust in conjunction with the Trust Chair.

3.0 Detail

- 3.1 At its last meeting the Trust requested that the application for Charity Commission consent to let the Children's Centre (Unit 8) shown on plan at Appendix A, to Brent Council be deferred. Because of time constraints an

application has been made to the Charity Commission following an independent valuation by the District Valuer. Brent will therefore take a lease subject to Charity Commission approval. The Council have selected Barnados to run fourteen centres across Brent and they will run this centre under a licence to be granted by Brent Council when the lease has been granted.

- 3.2 **Unit 2-The Snooker and Billiard Rooms** The Trust deferred the decision on letting unit 2 – details are repeated from the previous report below (i) Unit 2 is occupied by the Barham Park Veterans' Club (the Vets) under no formal tenure. In order to regularise this historic position, previously the Trust had agreed to let this Unit to the Council, (subject to Charity Commission consent), who would then sublet this Unit to the Vets. As mentioned above the Charity Commission did not grant consent to this proposal. Therefore the recommendation is that the Trust deal direct with the Vets.

As the Vets have been in occupation for a considerable period it is considered a priority to regularise that occupation rather than seek possession and market the unit. Similarly it is suggested that the rent should be staggered so as to allow the Vets a period of time to adjust to the more formal relationship. Therefore it is recommended that the Trust adhere to the terms which were agreed between the Vets and the Council which are not immediately market value but are considered to be a reasonable compromise. Thus the following, are the main terms for the sub-lease that was to be granted by the Council to the Vets and are now recommended to the Trust:

The lease to be for a 4 year term outside the security of tenure provisions of the 1954 Landlord and Tenant Act, with a stepped rent and service charge of:-

Year 1–Rent Nil; Service Charge and Insurance Nil.

Year 2- Rent £1,000 per annum (pa); Service Charge and Insurance £500pa.

Year 3- Rent £2,000 pa; Service Charge and Insurance £1,000 pa.

Year 4- Rent £3,000 pa; Service Charge and Insurance £1,500 pa.

These terms were agreed with the Vets, however on the 19th May 2014 the Vets' legal representative wrote to the Council rejecting these terms. The objections are believed to be resolvable and therefore Officers will need to re-engage with the Vets in order to persuade them to accept the above terms.

- 3.3 **Maintenance Profile Plan** The Trust deferred making a decision on the item below:

- 3.4 On 28th February 2014 the refurbishment works to Units 3, 4 and 5 to bring them up to a tenatable standard and to separate the various Units, were completed within the Trust's allocated budget. As part of the management of any property asset the Trust needs to provide cyclical and planned maintenance and to make provision for maintenance. This can be done with the aid of a long term Maintenance Profile Plan. Therefore the Property Adviser to the Trust is seeking consent to procure a consultant to prepare such a plan.

3.5 The Trust approved the marketing of Unit 1Card Room in accordance with the Community Asset Transfer process approved by the Council. This process will commence in the next two weeks.

4.0 FINANCIAL IMPLICATIONS

4.1 There will be a cost incurred if a consultant is requested to draw up a long term maintenance plan for the building. The costs could be around £2,000 to £5,000.

5.0 LEGAL IMPLICATIONS

5.1 A disposal or letting of Trust land to another charity for similar charitable purposes is not subject to the procedural requirements in the Charities Act 2011 (applicable to a disposal to any other third party or a connected person like the Council)

5.2 The statutory requirements relating to any other disposal or letting of land are summarised as follows:

5.2.1 any disposal or letting of Trust land for more than 7 years to a third party (who is not a charity with similar purposes) can only be authorized by the trustees after considering a written report prepared by a qualified surveyor as to the marketing and the valuation of the land on the basis that the terms proposed for the disposal are the best that can be reasonably obtained

5.2.2 any disposal or letting of Trust land for 7 years or less to a third party (who is not a charity with similar purposes) can be authorized by the Trustees after considering the advice of a suitably qualified person

5.2.3 any disposal of recreational charity land or letting for more than two years to a third party or a connected person (who is not a charity with similar purposes) must be notified in the local press and on site and provide at least one calendar month for people to make representations

5.2.4 any disposal of Trust land or letting to the Council or any other connected person is subject to:
(1) requirements as in 5.2.1, 5.2.2 and 5.2.3 depending on the terms of the disposal
(2) and the written consent of the Charity Commission
but the Charity Commission may at its discretion specify that the charity obtain a written report prepared by a qualified surveyor independent from the charity as to the marketing and the valuation of the land

6.0 DIVERSITY IMPLICATIONS

6.1 Positive impacts have been identified in respect of age, pregnancy and maternity, race, religion or belief and sex as the properties and services provided will be inclusive for everyone. In respect of the Units, Trust Officers

will make sure the opportunities are widely marketed and will encourage tenants to advertise and promote their services in a similar manner ensuring the Units and services are inclusive for all.

Negative impacts have been identified in respect of age, race and sex mainly affecting the Barham Park Veterans' Club who we have observed, and who comprise a group of 60 year old or over Asian men, as their use of the Card Room will cease, However as the proposal comprises the regularisation of their occupation which they don't currently have, the negative impact will be mitigated through providing security of tenure in respect of Unit 2, the existing service is considered non inclusive and not a position that is tenable.

We recognise the mitigations may not fully alleviate all negative impacts and that some may not work for various reasons. However the principle aim of these proposals is to market and lease under utilised valuable property assets and regularise existing occupation arrangements, aligning them with the charitable objectives of the Barham Park Trust for provision of recreational facilities for the benefit of members of the public.

7.0 STAFFING/ACCOMMODATION IMPLICATIONS

7.1 None.

8.0 BACKGROUND PAPERS

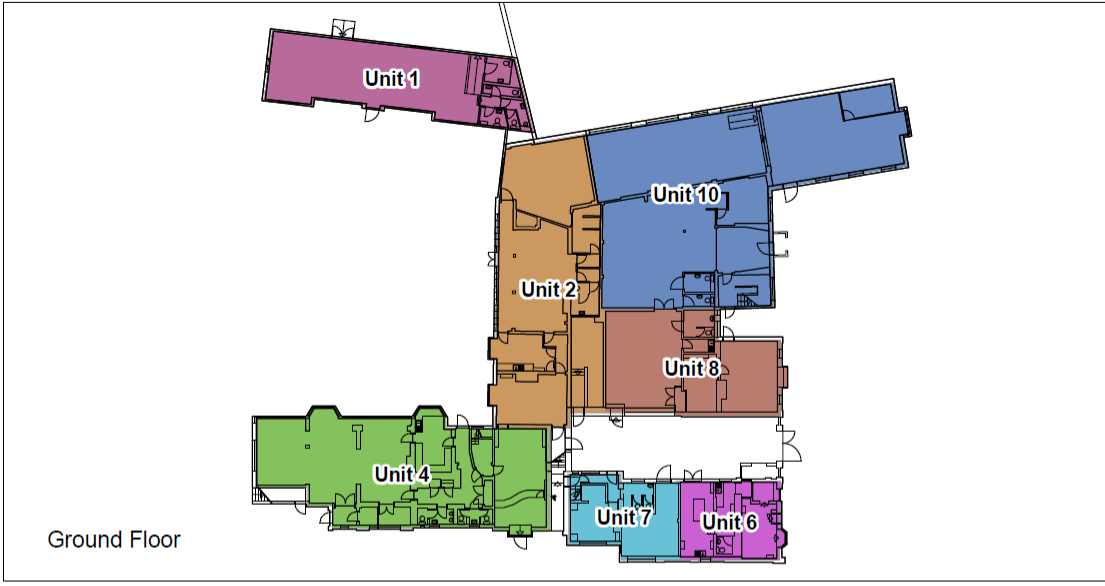
1. Charity Commission Guidance.
2. Brent Council Constitution.
3. 2nd July 2015 Barham Park Trust Committee Report -











Contact Officers

Richard Barrett
Operational Director, Property and Projects
Regeneration and Growth
richard.barrett@brent.gov.uk 020 8937 1330.

Appendix I

Barham Park Buildings, Barham Park, 660 Harrow Road, Wembley, HA0 2HB



- | | |
|--|---|
|  Unit 1, Barham Park Charitable Trust |  Unit 6, ACAVA |
|  Unit 2, Barham Park Veterans' Club (Wembley) |  Unit 7, Veolia |
|  Unit 3, ACAVA |  Unit 8, Brent Council Children's Centre |
|  Unit 4, Barham Park Charitable Trust |  Unit 9, ACAVA |
|  Unit 5, ACAVA |  Unit 10, ACAVA |



Meeting
Date

Version no.
Date