



Executive
12 March 2012

**Report from
the Director of Environment and
Neighbourhood Services and
Director of Regeneration and Major
Projects**

Wards affected:
Sudbury

Barham Park Improvements

1.0 Summary

- 1.1 To update the Trustees of the Barham Park Charity on potential improvements including a feasibility study into future uses of the Barham Park buildings and options for improving the open space. This will help ensure the Barham Park Trust fulfils its aim 'to preserve the same for the recreation of the public in such a manner and subject to such regulation in all respects as the Council may from time to time think proper'.

2.0 Recommendations

- 2.1 The Trustees approve a £30,000 budget to develop an option appraisal, project management plan and feasibility study for the future uses of the Barham Park buildings and options for improving the open space. This will be funded from the Barham Park Trust income from the sale of 776 and 778 Harrow Road.
- 2.2 Following approval of recommendation 2.1 by the Trustees, officers will obtain the necessary approvals from the Charity Commission to spend the Trust funds.
- 2.3 The Trustees ask officers to advertise (at the appropriate time) the proposed letting of public open space (as set out in paragraph 5.5 below) under Section 123 of the Local Government Act 1972 and if in the opinion of the Assistant Director - Property and Asset Management, there are significant objections to report back to the Trustees for it to consider.

3.0 Details

- 3.1 In 1936 George Titus Barham conveyed the Barham Park estate to the then Wembley Urban District Council, on his death and the death of his wife. The legal estate in the property passed to what had by then become the Borough of Wembley in 1938 and then onto Brent Council.
- 3.2 The conveyance requires that the estate is held in trust 'to preserve the same for the recreation of the public in such a manner and subject to such regulation in all respects as the Council may from time to time think proper'. The Barham Park Trust is registered with the Charities Commission, registration number 302931 and the Executive act as the Trustees for the Trust.
- 3.3 On 16 December 2009, the Trustees approved:
- "subject to consent from the Charities Commission....the disposal of 776 and 778 Harrow Road to the Notting Hill Housing Trust (NHHT) and for the capital receipt to be used for improvements within Barham Park".
- 3.4 The proposal at this time was for the receipt to be used, to match fund a Heritage Lottery Fund grant bid. This bid would enable significant investment in the Park to bring it up to the same standard as the Borough's other two district parks.
- 3.5 A further report was presented to the Trustees on 14 September 2010 informing:
- "NHHT has however now withdrawn its interest due to financial constraints".... "feedback from the Heritage Lottery Fund Senior Grants Officer was not particularly favourable and it was felt this in times of strong competition the park would not be of high heritage value/benefit to warrant a full pass".
- 3.6 The 14 September 2010 report recommended to the Trustees and received approval to:
- "subject to Charities Commission approval... to dispose of the houses in the open market at auction (on such terms as the Head of Property and Asset Management considers to be in the Council's best interests) and in this event Members agree that the capital receipt generated is retain for works and improvements to Barham Park".
- 3.7 Following Charity commission guidance a further report was presented to the Trustees on 17 January 2011, and they considered a recommendation and approved:
- "Members agree to vary the decision to disposal of the properties in the open market at auction subject to the appropriate Charity Commission approval so that Members approval is now given to the disposal".
- 3.8 At a price of £310,000 each, sale of the two homes completed on 12 August 2011, generating a total receipt of £620,000 less selling costs of £3,069.74. This money is being held to improve the Barham Park facilities.

- 3.9 Over the past 2 years, within Barham Park the building complex has progressively been vacated, the complex provides for a mix of accommodation, use types, size, rental values (based on a valuation dated 30 January 2012) and occupancy information is as detailed below:

Accommodation	Area	Rental Value	Occupied or not
1 st floor offices	183 sqm	£10,455 pa	Unoccupied
Ground floor lounge & ancillary	195 sqm	£9,340 pa	Occasional use
Library	251 sqm	£9,310 pa	Unoccupied
Children's Centre	101 sqm	£6,769 pa	Occupied
1 st floor offices	72 sqm	£4,307 pa	Occupied
Former BHWE offices	76 sqm	£4,526 pa	Unoccupied
Community workshop	28 sqm	£969 pa	Unoccupied
Snooker, billiard and card room	300 sqm	£14,526 pa	Occupied
TOTAL		£60,202 pa	

- 3.10 It is important we act and deal with the issue of voids at the Complex, otherwise there is the risk the building will start to fall into disrepair. Over the past few months a number of organisations have expressed an interest in the Barham Park complex and an initial list of interested parties has been compiled. Details of Barham Park accommodation will shortly be advertised on Brent's webpage, so members of public have access to the opportunity too. These options will be considered alongside potential future uses for the Council to use the building. Over the next few weeks officers will work with interested parties (including Council departments) to:

- Understand their background and financial status;
- Understand their proposal for the Barham Park complex and check if the proposals fits with the use stipulated by the Barham Park Trust or if indeed there is a need for compliance;
- Check their accommodation need to establish if the Barham Park complex is appropriate;
- Determine what if any changes (adaptations, improvements and other works) are needed to facilitate occupation; and
- Instruct a feasibility study to determine if changes are deliverable.

- 3.11 The expectation is that tenants will pay a lease in line with the Council's letting policy, including covering associated costs.

- 3.12 Alongside the work to explore the options for the building, work is being carried out to explore the options for the open space. Two options are being explored:

1. Option One - Repair what is already there:
 - Restore and improve the rose terrace
 - Remove the old greenhouse
 - Improve the landscaping around the old War Memorial
 - Repair the paths and level the paving around the Silver Jubilee Garden

2. Option two – create an environmentally friendly Eco Park. To develop the best possible plans, the service would bring in an environmental specialist garden designer to develop a strategic approach to the Eco park and ensuring that plans linked to the biodiversity action plan. The initial ideas include:

- Continuation of the community woodland planting from the roadside to the railway
- Creation of meadow habitats and bulb planting
- Redesign and replanting of the maple garden and potentially the mature conifers
- Pond and boardwalk creation especially for educational use
- Bee hives and communal food growing areas
- Sensory garden possibly established in the silver jubilee garden and/or in the rose terrace
- Removal of fencing which currently segregates the park into two
- Re-landscape area to rear of war memorial by regrading and replanting with a community orchard
- Indigenous planting to encourage indigenous wildlife species.

3.13 The September 2010 report to the Trustees explained that funding from the Heritage Lottery Fund was not available. However, the Barham Park Management Group is exploring potential funding from the Landfill Communities Fund (LCF). This is a Government scheme which began life in 1996 as the Landfill Tax Credit Scheme to provide funding for community or environmental projects in the vicinity of landfill sites.

3.14 A report will come back to the Trustees later in the year to give further information on funding opportunities and to set out the proposals for investing the funds arising from the sale of the buildings into improve the overall experience of Barham Park and increase the value of the endowment.

4.0 Financial Implications

4.1 For the purposes of the property option appraisal, project management plan and feasibility study a budget of £15,000 is required. Alongside this, to develop the feasibility study for the open space a budget of £15,000 is required. This work will be funded from the Barham Park Trust capital funds and will help the Trustees ensure that the charity achieves best value from the assets.

5.0 Legal Implications

5.1 As these properties are situated within Barham Park they form part of the estate and so, under charity rules, any capital gained from their disposal (which in this case would be a letting) would have to be used to further benefit the recreational enjoyment of the park by the public. The Trustees will need to obtain consent of the Charity Commission as to how it intends to use the proceeds of sale from the disposal of 776 and 778 Harrow Road.

5.2 Any letting of land including buildings held for recreational purposes by the Trust (inclusive of a short term letting) must be at best value and the proposed use of land or buildings must not interfere with the objects of the charity in providing a recreation ground for the public or prevent reasonable public access to the park.

5.3 Any letting at best value must be in accordance with the recommendations of a report by an independent surveyor appointed by the Trust and the Trust shall otherwise comply with the procedural requirements of the Charities Act 2011.

5.4 Since the land including the buildings forms part of the Park, the same are public open space. Accordingly, the intention to let the relevant buildings will need to be advertised at the appropriate time under Section 123 of the Local Government Act 1972 in a local newspaper for two weeks and any objections which are made will need to be considered.

5.5 As the 1936 Conveyance contains no provision allowing a disposal or letting and no power to amend, the Trust will need to apply to the Charity Commission for a Scheme to alter the Terms of the Trust in respect of:

(a) any proposed disposal or letting or

(b) any use of the park inconsistent with the recreational purposes of the trust not comprised in a short term letting at best value.

5.6 The Trust will also need to seek an order of the Charity Commission in respect of any lettings or use of any part of the park or park buildings by a person, group or body connected to the Council. The Charity Commission is only likely to sanction such a transaction if the activities being carried out by the local authority under the lease are within the Trust's objects

6.0 Diversity Implications

6.1 These will be addressed as part of the option appraisal and project management plan.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None.

Background Papers

Report dated 17 January 2011 and minutes

Report dated 14 September 2010 and minutes

Report dated 16 December 2009 and minutes

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