

# **Wormwood Scrubs Charitable Trust Committee Minutes**

**Tuesday 30 June 2020**

## **PRESENT**

**Committee members:** Councillors Helen Rowbottom, Alexandra Sanderson and Belinda Donovan

### **Advisors to the Trust**

Stephen Hollingworth, David Burns, Richard Gill, Carmen Lomotey,

Amrita Gill (Clerk)

## **1. APPOINTMENT OF CHAIR**

### **RESOLVED**

Councillor Alexander Sanderson was unanimously agreed as Chair of the Committee for the remainder of the municipal year 2019-20.

## **2. MINUTES OF THE LAST MEETING**

The Chair asked for an update on the 2018-19 accounts. Carmen Lomotey, Advisor to the Trust explained that the main outstanding requirement was that the budget for 2020/21 be approved by the Trust Committee before the accounts could be signed off by the Auditors. The Chair noted that it was important to put some measures in place to ensure that 2019/20 accounts were submitted on time.

The Chair said that there had been a history of concerns relating to legionella running through the taps at the Linford Christie Stadium. She asked if there had been another flare up during Covid-19. In response Stephen Hollingworth, Advisor to the Trust explained that since the Covid-19 lockdown, the stadium water was drained to avoid any issues. Furthermore, tests would be carried to ensure that the water was safe to use again.

The Chair asked for an update on the Secret Cinema and whether this had been put on hold. Stephen Hollingworth explained that there had not been any progress on this as most of the events industry had been furloughed due to Covid-19. Discussions would commence as soon as the industry was back in circulation.

### **RESOLVED**

The minutes of the previous meeting were agreed as a correct record.

## **3. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **5. MANAGER'S REPORT**

Richard Gill, Advisor to the Trust, presented the report.

##### **HS2 Bill Alternative Ecological Mitigation**

Richard Gill noted that there was a legal agreement between the Council and HS2 which sets out the Alternative Ecological Mitigation (AEM) works agreed as an alternative to the original plans set out by HS2. It was recommended that the Trust Committee approved an option for the AEM master plan as set out in paragraph 2.13 of the Manager's report. It was highlighted that the Friends of the Scrubs were not happy with some of the items included within the masterplan.

The Chair asked if members had any views on which of the 3 options, they felt were preferable.

Stephen Waley-Cohen, Co-opted Member requested that a subgroup meeting be arranged so that a revised masterplan could be brought to the Trust Committee for immediate approval. Stephen Waley-Cohen was also happy to attend the subgroup meeting as a representative of Friends of the Scrubs.

Members agreed with this suggestion and noted that certain key aspects needed to be reviewed via a subgroup meeting before the final plan could be approved.

The Chair agreed that option 3 - to request a revised masterplan, with the need of an urgent subgroup meeting would be the most appropriate way to proceed.

**Action: Richard Gill**

##### **HS2 – Compensation Code Temporary access to Trust Land**

Richard Gill explained that the planned re-route of the Stamford Brook sewer through the northern section of Wormwood Scrubs had now been confirmed and possession of some of the land was required. Some of the land would also need to be cleared for construction works. It was noted that the Trust was recommended to request H&F officers to appoint a specialist surveyor and legal advice to submit claims for disturbance and compensation for the proposed HS2 works on the Trust land. The specialist advice would be responsible for negotiation of the final terms of compensation and disturbance and advice on reinstatement works.

Stephen Waley-Cohen asked whether it would be possible to remove some of the over grown bramble, along the route as part of the works. Richard Gill said that this could be put forward to HS2. He explained that some of the large trees would also be removed as part of the works and the Trust needed to be made aware that this could lead to public complaints.

Stephen Waley-Cohen requested that the website be updated, and good signage be placed along the route explaining the reasons why these works were being carried out.

## **Action: Richard Gill**

Councillor Belinda Donovan asked if the trees that were being removed could be replaced after the works were carried out. Richard Gill said that damages, caused by installing the sewer route would be replaced, by HS2 and this had been agreed in principle.

The Committee agreed for H&F officers to appoint a specialist surveyor and legal advice for temporary HS2 access onto Trust land.

### **Kensington Aldridge Academy**

Richard Gill noted that the Trust was asked to recommend that H&F officers were approved to revise the walkway between KAA and Burlington Danes School and ensure that the appropriate licence was in place.

The Chair noted that the access road was currently in a very poor condition and asked whether repair works could be carried out to improve the state of the road. Richard Gill explained that there was an agreement with the school to repair the road after the temporary school was taken down. The Chair requested, Richard Gill to ask the school when they were planning on vacating the site and if there was any potential to share the costs at an earlier stage, due to the current condition of the access road.

Councillor Helen Rowbottom said that it would be useful to have a breakdown on what monies were available to the Trust and under which parameters they could be spent.

The Chair noted that she had received some concerns around anti-social behaviour taking place at Woodman's Mews Estate associated with the two schools. She said that it would be very helpful to arrange a meeting with the Headteacher's of the two schools to discuss these issues in detail.

## **Action – Richard Gill**

The Committee agreed the recommendation.

### **Community Safety Update**

Richard Gill explained that patrols had been in place since April from the Community safety team to help manage the social distancing requirements in public parks. Patrols were carried out on at least a daily basis. 20 incidents were recorded at the Scrubs from 1<sup>st</sup> Jan to June 18<sup>th</sup>, 2020.

Councillor Helen Rowbottom asked if there were any other data sources that could be integrated in addition to the current data for recording incidents. Richard Gill explained that data received from parks patrols could also be shared at future meetings.

Stephen Hollingworth explained that last week Thursday a gathering took place at the Scrubs, involving 500 people. The Police were informed, and they moved people on around 9pm. The Police also prevented another event from taking place on Sunday at 7pm. Car parks were sealed, and sound equipment was ceased.

This was a London wide issue and the Police were keen to receive any intelligence from Members around unauthorised future events of a similar nature.

Stephen Waley-Cohen, said that whilst he was in favour of people enjoying the open space at the Scrubs, what measures were being put into place to ensure people were complying with the rules.

Stephen Hollingworth said resources were deployed from across the Council and a private security company to ensure social distancing measures were being adhered to, however this was not sustainable as a longer-term approach. It was noted that more signs, which set out the bylaws could be put up around the Scrubs to help mitigate some of these concerns. However, this was a growing concern which was challenging to resolve at this stage. Richard Gill noted interpretation panels that outlined the intention of the space and contact information for Parks Police could be put up at the opening of each entrance point.

Miriam Shea, Co-opted Member noted that it was also important not to discourage people from using the Scrubs, but it would be useful to put up signage outlining the rules.

The Chair requested advisors to explore funding options so that additional bins could be put up around the Scrubs to ensure the litter issues were being mitigated.

**Action: Richard Gill**

#### **Grounds Maintenance and site management update**

Richard Gill explained that the Linford Christie Stadium, playgrounds and outdoor gyms had been closed. We would be looking to open these on 4<sup>th</sup> July when it was safe to do so.

Management of Giant hogweed had been necessary this year again. This could cause severe burns if the plant was in contact with skin. This had been controlled next to pathways which looked unsightly and had caused some concern but the risk of injuring people using these paths, especially children, needed to be addressed.

A structural survey had been received for Park Lodge. This showed considerable work would have to be carried out. There would also be a need to address some of the potholes on the access road from Scrubs Lane at least as an interim measure.

Consideration was being given to the introduction of honey bees at Woodman's Mews Community garden as part of a community project. The Chair requested that notices were provided to all members who used the Community gardens.

**Action – Richard Gill**

#### **Events**

Richard Gill explained that no events have been held at the Scrubs during the COVID-19 pandemic.

#### **Kensington Dragons Football Club (KDFC) Proposal**

The Chair explained that Kensington Dragons Football Club had sent her documents containing financial projections relating to their proposals around improved grass pitches adjacent to Linford Christie Stadium (LCS). These would be circulated to Committee members after the meeting.

**Action: Chair**

The Chair explained that discussions around the proposals would be held at the next available meeting date.

**Action: Amrita Gill**

### **Finance - Update on the 2018/19 Accounts**

Carmen Lomotey, Advisor to the Trust introduced the Finance items.

Carmen Lomotey noted that the 2018/19 accounts were presented to the January Committee and remained subject to audit; audit work was substantially complete; however, the finalisation of accounts depended on the final agreement of the 2020/21 budget (to satisfy technical going concern requirements).

### **Financial Outturn 2019/20**

Carmen Lomotey explained that the budget for 2019/20 was set with an anticipated surplus of £15,890 to be added to the Trust's reserves. The outturn against this was a surplus of £136,825, which was £120,935 better than budget.

Stephen Waley-Cohen asked for further clarification to be provided around the governance costs to the Council. Carmen Lomotey said that these were outlined in the report. Governance costs were £27,340, including £20,130 audit fees (£5,115 backdated 2018/19), £2999 legal fees, and £4,301 finance support costs. These costs had been apportioned to the expenditure items based on value.

Pay and Display and Cashless Parking income was budgeted at £345,428. However, actual income, at £324,945, was £20,483 lower than budget. Half of this shortfall, £10,008, occurred in March 2020, which was likely to be a result of the Covid-19 lockdown. It was likely that the effects of the lockdown would impact on the income for the first quarter of 2020/21.

### **Financial Budget 2020/21**

Carmen Lomotey explained that the proposal was for a 2020/21 net income budget of £103,865. This was set lower than the 2019/20 outturn (net income of £136,825) as impact of Covid-19 and higher costs were anticipated.

The proposed 2020/21 income budget was £975,164. This was £18,849 less than the 2019/20 outturn, but significantly more than 2016-17, before occupation of the Kensington Aldridge Academy (KAA).

The proposed 2020/21 expenditure budget was £871,299. Expenditure was planned as far as possible, with priority being given to essential works. All costs were estimated, including Grounds Maintenance uplift and audit fees.

The Chair requested that a report around the Parks Lodge tenancy be brought to a future Committee.

### **Wormwood Scrubs Charitable Trust Funds**

Carmen Lomotey noted that the cash reserves had significantly increased since the end of 2016/17 and were expected to increase further by the end of 2021/22 as additional income from KAA was received.

The 2020/21 budget anticipated net income of £103,865. The Trust's forecasted opening unrestricted funds balance for 2020/21 was £879,012. The 2020/21 budget, therefore, increased these funds to £982,877 and the Trust's closing funds for 2020/21 to £5,982,878 when £5,000,001 restricted funds were added. There were significant uncertainties around possible future income from July 2022. Possible streams include securing a significant event and generating income from commercial activities.

The Committee agreed to approve the budget for 2020/21.

### **RESOLVED**

- The Committee approved the budget for 2020/21
- The Committee approved an option 3 for the AEM masterplan
- The Committee agreed to request H&F officers to appoint a specialist surveyor and legal advice for temporary HS2 access onto Trust land.
- The Committee agreed that H&F officers were approved to revise the walkway between KAA and Burlington Danes School and ensure the appropriate licence is in place
- The Committee agreed to approve an option for the KDFC proposal at the next available meeting date.
- The Committee noted all matters in the report.

## **6. LINFORD CHRISTIE BUSINESS CASE - UPDATE**

David Burns, Advisor to the Trust, presented the report and noted that the Trust Committee had approved the procurement of consultants to deliver an outline case on the options for Linford Christie Outdoor Sports Stadium. The consultants had completed the initial strategic outline business case and had moved onto the outline business case. They would complete their work in August ready for submission to the Trust Committee in September.

The Chair asked who had been consulted to feed into the business case. David Burns noted that many people and organisations had been consulted, including Members of the Committee and Advisors to the Trust. A full list of who had been consulted would be circulated to the Committee after the meeting.

Councillor Helen Rowbottom asked when the Charity Commission guidelines would be available for the Committee to review. In response David Burns said that some written guidance was available and had been circulated at previous meetings. This would be sent to Councillor Rowbottom. An updated version of the guidelines would also be provided to the Committee before the next meeting.

**Action: Dave Burns**

## **RESOLVED**

The Committee noted the report.

### **7. PROPOSALS FOR A GOVERNANCE AND STRATEGY REVIEW**

David Burns, Advisor to the Trust, summarised the report and noted that the work on establishing a business case for decisions around Linford Christie Stadium had brought to the Council's attention, in its role as Corporate Trustee, a number of factors around the ownership of land and property, management arrangements, finance, and governance of the Trust and the Trust Committee. The Trust was in fact the owner of the Linford Christie Stadium and the associated pitches, and that it is responsible for all income and expenditure associated with it. In addition, the governance arrangements needed to be updated so that an appropriate scheme of delegation was in place. Furthermore, the Trust Committee should consider how it could make appropriate decisions in all areas where the Council as corporate body has a financial interest and at the same time effectively manage any conflicts of interest. It was recommended that the Trust Committee noted all matters in the report and agreed with the development of this strategy

David Burns noted that the draft scheme of delegation (Appendix 1) had been updated and clearly sets out the procedure of delegation and provided transparency around the budget available to the Trust. In addition, the legal advice received, recommended that conflicts of interests were managed properly as part of the review of the governance arrangements.

Members noted that this was a good opportunity, however asked for further clarification to be provided on the Council's intention as part of this process. In response David Burns explained that this was mainly driven by the legal advice received. There was also an opportunity to provide the Trust with a clear structure on how it delegated to H&F officers transparently. This would also ensure that the correct governance arrangements were in place so that the Trust could make strategic decisions in a more appropriate way. This scheme would be developed over time in consultation with the Committee and interested parties.

Miriam Shea - Co-opted Member, requested that a detailed breakdown of the income and costs associated with the running of the Linford Christie Stadium be provided to the Committee. David Burns said that the Council fully intended to provide these details and the Trust would be free to make decisions from a historical management standpoint. In addition, we would need to navigate this process given the role of the Council as the corporate trustee and corporate body.

Members asked if the Trust needed to obtain their own legal advice. David Burns noted that the Council as the role of the corporate trustee was taking legal advice for the benefit of the Trust Committee.

Miriam Shea said that the scheme of delegation for the Linford Christie Stadium seemed to be restricted and this needed to be much broader. David Burns said that the wording would be update and recirculated to the Committee.

The Chair requested that the legal advice be circulated to the Committee.

**Action – David Burns**

## RESOLVED

- The Committee noted the proposed scheme of delegation, the change to the Trust Manager and requested the Council in its role as Corporate Trustee to make changes to the terms of reference for the Trust to implement the Scheme of Delegation.
- The Committee noted that the Council in its role as Corporate Trustee would review the governance arrangements and membership of the Trust Committee to ensure decisions were made in compliance with legal advice and charity commission best practice.
- The Committee noted that officers would review and present global financial accounts at the next Trust meeting to account for legal advice.
- The Committee noted that the Council would review its current contributions to the Trust and advise that the Trust Committee accordingly at the earliest opportunity.
- The Committee agreed the recommended next steps for the Trust Committee and the Council as outlined in this report in paragraphs 52 to 55.

## 8. ANY OTHER BUSINESS

The Chair noted that she had received a large number of concerns in relation to the usage of drones on the Scrubs so this may need to be reviewed at a future meeting.

**Action: Stephen Hollingworth**

Meeting started: 6:30pm  
Meeting ended: 8:30pm

Chair .....

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