

Wormwood Scrubs Charitable Trust Committee Minutes

Tuesday 12 December 2023

PRESENT

Committee members: Councillors Alex Sanderson (Chair), Bora Kwon and Dominic Stanton

Co-opted members: Faye Thomas and Stephen Waley-Cohen

Advisors to the Trust: Osama El-Amin (Trust Manager), Vicki Abel, Simon Ingyon, , Mark Raisbeck and Nicholas Falcone

External Guests: Stuart McKay (Audit Partner, MHA Macintyre Hudson)

Clerk: Amrita White

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

RESOLVED

The minutes of the meeting held on 18th October 2023 were agreed as an accurate record.

4. WORMWOOD SCRUBS CHARITABLE TRUST ANNUAL REPORT AND FINANCIAL STATEMENTS FOR YEAR ENDED 31ST MARCH 2023

Simon Ingyon (Advisor to the Trust) presented the report and provided a brief overview of the key points arising from the Statement of Account and Trustee's report 2022/23. It was noted that the Trust delivered a surplus for the year of £426,826. This surplus was substantially underpinned by the additional income from the Kensington Aldridge Academy's occupation of the Scrubs. The Trust continued to maintain grounds and maintenance management of the Scrubs in preservation of the Trust's charitable objective.

Stuart McKay (MHA) provided a summary of the Audit Findings report for the year ended 31st March 2023, noting the following key points:

- The nature and the scope of audit work we have undertaken.
- Views about the qualitative aspects of the Trust's accounting practices and financial reporting.
- Unadjusted and adjusted misstatements
- Matters specifically required by Auditing Standards to be communicated to those charged with governance (such as fraud and error)
- Expected modifications to the Auditor's report.
- No material weaknesses found in the accounting and internal control systems.
- Any other relevant and material matters relating to the audit.

The Chair thanked Stuart McKay and the Team for putting together an accurate set of accounts for the audit. She requested that a picture of the Scrubs be included at the front of the Audit Findings Report in future.

Action: Nicholas Falcone and Osama El-Amin

RESOLVED:

That the Committee:

- Approved the Trustee's Annual Report, attached as Appendix A.
- Approved the 2022/23 financial accounts for Wormwood Scrubs Charitable Trust, incorporated as part of the Annual Report (Appendix A to the Annual Report).
- Approved the management representation letter (attached as Appendix B).
- Noted the contents of the annual risk assessment (contained in the Trustee's report on page 14).
- Noted that the accounts remain subject to change until the final audit opinion is issued and to delegate authority to the Assistant Director Parks and Leisure, in consultation with the Chair of the Committee, to approve any changes to the 2022/23 Financial Accounts, Annual Report and the management representation letter required as part of the finalisation of the audit process.

5. MANAGER'S REPORT

HS2 – Future of the UTX site

Osama El-Amin (Trust Manager) provided an update and noted that in 2021, HS2 placed a compulsory purchase order on the land known as the UTX site under the HS2 Act 2017. Since acquisition, the Trust had engaged with external legal support to understand the options around the future of land ownership and the terms of a potential compensation claim. Several approaches via legal representation since 2021 to HS2 had yet to provide any clarity on the future of the site. The Trust Manager, under instruction from the Committee Chair had begun the process of engaging the Council's leadership team to establish an agreement on the future of the UTX site with HS2. A formal letter would be sent to HS2 in due course.

BBVS (HS2 contractor) had requested the creation of an exclusion zone adjacent to the UTX site. This zone was required as a safety precaution to facilitate the diversion of BT services within the UTX site.

Since the land where the temporary exclusion zone was required was not vested by HS2 and therefore access to this space was contingent on the Trust approving a licence. This Committee was asked to note that unless HS2 were willing to enter into an agreement on the future of the UTX site, a license would not be issued to grant the temporary exclusion zone.

Stephen Waley-Cohen (Co-opted Member) noted that HS2's refusal to engage with the Trust on its position of requiring the land at nil premium was unsatisfactory. He was fully supportive of the approach taken by the Trust Manager at the request of the Chair and requested that members were kept updated on HS2's response.

Faye Thomas (Co-opted Member) enquired when would BBVS like the works for the exclusion zone to commence. In response Osama El-Amin noted that BBVS would like to conduct their work immediately. The exclusion zone was required from mid-January to early March for approximately 6 weeks.

The Committee noted the update.

AEM Masterplan planning and procurement timeline update

Vicki Abel (Advisor to the Trust) presented and updated the Committee on the Programme for the Alternative Ecological Mitigation Masterplan regarding Procurement and Planning timelines. Updates were provided on detailed draft proposals, the planning application, tender package, and hard landscape works. It was noted that the Planning application would be submitted on the 19th January 2024.

The Chair thanked Vicki Abel for the timeline, noting that it was useful to see all the key elements mapped out.

The Committee noted the update.

Lesters Embankment

Vicki Abel, (Advisor to the Trust) provided an overview and noted that quotes were being obtained to procure infill panels for the chain-link fence along Lesters Embankment. Access would be needed for contractors to undertake maintenance , including for machinery that may be needed for work on the embankment. This fencing work was likely to take place in January 2024, pending a cost assessment once quotes were obtained.

Osama El-Amin noted that he had raised a purchase order for the work on Lesters Embankment amounting to approx. £3500.

The Committee noted the update.

Soil Resistivity Testing

Vicki Abel (Advisor to the Trust) provided an update and noted that BBVS had requested access to the Scrubs to carry out some simple resistivity tests of the local soil, to inform the design of their 'earthing strategy'. These tests would support the construction of the electrical sub-station at the Old Oak Common HS2 site.

These tests would take approximately 1 day to complete. It would consist of a small team walking across the scrubs and inserting 2 probes into the soil and measuring resistivity on a handheld meter. If approved BBVS planned to do this work in March 2024 when the ground was less saturated. This Committee was asked to approve access by BBVS to conduct these tests under local agreement.

Faye Thomas (Co-opted Member) enquired why HS2 wanted to use the Scrubs to carry out the resistivity tests. In response Vicki Abel noted that the Scrubs was the nearest largest open space to the electrical sub-station at the Old Oak Common HS2 site. This proximity also retains similar features to the soil found on the HS2 site.

Osama El-Amin outlined the reasons for the request of the resistivity tests, noting that the main purpose was to understand the conductivity of the electricity of the soil on the Scrubs. These tests would support the construction of the electrical sub-station at the Old Oak Common HS2 site.

Councillor Bora Kwon asked if this would have a negative impact on the biodiversity on the Scrubs. In response Osama El-Amin confirmed that this was a low impact piece of testing and that HS2 had reassured the Council's Officers that there would be no risk to any of the assets on the Scrubs.

Members were not minded agreeing this recommendation until an agreement was reached with HS2 on the CPO and the future of the UTX site.

The Committee agreed to delegate approval for HS2 to conduct 'Soil Resistivity Testing' in 2024 to the Assistant Director Parks and Leisure in consultation with the Chair, subject to HS2 entering into an agreement on the future of the UTX site.

Wormwood Scrubs Meadow - Local Nature Reserve (LNR) Designation

Osama El-Amin (Trust Manager) provided an update and noted that the LNR had progressed to a stage where consultation could start. However, there was a need to ensure the correct policy concerning dog walking in the LNR area was in place and that it was consistent with the PSPO to ensure dogs were kept on leads, either during bird nesting season, or year-round.

The current PSPO on responsible dog walking was due to be reviewed in 2026, by which time the 'Wormwood Scrubs Meadow' LNR, along with additional LNR locations could be included as partially prohibited for dog walking.

To encourage compliant, low-impact dog walking in this ecologically sensitive area, this Committee was asked to approve a motion to amend the current professional dog walking licensing system by contacting licensed dog walkers to supply them a

map of designated dog walking routes throughout the year, and to ensure any newly recruited licensees were supplied the same information.

The Committee approved an amendment to the dog walking licensing system to ensure compliance with the ecological sensitivities of the Wormwood Scrubs Meadow.

Performance of the grounds and maintenance contractor

Simon Ingyon (Advisor to the Trust) noted that Idverde UK entered into a contract with the Trust in February 2022

In June 2023, this Committee approved a 3.51% inflationary uplift to the cost of delivering grounds and maintenance work across the estate. Since issuing the uplift, the contractor had maintained a moderate – satisfactory level of output.

Officers were monitoring the contract method statements, matched against the list of daily/weekly/monthly maintenance activities, with a view to ensuring any discrepancies were logged, monitored, and raised with the contractor.

This Committee should note that this level of performance, on LOT 3 (Wormwood Scrubs) far exceeded that of LOT 1 (Parks, Highways and Cemeteries) and LOT 2 (Housing).

Given the economies of scale offered by this contract, a lack of improvement on KPI's across the borough, posed a risk to the remaining 3-year term at Wormwood Scrubs.

The Committee was asked to note that the Council's Officers would continue to monitor this relationship and act where necessary to issue default notices against non-adherence to agreed KPI's.

Councillor Dominic Stanton asked for further clarification to be provided on the LOT's. In response Simon Ingyon explained Idverde managed three separate contracts on behalf of the Council. LOT 3 related to Wormwood Scrubs. The performance for LOT 3 was currently satisfactory and Officers were working closely with Idverde to provide operational support.

The Chair requested that a further update on the next steps for the Committee, including the process of changing a provider if Idverde's performance had reached an unsatisfactory standard be brought a future Committee.

Action: Osama El-Amin and Simon Ingyon

The Committee noted the update.

Linford Christie Capital Works – Indicative Timeline

Osama El-Amin (Trust Manager) presented the Linford Christie Capital works, indicative timeline. It was noted that since the start of the year, this Committee had approved 3 capital works programmes at the Linford Christie stadium. The chart

included in Appendix 1 illustrated an indicative timeline of these works from commencing on-site, until target completion.

The Chair thanked Osama El-Amin for the update and noted that she was looking forward to seeing the work on this progressing.

The Committee noted the update.

Traffic management system update

Osama El-Amin (Trust Manager) provided an update, noting that this installation was commissioned to replace the disabled system and budgeted at £63,131. After installation, Officers in the Council's Parks Team failed to clarify which power source the new system would be able to leverage. The old system tapped into the Woodman's Mew's power network. As the new system included upgraded feeder sockets, the old power network was deemed as incompatible. Parks officers had been working with the Council's Highways team to construct a new feeding pillar, to activate this installation. After constructing the feeding pillar on advice from UK Power Networks (UKPN), electrification was expected. On second review from UKPN, the pillar was in the wrong location and needed to be re-positioned. Officers were requesting UKPN to waive the cost of conducting this additional work and await an indicative timeframe for re-positioning the pillar, installing a meter and operating the system.

The total cost of this work so far was £91,959.59. Both the Trust Manager and Advisor to the Trust had reviewed this and rectified the process. Any works requiring requisite knowledge of engineering systems in the future would be conducted by the Highways Team.

The Chair enquired if any progress had been made with UKPN with regards to the costs of the additional work. In response Osama El-Amin noted that from we are working with UKPN to wave the costs of re-positioning the feeding pillar, as this was commissioned on their advice. If an invoice was issued by UKPN then this would be reviewed by senior management and officers will endeavour to limit that cost.

The Committee noted the update.

Community Safety update

Osama El-Amin (Trust Manager) provided an overview of the work undertaken by the LET in Wormwood Scrubs between 05th October – 27th November 2023. During this period Officers had reported 240 various interactions.

There were reports of poisoned meat being left Scrubs. Hi-Visibility patrols were being carried out and the Safer Neighborhood Police Team made aware.

A new platform called 'active change' had been commissioned to enable the LET to be more proactive with regards to enforcement on the Scrubs. This was a mapping platform which allowed the Council's Officers to view regular footfall

information across a certain location and provide this to the LET to carry out high visibility patrols.

In relation to the poisoned meat being left on the Scrubs, Faye Thomas (Co-opted Member) noted that this was very concerning and asked at what stage had the Team reached with their investigation. In response Osama El-Amin explained that the forensic team determined that it was animal meat found in the bin liner. However further investigations needed to be carried out as to why this issue kept occurring. The Chair added that this would be a Metropolitan Police issue to investigate further.

The Committee noted the update.

Trust Financial Position

Nicholas Falcone (Advisor to the Trust) provided an overview of the financial forecast for the Trust for 2023/24. The 2023/24 income forecast was £1,183,142. This was £54,946 more than budgeted (£1,256,862). £21,000 due to the significant increase in interest on Trust funds; £9,353 increase on KAA licence income; and £24,593 better than forecasted car park performance.

It was noted that an application for a new bank account was submitted to NatWest bank on 4th October. It could take up to several months to open a new bank account as the bank needed to undertake due diligence checks. Officers would escalate this matter and continue to follow this up with NatWest. The Committee would be kept informed at the next meeting.

Action: Nicholas Falcone/ Osama El-Amin

Relating to the nature of the unbudgeted items outlined by Nicholas Falcone, Stephen Waley-Cohen (Co-opted Member) suggested that the Trust's reserves policy be reviewed with the Trust's auditors (MHA) to monitor the level of reserves, ensuring that they did not reach below target, once the target had been agreed.

Action: Nicholas Falcone

The Committee noted the update.

ANY OTHER BUSINESS

Referring to the annual report, Councillor Dominic Stanton requested the text on page 18 of the agenda pack be amended in line with the yellow dots.

Action: Nicholas Falcone

Stephen Waley-Cohen (Co-opted Member) was pleased to note the work that had been carried out with regards to the clearance on the Scrubs. It was noted that some of the naturalists of the Friends were concerned around the speed at which

this was taking place. Osama El-Amin explained that the Trust's Advisors were working with the onsite ecologist to identify the locations of priority work areas before tender for the Capital works commenced. He outlined the resource issues that were faced onsite, noting that other options were being explored to achieve the target for the clearance works.

Osama El-Amin (Trust Manger) provided an update on the development of a Café on the Scrubs, noting that discussions were being held to establish a licence for a coffee van at one of the carparks onsite. A process to establish this scheme will take some months to implement.

RESOLVED

The Committee agreed to:

1. Note correspondence sent to HS2 seeking agreement on the future of the UTX site.
2. Note an update on progress towards planning submission and implementation of the AEM Masterplan.
3. Take note on fencing off Lesters Embankment and ensuring contractor access for future work.
4. The Committee agreed to delegate approval for HS2 to conduct 'Soil Resistivity Testing' in 2024 to the Assistant Director Parks and Leisure in consultation with the Chair, subject to HS2 entering into an agreement on the future of the UTX site.
5. Approved an amendment to the dog walking licensing system to ensure compliance with the ecological sensitivities of the Wormwood Scrubs Meadow.
6. Received an update on the performance of the grounds and maintenance contractor.
7. Note an indicative timeline towards implementing a capital works programme at Linford Christie Athletics Stadium.
8. Noted the traffic management system progress update.
9. Noted the Community Safety update.
10. Noted the current Trust financial position.

6. DATE OF NEXT MEETING

The Committee noted the date of the next meeting scheduled to be held on 6th March 2024

Meeting started: 6:30pm
Meeting ended: 8:00pm

Chair

Clerk:

Amrita Gill

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