



Meeting of the

KING GEORGE'S FIELD CHARITY BOARD

Wednesday, 19 March 2014 at 6.30 p.m.

A G E N D A

VENUE

Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:

Mayor Lutfur Rahman	(Mayor)
Councillor Ohid Ahmed	(Deputy Mayor)
Councillor Rofique U Ahmed	(Cabinet Member for Regeneration)
Councillor Shahed Ali	(Cabinet Member for Environment)
Councillor Abdul Asad	(Cabinet Member for Health and Wellbeing)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Shafiqul Haque	(Cabinet Member for Jobs and Skills)
Councillor Rabina Khan	(Cabinet Member for Housing)
Councillor Rania Khan	(Cabinet Member for Culture)
Councillor Oliur Rahman	(Cabinet Member for Children's Services)

[Note: The quorum for this body is 3 Members].

Evelyn Akoto, Democratic Services,
Tel: 020 7364 4207, E-mail: evelyn.akoto@towerhamlets.gov.uk

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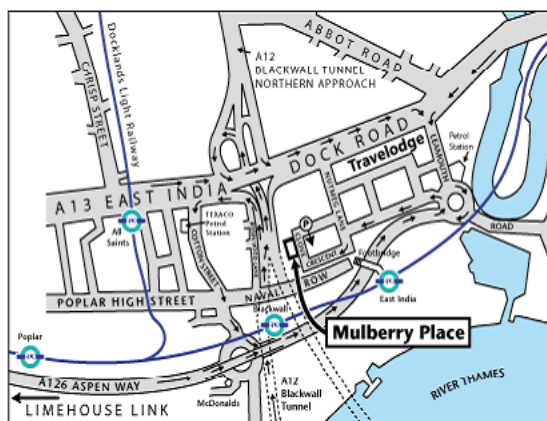
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**LONDON BOROUGH OF TOWER HAMLETS
KING GEORGE'S FIELD CHARITY BOARD**

Wednesday, 19 March 2014

6.30 p.m.

SECTION ONE

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

See attached note from the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		
To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Board held on 29 January 2014 and the Extraordinary meeting on 5 March 2014.	5 - 10	
4. REPORT FOR CONSIDERATION		
4 .1 Proposed reassignment of lease by Zeera restaurant. Mile End commercial units.	11 - 16	

5. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in

Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

6. EXEMPT MINUTES

To confirm as a correct record of the proceedings the restricted minutes of the meeting of the Board held on 29 January 2014.

17 - 20

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, 020 7364 4801; or

John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE KING GEORGE'S FIELD CHARITY BOARD

HELD AT 6.30 P.M.ON WEDNESDAY, 29 JANUARY 2014

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Ohid Ahmed (Vice-Chair)
Councillor Shahed Ali
Councillor Alibor Choudhury

Other Councillors Present:

None.

Officers Present:

Jill Bell	– (Head of Legal Services (Environment), Legal Services, Department of Law Probity and Governance)
Stephen Murray	– (Head of Arts and Events, Communities Localities & Culture)
Stephen Adams	– (Finance and Resources Manager, Communities Localities & Culture)
Surjit Sandhu	– (Principal Lawyer, Department of Law Probity and Governance)
Zoe Folley	– (Committee Officer, Directorate of Law, Probity and Governance)

1. ELECTION OF CHAIR FOR THE MUNICIPAL YEAR 2013/2014

Councillor Ohid Ahmed proposed and Alibor Choudhury seconded that

RESOLVED

That Mayor Lutfur Rahman be appointed as Chair of the King George's Field Charity Board for the municipal year 2013/14.

2. ELECTION OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2013/2014

Councillor Alibor Choudhury proposed and Councillor Shahed Ali seconded that

RESOLVED

That the Deputy Mayor Ohid Ahmed be appointed as Vice-Chair of the King George's Field Charity Board for the municipal year 2013/14.

3. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Rofique U Ahmed, Abdul Asad, Shafiqul Haque, Rania Khan, Rabina Khan and Oliur Rahman.

4. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

5. UNRESTRICTED MINUTES

RESOLVED

That the unrestricted minutes of the ordinary meeting of the King George's Field Charity Board held on 20 February 2013 be agreed and signed by the Chair, as a correct record of the proceedings.

Action by:

SERVICE HEAD DEMOCRATIC SERVICES (JS. WILLIAMS)

(Committee Services Officer (Z. Folley))

6. REPORTS FOR CONSIDERATION

6.1 King George's Fields Charitable Trust Annual Accounts 2012/13

Stephen Adams (Finance & Resources Manager, Communities Localities and Culture) presented the annual accounts of the Trust. The report provides details of the annual accounts of the King George's Field Mile End and King George's Field Tredegar Square charities for the 2012/2013 financial year.

He in particular highlighted the variances in the accounts compared to last year including the increase in incoming resources for the Mile End Charity and the reasons for this. He also explained the proposal to lease the land at the Mile End Leisure Centre at a cost neutral position, due to the savings in subsidy from this proposal.

Members asked questions about the higher spend on repair and maintenance.

In response, Officers outlined the nature of the works to a number of shop units including the Nandos and Meads premises and the causes of the damage. Officers were exploring the issues further to establish the extent of the problems and to identify any ongoing problems.

In response, Members expressed concern about the costs of these works. In particular, the adequacy of the insurance cover in view of these issues. Members requested that an update on the insurance arrangements be provided for closer consideration.

It was also explained that all decisions on the accounts were subject to the relevant Council procedures and protocols.

RESOLVED

1. That the annual report and accounts for the King George's Field, Mile End Charity (registered number 1077859) for the 2012/2013 financial year set out at Appendix 1 of the committee report be agreed.
2. That the annual report and accounts for the King George's Field Tredegar Square charity (registered number 1088999) for the 2012/2013 financial year set out at Appendix 2 of the committee report be agreed.
3. That the Mayor be authorised to sign the annual reports and accounts for submission to the Charity Commission.
4. That it be agreed to grant to the Council a lease of the land at Mile End Leisure Centre for a term of years expiring on 1st May 2019 at an annual rent of £104,000 with consent for the Council to sublet to Greenwich Leisure Limited for a term of years expiring on 30th April 2019. It is noted that the Council's subsidy to the costs of maintenance of the Trusts land will reduce by £104,000 making this a cost neutral position.

Action by:

CORPORATE DIRECTOR, COMMUNITIES LOCALITIES AND CULTURE

Stephen Adams (Finance & Resources Manager, Communities Localities and Culture)

7. EXCLUSION OF THE PRESS AND PUBLIC

The Chair Moved and it was: -

Resolved:

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

8. EXEMPT MINUTES

The item was considered in closed session.

9. REPORTS FOR CONSIDERATION

9.1 Update on Mile End Park

The item was considered in closed session.

10. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

There was no other business.

The meeting ended at 7.10 p.m.

Councillor Ohid Ahmed (Vice-Chair)
King George's Field Charity Board

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE KING GEORGE'S FIELD CHARITY BOARD

HELD AT 6.00 P.M. ON WEDNESDAY, 5 MARCH 2014

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Mayor Lutfur Rahman (Chair)

Councillor Ohid Ahmed (Vice-Chair)

Councillor Rofique U Ahmed

Councillor Abdul Asad

Councillor Alibor Choudhury

Councillor Shafiqul Haque

Officers Present:

Stephen Murray – (Head of Arts and Events, Communities Localities & Culture)

Lisa Pottinger – (Head of Sport & Physical Activity)

Surjit Sandhu – (Principal Lawyer, Department of Law Probity and Governance)

Matthew Mannion – (Committee Services Manager, Democratic Services, Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Shahed Ali, Rabina Khan, Rania Khan and Oliur Rahman.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. REPORTS FOR CONSIDERATION

3.1 Stepney Green Astro-turf Development

Stephen Murray (Head of Arts and Events) and Lisa Pottinger (Head of Sports & Physical Activity) introduced the report. They provided a summary of the proposals including providing a new 3G pitch surface and new floodlights.

They also provided details of the funding arrangements including conditions which restrict future changes of use on the site.

Finally, officers explained the proposed development timeline and the impact on existing users.

Members welcomed the report but expressed concern that existing users needed to be kept fully informed and that proper assistance should be provided to help them find alternative venues whilst the pitches were out of use. They also requested that a timetable of works be presented at the next meeting.

Officers stated that they were in communication with existing users and they would ensure they were kept properly informed and supported.

RESOLVED

1. To note that under the terms and conditions of the grant, a 21 year clawback period is included on the astro-turf site, which prevents the Council from selling, transferring, leasing, licensing, mortgaging or changing the function of the astro-turf without prior written consent from the Football Foundation.
2. To approve the adoption of the capital estimate for the redevelopment of the Stepney Green Park site as outlined in Paragraph 1.1 of this report and grant delegated powers to officers to undertake any actions considered necessary to enhance and protect trust lands conduct as part of this development.

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

Nil items.

The meeting ended at 6.08 p.m.

Chair, Mayor Lutfur Rahman
King George's Field Charity Board

Agenda Item 4.1

Committee/Meeting: King George's Fields Charity Board.	Date: 19th March 2014	Classification: Unrestricted	Report No: 4.1
Report of: Corporate Director, Communities, Localities & Culture Originating Officer: Steve Murray		Title: Proposed reassignment of lease by Zeera restaurant. Mile End commercial units. Wards Affected: Mile End and Globe Town	

1. **SUMMARY**

- 1.1 At the Trust meeting on the 29th January 2014 Members discussed the proposal to reassign the lease of unit 554 (Zeeras) Mile End Road. Members discussed the offer from Tesco for a takeaway style business at the unit. Details of this offer were tabled at the meeting. Members sought clarity on a number of points including whether this would involve a change of use if approved and the terms of the lease in relation to this.
- 1.2 Members also questioned the impact of the proposal on the other business (under the Trust's management) in the area. The Board also expressed a preference for the existing restaurant use given the perceived lack of such uses in the Parade. As a result, it was agreed that a further report be prepared covering such issues and an additional meeting of the Board be arranged to consider this.

2. **DECISIONS REQUIRED**

King George's Fields Charity Board (KGFCB) is recommended to:

- 2.1 To consider the advice from the Council's legal services regarding the proposed reassignment of the lease for unit 554 Mile End Road and the required change of use to achieve this

- 2.2 To provide a response to the request by current leaseholders of unit 554 Mile End Road, Zeera's restaurant, to allow them to reassign their lease to Tesco Ltd.

3. **BODY OF REPORT**

- 3.1 Following the meeting on the 29th January 2014 clarification of the Trusts legal position specific to this lease has been secured. This has confirmed that the Council is not obliged to consider a change of user and therefore have the right to refuse the application to reassign the lease on Unit 554 Mile End Road to Tesco's Ltd.
- 3.2 The lease for 554 Mile End Road dated 2002 made between LBTH(1) and Urban Developments Regeneration Ltd (2) contains a covenant on the part of the Tenant not to assign part or the whole of the premises without the prior written consent of the Landlord but such consent is not to be unreasonably withheld. It also prohibits an underletting of the premises without the prior written consent of the Landlord.
- 3.3. The permitted user in the lease is "Use within Class A3 of the Use Classes Order as an Indian Restaurant with/without an off-licence", the tenant would require the landlords consent in the form of a deed of variation. The landlord is not obliged to give such consent and could charge for any agreement to vary the lease.
- 3.4 The Landlord is not obliged to agree a change of user so could refuse without having to give any reasons. With regards to the consent to assign the lease the landlord has to act reasonably in refusing such consent. Here the trust could withhold consent on the grounds that the proposed assignee will not use the premises for the use permitted in the lease.
- 3.5 Planning consent and landlords consent are two distinct matters. The Council is Landlord in its capacity as Trustees for KGFT. Its decisions are limited to the occupation by the tenant under the terms of the lease. It cannot fetter the Council's decisions as a planning authority. If planning permission was granted for a change of use any tenant would still require landlords consent for that use before it could be implemented.

4. **COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 4.1 This report seeks the KGFCB Trustees consideration of the legal advice and response to the request to the reassignment of the lease for Unit 554 Mile End Road Zeera's restaurant, to Tesco. The reassignment of the lease will ensure that rental income will continue to be achieved from the unit. The rental income contributes to sustaining the overall financial position of the park and it is essential that all the units are fully occupied.

5. LEGAL SERVICES

- 5.1 The lease for 554 Mile End Road dated 2002 made between LBTH(1) and Urban Developments Regeneration Ltd (2), contains a covenant on the part of the Tenant not to assign part or the whole of the premises without the prior written consent of the Landlord but such consent is not to be unreasonably withheld. It also prohibits an underletting of the premises without the prior written consent of the Landlord.
- 5.2 The permitted user in the lease is “ Use within Class A3 of the Use Classes Order as an Indian Restaurant with/without an off-licence”, the tenant would require the landlords consent in the form of a deed of variation. The landlord is not obliged to give such consent and could charge for any agreement to vary the lease.
- 5.3. The Landlord is not obliged to agree a change of user so could refuse without having to give any reasons. With regards to the consent to assign the lease the landlord has to act reasonably in refusing such consent. Here the trust could withhold consent on the grounds that the proposed assignee will not use the premises for the use permitted in the lease.
- 5.4. Planning consent and landlord’s consent are two distinct matters. The Council is Landlord in its capacity as Trustee for KGT, its decisions are limited to the occupation by the tenant under the terms of the lease, it cannot fetter the Council’s decisions as a planning authority. If planning permission was granted for a change of use any tenant would still require landlords consent for that use.
- 5.5 However as Trustees of a charity, consideration must be given to protecting the charity’s assets and furthering the charitable objectives. Matters such as the financial position of the current tenant, ie. is the rent account up to date, should also be considered as well as the financial benefits of having a company such as Tesco as tenant and also the possibility of an additional payment for agreeing a variation of the lease. In considering this matter due regard should also be paid to the mix of tenants at the Green Bridge shops as a competing business could affect the financial viability of an existing tenant and their ability to pay their rent.

6. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 6.1 There are no direct sustainability implications in this report.

7. RISK MANAGEMENT IMPLICATIONS

7.1 There is a potential risk that if the present leaseholder is not permitted to reassign their lease on this occasion that they may decide to give notice on their lease. This could result in a period of vacancy, loss of income and re-letting costs. Officers are of the view that current local demand for units in this location is reasonably strong and all things remaining equal a prolonged period of vacancy would not be anticipated.

8. CRIME AND DISORDER REDUCTION IMPLICATIONS

8.1 There are no specific crime and disorder implications around this proposal.

9. EFFICIENCY STATEMENT

9.1 N/A

10. APPENDICES

**Local Government Act, 1972 Section 100D (As amended)
List of "Background Papers" used in the preparation of this report**

Brief description of "background papers"

*Name and telephone number of holder
and address where open to inspection.*

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Agenda Item 6

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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