

KING GEORGE'S FIELD CHARITY BOARD

Wednesday, 11 July 2018 at 5.30 p.m.

Committee Room One - Town Hall Mulberry Place

The meeting is open to the public to attend.

Members:

Mayor John Biggs	(Executive Mayor)
Councillor Amina Ali	(Cabinet Member for Culture, Arts and Brexit)
Councillor Asma Begum	(Deputy Mayor and Cabinet Member for Community Safety and Equalities)
Councillor Rachel Blake	(Deputy Mayor and Cabinet Member for Regeneration and Air Quality)
Councillor David Edgar	(Cabinet Member for Environment)
Councillor Danny Hassell	(Cabinet Member for Children, Schools and Young People)
Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing)
Councillor Denise Jones	(Cabinet Member for Adults, Health and Wellbeing)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)
Councillor Motin Uz-Zaman	(Cabinet Member for Work and Economic Growth)

[The quorum for this body is 3 Members]

Contact for further enquiries:

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1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
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E-mail: joel.west@towerhamlets.gov.uk
Web:

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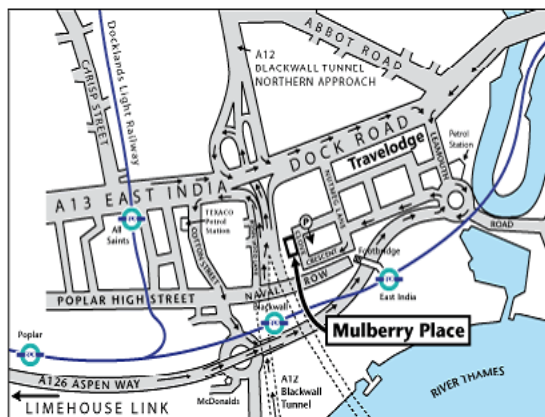
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A Guide to KING GEORGE'S FIELD CHARITY BOARD

Decision Making at Tower Hamlets

As Tower Hamlets operates the Directly Elected Mayor system, **Mayor John Biggs** holds Executive powers and takes decisions at Cabinet or through Individual Mayoral Decisions. The Mayor has also appointed this Board to administer the affairs of two charities of which the Council is sole trustee. Membership of the Board is set out on the front page of this agenda.

Which decisions are taken by King George's Field Charity Board?

The Board administers the affairs of the King George's Field, Mile End charity, and the King George's Field – Stepney (Tredegar Square, Bow) charity and discharges all duties of the Council as sole trustee of these Charities. Decisions on these matters are executive decisions and so are treated much in the same way as decisions of the Mayor.

The Board may also take Key Decisions. The constitution describes Key Decisions as an executive decision which is likely

- a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

Upcoming Key Decisions are published on the website on the 'Forthcoming Decisions' page through www.towerhamlets.gov.uk/committee

Published Decisions and Call-Ins

Once the meeting decisions have been published, any 5 Councillors may submit a Call-In to the Service Head, Democratic Services requesting that a decision be reviewed. This halts the decision until it has been reconsidered.

- The decisions will be published on: **Friday, 13 July 2018**
- The deadline for call-ins is: **Friday, 20 July 2018**

Any Call-Ins will be considered at the next meeting of the Overview and Scrutiny Committee. The Committee can reject the call-in or they can agree it and refer the decision back to the Mayor, with their recommendations, for his final consideration.

Public Engagement at King George's Field Charity Board

The main focus of King George's Field Charity Board is as a decision-making body. However there is an opportunity for the public to contribute through making submissions that specifically relate to the reports set out on the agenda.

Members of the public may make written submissions in any form (for example; Petitions, letters, written questions) to the Clerk to King George's Field Charity Board (details on the front page) by 5 pm the day before the meeting.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 7 – 10)

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.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 11 – 14)

To confirm as a correct record the minutes of the meeting of the Board held on 6 March 2018.

3. UNRESTRICTED REPORTS FOR CONSIDERATION

3.1 Mile End Stadium Upgrade to Step 4 of the Football National League System (Pages 15 – 22)

3.2 Mile End Park Update July 2018 (To Follow)

4. 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.

5. EXEMPT REPORTS FOR CONSIDERATION

5.1 Rent Review - 383-387 Mile End Road, London, E3 (Pages 23 – 28)

5.2 Rent Review - 556 Mile End Road, London, E3. (Pages 29 – 34)

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

Next Meeting of the Board.

Wednesday, 31 October 2018 at 5.00 p.m. in the Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

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:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer – 020 7364 4800.

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 5.30 P.M. ON TUESDAY, 6 MARCH 2018

COMMITTEE ROOM ONE - TOWN HALL MULBERRY PLACE

Members Present:

Mayor John Biggs	(Executive Mayor)
Councillor David Edgar	(Cabinet Member for Resources)
Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing)
Councillor Denise Jones	(Cabinet Member for Health & Adult Services)
Councillor Abdul Mukit MBE	(Cabinet Member for Culture and Youth)

Apologies:

Councillor Amina Ali	(Cabinet Member for Environment)
Councillor Asma Begum	(Cabinet Member for Community Safety)
Councillor Rachel Blake	(Cabinet Member for Strategic Development & Waste)
Councillor Joshua Peck	(Cabinet Member for Work & Economic Growth)
Councillor Amy Whitelock Gibbs	(Cabinet Member for Education and Children's Services)

Others Present

Bob Bennett	(Crossrail Consultant)
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Officers Present:

Agnes Adrien	(Team Leader, Enforcement & Litigation, Legal Services)
Stephen Murray	(Head of Arts and Events)
Owen Whalley	(Divisional Director, Planning & Building Control)
Joel West	(Senior Democratic Services Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

2. MINUTES OF THE PREVIOUS MEETING

That the unrestricted minutes of the Board meeting held on 9 January 2018 be approved and signed by the Chair as a correct record of proceedings.

3. UNRESTRICTED REPORTS FOR CONSIDERATION

3.1 Crossrail Stepney Green Land Transfer and Landscape Reinstatement

Owen Whalley, Divisional Director - Planning and Building Control and Bob Bennett, Crossrail Consultant, introduced the report, which provides a summary of the mitigation works already undertaken by Crossrail at Stepney Green, and that which are proposed to be undertaken later this year before the land is transferred back to the Trust.

At the request of the Mayor, representatives from Stepney City Farm Charity addressed the Board to comment on the proposals. The representatives expressed some concern with the proposed lighting to the edges of the Crossrail site which adjoin the farm. The Board noted these concerns and asked that a specification is developed to ensure lighting is appropriate for the farm.

The Board also asked officers to discuss the surface treatment of the proposed asphalt surface around the ventilation shaft further with Crossrail, to achieve an enhanced appearance.

The Board noted the request by Stepney City Farm Stepney City Farm for a 25 year lease, as set out in paragraph 3.2.8 of the report and the constraints on lease terms set out at paragraph 5.5 of the report. The Board indicated approval in principle to grant a 25 year lease to Stepney City Farm and asked officers to explore options for how such a lease may be granted.

RESOLVED:

That the Board

1. Notes the works already undertaken by Crossrail at Mile End Park and Stepney Green in mitigation for the permanent and temporary loss of land resulting from the construction of the Elizabeth Line
2. Agrees that the land to the west of Garden Street be reinstated as part of Stepney Green Park as shown on Appendix 2 of the report
3. Agrees that land to the east of Garden Street including the remains of the Baptist Chapel be leased to Stepney City Farm Charity for use as an extension to the existing farm for a period of 10 years;
4. Agrees in principle to a 25 year lease as set out in paragraph 3.2.8 of the report and asks officers to explore how this can best be achieved without conflicting with the Trust's Governing Document, including the possibility of amending the Governing Document, if appropriate.
5. Authorises the Corporate Director, Governance to execute all necessary documents necessary to implement the above resolutions.

3.2 Update on Mile End Park - March 2018

Stephen Murray, Head of Arts, Parks and Events, introduced the report which provided information in response to requests for updates from the last meeting of the Board.

Mr Murray confirmed that the Friends of Mile End Park had been consulted on the preparation of the Mile End Park Management Plan 2017. The Board indicated it would welcome details of consultation in future iterations of the Management Plan.

The Board asked that Eid celebrations are added to the Events in Mile End Park 2018-19 table at Appendix A3.

RESOLVED:

That the Board:

1. Notes the key outputs on the Mile End Park Management Plan 2017 as set out in Appendix 5.
2. Notes the annual review Mile End Park Management Plan 2018-19 as set out in Appendix 2 of the report.
3. Notes the budget report for Period 9 2017-18 financial year as set out in Appendix 3.
4. Notes the update on the ponds by the Arts and Eco Pavilions as set out in paragraph 3.6 of the report.
5. Approves the revised guidelines on applying to place structures in Mile End Park as set out in Appendix 4 subject to inclusion of a direct local connection requirement in the Memorials paragraph of section 1.2.2 of the guidance.
6. Approves the proposals for subsidised lettings of Pavilions to community organisations as set out in Appendix 1.


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

None.

The meeting ended at 6.40 p.m.

Chair, Mayor John Biggs
King George's Field Charity Board

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<p>King George’s Fields Charity Board</p> <p>11th July 2018</p>	
<p>Report of: Debbie Jones, Corporate Director of Childrens Services</p>	<p>Classification: Unrestricted</p>
<p>Proposal to Upgrade Mile End Stadium to Step 4 of the Football National League system</p>	

Lead Member	Councillor Amina Ali, Cabinet Member for Culture, Arts and Brexit
Originating Officer(s)	Lisa Pottinger, Head of Sport & Physical Activity
Wards affected	Mile End
Key Decision?	No
Community Plan Theme	A Great Place to Live

Executive Summary

To consider a proposal to upgrade Mile End Stadium to Step 4 of the Football National League system.

Recommendations:

The Board is recommended to:

1. Consider the proposal to upgrade Mile End Stadium to Step 4 of the Football National League system. Due to the high risk of challenge, it is recommended that the proposal is not approved.

1. REASONS FOR THE DECISIONS

- 1.1 Mile End Stadium is designated Fields in Trust (FiT) Land and use of the land needs to comply with the designated charitable restrictions.
- 1.2 FiT has stated that the development of the stadium site is not in keeping with the designations of the land and objected to the proposal to create a football stadium on the site for this reason. The inclusion of an opaque, boundary wall and turnstiles are of particular concern to the Trust because these environmental changes impact on the aesthetics of the park.
- 1.3 The FA technical committee has objected to a temporary wall boundary that may have been acceptable to FiT, making the alternative proposal to mitigate the concerns of FiT untenable.
- 1.4 The risk of challenge is extremely high should the King George’s Fields Board

decide to implement the scheme in face of the FiT objection.

- 1.5 The risks associated with a successful challenge are significant, which include reputational damage for the Council as well as financial and personal liability for individual trustees and Council officers]

2. ALTERNATIVE OPTIONS

- 2.1 There are no alternative solutions for the Mile End Stadium site due to the restrictions placed upon King George's Fields land, however, developing a football stadium compliant with Step 4 guidelines could be explored should a suitable alternative location be found elsewhere.

3. DETAILS OF REPORT

- 3.1 [This briefing report outlines the governance of Mile End Stadium and the facility improvements that would be required to upgrade the Stadium to Football Association Ground Grading Criteria D. These improvements are being proposed in response to a request from the borough's two semi-professional football clubs, Sporting Bengal and Tower Hamlets Football Club, to enable them to compete in Step 4 of the National League System (NLS), which has stringent requirements for football grounds at this level of play.
- 3.2 These two clubs are based at Mile End Stadium currently play at Step 5 of the Football National League System. However, if either one or both of these teams were to obtain promotion they would need to play at the next level of the National league system and Mile End Stadium would need to meet the Football Association's Ground Grading Criteria D for Step 4. This would require extensive development of the infrastructure of the stadium to include:
 - An opaque, permanent 1.83m fixed boundary fence,
 - the installation of two sets of turnstiles,
 - the development of a clubhouse and
 - other minor changes. (Please See Appendix 1 for FA Ground Grading Criteria D for Step 4)
- 3.3 Mile End Stadium is located within Mile End Park and is governed by the charitable objects of The King George's Field Charity, which comes under the auspices of Fields in Trust (FiT). Under the 2000 Scheme, approved by the Charities Commission, Tower Hamlets Council is the trustee of the Charity. Article 7 of the Scheme, empowers the Council to delegate its trustee function to a committee consisting of any two or more members, provided that the Council exercises reasonable supervision over the committee. This function is currently performed by Cabinet members acting as Trustees on behalf of the Charity. The Council's Constitution establishes the King George's Field Trust Board to administer the Charity's affairs and discharge the Council's trustee functions.

- 3.4 The proposed development of the Mile End site into a football stadium has highlighted a number of key issues. Most importantly, and the key issue, is that the Council does not own the land on which Mile End Stadium is located. The site is designated King George V land as part of the King George's Field Charity, which comes under the auspices of the Fields in Trust (FiT) and the Charities Commission.
- 3.5 Due to Mile End Stadium's designation as King George V land, it was necessary to seek the view of FiT on the proposal to turn the site into a football stadium that meets the FA's ground grading criteria D. In its response FiT has made it clear that the proposal is not in keeping with the land dedication and charitable objects of the site, i.e. they do not approve of the proposed development. (Please see Appendix 2 for the FiT response to the proposed development in 2010 & 2018.)
- 3.6 FiT's response has also highlighted that approval for the development would also need to be obtained from the Charities Commission. This further approval is also highly unlikely as the "more formal usage by the clubs" is unlikely to fit with the charitable status of the land, especially as FiT has already lodged its objection of the proposal.
- 3.7 Having received the FiT response to the proposed development, officers' sought legal advice on undertaking the proposed development, despite their objection. Legal advice, which can be viewed in Appendix 3, highlights that the risk of challenge against the development is extremely high.
- 3.8 In addition to the charitable land status of Mile End Stadium, there are also a number of other issues which require consideration as a result of this proposal. Mile End Stadium is part of a leisure centre site, managed via a contract, and the lease arrangement with the Council's leisure operator, which precludes sub-letting, could cause additional complications, particularly with regard to re-letting the leisure contract in 2022.
- 3.9 Another issue which causes concern is funding the development. Although the Football Stadium Improvement Fund (FSIF) provides funding for ground improvements, clubs can only apply for funding for the Step level of the League System in which they are currently playing and not the level that they aspire to compete in. As a result, the two Tower Hamlets' teams would not be able to apply for funding to meet the Step 4 Ground Grading D criteria because they are already Ground Grading F compliant at step 5. This means that the circa £250k-£350k of works required to upgrade Mile End Stadium would not be eligible for FSIF funding and would need to be funded from elsewhere.
- 3.10 Furthermore, it is important to note that this development has not been identified as a strategic priority either via the Council's Indoor Sports Facilities or Open Spaces Strategies or the Council's Capital Programme and as a result no funding is currently allocated to this project. S106 Capital funding could only be earmarked for this development at the expense of other

projects, which have been identified as a priority for development through a rigorous, evidence based needs assessment.

- 3.11 In addition, to the capital costs of the scheme, there would also be considerable lifecycle costs to consider. The installation of turnstiles and a boundary wall would require ongoing maintenance and there is currently no designated budget for these additional costs. Implementing these changes to the stadium would create an additional budget pressure for the service at a time of reducing financial resources, unless these ongoing costs could be met from finances elsewhere.
- 3.12 Mile End Stadium is a multi-use site and the current configuration and operation enhances its multi-functional nature to accommodate the needs of footballers, athletes and hockey players alike. By upgrading the stadium to Step 4, the Council would essentially create a football stadium, making football the preeminent sport at the expense of athletes and hockey players that currently share the facility. If this upgrade were to be implemented it would generate conflict between the user groups, especially as part of any community consultation exercise on the development, and would need to be managed.
- 3.13 In 2010, when this matter was previously investigated, the Council sought a mobile boundary fence solution to mitigate the concerns of FiT regarding the significant change to the park aesthetic that a permanent, fixed boundary wall would create. However, the mobile boundary solution, which may have satisfied FiT, was rejected by the Football Association (FA) Technical Committee. The most recent approach to the FA has reiterated their objection to a temporary boundary and confirmed their position that the FA would not approve the stadium as being ground grading D compliant with a temporary boundary wall. The FA technical committee objections can be viewed in in Appendices 4 & 5.
- 3.14 From the consultation undertaken to date, FiT has made clear its objections to the required changes to the Stadium to meet Ground Grading D criteria. Attempts to mitigate the concerns of FiT by proposing temporary solutions were rejected by the FA Technical committee. Consequently, there is no site development proposal that would meet the needs of both key stakeholders and consequently the development is untenable.]

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The proposed recommendation does not require any financial commitment from the Council.
- 4.2 If FiT and the Charities Commission in the future choose to provide approval for the upgrade of Mile End Stadium to step 4 of the National Football League System, a robust financial analysis will be undertaken to assess the costs and financial risks posed to the Council.

5. LEGAL COMMENTS

- 5.1 The legal relationship between the Council and the King George's Field Charity is complex but in summary the Council holds the assets of the King George's Field Charity on trust and to the benefit of the Charity.
- 5.2 The Council's actions as Trustee are carried out by the King George's Field Board.
- 5.3 A trustee is legally bound to act in a manner it reasonably believes is in the best interests of the beneficiary. Therefore, the Board should only implement any course of action it reasonably believes is in the best interests of the Charity.
- 5.4 The decision whether to implement the subject matter of this report is one which properly falls within the discretion of the Board and this discretion should operate unfettered of the interests of the Council itself.
- 5.5 However, the matters and risks raised in this report relating to the implementation of the upgrade could cause the Board to reasonably consider that the implementation is not in the best interests of the Charity although the Board should consider all the circumstances surrounding the upgrade when making this decision one way or the other.
- 5.6 In the event that the Council through the Board is deemed to have breached its legal duties as trustee (by not reasonably acting in the best interests of the Charity) the Council itself could face legal action by the Charities Commission and or by the Charity itself.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 None.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The costs associated with upgrading Mile End Stadium are considerable. Capital costs alone are estimated to be between £250k-350k, with additional lifecycle (revenue costs) for maintenance, repair and replacement, for which no budget currently exists. This provision would create an additional ongoing budget pressure for the service's reducing financial resources. It should also be noted that this project is not aligned with any of the Council's key strategic objectives from the Indoor Leisure Facilities Strategy, Open Spaces Strategy or the objectives for sport & physical activity, which targets resources towards inactive people and under-represented participation groups such as women and girls, disabled and older people. In addition to the lack of evidence based strategic need for the development, when the benefits of this development are considered, which at best will advance the aspirations of approximately 30 adult male football players of the two football clubs this project, the 6 figure development and lifecycle costs are difficult to justify.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no greener environment implications for this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There are several risks and challenges associated with upgrading Mile End Stadium each of which are considered below:-

9.2 If the Council were to continue with the development proposal the likelihood of challenge by FiT and the Charities Commission would be extremely high. FiT has clearly indicated that the development requirements of Step 4 of the Football National League System would not be compatible with the charitable purpose. Consequently, if the King George V Board were to approve the works in spite of this objection and a successful challenge was executed, individual trustees could be financially and personally liable for not complying with the requirements of the King George V Charitable scheme for which they are trustees.

9.3 The Charities Commission also has powers to issue an official warning if it considers there has been “a breach of trust, breach of duty, misconduct or mismanagement” which could lead to an official warning which may be published without a right of appeal. This would have reputational consequences for the Council and the trustees involved with making the decision.

9.4 Any failure by the trustees to comply with remedial actions required in an Official Warning could lead to a suspension for up to 2 years. Trustees could also be removed following a Charity Commission inquiry and this would also have implications for the officers who facilitated or failed to take reasonable steps to prevent the situation. Ultimately, the Charity Commission has the power to direct the winding up of a charity following on from a Charity Commission inquiry.

9.5 Additional risks associated with the proposal include an increase in lifecycle costs of the stadium for the Council (associated with maintenance/repair costs to the turnstiles and boundary wall) at a time when departments have reduced revenue costs, it could create unplanned budget pressures.

9.6 Any decision to continue with the development could prejudice or preclude any future development plans for Mile End Park Leisure Centre and Stadium which may be proposed as part of the retender of the leisure management contract.

9.7 Any development which places one sport above the other is likely to increase tension between the sporting communities. The current format, layout and management of the site is designed to allow football, hockey and athletics to coexist on the site and be treated as equitably as possible. This balance would not be possible if one sport were deemed to be more important or

significant than the other. Any such development would require stakeholder consultation and would be need to managed accordingly.

- 9.8 As highlighted by legal advice, if the King George V Board were to continue with the development proposal, the likelihood of challenge would be extremely high. FiT has clearly indicated that the development requirements of Step 4 of the Football National League System would not be compatible with the charitable purpose, a view that is also likely to be shared by the Charities Commission. Due to the high risk of challenge and the consequences of such as a challenge for the Council, trustees and Council officers, the proposed development is untenable and it is recommended that this development proposal not be pursued.]

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 The proposed development of the Mile End stadium does not contribute to the reduction of crime and disorder.

11. SAFEGUARDING IMPLICATIONS

- 11.1 The development of the stadium site does not pose any safeguarding risks or benefits as detailed in the report.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- NONE.

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE.

Officer contact details for documents:

N/A

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

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