

# KING GEORGE'S FIELD CHARITY BOARD

**Wednesday, 27 February 2019 at 6.00 p.m. or at the rising  
of Cabinet whichever is later.**

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

**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:**

David.Knight, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4878  
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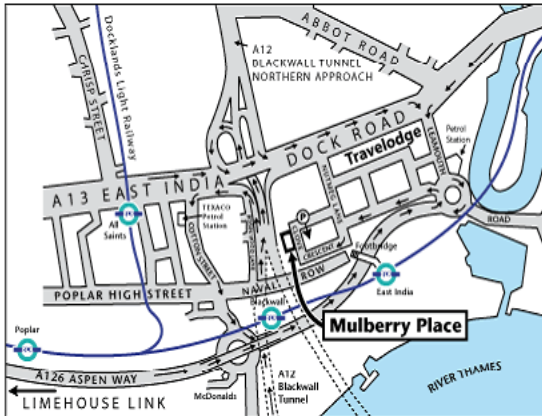
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QR code for smart phone users

## **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](http://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, 1 March 2019**
- The deadline for call-ins is: **Friday, 8 March 2019**

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 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) 11 - 14**

To confirm as a correct record the minutes of the last meeting of the Board

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. UNRESTRICTED REPORTS FOR CONSIDERATION</b>		
<b>3.1 Annual Report and Accounts for 2017-18</b>	<b>15 - 28</b>	
<b>3.2 Governance of the King George's Fields Mile End Charity and Options for Public Use of Mile End Park</b>	<b>29 - 50</b>	

### **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 MINUTES**

Nil items

### **6. EXEMPT REPORTS FOR CONSIDERATION**

Nil items

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

**Next Meeting of the Board**

Wednesday, 3 April 2019 at 6:00 p.m. or at the rising of Cabinet whichever is later in the Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

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## **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 7.00 P.M. ON WEDNESDAY, 28 NOVEMBER 2018**

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

**Members Present:**

Mayor John Biggs	– (Executive Mayor)
Councillor Amina Ali	– (Cabinet Member for Culture, Arts and Brexit)
Councillor Sirajul Islam	– (Statutory Deputy Mayor and Cabinet Member for Housing)

**Apologies:**

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 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)

**Officers Present:**

Agnes Adrien	– (Head of Litigation, Legal Services)
Stephen Murray	– (Head of Arts and Events)
Neville Murton	– (Acting Corporate Director, Resources)
David Knight	– (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 11<sup>th</sup> July, 2018 were approved and as a correct record of proceedings.

## **3. UNRESTRICTED REPORTS FOR CONSIDERATION**

### **3.1 Mile End Park update**

The Board received and noted a report that provided an update on items related to the management of Mile End Park including the planned activities and major maintenance issues.

It also provided an update on the other parks that are within the Board's responsibilities.

The questions and comments from Members on the report may be summarised as follows:

The Committee:

- Noted that after the death of King George V it was agreed to establish the King George's Fields Foundation to carry the late King's name forward through future generations. The aim being to promote and to assist in the establishment throughout the United Kingdom of playing fields for the use and enjoyment of the people;
- Noted when the King George's Fields Foundation was dissolved in 1965 there were over 400 King George Playing Fields and they are legally protected by Fields in Trust and managed locally by either the Council or a Board of Local Trustees. There are also strict covenants and conditions that ensure that the public will continue to benefit from these open play areas;
- Agreed that there was a need for there to be a thorough review the operation of the Trust including a review of the Membership (**e.g.** including non-executive councillors; stakeholders and user groups); increased frequency of the Boards meetings; a review of the income and expenditure process; a review of the use of agency staff; considering how to increase the use of volunteers in supporting planned activities; a detailed breakdown on repairs and maintenance;
- Noted the summary set out in Appendix 1 of those activities that have taken place so far in the current year. Including an analysis of the type of events that have taken place at the Mile End Pavilions with the intention of achieving a balance between income generation and free to access events for the public;
- Noted that the activities programmed aim to provide something for all age ranges and families. The urban adventure playground programme being targeted at 10 to 25 year olds, the arts and other workshops younger children and the "stay and play toddler group;

- Noted an update detailed in Appendix 2 on income and expenditure that provided (i) a starting budget; (ii) the spend to date; and (iii) the forecast for the year;
- Noted that the yearly forecast shows a projected over spend of £5,200 in Mile End Park and a projected surplus in Stepney Green giving an overall projected surplus of £20,485. The expenditure it was noted included a sum of £80,000 for repairs and maintenance carried over from 2017-18, delayed in order to check details of works completed;
- Noted that this was offset by a one off backdated rental income from the Climbing Wall of £100,000.

The Chair moved and it was:-

**RESOLVED**

The King George's Field Charity Board:

1. Noted the update on activities in Mile End Park Appendix 1;
2. Noted the update on spend and income Appendix 2; and
3. Agreed for there to be a review of the operation of the Trust.

**4. EXCLUSION OF THE PRESS AND PUBLIC**

As the agenda circulated contained no exempt/confidential business and there was therefore no requirement to exclude the press and public to allow for its consideration.

**5. EXEMPT MINUTES**

The Chair **Moved** and it was:-

**RESOLVED**

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 11<sup>th</sup> July, 2018 were approved as a correct record of the proceedings.

**6. EXEMPT REPORTS FOR CONSIDERATION**

Nil items


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

Nil items

**The meeting ended at 7.30 p.m.**

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

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<p>King Georges Fields Trust Board Meeting</p> <p>27<sup>th</sup> February</p>	
<b>Report of:</b> Debbie Jones. Children and Cultural Services	<b>Classification:</b> Unrestricted
<b>Annual report and accounts for 2017-18</b>	

<b>Lead Member</b>	<b>Councillor Amina Ali, Cabinet Member for Culture Arts and Brexit</b>
<b>Originating Officer(s)</b>	Stephen Murray. Head of Arts parks and Events
<b>Wards affected</b>	All Wards
<b>Key Decision?</b>	No
<b>Forward Plan Notice Published</b>	
<b>Reason for Key Decision</b>	
<b>Strategic Plan Priority / Outcome</b>	<b>A borough that our residents are proud of and love to live in</b>

## Executive Summary

This report provides details of the annual report and accounts of the King Georges Field Trust Mile End and King Georges Fields Trust Tredegar Square Charities for the 2017/2018 financial year.

## Recommendations:

The Board is recommended to:

1. Agree the annual report and accounts of the King Georges Fields Trust Mile End (Charity registration 1077859) for the 2017/2018 financial year set out in Appendix 1.
2. Agree the annual report and Accounts for the King Georges Fields Trust, Tredegar Square (charity number 1088999) for the financial year 2017/2018 set out in Appendix 2 .
3. Subject to approval of 1 and 2 above, and the Council's accounts for 2017/2018 being signed off, authorise the Trust to sign the 2017/2018 annual reports and accounts for submission to the Charity Commission by 28<sup>th</sup> February 2019.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The King Georges Fields charity is registered with the Charity Commission as King Georges Field, Mile End Charity, registered number 1077859.
- 1.2 The Council is the trustee of the charity and the council is the freehold owner of the land which is subject to this report.
- 1.3 The King Georges Fields Charity Board (the Board) is established by section 3.3.12 of the Council's Constitution, which gives the Board the following functions:
  - 3.2.1 To administer the affairs of the King Georges Fields Charity and discharge all the duties of the Council a sole trustee of the Charity
  - 3.2.2 To administer the affairs and discharge the duties of trustee of such other charities controlled by the Council as the Cabinet might authorise by resolution

## **2. ALTERNATIVE OPTIONS**

- 2.1 There are no other options

## **3. DETAILS OF THE REPORT**

- 3.1 The annual report provides details of activities undertaken throughout 2017/18 financial year as set out in appendix 1. This will form the annual trustees report as part of the submission to the Charity Commission.
- 3.2 The report and accounts relate to the King Georges Field, Mile End Charity (registered number 1077859) which includes Stepney Green and Whitehorse Road open space and King Georges Field, Tredegar Square Charity (registered number 1088999). From the accounts attached in the appendices, the board will see that the King Georges Field, Mile End produced a surplus of £35,000 and that King Georges Field Tredegar Square produced a deficit of £1,363. The reserve now stands at £204,000.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 Mile End Park is an important community asset that is open to all. As the population of the borough increases it, along with other parks, becomes increasingly important as a facility to support healthy living and community activity that helps promote community cohesion.

## **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
  - Best Value Implications,
  - Consultations,

- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 Appendices 1 and 2 (attached) detail the 2017/18 financial accounts for King Georges Field Trust. The Trust has 2 sites to be reported on. Mile End (Appendix 1) produced a surplus of £36,000 and Tredegar Square (Appendix 2) had a deficit of £1,363. The reserve for the trust currently stands at £204,000. There are no other financial implications to be considered.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The Council is the Trustee of the Mile End Charity pursuant to the Governing Document which is a Scheme dated 28th February, 2000. The Council is also the Trustee for Tredegar Square with the Trust deeds. The Council's constitution establishes the King George's Fields Charity Board to administer the charities affairs and discharge the Council's trustee functions.
- 7.2 The trustees have a duty to keep the accounting records and must prepare a statement of accounts in respect of each financial year. The attached statements of accounts are required to comply with the requirements of the Charities Act 2011 and the Statement of Recommended Practice- Accounting and Reporting by Charities 2015, and the Charities (Accounts and Reports) Regulations 2008.

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- List any linked reports
- 
- State NONE if none.

### **Appendices**

1. Summary of activities and financial accounts for 2017/18 (April to March) for Mile End Charity registration 1077859
2. Accounts for financial year 2017/18 for Tredegar Square Charity registration 1088999

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

None

**Officer contact details for documents: Stephen Murray. Head of Arts Parks and Events x7910**

## Activities for the financial year 2017/2018

1. During 2017/18 the Parks and Open Spaces team delivered a range of activities within Mile End Park

### 1.1 Arts Park

- Redesigning and restocking of Arts Park beds at the front and rear of the Arts Pavilion, in particular perennial plants to reduce maintenance and regular watering.
- Work in Partnership with the London in Bloom to host the 50th Anniversary of the London in Bloom Awards in the Arts Pavilion
- Design, develop and install picnic benches in the rear of the Arts Pavilion
- Increase storage for the Arts Pavilion, by identifying suitable external location and installing a container.

### 1.2 Ecology Park

- Bulb planting of 100 meters naturalised bulbs
- Distribution of 100 tonnes of wood chips throughout the various woodland walk areas with corporate groups.
- Completed the Second phase of the central reservation gapping across the Ecology park.

### 1.3 Play Park

- 87 regular stay and play actives were delivered with a total attendance of 4,674
- 20 activity sessions were delivered with a total attendance of 2,717
- 7 community events the events included; Park Life: Community Fair & Dog Show, Alexia Memorial Event, Water Festival, Cardboard City, A day by the seaside, Teenie Halloweenie

1.4 Volunteers .We delivered 24 corporate volunteering sessions and worked with 1,456 volunteers.

Volunteers carried out tasks such as

- Management of aquatic planting in the Ecology and Arts lakes, with a particular focus on reed reduction.
- Carried out maintenance to all the natural hedges though out the park
- Created crushed concrete paths though our native food land walks
- Handed weed our native meadow areas
- Painted all the park railings
- Distributed over 10 tons of wood chip that was spread across all the scrub beds around the park.
- Built 20 picnic benches that were distributed across the park.

1.5 Improvement works carried out for Mile End Park included the installation of electronic door entry systems to all 3 pavilions and upgraded the CCTV system to allow viewing of the ecology and arts pavilion at the main office in Locksley street.

1.6 Summary numbers taking part in events and workshops.

<b>Total Individuals benefiting/taking part</b>	<b>4,674</b>	<b>2,717</b>	<b>4,030</b>	<b>1,456</b>
<b>No Events and workshops</b>	<b>87</b>	<b>20</b>	<b>7</b>	<b>24</b>
	<b>Stay and Play</b>	<b>MEP Activity</b>	<b>Events MEP</b>	<b>Corp Vols</b>

2. Pavilions hire and activity.

2.1 This is a summary of invoiced income for the pavilions. This is income taken against bookings for 2017/18 financial year and some income may show up in the following financial year. There are staffing and security costs attached to bookings which are shown below. There will also be repairs and maintenance and heat and light costs which are covered by income but not shown here.

	<b>2016/17</b>	<b>2017/18</b>
<b>Both Pavilions Invoiced Income</b>	<b>£252,059</b>	<b>£258,300</b>
<b>Staff costs</b>	£47,550	£32,527
<b>Security costs</b>	£13,360	£8,830
<b>Balance surplus</b>	<b>£191,149</b>	<b>£216,943</b>

2.2 Summary of Pavilions usage. Note we hold more exhibitions at the Arts Pavilion than the Eco Pavilion and this explains the difference in free to access days for the public. There are also times when we don't take bookings in order to carry out repairs and an annual repainting.

<b>Pavilions (no of days)</b>	<b>2016/17</b>	<b>2017/18</b>
<b>Arts Occupied</b>	280	264
<b>Arts Unoccupied</b>	76	101
<b>Open to the Public / free activity</b>	151	143

<b>Eco Occupied</b>	186	185
<b>Eco Unoccupied</b>	166	209
<b>Open to the public / free activity</b>	<b>36</b>	<b>27</b>

# Appendix 1

KING GEORGES FIELD, MILE END  
 CHARITY NO 1077859  
 STATEMENT OF FINANCIAL ACTIVITIES  
 (Including an Income & Expenditure Account)  
 For the year ended 31 March 2018

		UNRESTRICTED FUNDS 2017/18 £'000	PRIOR YEAR TOTAL FUNDS 2016/17 £'000
	Note		
<u>Incoming Resources</u>			
Income from General Fund			
Donations and legacies	3	39	19
Other trading activities	4	927	904
Other Income		146	136
		<u>1,112</u>	<u>1,058</u>
<u>Expenditure on Charitable activities</u>			
Charitable activities	5	<u>1,077</u>	<u>1,031</u>
<b>Total Expenditure</b>		<b>1,077</b>	<b>1,031</b>
		<u>35</u>	<u>27</u>
Net Income/(Expenditure) and net movement in funds for the year			
RECONCILIATION OF FUNDS			
Total Funds brought forward		169	142
Total Funds Carried Forward		<u>204</u>	<u>169</u>

Appendix 1  
KING GEORGE'S FIELD, MILE END  
CHARITY NO 1077859  
BALANCE SHEET  
As at 31 March 2018

		UNRESTRICTED FUNDS	
	Note	2017/18	2016/17
<b>Fixed Assets</b>	8	-	-
<b>Current Assets</b>			
Debtors & Payments In Advance	9	-	18
Cash at bank	10	289	259
		<u>289</u>	<u>278</u>
<b>Current Liabilities</b>			
Creditors	11	9	3
Receipts in Advance	11	98	106
		<u>107</u>	<u>108</u>
<b>Net Current Assets</b>		<u>182</u>	<u>169</u>
<b>Total Unrestricted Funds</b>		<u>182</u>	<u>169</u>

Appendix 1  
KING GEORGE'S FIELD, MILE END  
CHARITY NO 1077859  
Statement of Cash Flows  
As at 31 March 2018

<b>Cash flow from operating activities</b>		<b>2017/18 £'000</b>	<b>2016/17 £'000</b>
	<b>Note</b>		
Net incoming resources	2	36	27
Increase (decrease) in Trade and other receivables		18	(18)
Increase (decrease) in Trade and other payables		(1)	(40)
Cash Provided by (used in) financing activities		17	(59)
Increase (decrease) in cash and cash equivalents in the year		<b>53</b>	<b>(32)</b>
Cash and cash equivalents at the beginning of the year		257	288
Total cash and cash equivalents at the end of the year.		310	257

KING GEORGE'S FIELD, MILE END  
CHARITY NO 1077859

Notes to the Financial Statements  
For the year ended 31 March 2018

**1. Accounting Policies**

- The financial statements have been prepared under the historical cost convention and in accordance with appropriate accounting standards. They follow the recommendations in the Statement of Recommended Practice-Accounting FRS 102 and Reporting by Charities issued in July 2014.
- All income is recognised in full in the Statement of Financial Activities in the year in which it is receivable. Fees, charges and rents are accounted for as income as the date the Charity provides the relevant services and there is no entitlement to the funds.
- There are no restricted funds, within the definition contained in the SORP FRS 102. Incoming resources are therefore used for any of the Charity's purposes.
- Resources expended are recognised in the period in which they are incurred. Resources expended exclude VAT which is recoverable by the London Borough of Tower Hamlets.

- e) The Charity is exempt from corporation tax on its charitable activities
- f) Where income or expenditure has been recognised but cash has not been received or paid, a debtor or creditor for the relevant amount is recorded in the balance sheet.
- g) Employees working in the Mile End Park and at other local parks and open spaces are Council Employees. They are eligible to join the Local Government Pension Scheme administered by the London Borough of Tower Hamlets.
- h) The accounts have been prepared on a going concern basis on the assumption that the Charity will continue to receive adequate support from Tower Hamlets Council.

## 2. Financial Performance of the Charity

The summary financial performance of the charity

	UNRESTRICTED FUNDS	
	2017/18	2016/17
<u>Income</u>	<u>£'000</u>	<u>£'000</u>
Total Income	1,113	1,058
Expenditure on charitable activities	1,077	1,031
Net Income/(Expenditure)	36	27
Total Funds Brought Forward	169	142
Total Funds Carried Forward	205	169

## 3. Income from donations and legacies

	UNRESTRICTED FUNDS	
	2017/18	2016/17
	<u>£'000</u>	<u>£'000</u>
Donations, legacies and Sponsorship	39	19

## 4. Income from other charitable activities

	2017/18	2016/17
<u>Income</u>	<u>£'000</u>	<u>£'000</u>
<u>Other trading activities</u>		
Rentals	593	608
Other Lettings	233	223
Pitch Hire Income	101	73
Other Income	146	136
	<u>1,073</u>	<u>1,039</u>

## 5. Summary analysis of expenditure on charitable activities

	2017/18 £'000	2016/17 £'000
Salaries	142	197
Employee Related Expenditure	129	71
Repairs & Maintenance	488	543
Energy & Water	23	9
Other Services	184	133
Communications	1	1
Stock & Equipment	46	40
Fees & Insurance	64	38
	<u>1,077</u>	<u>1,031</u>

Rents expended are included within 'Other Services'

## 6. Remuneration and Benefits

There were no trustees' remuneration, expenses or other benefits for the year ended 31st March 2018.

## 7. Staff Costs and Numbers

	2017/18	2016/17
Salaries	£141,821	£163,049
National Insurance	£11,896	£14,870
Pension Contributions	£9,063	£19,399
<b>Total</b>	<b>£141,821</b>	<b>£197,318</b>

No park employee received more than £50,000 during the year, nothing has been charged for Head of Arts Parks and Events for 17/18 it was £13.9k for 16/17

The average weekly number of employees during the year was as follows (full time equivalents)

	2017/18	2016/17
FTE	5.0	7.0

**8. Movement in Funds**

	at 1.4.17	Net Movement	At 31.3.18
Unrestricted funds	£	£	£
Total Funds	169,355	35,512	204,867

Net movement in funds, included in above are as follows

	Incoming Resources	Resources Expended	Net Movement in Funds
	£	£	£
	1,112,557	1,077,045	35,512

**9. Fixed Assets**

No fixed assets are shown in the Charity's accounts. Any capital expenditure on the construction and improvement of assets in Mile End Park or the other parks and open spaces is shown in the accounts of the London Borough of Tower Hamlets, together with the financing of those construction and improvement works.

**10. Debtors**

	2017/18	2016/17
Debtors	£0	£18,410

**11. Cash at Bank**

Funds held on behalf of the trust in the accounts in the name of the London Borough of Tower Hamlets.

	2017/18	2016/17
Cash at Bank	£312,730	£259,238

**12. Creditors**

Amounts Falling Due Within One Year

Creditors	£9,443	£2,727
Receipts in Advance	£98,420	£105,586
<b>Total</b>	<b>£107,863</b>	<b>£108,313</b>

**13. Contingent Liability**

There were no contingent liabilities for the year ended 31 March 2018

**14. Related Party Disclosure**

There were no related party disclosures for the year ended 31 March 2018

## Appendix 2

KING GEORGE'S FIELD, STEPNEY  
 TREDEGAR SQUARE, BOW  
 CHARITY NO 1088999  
 STATEMENT OF FINANCIAL ACTIVITIES  
 (INCLUDING AN INCOME & EXPENDITURE ACCOUNT)  
 For the year ended 31 March 2018

	UNRESTRICTED FUNDS	
	<u>2017/18</u>	<u>2016/17</u>
	£	£
<b><u>Income</u></b>		
Donations and legacies	<u>10,200</u>	<u>10,200</u>
Total Income	<u>10,200</u>	<u>10,200</u>
<b><u>Expenditure</u></b>		
Expenditure on Charitable Activities	<u>11,363</u>	<u>10,200</u>
Total Expenditure	<u>11,363</u>	<u>10,200</u>
Net Income/Expenditure	<u>1,363</u>	<u>-</u>
Net Movement in Funds	<u>1,363</u>	<u>-</u>
<b><u>RECONCILIATION OF FUNDS</u></b>		
Total Funds Brought Forward	-	-
Total Funds Carried Forward	(1,363)	-

changes in income     Mile End

Source of Income	2017/18	2016/17	Variance	Comment
	£	£	£	
Pitch Hire Income	101,325	73,277	28,048	Substantial increase in Pitch Hire income

Changes in expenditure

Type of Expenditure	2017/18 Actual	2016/17 Actual	Variance	Comment
	£	£	£	
Salaries	142,821	197,000	-54,179	17/18 does not include a Management recharge for Head of Arts Parks and Events (£13.9k) for a Snr Community Ranger
Employee Related	129,458	71,000	58,458	Agency staff costs
Repairs and Maintenance	488,975	543,000	-54,025	There are outstanding costs from 17/18 of approximately £80k
Other Services	184,000	132,638	51,362	2017/18 includes Networks rail rents expended of £126k some of which are 2016/17
Fees and Insurance	63,690	38,000	25,690	This has increased due to security fees

<p style="text-align: center;"><b>King Georges Fields Trust</b></p> <p style="text-align: center;">Board meeting 27<sup>th</sup> February 2019</p>	 <p style="text-align: center;"><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Judith St John - Divisional Director of Sports Leisure and Culture</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Governance of the King George's Fields Mile End Charity and Options for Public Use of Mile End Park</b></p>	

<b>Lead Member</b>	<b>Councillor Amina Ali, Cabinet Member for Cabinet Member for Culture, Arts and Brexit</b>
<b>Originating Officer(s)</b>	1) Judith St John - Divisional Director of Sports Leisure and Culture 2) Steve Murray – Head of Arts Parks and Events
<b>Wards affected</b>	Wards
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	29 January 2019
<b>Reason for Key Decision</b>	Vibrant, dynamic, inclusive and community-led initiative
<b>Strategic Plan Priority / Outcome</b>	This proposal potentially cuts across the whole of the authority's Strategic Plan

## REASONS FOR URGENCY

It was not possible to publish the report five clear days in advance of the meeting as there were a number of important legal issues that needed to be clarified. Before the item can be considered at this meeting, the Chair of the Board would need to be satisfied that the establishment of a Working Group to produce revised Terms of Reference for the Mile End Charity should not be delayed to a later meeting given the significance of this work for Tower Hamlets.

## Executive Summary

The Mayor wishes to encourage public participation in decisions by the Board of King George's Fields Mile End Charity relating to the Mile End Park facility.

This report confirms the Board's powers to facilitate increased public participation in its decision making processes and sets out options for how this might be approached.

## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Authorise the establishment of a working group to produce revised Terms of Reference for the Mile End Charity as recommended in this report.

### **1. REASONS FOR THE DECISIONS**

- 1.1 To maximise the potential of an important and arguably underused physical resource to impact upon and benefit all residents of the borough, in particular those residents suffering disadvantage.
- 1.2 A golden opportunity for the authority to model and champion a vibrant, dynamic and genuinely community-led approach to management of a major community asset for the benefit of its residents.

### **2. ALTERNATIVE OPTIONS**

- 2.1 Continued limited and ad hoc public involvement in decisions relating to Mile End Park.

### **3. DETAILS OF THE REPORT**

#### *Overview of Powers & Duties of the Trustees*

- 3.1 The origin and objectives of the King George's Fields Trust Charities – responsibility for both the King George's Fields Mile End Charity and the Tredegar Square Charity are vested in the Board - and the Board's powers, duties and responsibilities as Trustees to both are set out in the Briefing Note and Guidelines previously circulated to Members and appended to this report at **APPENDIX A**.
- 3.2 However, for the purposes of this report, references to 'the Charity' are limited to the King George's Fields Mile End Charity only.
- 3.3 The Charity Commissioner's Scheme 2000, copy of which is appended to the guidelines, is the governance document for the King George's Fields Mile End Charity and provides that:
  - 3.3.1 "The purpose of the Charity is to preserve the Park Lands in perpetuity as a memorial to King George V under the provision of the King George's Fields Foundation. The 1965 Scheme

which established the Foundation gave its purpose as “*to promote and assist in the establishment and to promote the preservation throughout the United Kingdom of Playing Fields for the use and enjoyment of the people...*” Additionally the Trustees of the Charity may “*apply the land to such charitable purposes as are set out in the Recreational Charities Act 1958*”. The 1958 Act has since been replaced by the Charities Act 2011.” [Members are referred to the Guidelines document for a comprehensive list of those ‘charitable purposes’].

- 3.3.2 “The Council as sole Trustee of the Charity is empowered to delegate its trustee function to a committee consisting of any two or more members, provided that the Council exercises reasonable supervision of the committee”.
- 3.4 The powers and duties of the Trust have historically been exercised through the Council Cabinet, each of whom is a Trustee of the Board, led by the Mayor.
- 3.5 Efforts to establish whether a management committee exists or has ever existed for the King George’s Fields Mile End Charity have proved unsuccessful to date. Council records suggest that two Councillors held nominations to an entity called ‘the Mile End Partnership Company’ in 2004 however no company of this name is listed on the Companies House Register.
- 3.6 The Board is minded to increase public participation in its decision making activities in relation to the Mile End Park facility and wishes to consider its powers to do so and the terms upon which it might be done.
- 3.7 There is nothing within the Scheme, or within the legislative framework within which it operates, that prevents the involvement of members of the public in the administration of the Charity - so long as their activities are in keeping with the objectives of the Charity and the individuals involved remain answerable to and strictly controlled by the Board. However it should be noted that members of the public are not currently entitled to sit on the Board or take part in Board decision making.
- 3.8 It is open to the Board to adopt any legal arrangement or structure that, in its judgement, best enables it to fulfil the objectives of the Charity so that, for example, the Board may:
  - 3.8.1 directly co-opt suitable individuals to the Board; and/or
  - 3.8.2 delegate the administrative and decision-making functions of the Board to a volunteer management committee reporting periodically to the Board; and/or

### 3.8.3 engage third party contractors to deliver the Charity's objectives

so long as all parties are acting all times in accordance with the Charity's aims and within the applicable legal framework. The 2000 Scheme under which the Board currently operates states that membership of the Board is restricted to Council members but opening Board membership to non-Councillors is something the Board can consider and address in revised terms of reference.

### *Public Participation in Board Decision Making*

- 3.9 In common with other Council committees and subcommittees, members of the public are currently entitled to:
- 3.9.1 attend meetings of the Board - except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
  - 3.9.2 find out what key decisions will be taken by the Board, and when;
  - 3.9.3 see reports and background papers and any records of decisions made by the Council and the Mayor, the Executive or appropriate Member;
- 3.10 As is the case with all open Subcommittee meetings Members of the public who wish to speak at Board meetings are expected to register a request to do so in advance of the meeting in line with normal Cabinet Subcommittee procedure. The Mayor is open to informal and ad hoc public participation in Board meetings where considered appropriate.
- 3.11 The Scheme does not *need* to be amended to increase public participation however best practice\* is that Terms of Reference should be reviewed regularly to ensure that they reflect the Charity's aims and objectives.
- 3.12 To this end it is recommended that revised Terms of Reference be worked up for the Charity which will consolidate the aims and objectives currently spread across different documents and pieces of legislation, and which will act as a platform for development of the Board's vision and strategy for Mile End Park.
- 3.13 Clearer Terms of Reference will make also it easier to both identify suitable and willing individuals who might be invited to join or work with the Board as appropriate and assist the Board in deciding the most appropriate vehicle to deliver its strategic aims for the King George's Fields Mile End Charity. Adoption of revised Terms of Reference and/or any other changes to the Board's current decision-making processes can be made by resolution following 21 days' notice.

- 3.14 There is no reason why the informal, ad hoc method of public participation referred to above should not continue and be enshrined as a Board/Mayoral discretion in the amended terms of reference.
- 3.15 Work on producing Terms of Reference would typically be undertaken by a small, strictly time-limited, working group consisting of appropriate Members and Officers.

*\*see the Charity Governance Code*

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 Wider public participation in the Charity's decision making processes offers limitless potential to advance the Council's broad equality objectives.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 There are no direct financial implications for LBTH resulting from the recommendation within this report.

#### **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The legal implications of this proposal are dealt with in the body of this report.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- Minutes of the meeting of the King George's Fields Charity Board held on 28 November 2018.

**Appendices**

- Guidance for King George's Fields Charity Board prepared by Paul Green 9 January 2018

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

NONE

**Officer contact details for documents:**

Ngozi Adedeji  
x0307

## **APPENDIX A**

### Briefing Note

At the last Board meeting on 12<sup>th</sup> December 2017 there was discussion at the Board centred around your powers and what you could make decisions on and it was agreed that I would produce a Guidance document.

This Guidance is circulated. Like any Committee etc. of the Council, you can only make decisions in accordance with the Terms of Reference of the Board and the Terms of Reference is the Governing Document. Paragraph 2 of and Appendix A of the Guidance relate to that document.

There is no difference your their making decisions as Councillors or making decisions as trustees. Paragraphs 3 and 4 of the Guidance sets out your duties as trustees and your decision making powers as trustees and which are analogous with your duties as Councillors, e.g. making balanced and adequately informed decisions; avoiding conflicts with personal interests; fiduciary duty etc. The Guidance merely puts those duties in the context of your being trustees rather than Councillors.

The only difference in decision making would have been where the obligations to which the Board is subject are different to the obligations of the Council. As the Council is the trustee however, there should be no conflict of obligations.

The “Protocol For Councillors, Officers And Individuals Appointed Or Nominated By The Council To Outside Bodies” and is scheduled to go to GP Committee in February and this Guidance has been drafted so that it is consistent with that updated draft. It is likely therefore that this Guidance may be updated further and once finalised, will be presented to the Board.

Paul Greeno  
Senior Corporate and Governance Lawyer  
Legal Services  
9<sup>th</sup> January 2018

# **LONDON BOROUGH OF TOWER HAMLETS**

## **GUIDANCE FOR COUNCILLORS APPOINTED TO THE KING GEORGE'S FIELD CHARITY BOARD**

## **1. Introduction**

- 1.1 The Council is the Trustee of the Mile End Charity pursuant to the Governing Document which is a Scheme dated 28th February, 2000. The Council is also the Trustee for Tredegar Square with the Trust deeds. The Council's Constitution establishes the King George's Fields Charity Board ('the Board') to administer the charities affairs and discharge the Council's trustee functions.
- 1.2 This document sets out guidance for the Mayor and Councillors ('Board Member') who are appointed to serve on the Board.

## **2. The Governing Document**

- 2.1 On 28<sup>th</sup> February 2000, the Charity Commissioners for England and Wales approved a specific scheme for the administration of the King George's Field Mile End Charity ("the Scheme"). A copy of the 2000 Scheme is included as Appendix 1. The Scheme expressly provides that it replaces the existing trusts of the charity.
- 2.2 Under the 2000 Scheme, the 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. The committee must "promptly" report their acts and proceedings to the Council. The Council's Constitution establishes the Board to administer the charities affairs and discharge the Council's trustee functions.
- 2.3 The purpose of the charity is to preserve the Park Lands in perpetuity as a memorial to King George V under the provisions of the King George's Fields Foundation. The 1965 Scheme which established the Foundation gave its purpose as "to promote and to assist in the establishment and to promote the preservation throughout the United Kingdom of Playing Fields for the use and enjoyment of the people..." Additionally, the trustees may "apply the land to such charitable purposes as are set out in the Recreational Charities Act 1958 .....".
- 2.4 The Recreational Charities Act 1958 has now been repealed and is now replaced by the Charities Act 2011, specifically section 5.
- 2.5 The Scheme deals with 2 categories of land as identified in Parts 1 and 2 of the Schedule. The first referred to in Part 1 of the Schedule consists of park lands identified in plan KGF2 of which only a very poor copy has been, but so far as it can be read, the Park Lands covered by KGF2 are as follows:
  - Stepney Green Park and nearby lands, namely Belgrave Road open space and White Horse Road Park.
  - Stepping Stones Farm.
  - Most of Mile End Park.

- 2.6 Under Article 5(1)(a) the Scheme in addition to any other powers that the trustees have, it gives the Trustees the ability to “let part or parts of the land ... to Third Parties on leases not exceeding 10 years to provide to the public, recreational facilities or such services reasonably ancillary to recreation as are mentioned in Article 7 of the Greater London Parks and Open Spaces Order 1967”
- 2.7 The second category of land, referred to in Part 2 of the Schedule to the Scheme consists of “10 shop units situated beneath the ‘Green Bridge’ at Mile End in Stepney, in the London Borough of Tower Hamlets, on north and south sides of Mile End Road, just west of its junction with Burdett Road and Grove Road. The Council, as trustee, is given specific powers in relation to these shop units, to let them and there are no restrictions as to terms. The current lettings are dealt with in more detail in paragraph 7 of this report.
- 2.8 In summary, the Council is to keep the Park Lands in perpetuity as a memorial to King George V and may use the land:
- For playing fields named and sign-posted as “King George’s Fields”.
  - For facilities for recreation or other leisure-time occupation, provided that it is in the interests of social welfare and for the public benefit.
  - For such charitable purposes as set out in section 5 of the Charities Act 2011, as follows:
    - (1) It is charitable (and is to be treated as always having been charitable) to provide, or assist in the provision of, facilities for-
      - (a) recreation, or
      - (b) other leisure-time occupation,if the facilities are provided in the interests of social welfare.
    - (2) The requirement that the facilities are provided in the interests of social welfare cannot be satisfied if the basic conditions are not met.
    - (3) The basic conditions are—
      - (a) that the facilities are provided with the object of improving the conditions of life for the persons for whom the facilities are primarily intended, and
      - (b) that—
        - (i) those persons have need of the facilities because of their youth, age, infirmity or disability, poverty, or social and economic circumstances, or
        - (ii) the facilities are to be available to members of the public at large or to male, or to female, members of the public at large.
    - (4) Subsection (1) applies in particular to

(a) the provision of facilities at village halls, community centres and women's institutes, and

(b) the provision and maintenance of grounds and buildings to be used for purposes of recreation or leisure-time occupation,

and extends to the provision of facilities for those purposes by the organising of any activity.

But this is subject to the requirement that the facilities are provided in the interests of social welfare.

- (5) Nothing in this section is to be treated as derogating from the public benefit requirement.

### **3. A Trustee's 6 main Duties**

#### **(1) Ensure the charity is carrying out its purposes for the public benefit**

You must make sure that the charity is carrying out the purposes for which it is set up, and no other purpose. This means you should:

- ensure you understand the charity's purposes as set out in its governing document
- plan what your charity will do, and what you want it to achieve
- be able to explain how all of the charity's activities are intended to further or support its purposes
- understand how the charity benefits the public by carrying out its purposes

Spending charity funds on the wrong purposes is a very serious matter; in some cases trustees may have to reimburse the charity personally.

#### **(2) Comply with your charity's governing document and the law**

You and your co-trustees must:

- make sure that the charity complies with its governing document
- comply with charity law requirements and other laws that apply to your charity

You should take reasonable steps to find out about legal requirements, for example by reading relevant guidance or taking appropriate advice when you need to.

Registered charities must keep their details on the register up to date and ensure they send the right financial and other information to the commission in their annual return or annual update.

#### **(3) Act in your charity's best interests**

You must:

- do what you and your co-trustees (and no one else) decide will best enable the charity to carry out its purposes
- with your co-trustees, make balanced and adequately informed decisions, thinking about the long term as well as the short term
- avoid putting yourself in a position where your duty to your charity conflicts with your personal interests or loyalty to any other person or body
- not receive any benefit from the charity unless it's properly authorised and is clearly in the charity's interests; this also includes anyone who is financially connected to you, such as a partner, dependent child or business partner

#### (4) Manage your charity's resources responsibly

You must act responsibly, reasonably and honestly. This is sometimes called the duty of prudence. Prudence is about exercising sound judgement. You and your co-trustees must:

- make sure the charity's assets are only used to support or carry out its purposes
- not take inappropriate risks with the charity's assets or reputation
- not over-commit the charity
- take special care when investing or borrowing
- comply with any restrictions on spending funds

You should put appropriate procedures and safeguards in place and take reasonable steps to ensure that these are followed. Otherwise you risk making the charity vulnerable to fraud or theft, or other kinds of abuse, and being in breach of your duty.

#### (5) Act with reasonable care and skill

As someone responsible for governing a charity, you:

- must use reasonable care and skill, making use of your skills and experience and taking appropriate advice when necessary
- should give enough time, thought and energy to your role, for example by preparing for, attending and actively participating in all trustees' meetings

#### (6) Ensure your charity is accountable

You must comply with statutory accounting and reporting requirements. You should also:

- be able to demonstrate that your charity is complying with the law, well run and effective

- ensure appropriate accountability to members, if your charity has a membership separate from the trustees
- ensure accountability within the charity, particularly where you delegate responsibility for particular tasks or decisions to staff or volunteers

#### **4. Making Decisions**

4.1 As a trustee, you can take professional advice to help you make decisions on the charity's behalf. But you and your fellow trustees are jointly responsible for the decisions you make.

4.2 When making a decision, you must:

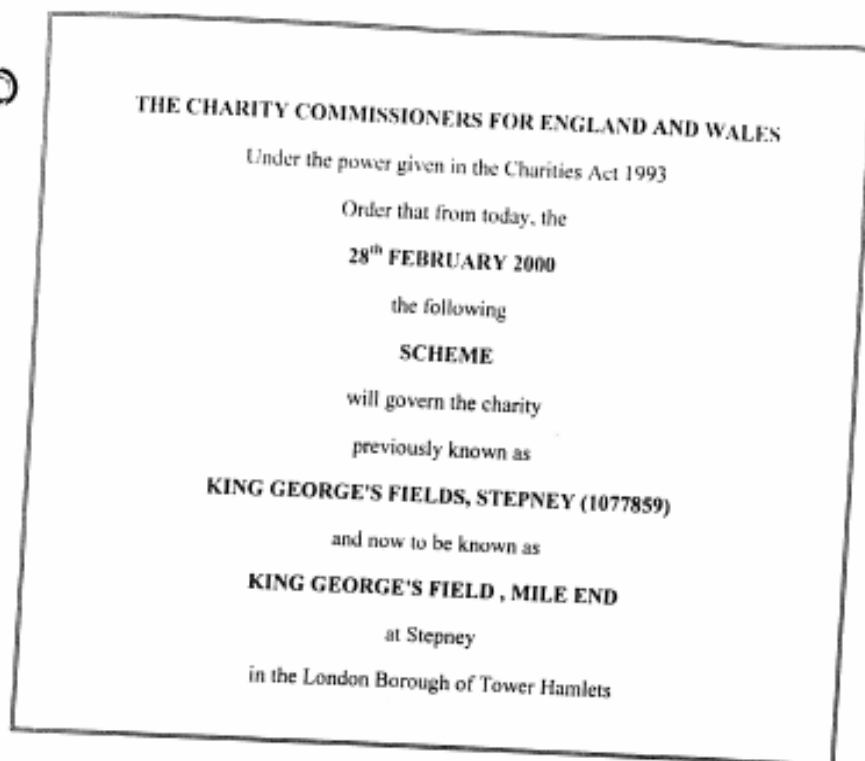
- act within your powers
- act in good faith, and only in your charity's interests
- make sure you are sufficiently informed, taking any advice you need
- take account of all relevant factors
- ignore any irrelevant factors
- manage conflicts of interest and loyalty, i.e. could your decision-making be influenced by your personal circumstances, or your involvement with another organisation
- make decisions that are within the range of decisions that a reasonable trustee body could make in the circumstances

#### **5. Legal Advice**

5.1 A guide to the law as it affects Board Members is attached as **Appendix B**.

APPENDIX A

De 122/21



Commissioners' References:  
Sealing: 33(S)/00  
Case No: 152044



  
ASSISTANT COMMISSIONER

81520448

## SCHEME

### 1. Definitions

In this scheme:

"the area of benefit" means Stepney, in the London Borough of Tower Hamlets.

"the charity" means the charity identified at the beginning of this scheme.

"the existing trusts" means a deed of covenant of 9<sup>th</sup> November 1965 as varied by deed of variation of 29<sup>th</sup> January 1997.

"the trustee" means the trustee of the charity acting under this scheme.

"the Association" means the National Playing Fields Association (306070).

## ADMINISTRATION

### 2. Administration

The charity is to be administered in accordance with this scheme. This scheme replaces the existing trusts of the charity.

### 3. Name of the charity

The name of the charity is King George's Field, Mile End.

## USE OF PROPERTY

### 4. Use of property

The land described in part 1 of the schedule must be preserved in perpetuity as a memorial to His Late Majesty King George V under the provisions of the King George's Fields Foundation. In addition to those provisions the trustee may apply the land to such charitable purposes as are set out in the Recreational Charities Act 1958 including the construction of indoor recreational facilities provided that no application of property may be made for additional purposes without the consent of:

- (1) the Association (such consent not to be unreasonably refused or delayed); and
- (2) the Commissioners.

## POWERS OF THE TRUSTEE

### 5. Powers of the trustee

In addition to any other powers which it has, the trustee may exercise the following powers in furtherance of the objects of the charity:

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2

S15

(1) The power to:

- (a) let part or parts of the land described in part 1 of the schedule to this scheme to third parties on leases not exceeding 10 years to provide to the public recreational facilities or such services reasonably ancillary to recreation as are mentioned in Article 7 of the Greater London Parks and Open Spaces Order 1967 on the terms therein mentioned; and
- (b) let the land identified in part 2 of the schedule to this scheme.

(The trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)

- (2) Power to place the management of the land or any part of it in the hands of a third party contractor exercising the powers of the Council on its behalf on such terms as the Council sees fit.
- (3) Power to make rules and regulations consistent with this scheme for the management of the charity. The rules may include the terms and conditions upon which the charity's property may be used by persons or bodies other than the trustee and the sum (if any) to be paid for such use.

#### TRUSTEE

6. **Trustee**

London Borough of Tower Hamlets is the trustee of this charity.

7. **Delegation to committee**

The trustee may delegate the performance of any act, including the exercise of any power or discretion, to a committee consisting of any two or more members of the council of the trustee. (The trustee must exercise reasonable supervision over the committee and the committee must promptly report their acts and proceedings to the trustee.)

#### AMENDMENT OF SCHEME

8. **Amendment of scheme**

- (1) Subject to the provisions of this clause, the trustees may amend the provisions of this scheme.
- (2) Any amendment must be made by a resolution passed at a meeting of the trustee of which not less than 21 days notice has been given.
- (3) The trustees must not make any amendment which would:
  - (a) vary this clause;

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- (b) vary clause 1 (Definitions);
  - (c) vary clause 4 (Use of property);
  - (d) vary clause 5(1);
  - (e) confer a power to dissolve the charity;
  - (f) enable them to spend permanent endowment of the charity.
- (4) The trustees must obtain the prior written approval of the Commissioners before making any amendment which would vary the name of the charity;
- (5) The trustees must:
- (a) promptly send to the Commissioners a copy of any amendment made under this clause; and
  - (b) keep a copy of any such amendment with this scheme.

#### GENERAL PROVISION

##### 9. Questions relating to the scheme

The Commissioners may decide any question put to them concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

## SCHEDULE

### PART 1

The land situate at Mile End in Stepney, in the London Borough of Tower Hamlets, described in a Deed of Variation dated 29 January 1997 which was made between the National Playing Fields Association of the first part and The Mayor and Burgesses of the London Borough of Tower Hamlets of the second part.

### PART 2

10 shop units situated beneath the 'Green Bridge' at Mile End in Stepney, in the London Borough of Tower Hamlets, on north and south sides of Mile End Road, just west of its junction with Burdett Road and Grove Road.

## **APPENDIX B**

### **SERVICE ON CHARITIES: A GUIDE TO THE LAW**

This advice is for Board Members. It sets out some of the most important responsibilities and requirements relating to service on the Board. If a Board Member has a query then they should consult the Monitoring Officer.

#### **General**

1. To be a charity an organisation must operate for one of the following charitable purposes and be able to demonstrate that its aims are for the public benefit:
  - the prevention or relief of poverty;
  - the advancement of education;
  - the advancement of religion;
  - the advancement of health or the saving of lives;
  - the advancement of citizenship or community development;
  - the advancement of the arts, culture, heritage or science;
  - the advancement of amateur sport;
  - the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
  - the advancement of environmental protection or improvement;
  - the relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantages;
  - the advancement of animal welfare;
  - the promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services;
  - other purposes recognised as charitable under existing law and any new purposes which are similar to another prescribed purpose.
14. A charitable organisation must operate for the public benefit and have exclusively charitable purposes. An organisation that operates for political purposes does not qualify for charitable status.
2. To register as a charity the organisation must submit its governing document (constitution or rules, trust deed, or Memorandum and Articles of Association – depending on whether it is an unincorporated association, trust or limited company) plus any other required documents to the Charity Commissioners for approval. If they are satisfied that the organisation is charitable it will be registered as such.
3. Those who are responsible for the control and administration of a charity are referred to as charity trustees, and will have those obligations even where the charity has the legal form of a company limited by guarantee. Trustees of a charity retain personal liability, and can only delegate to the extent that the governing document authorises them so to do.
4. Specific guidance for those serving on charitable organisations is available from the

Charity Commission.

### **Trustees' Duties**

5. Trustees have the following duties:

- (1) Trustees must take care to act in accordance with the governing document and to protect the charity's assets. They are also responsible for compliance with the Charities Acts, (and as relevant the Trustee Acts) and should note the particular requirements of the applicable Acts in respect of land transactions.
- (2) Trustees must ensure the charity is carrying out its purposes for the public benefit, must always act in the charity's best interests and act with reasonable care and skill.
- (3) Generally speaking, trustees must not profit from their position. They cannot receive remuneration or any other personal benefit without the sanction of the Charity Commission. They must also perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.
- (4) Trustees must ensure that the information relating to the charity and trustees is registered with the Charity Commissioners and that annual accounts, reports and returns are completed and sent where this is required.
- (5) If charitable income exceeds £10,000, the letters, advertisements, cheques etc. must bear a statement that the organisation is a registered charity.
- (6) Trustees are under a duty to ensure compliance with all relevant legislation and other regulators (if any) which govern the activities of the charity.
- (7) Trustees have a duty of care to their charity if they work with vulnerable groups including children and will need to take the necessary steps to safeguard and take responsibility for them.

### **Trustees' Personal Liability**

6. If in doubt, always consult the Charity Commission. A trustee who does so can avoid personal liability for breach of trust if he/she acts in accordance with the advice given.

7. Liabilities may arise in the following ways:

- (1) Generally, a trustee incurs personal liability if he/she:
  - acts outside the scope of the governing document
  - falls below the required standard of care
  - acts otherwise than in the best interests of the charity, in a way which causes loss to the charity
  - makes a personal profit from the charity's assets.
- (2) In such circumstances the trustee will incur personal liability for losses incurred and/or for personal gain.
- (3) Trustees can be personally liable to third parties because, unlike a company, a

trust or unincorporated association has no separate identity from the trustees. The governing document will normally provide for trustees to be given an indemnity from the charity's assets, provided they act properly in incurring the liability. Trustees remain personally liable for their own acts and defaults once they have retired. If they have entered into any ongoing contracts on behalf of the charity they should seek an indemnity from their successors. If the charity is a company, the trustees will be protected from liabilities incurred in the day-to-day running of the charity in the normal course, but will be personally liable if they commit a breach of trust (see (1) above).

- (4) Trustees may be liable to fines if they do not comply with the duty to make returns etc.

### **Indemnities**

8. An indemnity can be given from the charity's assets provided the trustee has acted properly and within his/her powers. Trustees may take out insurance to protect themselves against personal liability but not for criminal acts, fraud etc. The premiums can be paid out of the charitable funds so long as there is no express prohibition in the governing document, the trustees observe their duty of care, the insurance is in the best interests of the charity and the cost is reasonable.

## APPENDIX C

### Eligibility to serve as a Trustee

Prospective Trustees must meet the following eligibility requirements before any appointments can be made. They must:

- Be at least **18 years old** or at least 16 years old if the charity is also a Company or Charitable Incorporated Organisation (CIO).
- Have no unspent conviction for an offence involving dishonesty or deception.
- Not be declared bankrupt or be subject to bankruptcy restrictions, an interim order or have an individual voluntary agreement (IVA) with creditors.
- Not be disqualified from being a company director.
- Not been removed as a trustee by either the charity commission, the Scottish charity regulator or the High Court due to misconduct or mismanagement.
- Not be disqualified from being a trustee by an order of the Charity Commission under section 181A of the Charities Act 2011