

KING GEORGE'S FIELD CHARITY BOARD

Wednesday, 28 April 2021 6.30 p.m.
or at the rising of Cabinet whichever is later.

Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>

SUPPLEMENTAL AGENDA

This meeting is open to the public to view.

Contact for further enquiries:

David Knight, Democratic Services
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4878
E-mail: David.knight@towerhamlets.gov.uk
Web: www.towerhamlets.gov.uk/committees

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an electronic
agenda:



For further information including the Membership of this body and public information, see the main agenda.

3.1 Budget Update

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**WARD(S)
AFFECTED
All Wards**

Agenda Item 3.1

King Georges Fields Trust Board Meeting 28 April 2021	 TOWER HAMLETS
Report of James Thomas - Corporate Director, Children and Culture	Classification: Unrestricted
Updates for the Board	

Lead Member	Councillor Sabina Akhtar, Cabinet Member for Sports, Culture, Leisure & Brexit
Originating Officer(s)	Steve Murray Head of Arts Parks & Events
Wards affected	All wards
Key Decision?	No
Reason for Key Decision	This report has been reviewed as not meeting the Key Decision criteria.
Strategic Plan Priority / Outcome	A Borough that our residents are proud of and love to live in

REASONS FOR URGENCY

The report was not published five clear days in advance of the meeting. This is due to the additional time required to review the report in order to provide the necessary clearances.

Executive Summary

This report contains

1. Update on audit 2018-19 accounts
2. Correspondence from Charity Commission
3. Budget forecast for current year
4. Details on the effect of Covid19 lockdown on the KGFT lands
5. Approval for transfer of funds from Fields in Trust

Recommendations:

The King Georges Fields Trust Board is recommended to:

1. Note the update on audit 2018-19 accounts
2. Note the Charity Commission correspondence relating to accounts
3. Note the budget forecast for current year
4. Note the details on the effect of Covid19 lockdown on the KGFT lands
5. To approve the transfer of funds from Fields in Trust to the KGFT

1 REASONS FOR THE DECISIONS

- 1.1 The proposal to agree to the transfer of funds is to allow for these monies to be used for improving sports provision in Stepney Green

2 ALTERNATIVE OPTIONS

- 2.1 The alternative is to leave the funds with Fields in Trust where they will remain unspent

3 DETAILS OF THE REPORT

- 3.1.1 The previous practice prior to 2018/19 accounts with regard to providing the Charities Commission with audited accounts was for the Finance team to draw up end of year accounts which were then uploaded to the Charity Commission after approval from the KGFT board. The accounts would then be audited as part of the wider Council audit process. The board requested that there should be a separate audit process. The Council Auditors declined to carry out a separate audit and so an independent Auditor had to be identified.
- 3.2.1 It has taken some time to find an independent Auditor willing to undertake the work at a reasonable price. Eventually Hewit Warin Ltd were appointed (insert date) and they have given this timetable for completion of the Audit.
- Once the Auditors receive the requested documentation, they can book majority of the audit documents as in, the initial audit stage turnaround is approximately 4-6 weeks.
 - Once the initial stage is completed, the second stage is to send feedback/agenda to the trustees. The timeline on this is in the trustee's hands as to when an agenda clearance meeting can be arranged and get any remaining points cleared
 - The third stage involves the senior statutory auditor reviewing the audit file. The auditor will clear any points he raises and arrange sign off. This can take around 2-4 weeks.
 - Note this estimate was dated 17th March 2021
- 3.3.1 The Charity Commission has launched an investigation into the King Georges Fields Trust because the annual accounts have not been uploaded. (see appendices 3,4,5). They have been updated on the current work to arrange for the accounts to be independently audited.
- 3.4.1 The forecast budget outturn for the year 2020 – 21 currently stands at a Deficit of £227,900 but this may reduce by £45K if we can secure payments for test centre use. This deficit is largely caused by loss of income and we are also looking to apply to the Covid19 non-specific fund, government support grant, to obtain compensation for lost income.
- 3.5.1 **Impact of lockdown.** See appendix 1 which outlines the effect of the lockdown on KGFT lands and buildings.

3.6.1 Transfer of funds from Fields in Trust. See appendix 2. This outlines funds that currently sit with the Fields in Trust but are designated for improved sports provision to Stepney Park. The Board are asked to approve their transfer to the KGFT accounts where they can be utilised towards the cost of new five a side artificial pitch. Legal Services have asked for more information but despite chasing the Fields in Trust, we have yet to hear from them. The KGFT is able, under it's charitable objectives, to use the monies towards the cost of these new pitches.

4 EQUALITIES IMPLICATIONS

4.1 The King Georges Fields Trust manages lands and facilities which are open to all. Where charges have to be made, such as artificial football pitches, charges are kept at affordable levels for the local community.

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.
- Data Protection / Privacy Impact Assessment.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no specific financial implications arising from the recommendations in this report. although the Audit may highlight any financial issues.

7. COMMENTS OF THE CHIEF LEGAL OFFICER

7.1 The Council is the Trustee of the Mile End Charity pursuant to the Governing Documents which is a Scheme dated 28th February 2000. 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 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 Foundations 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”

- 7.3 As trustees, the Board must make sure that the charity is carrying out the purposes for which it is set up, and no other purpose. Further, the Board must act in the Charity’s best interests and manage the Charity’s resources responsibly.
- 7.4 The framework for accounting by charities imposes on charities a legal duty to submit to the Commission annual reports, accounts and returns. The duty to file accounts and the trustees’ annual report with the Commission applies to all Chartered Incorporated Organisations irrespective of income and to all other registered charities whose gross yearly income exceeds £25,000
- 7.5 In the light of the duty to submit accounts, the Audit process detailed in this report complies with the relevant legislation. It is necessary to respond to the Order received from the Commission by the 4 May 2021 deadline. The appointment of an independent is in accordance with the Board decision making process.
- 7.6 Notwithstanding the fact that the Council is entitled to become a trustee of KGFT, there are certain aspects in a transferring of trusteeship that must be considered and assessed before proceeding. The main aspect that the Council will have to consider is whether this transfer may create a conflict of interest with the fact that the Council is a provider of statutory amenities and a planning authority
- 7.7 The transferring of trusteeship process sits with Fields in Trust (e.g. to ensure that the governance document permits transfer of the property, that there are no conflicts of interest connected with the transfer. There are not any legal implications for the Council at this stage to consider. Activities to the investment relates to Fields in Trust and therefore, KGFT Board cannot take any decision until Fields Trust take a position on this point.

Linked Reports, Appendices and Background Documents

Linked Report

- List any linked reports
- State NONE if none.

Appendices

- **Appendix 1 report on impact of pandemic lockdown**
- **Appendix 2. Paper from Fields in Trust regards available funds.**
- **Appendix 3. Letter from Charity Commission.**
- **Appendix 4 Doc from Charity Commission**

- **Appendix 5 Doc from Charity Commission**

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

- List any background documents not already in the public domain including officer contact information.
- These must be sent to Democratic Services with the report
- State NONE if none.

Officer contact details for documents:

Stephen Murray. Head of Arts Parks and Events. X7910

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King George's Field Stepney

Background

- The original proceeds of the sale of part of a King George's Field in Stepney were invested in an endowment fund.
- The value of the investment has increased from £56,000 to £168,054.
- The investment has also generated income of £82,295

Custodian Fund	Investment Held	Valuation 5.10.19	Cash Held 31.12.18
KGV Stepney	Cazenove Charity Bond Fund	£168,054	£82,295
	Cazenove Charity Equity Value Fund		

The charity's objectives allow the income from the fund to be used to cover the administration and management costs of the charity and thereafter the maintenance of and provision of facilities at King George's Field in Stepney and thereafter Tower Hamlets.

The capital value of the endowment can be used for the provision of a new playing field in Tower Hamlets.

Transferring Trusteeship

Fields in Trust is the current sole trustee of King George's Fields Stepney which owns the King George's Fields Stepney Fund.

We would like to discuss with LB Tower Hamlets the possibility of transferring the trusteeship of this charity to the Borough to enable them to use the funds effectively to maintain, improve and potentially acquire parks and playing fields in the Borough.

This may require the approval of the Charity Commission and Fields in Trust would seek advice on this matter.

Next Steps

Feedback from the LB of Tower Hamlets on their interest in exploring this option further.

Helen Griffiths / David Sharman 21.11.19

Appendix 1

KGFT under lock down report. March 31st 2021

1. Background

All parks have been under more pressure during lockdown as people become desperate for somewhere to go for exercise and leisure. This report covers the impact of lockdown on KGFT lands and building.

2. Staffing

Parks staff regularly patrol the parks and inspect equipment within it. During the first lockdown gym equipment was removed and play equipment was fenced off. It became increasingly difficult for staff to manage the public and get them to abide by Covid19 guidelines and fencing was regularly pulled away from equipment to enable usage. Some members of the public became very abusive when asked to stop using equipment and staff have felt threatened. We did have access to volunteers and redeployees in the first lockdown but whilst this was helpful they were limited in what they could do. Patrols across other parks have had to be upped which puts additional pressure on covering Mile End and Stepney Green. Inevitably staff getting sick or shielding/self isolating has impacted on numbers and increased pressure on those still working. All in all staff have done a fantastic job under pressure but have barely had a break before we tackle the challenges going into the summer months.

3. Litter

Litter in parks is collected by the Clean team and they have been very stretched by the increase in litter and we expect the same again this summer. We have in some areas of the park provided bigger euro bins which has helped.

4. ASB

When pubs and venues have been closed due to lockdown restrictions we have found more groups drinking and picnicking in parks and defying restrictions. The scale of this across the borough has been challenging to rangers, the Police and our own THEOs. We have also seen an increase in theft of bikes and robbery of belongings such as phones.

5. Loss of income

Both pavilions have seen a dramatic fall in income due to lockdown restrictions. They have latterly been used for Covid Testing and soon vaccinations. We hope to get some income for this use but the extended use for this purpose to the end of August as lockdown is eased means we are having to cancel bookings which is bad for rebuilding the business. No bookings at Stepney Astro pitch has meant loss of all

income there. Additionally we have had no corporate volunteer schemes this year which bring in income and also support vital works in the park.

6. Actions

We have to look to increase income again to tackle the ongoing deficit. We must also reign in on expenditure where we can. We need to review priorities and working arrangements for staff to avoid burn out and maintain a safe working environment.



CHARITY COMMISSION
FOR ENGLAND AND WALES

Charity Commission
PO Box 211
Bootle, L20 7YX

Mr Stephen Murray
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London
E14 2BG

Our Ref: PW – C-003682 & IME Ldn

Date: 24 March 2021

Dear Mr Murray,

Investigation into KING GEORGE'S FIELD, MILE END : 1077859 ('the Charity')

This letter contains important information. Please contact me if you are not sure what it means, have any questions, or require information translated into another language or format (for example, braille or audio).

On 22 March 2021 the Charity Commission ('the Commission') placed this Charity into a statutory inquiry under section 46 of the Charities Act 2011 ('the Act') as a result of the Charity's non-compliance with its legal filing requirements to the Commission. This is part of the class inquiry opened by the Commission on 20 September 2013 (see Annex A for background information).

According to our records the people listed below are trustees of the Charity. If you are no longer a trustee, or you think our records are incorrect, please contact me as soon as possible.

- Stephen Murray of London Borough of Tower Hamlets

Scope of the inquiry

The Charity has failed to submit its legally required annual reports, accounts and returns ('accounting information') for the financial years ending 31 March 2019 & 2020 to the

On track to meet your deadline?

Visit www.gov.uk/charity-commission for help on filing your annual return and accounts

t: 0300 066 9197
(General enquiries)

0300 066 9219
(Textphone)

Commission. This is despite the Commission having regularly sent computer generated submission reminders to the Charity, and a final warning letter dated 14 March 2021.

The purpose of the inquiry is to: ensure that the trustees comply with their statutory accounting requirements; protect the charity's property and funds; and where necessary, deal with the trustees' misconduct and/ or mismanagement of the charity. When the trustees submit the Charity's missing annual accounts and reports, the Commission will examine these, and if this scrutiny finds other serious regulatory issues, we will deal with these as a separate case. We will notify you if this happens.

Next Steps

During the inquiry, you are required to co-operate fully and honestly with the Commission and produce any requested information. If you fail to co-operate, do not provide the information requested within the required timescale, or provide limited, partial or inadequate responses, then we may conclude that you have not discharged your legal duties and/or use it as evidence of your collective failure, incapacity or unwillingness to do so.

As the Charity is still in default, we have used the Commission's regulatory legal powers. Accordingly, enclosed with this letter is an Order made under section 84 of the Act directing the Charity/ trustees to prepare and complete the Charity's missing accounting information and provide copies to the Commission by **4 May 2021**.

As trustees, it is your responsibility to ensure that the charity's accounting information is submitted to the Commission on time and that you properly instruct your accountant, as necessary, to meet these requirements. If your accountant is unable to complete this work, you should consider appointing new accountants to carry it out.

The Order also directs the Charity/ trustees to review, and report to the Commission what remedial action they have taken to ensure the Charity complies with its filing obligations in the future. A statement of the Commission's reasons for making this Order, (as required under the Act) is enclosed.

All charities are under a legal duty to prepare accounts and trustees' annual reports which must be available upon request by the Commission. Pursuant to sections 163, 164 and 169 of the Act, trustees are under a legal duty to submit to the Commission their charity's required accounting information and documents. Failure to file accounts and a trustees' annual report (including the relevant auditor's or examiner's report) with the Commission if the charity's gross annual income exceeds £25,000, or an annual return if the charity's gross annual income exceeds £10,000, may be a criminal offence under section 173 of the Act.

In view of the length of time these documents have been outstanding, we are putting you on notice that if the Charity/ trustees do not comply with the Order and submit the outstanding documents by the specified date, we will take further enforcement action,

which may include making a referral to the police. We may also use the Commission's other legal powers in order to secure compliance. This may include opening a separate inquiry, which involves issuing a public statement that the Charity is under investigation, and most likely a visit to inspect the Charity's records. Other options may include appointing an interim manager at the Charity's own cost, or the Commission publishing an official warning against the trustees.

We also intend to bring the fact that the Charity is in accounting default to the attention of various bodies, including HMRC: to which the Charity may have submitted claims for gift aid; to public bodies, such as Local Authorities which may fund charities, and the National Lottery Community Fund, as well as various other large funders of charities, either directly, or through, the Association of Charitable Foundations.

We will publicise the outcome of this inquiry in a statement of the results of the class inquiry which is published annually on the Commission's website.

Please note that the Commission has accounting templates available, depending on the type of charity, for the trustees' use, if they do not produce their own documents. These are available on our Website within the [CC guidance publications](#).

Contacting the Commission

Please send any correspondence relating to the inquiry to me. The best way to contact me is by email at IAEInvestigationsCRM@charitycommission.gov.uk.

Additional information

Please find additional information about contacting us at Annex B, and information about inquiries and your rights to challenge decisions at Annex C.

We strongly recommend that you take time to read the Commission's publication *CC46 – Statutory Inquiries into Charities: Guidance for charities and their advisers*, which is available on our [Website](#), and the documents included with this letter.

Yours sincerely



Petra White
Investigator
iaeinvestigationscrm@charitycommission.gov.uk

Enclosure

1. Section 84 Order
2. Statement of Reasons

Annexes

Annex A – Background to the double defaulter class inquiry

Annex B – Help when contacting us

Annex C – Information about inquiries and rights to challenge decisions

Annex A

Background to the double defaulter class inquiry

Trustees of charities with an income of £25,000 or over are under a legal duty to submit trustees' annual reports, accounts and annual returns ('accounting information') to the Commission. Even if the charity's annual income is under £25,000 trustees are under a legal duty to prepare annual accounts and trustees' annual reports which must be available upon request by the Commission. All charities with an income over £10,000 must submit an annual return. Failure by the charity trustees to submit the annual documents to the Commission may be a criminal offence under s173 of the Charities Act 2011 ('the Act'). We also regard it as misconduct and/ or mismanagement in the administration of the charity.

There is public interest in the issue of charities' non-submission of accounting information, particularly where the non-compliance is repeated. It is important that the financial activities of charities are properly recorded and that their financial governance is transparent. Charities are accountable to their donors, beneficiaries and the public. Donors to charity are entitled to have confidence that their money is going to legitimate causes and reaches the places that it is intended to. This is key to ensuring public trust and confidence in charities.

As a result, on 20 September 2013, the Commission opened a statutory class inquiry under section 46 of the Act into charities that were in default of their statutory obligations to meet reporting requirements by failing to file their accounting information for two or more years in the last five years and that also met certain criteria, including that:

- the charities had recently been given (or would be given - in the case of charities that would, in due course, become part of the class inquiry) final warnings to comply by a specified date
- on the first working day after the specified date the charities were still in default (partially or otherwise)
- the non-submission of accounting information was not already being dealt with in the Commission's Investigations and Enforcement directorate.

The class inquiry periodically identifies and brings charities into it that meet the criteria and where the public interest is greatest and the Commission's regulatory action can have the most impact.

Annex B

Help when contacting us

Please tell us if, for any reason, you cannot understand us when we contact you. We may be able to help or signpost you to other organisations for assistance.

Visual impairments

We can provide correspondence in large print, audio, or Braille on request. Please note that the latter two formats may take a little longer to produce than print.

Other impairments/disabilities

We aim to communicate effectively, coherently and accessibly through all communications to ensure a fair and equal service for everyone. If there are any other issues not mentioned above that you think we need to know about, for example, mobility difficulties that might prevent you from attending a meeting or that we need to make reasonable adjustments for, or if you have difficulty emailing or writing to us, please tell us as soon as you can.

Annex C

Information about inquiries and rights to challenge decisions

The Commission's decision to open a statutory inquiry was made under section 46 of the Charities Act ('the Act'). Decisions under this section are listed in schedule 6 to the Act as having a right of review in the First-tier Tribunal (Charity) (the 'Tribunal').

The Tribunal is an independent legal body which has the power to look again at some of the decisions made by the Commission and to overturn or amend them.

If you want to challenge the Commission's decision to open the inquiry into the charity, or to use its powers to make certain orders or directions which are listed in schedule 6 of the Act, you must send a 'Notice of Appeal' to the Tribunal within 42 days from the date on which the notice of our decision was sent to you, which will normally be the date of this letter. Weekends and bank holidays are included in the 42 days. If you miss this deadline, you will need to ask the Tribunal for an extension of time, but this might not be granted

If you want to challenge our decision you may find it helpful to visit the Tribunal's [website](#) for more information about time limits, form of notice of appeal and how to start a case.

Alternatively, you can ask us to carry out an internal review of our decision by:

- using our [online form](#)
- emailing the Litigation and Review Team at litigationandreview@charitycommission.gov.uk, .

If we agree to conduct a review, someone who did not make the original decision will look at your application and at any additional information and evidence you send in. They will then consider whether the original decision should be maintained or changed. You should make any application for a decision review as soon as possible, and always within 3 months of the date on which the notice of our decision was sent to you.

There's no requirement that you use the Commission's internal decision review procedure before starting a case at the Tribunal. Please note that if you do request a decision review, this process may not be completed in time for you to bring a case in the Tribunal.

More information about our decision review procedure and the Tribunal can be found on our [website](#).

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**ORDER OF
THE CHARITY COMMISSION FOR ENGLAND AND WALES**

to give specific direction for the protection of charity under the power given in

section 84 of the Charities Act 2011

dated the

24 March 2021

for the Charity known as

KING GEORGE'S FIELD, MILE END (1077859)

at

London

WHEREAS the Charity Commission, having instituted a statutory inquiry under section 46 of the Charities Act 2011 with respect to the above-named charity and other charities, is satisfied that there is or has been misconduct or mismanagement in the administration of the Charity, or that it is necessary or desirable to act for the purpose of protecting the property of the Charity, or securing a proper application for the purposes of the Charity of that property or of property coming to the Charity.

AND WHEREAS the Commission considers that the action specified in the schedule to this order is expedient in the interests of the Charity.

NOW THE COMMISSION DIRECTS Stephen Murray of London Borough of Tower Hamlets as charity trustee of the Charity to take the action so specified.

AND THE COMMISSION FURTHER DIRECTS that

(1) the said action shall be taken by **4 May 2021**;

(2) the said Stephen Murray of London Borough of Tower Hamlets shall take the said action in accordance with such further directions as the Commission may give; and

(3) the said Stephen Murray of London Borough of Tower Hamlets shall promptly inform the Commission once the said action has been taken.

If you the within-named Stephen Murray of London Borough of Tower Hamlets do not comply with this Order you may be held to be in contempt of Court, and imprisoned or fined.

It is an offence under section 60 of the Charities Act to:

knowingly or recklessly supply information that is false or misleading, wilfully to alter, suppress, conceal or destroy any document that the Commission may require. Any person guilty of an offence under this section is liable:

on summary conviction, to a fine

on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or both

Petra White

A member of staff of the Charity Commission authorised to act on behalf of the Charity Commission

SCHEDULE

1. Complete (and submit to the Commission) annual returns for KING GEORGE'S FIELD, MILE END ('the Charity') for the financial years ending 31 March 2019 & 2020, unless the Charity's income does not exceed £10,000 and the Charity is not a charitable incorporated organisation in which case only the relevant sections of the annual returns must be completed and submitted.
2. Prepare (and submit to the Commission, including where the Charity's income is £25,000 or less) trustees' annual reports for the Charity for the financial years ending 31 March 2019 & 2020, in accordance with the Commission's Statement of Recommended Practice ('SORP'), ensuring that:
 - a. Where the Charity's income for a financial year is £1 million or less, and the aggregate value of the Charity's assets is £3.26 million or less, an annual report is prepared, including the following details (at least):
 - i. the Charity's names, registration number and address;
 - ii. the names of trustees (if there are more than 50 trustees, the names of at least 50 trustees including all officers of the Charity);
 - iii. the nature of the Charity's governing document;
 - iv. the Charity's structure, and details of how it is managed, including methods for recruiting trustees;
 - v. the Charity's purposes;
 - vi. the main activities undertaken by the Charity to further its charitable purposes for the public benefit;
 - vii. a statement as to whether the trustees have complied with the Commission's guidance on public benefit;
 - viii. the Charity's achievements and performance;
 - ix. a financial review including details of any debts or reserves policy; and
 - x. any funds the Charity, or its trustees, holds as custodian trustee; or

- b. Where the Charity's income for a financial year exceeds £1 million, or exceeds £250,000 if the aggregate value of the Charity's assets exceeds £3.26 million, an annual report is prepared, including the following details:
- i. the Charity's names, registration number and address;
 - ii. the names of trustees (if there are more than 50 trustees, the names of at least 50 trustees including all officers of the Charity);
 - iii. the name of any Chief Executive Officer or other senior staff member to whom day-to-day management of the Charity is delegated by the trustees;
 - iv. the names and addresses of any other relevant organisations or persons;
 - v. the nature of the Charity's governing document;
 - vi. the Charity's structure, and details of how it is managed, including methods for recruiting and training trustees;
 - vii. confirmation that the major risks to which the Charity is exposed have been reviewed, and systems or procedures have been established to manage those risks;
 - viii. the Charity's purposes;
 - ix. the main activities undertaken by the Charity to further its charitable purposes for the public benefit;
 - x. the Charity's strategy and the significant activities it undertook as part of this strategy;
 - xi. a statement as to whether the trustees have complied with the Commission's guidance on public benefit;
 - xii. any policies on grant making or investments;
 - xiii. the Charity's use of volunteers, if significant;
 - xiv. the Charity's achievements and performance;
 - xv. a financial review including details of any debts or reserves policy;
 - xvi. the Charity's plans for the future;
 - xvii. any funds the Charity, or its trustees, holds as custodian trustee; and
 - xviii. information on fundraising practices, if applicable.
3. Prepare accounts for the Charity for the financial years ending 31 March 2019 & 2020, ensuring that:
- a. Where the Charity's income for a financial year £25,000 or less, the accounts are prepared as either a receipts and payments account with a statement of assets and liabilities, or accruals accounts;
 - b. Where the Charity's income for a financial year exceeds £25,000 and is £250,000 or less, the accounts are prepared as either a receipts and payments account with a statement of assets and liabilities, or accruals accounts, and independently examined or audited by a registered statutory auditor;
 - c. Where the Charity's income for a financial year exceeds £250,000 and is £1 million or less, and the aggregate value of the Charity's assets is

£3.26 million or less, the accounts are prepared as accruals accounts, and audited by a registered statutory auditor or independently examined by a member of one of the following;

- i. the Institute of Chartered Accountants in England and Wales;
 - ii. the Institute of Chartered Accountants of Scotland;
 - iii. the Institute of Chartered Accountants in Ireland;
 - iv. the Association of Chartered Certified Accountants;
 - v. the Association of Authorised Public Accountants;
 - vi. the Association of Accounting Technicians;
 - vii. the Association of International Accountants;
 - viii. the Chartered Institute of Management Accountants;
 - ix. the Institute of Chartered Secretaries and Administrators;
 - x. the Chartered Institute of Public Finance and Accountancy;
 - xi. the Association of Charity Independent Examiners;
 - xii. the Institute of Financial Accountants; or
 - xiii. the Certified Public Accountants Association;
- d. Where the Charity's income for a financial year exceeds £250,000 and is £1 million or less, and the aggregate value of the Charity's assets exceeds £3.26 million, the accounts are prepared as accruals accounts and audited by a registered statutory auditor; or
- e. Where the Charity's income for a financial year exceeds £1 million, the accounts are prepared as accruals accounts and audited by a registered statutory auditor; and
- f. Where the above accounts are prepared as accrual accounts, they are in compliance with the SORP.
4. Submit the above accounts of the Charity to the Commission, including where the Charity's income is £25,000 or less, along with the auditor or examiner's report.
5. The trustees must undertake a review, implementing such changes as are necessary to ensure the charity's procedures and practices enable the charity trustees to fully comply with their statutory responsibilities for the preparation and submission of the charity's annual reports, annual accounts and annual returns to the Commission.
6. Provide written details to the Commission of the measures taken by the trustees in respect of point 5 above

KING GEORGE'S FIELD, MILE END

(Registered Charity no: 1077859)

STATEMENT OF THE COMMISSION'S REASONS IN ACCORDANCE WITH SECTION 86(3)(b) OF THE CHARITIES ACT 2011 ("the Act")

Grounds for making the order dated 24 March 2021 under the power given in section 84 of the Act ("the Order")

Under section 84 of the Act, the Commission may, at any time after it has instituted a statutory inquiry under section 46 of the Act, and where it is satisfied the grounds in section 76(1) (a) or (b) of the Act have been met, by order direct the charity trustees to take any action specified in the order which the Commission considers to be expedient in the interests of the charity.

The grounds in section 76(1) (a) and (b) of the Act are as follows:

"(a) that there is or has been any misconduct or mismanagement in the administration of the charity; or

(b) that it is necessary or desirable to act for the purpose of protecting the property of the charity or securing a proper application for the purposes of the charity of that property or of property coming to the charity."

KING GEORGE'S FIELD, MILE END ("the Charity") is a registered charity and was registered with the Commission on 20 October 1999. It is governed by Scheme of the Charity Commissioners dated 28th February 2000.

The Charity's objects are:

"The land within the areas shown edged red on the plan no. Kgf.1 attached hereto which has been acquired by the council or the London county council shall be preserved in perpetuity as a memorial to his late majesty King George V under the provisions of the foundation."

On 20 September 2013 a statutory class inquiry under section 46 of the Act was opened (and is ongoing) into 'those charities (to the exclusion of charitable companies who are in confirmed formal administration or liquidation) who have been in default twice under the relevant sections 163(1), 164(1) and (3), and 169(3) of the Act in the last five years to submit to the Charity Commission:

- i) a trustees' annual report pursuant to section 162 of the Act
- ii) accompanying documents to the annual report described by and pursuant to section 164 of the Act
- iii) an annual return pursuant to section 169(1) of the Act

(together referred as "the documents"), such defaults being in respect of two separate financial years of the charity and where those charities have a gross annual income of £150,000 and above, and have received a final written warning.

The Charity met the above criteria, being still in default on 21 March 2021, and consequently became part of the Inquiry on 22 March 2021.

For the reasons given below, the Commission is satisfied that the statutory ground of section 76(1)(a) for the exercise of its powers under section 84 of the Act has been met and the actions set out in the Order are expedient in the interests of the Charity. Further, the making of the Order is in pursuance of the Commission's statutory objectives, and is in accordance with the principles of best regulatory practice and the Commission's published policies.

Section 76(1)(a) of the Act: that there is or has been any misconduct or mismanagement in the administration of the charity;

Misconduct includes any act (or failure to act) that the person committing it knew (or ought to have known) was criminal, unlawful or improper.

Mismanagement includes any act (or failure to act) that may cause charitable resources to be misused or the people who benefit from the charity to be put at risk.

1. The Charity has failed to submit annual accounts, trustees' annual reports and/or annual returns ("the accounting information") to the Commission for the financial years ending 31 March 2019 & 2020. The Charity has regularly been sent computer generated reminders from the Commission regarding the submission of their accounts. In addition, we wrote to the Charity on 14 March 2021. The Charity has therefore failed to comply with its legal requirements in spite of numerous reminders.
2. This is misconduct and/or mismanagement in the administration of the Charity and the charity trustees may have committed criminal offences by their default. Under section 173 of the Act, if the requirements under section 163, 164 and 169(3) are not complied with, namely the transmission of the accounting information, a charity trustee of the charity is guilty of an offence.

For the reasons given in paragraphs 1 and 2 above, the Commission considers that the ground of misconduct or mismanagement has been met.

Proportionality

3. The Commission, as a public authority and regulator of the charitable sector, has the duty to increase public trust and confidence in charities and to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities.
4. As set out above, there is or has been misconduct and/or mismanagement in the administration of the Charity. It is necessary to take steps to address this misconduct and/or mismanagement and protect the Charity's property, including its funds, in particular by directing the trustees of the Charity to take the action specified in the schedule of the Order, which relates to the Charity preparing the accounting information for the financial years ending 31 March 2019 & 2020 and providing copies of the accounting information to the Commission.

5. The Order is proportionate to the level of risk to the Charity as its trustees have failed to provide the accounting information which is required to be provided under charity law. The Commission is directing the charity trustees to undertake actions that they are already under a statutory duty to take.
6. There is a public expectation that the Commission will take appropriate steps to safeguard the Charity and its property, including funds. The Commission considers that this action is warranted given the risk to charitable funds, due to the non-submission of the accounting information, and the Commission's subsequent inability to assess the financial and governance position of the charity.
7. Before making the decision to exercise its powers under section 84 of the Act, the Commission gave careful consideration to both the proposed use of this power and whether the same result could have been achieved by alternative means, including the use of its other statutory powers.
8. The Commission has followed and will continue to follow its guidance and procedures in the making of the Order.
9. The trustees of the Charity have the right to appeal the making of the Order to the First-tier Tribunal (Charity).

Human Rights

10. The Commission has also considered its duties under the Human Rights Act 1998 and is satisfied that, should the Order constitute an interference with human rights, this would be lawful, proportionate in pursuit of a legitimate aim, and in the public interest. The Order is not intended to cause undue burden to the trustees of the Charity or the Charity. The Order is considered the most expedient, and least intrusive, step to safeguard the Charity's funds and to promote their proper application. The Order is made in the furtherance of the Commission's statutory objectives as set out in section 14 of the Act. These objectives include:
 - a. to increase public trust and confidence in charities;
 - b. to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities; and
 - c. to enhance the accountability of charities to donors, beneficiaries and the general public.
11. By acting in accordance with the Order, the trustees of the Charity can demonstrate that appropriate steps are being taken to protect charitable funds, and the management and administration of the Charity is on a proper footing, in discharge of the charity trustees' statutory and other legal duties
12. In the Commission's view Article 8 rights (respect for private life) are not engaged in relation to the trustees of the Charity by the Order as it arises from a voluntary public duty and responsibility, rather than in relation to private affairs.

13. Even if there were interference with Article 8 rights, these are qualified rights. Interference with these rights is permitted under the Human Rights Act where the Commission can demonstrate that the interference is legal, is in pursuit of a legitimate aim, and properly balances the rights of the possessor against the public interest. In the Commission's view, the making of this Order would fall within these limited circumstances.
14. Any such interference is lawful (under the Commission's section 84 power) and is in accordance with the Commission's statutory functions and objectives (Public Confidence and Benefit, Compliance, Charitable Resources and Accountability). The Commission's primary legitimate aim in making the Order is to protect charitable funds (which are analogous to public funds), so the Commission is properly exercising its powers in the public interest for the economic well-being of the country.

Equality Act

15. In considering whether the Commission should make the Order, the Commission has considered its public sector equality duty under the Equality Act and it has had due regard to this duty in making this decision.
16. The Commission considers that the Order will not adversely interfere with any rights under the Equality Act.

Better Regulation Principles and Economic Growth Duty

17. The Commission has considered the better regulation principles in making this decision and is satisfied that it is in accordance with them.
18. The Commission has had regard to the economic growth duty and in particular on the impact of this particular regulatory power on the desirability for economic growth of the charity. It is satisfied that this power will have no impact on the charity in this regard.