



Meeting of the

KING GEORGE'S FIELD CHARITY BOARD

Wednesday, 23 November 2011 at 6.30 p.m.

A G E N D A

VENUE

Commitee Room M72, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:

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

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

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

KING GEORGE'S FIELD CHARITY BOARD

Wednesday, 23 November 2011

6.30 p.m.

SECTION ONE

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

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 Chief Executive.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Board held on 20th July 2011.

**PAGE
NUMBER WARD(S)
AFFECTED**

3 - 6

4. REPORTS FOR CONSIDERATION

4 .1 King George's Fields Charitable Trust Annual Accounts, 2010/2011(KGFCB 003/1112) (Pages 7 - 34)

To approve the annual accounts of the King George's Field Mile End and King George's Field Tredegar Square charities for the 2010/2011 financial year prior to submission to the Charity Commissioners.

4 .2 King George's Fields Charitable Trust Powers and Duties (KGFCB 004/1112) (Pages 35 - 68)

5. ANY OTHER NON RESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

6. 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.

	PAGE NUMBER	WARD(S) AFFECTED
7. EXEMPT MINUTES		
To confirm as an accurate record of the proceedings the exempt minutes of the meeting of the Board held on 20 th July 2011.	69 - 72	
8. RESTRICTED REPORTS FOR CONSIDERATION		
8.1 558 Mile End Road arrear (KGFCB 005/1112)		
(To follow)		
9. ANY OTHER RESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT		

This page is intentionally left blank

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

Agenda Item 3

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE KING GEORGE'S FIELD CHARITY BOARD

HELD AT 6.30 P.M. ON WEDNESDAY, 20 JULY 2011

M72, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG

Members Present:

Mayor Lutfur Rahman
Councillor Ohid Ahmed
Councillor Alibor Choudhury
Councillor Rania Khan
Councillor Shafiqul Haque
Councillor Abdul Asad
Councillor Shahed Ali

Other Councillors Present:

None

Officers Present:

Jill Bell	– Head of Legal Services (Environment)
Michael Rowan	– Director, Mile End Park
John S. Williams	– Service Head, Democratic Services

1. ELECTION OF CHAIR FOR THE MUNICIPAL YEAR 2011/202

RESOLVED

That Mayor Lutfur Rahman be appointed as Chair of the King George's Field Charity Board for the municipal year 2011/12.

2. ELECTION OF VICE - CHAIR FOR THE MUNICIPAL YEAR 2011/2012

RESOLVED

That the Deputy Mayor, Councillor Ohid Ahmed, be appointed as Vice-Chair of the King George's Field Charity Board for the municipal year 2011/12.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Rofique Uddin Ahmed, Councillor Rabina Khan and Councillor Oliur Rahman.

RESOLVED

That the apologies for absence be noted.

4. DECLARATIONS OF INTEREST

No declarations of interest were made.

5. UNRESTRICTED MINUTES

RESOLVED

That the unrestricted minutes of the meeting of the King George's Field Charity Board held on 6th April 2011 be agreed as a correct record and the Chair be authorised to sign them accordingly.

6. TERMS OF REFERENCE REPORT (KGFCB 001/1112)

The meeting considered a report of the Service Head, Democratic Services, circulated with the agenda papers, which set out the terms of reference, membership, quorum and programme of meetings of the King George's Field Charity Board for the municipal year 2011/12.

RESOLVED

That the terms of reference, membership, quorum and programme of meetings of the King George's Field Charity Board for 2011/12 be noted as set out in the report.

7. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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.

8. EXEMPT MINUTES

Minutes Agreed.

**9. REVISION TO HEADS OF TERMS OF THE LEASE WITH COSTA COFFEE
(KGFCB 002/1112)**

Recommendations Agreed.

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

Recommendations Agreed.

The meeting ended at 6.37 p.m.

Chair,
King George's Field Charity Board

This page is intentionally left blank

Agenda Item 4.1

Committee/Meeting: King George's Fields Charity Board	Date: 23 November 2011	Classification: Unrestricted	Report No: (KGFCB 003/1112)
Report of: Corporate Director, Communities, Localities & Culture Originating Officer: Stephen Adams	Title: King George's Fields Charitable Trust Annual Accounts, 2010/2011 Wards Affected: All Wards		

1. **SUMMARY**

- 1.1 This report provides details of the annual accounts of the King George's Field Mile End and King George's Field Tredegar Square charities for the 2010/2011 financial year.

2. **DECISIONS REQUIRED**

King George's Fields Charity Board is recommended to:

- 2.1 Agree the annual report and accounts for the King George's Field, Mile End Charity (registered number 1077859) for the 2010/2011 financial year set out at Appendix 1.
- 2.2 Agree the annual report and accounts for the King George's Field Tredegar Square charity (registered number 1088999) for the 2010/2011 financial year set out at Appendix 2.
- 2.3 Authorise the mayor to sign the annual reports and accounts for submission to the Charity Commission.

3. **BODY OF REPORT**

- 3.1 The accounts relate to the King George's Field, Mile End Charity (registered number 1077859) (which includes Stepney Green and Whitehorse Road Open Space) and King George's Field Tredegar Square Charity (registered number 1088999). From the accounts attached in the appendices, the Board will see that King George's Field Mile End produced a balanced position, and that King George's Field Tredegar Square achieved a balanced position. However, the Board will note that the General Fund contribution to King George's Field, Mile End fell from £427,696 in 2009/2010 to £365,840 in 2010/2011. This was principally due to the increase in Sponsorship & Donations, to £78,970, of which £50,000 related to the provision of the

skateboard facility in Mile End Park. Other sources of income showed smaller variations.

3.2 The major expenditure and income are outlined within the account as follows

Salaries -

These relate to the Director of Mile End Park, and Park Ranger and support staff that assist in managing the facilities.

Employee Related Expenditure -

This relates to insurance of staff engaged in the activity of managing the facilities, as well as training.

Repairs and Maintenance -

This includes all repairs to buildings, trees and fences, and grounds maintenance costs.

Energy and Water -

This relates to electricity, gas and water services.

Other Services -

This relates to refuse collection and disposal, transport, printing and cleaning. It also includes the rental for the railway arches.

Communications -

This relates principally to telephones and mobile phones.

Stock and Equipment -

This relates to the purchase of equipment and materials.

Fees and Insurance -

This relates to the insurance of the park buildings and fees payable to consultants.

Receipts -

The major income items are commercial rents generated from shop lettings at Mile End Park, railway arch rentals, and a contribution from the Council's General Fund Public Realm and Cultural, Learning and Leisure Services budgets.

3.3 The outturn position for King George's Field Mile End was a breakeven position. King George's Field Tredegar square recorded a breakeven position. To comply with the Charity Commission's requirements, the Board are asked to note and endorse these accounts, and agree their submission to the Charity Commission.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 The comments of the Chief Financial Officer have been incorporated into this report.

5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 5.1 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's constitution establishes the King George's fields Charity Board to administer the charity's affairs and discharge the Council's trustee functions.
- 5.2 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 comply with the requirements of the Charities Act 1993 and the Statement of Recommended Practice - Accounting and Reporting by Charities, and the Charities (Accounts and Reports) Regulations 2008.

6. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

7. RISK MANAGEMENT IMPLICATIONS

- 7.1 Managing financial risk is of critical importance to the Directorate and maintaining financial health is essential to sustaining and improving service performance. Specific risks are project managed, recorded and progress is monitored through the directorate risk register process.

8. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 8.1 There are no direct crime and disorder reduction implications in the report.

9. EFFICIENCY STATEMENT

- 9.1 Efficiency improvements inform the ethos of the Mile End Park Annual Management Plan and the running of the other parks and open spaces that form part of King George's Fields.

10. APPENDICES

Appendix 1 – Annual Report and Accounts, King George’s Field Mile End charity

Appendix 2 – Annual Report and Accounts, King George’s Field Tredegar Square charity



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

Brief description of “background papers”

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

**KING GEORGE'S FIELD, MILE END
CHARITY NO 1077859****REPORT OF THE TRUSTEES
For The Year Ended 31 March 2011**

The trustees present their report and the financial statements for the year ended 31 March 2011. The financial statements are subject to audit, and are shown on pages 6 to 11 of this report.

The legal and financial information set out below forms part of this report. The financial statements comply with current statutory requirements, the constitution, and the Statement of Recommended Practice-Accounting and Reporting by Charities, as published by the Charities Commission in March, 2005, and the Charities (Accounts and Reports) Regulations 2008 (S.I. No 629, 2008).

EXPLANATORY NOTE

King George's Field Mile End is a registered charity. It is referred to throughout this report as the "Charity".

STRUCTURE, GOVERNANCE AND MANAGEMENT

The sole trustee of the Charity is the London Borough of Tower Hamlets, which delegates its responsibilities to a Committee called the King George's Field Trust Charity Board which directs the affairs of the Charity and acts as the Charity's trustees. The affairs of the Charity are directed by the Board of Trustees. The trustees meet formally annually or as and when strategic direction is required. For Mile End Park, the original master plan, directed by the Trustees, is in the final stages of implementation. There is a formal agenda for meetings which is agreed in advance between the Chair of the Trustees and the Chair of the Mile End Park Partnership Board that meets quarterly. The day to day running of Mile End Park is delegated to the Director of the Mile End Park. The Mile End Park Partnership comprises two other bodies and the local authority. That board meets quarterly, and examines the progress made in the park. For Mile End Park, an Annual Management Plan is produced, which is geared to the annual Green Flag competition, and looks at the park for the period January to December.

The original Trust Deed, and the subsequent variations, which are referred to below, also dealt with the use of other open space and park areas, within what is now the London Borough of Tower Hamlets. These other areas are managed by other Council employees.

Prior to October 2010, the members of the King George's Fields Trust Charity Board were also those Councillors who were, for the time being, the Cabinet members of the London Borough of Tower Hamlets. From October 2010 onwards, the members of the Charity Board were also those Councillors who were the members of the Mayoral Cabinet.

RISK ASSESSMENT

Mile End Park has its own Annual Service Plan that covers, amongst other matters, the major strategic, business and operational risks. The Service Plan covers the period April to March, and is used to inform the overall Communities, Localities & Culture Directorate plan and individual performance targets. In practice, there is an overlap between this and the Annual Management Plan, but the emphasis and content may vary. The Service Plan is peer-reviewed triannually, and was initially published on the Council's web-site during 2008/2009. In respect of the other park and open space areas, the Council has similar strategies to deal with business and operational risks. The Charity Board is satisfied that systems are in place to monitor and control all areas where there is an identifiable risk with financial, operational, or reputational implications.

OBJECTIVES AND ACTIVITY

The Charity's objectives are set out in the Trust Deed, dated 9th November, 1965, and a Deed of Variation dated 29th January, 1997. They are as follows:

To preserve in perpetuity the covenanted land and to apply the land to such charitable purposes as are set out in the Recreational Charities Act 1958, including the construction of indoor recreational facilities, subject to the approval of the National Playing Fields Association and the Charity Commission in respect of any additional purposes.

Generally, the Charity maintains the area of Mile End Park as a park and open space for the recreation of the general public, including but not limited to the inhabitants of the London Borough of Tower Hamlets. The other park and open space areas are managed to achieve similar objectives

In detail, the following activities were carried out in Mile End Park during the year ending 31 March 2011, which also include references to the plans for future periods.

THE DEVELOPMENT OF MILE END PARK

During the last year Mile End Park won its seventh consecutive Green Flag award, and, in addition, won a commendation for the introduction of a "no-smoking" policy in the Children's Play Park. The Park was also ranked tenth in the People's Park Award voted for by people across the country. Mile End Park also featured strongly in four dissertations in the last academic year looking at various aspects of social engagement between the community and the Park.

The Skateboard Park's two arches have now been converted into a covered area which will house a half pipe and skateboard outlet with a youth café offering an element of supervision and training, including the free loan of skateboards so that everyone can try out skateboarding. This is an inter-departmental partnership with Youth Services.

Many of the regular events held in the Park have now become part of the tradition of the area. Park Life, The Park After Dark and many other favourites show no sign of losing popularity. In the last year, the Park held two sleepovers in the summer, where children living in high-rise flats had the opportunity to camp out in the park.

Volunteers from the Royal Bank of Scotland constructed a Dog Gym, or more accurately a dog agility course, so that dogs and their owners can get fit. Monthly dog training courses now take place.

The Walk A Mile In Mile End Park is the world's first electronic measured mile in a public park. This is a route through the Park where participants can use a swipe card to record their progress and build up their levels of exercise. It is hoped that this will be promoted through the NHS.

An important discovery in the Park was that of the Bombardier Beetle in the Park. This is one of Britain's rarest beetles. The Streaked Bombardier Beetle has been found at only one other site in Britain. It is so rarely seen in the UK that it was only recently confirmed as a native British species, and was predicted to become extinct just a few years ago.

The Art Pavilion has continued to raise its profile with a programme of exhibitions throughout the year. The standard has been consistently high and varied, combining local artists, emerging artists, student shows, and established artists including a one-off appearance by Gavin Turk.

Raising income is going to be a continuing priority in 2011, in order to continue to balance the budget. Developing the Ecology Pavilion into a successful wedding venue, with a new website to advertise the usage to potential customers was a significant change of direction in 2010/2011.

FINANCIAL RESULTS

The net incoming resources for the year totalled £923,205, (£846,882 in 2009/2010). This included a contribution from the London Borough of Tower Hamlets of £365,840 (£427,696 in 2009/2010).

The Charity continued to rely on a number of sources for its income, in addition to the financial contribution from the London Borough of Tower Hamlets. Within Mile End Park, these included Commercial Rents from properties located in the Green Bridge shops, and fees and charges from the letting of other facilities in the park, e.g. Connexions, Electric Go-Karts, and the hire of pavilions. The sources of income are shown in more detail in the attached financial report. There are no Restricted Funds or Endowment Funds, as defined within the Statement of Recommended Practice, 2005.

The Charity is grateful to all who provided it with funds to enable it to carry out its work within the London Borough of Tower Hamlets.

The largest items of expenditure continue to be the cost of staff salaries, and the work of maintaining the park areas and buildings within them. Staff salaries accounted for £348,464 in 2010/2011 (38% of total resources expended, compared with £335,907 in 2009/2010 or 38%). Repairs and maintenance accounted for £333,902 (36% of total resources expended, compared with £258,248 in 2009/2010, or 30%).

Full details of the Charity's revenue income and expenditure are given in the accompanying financial statements. This includes the figures for income and expenditure in the format required for submission to the Charity Commission, and these are shown on Page 7 of the report.

INVESTMENT POLICY AND PERFORMANCE

The Charity has no investments.

RESERVES POLICY

Since the sole trustee is the London Borough of Tower Hamlets, which meets in full the Charity's net expenditure, the Charity's funding is secured. In previous years, the Trust Charity Board has therefore not needed to set up any financial reserves to protect against any unforeseen fluctuations in income or expenditure.

RESPONSIBILITIES OF THE TRUSTEES

The Trust Charity Board is required to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the Charity as at the Balance Sheet date and of its incoming resources and application of resources, including income and expenditure for the year then ended.

In preparing those financial statements which give a true and fair view, the Board should follow best practice and

- (a) select suitable accounting policies and then apply them consistently
- (b) make judgments and estimates that are reasonable and prudent
- (c) state whether applicable accounting standards and statements of recommended practice have been followed, subject to any material departures disclosed and explained in the financial statements
- (d) prepare the financial statements on the going concern basis unless it is inappropriate to assume that the Charity will continue on that basis

The Board is responsible for keeping accounting records which disclose with reasonable accuracy at any time the financial position of the Charity, and to ensure that the financial statements comply with the relevant statutory requirements.

The Board is also responsible for safeguarding the assets of the Charity, and are hence taking reasonable steps for the prevention and detection of fraud and other irregularities.

THE CHARITY TRUST BOARD

Upto October, 2010, the Board consisted of the following Councillors who were also members of the Cabinet:

Councillor Helal Abbas (Chair)	Leader of the Council
Councillor Joshua Peck (Vice-Chair)	Deputy Leader of the Council
Councillor Shahed Ali	Lead Member, Environment
Councillor David Edgar	Lead Member, Resources
Councillor Marc Francis	Lead Member, Housing, Heritage & Planning

Councillor Sirajul Islam	Lead Member, Regeneration & Employment
Councillor Denise Jones	Lead Member, Culture & Creative Industries
Councillor Shiria Khatun	Lead Member, Childrens Services
Councillor Rachael Saunders	Lead Member, Health & Wellbeing
Councillor Abdal Ullah	Lead Member, Community Safety

From October, 2010 onwards, the board consisted of the Mayoral Cabinet:

Mayor Lutfur Rahman	
Councillor Ohid Ahmed	Deputy Mayor
Councillor Alibor Choudhury	Cabinet Member for Resources
Councillor Rabina Khan	Cabinet Member for Housing
Councillor Rania Khan	Cabinet Member for Regeneration
Councillor Oliur Rahman	Cabinet Member for Children's Services

However, when they meet as the Board, their key decision-making must, as trustees, be in the best interests of the park and open space areas, within King George's Field.

AUDITORS

The accounts for 2010/2011 are subject to audit. The Charity's auditors will be the Council's External Auditors, which is the Audit Commission.

BANKERS

The Charity's bankers are the bankers for the London Borough of Tower Hamlets, which is the Co-operative Bank,

SOLICITORS.

The Charity's solicitors are the Legal Service of the London Borough of Tower Hamlets.

PRINCIPAL ADDRESS

The principal address of the Charity is the Council's address:
Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

This page is intentionally left blank

**KING GEORGE'S FIELD, MILE END
CHARITY NO 1077859
STATEMENT OF FINANCIAL ACTIVITIES
(Including an Income & Expenditure Account)
For the year ended 31 March, 2011**

	UNRESTRICTED FUNDS	
	<u>2010/11</u>	<u>2009/10</u>
<u>INCOMING RESOURCES</u>	<u>£</u>	<u>£</u>
Railway Arch Rentals	77,860	76,626
Other Rentals	297,941	279,785
Other Lettings	35,326	30,835
Sponsorship & Donations	78,970	(40,820)
Multi-Pitch Income	10,614	15,428
Other Income	56,653	57,333
Cultural Services & Public Realm Revenue Contribution	365,840	427,696
Total Incoming Resources	<u>923,205</u>	<u>846,882</u>
<u>RESOURCES EXPENDED</u>		
Salaries	348,464	335,907
Employee Related Expenditure	4,166	7,786
Repairs & Maintenance	333,902	258,248
Energy and water	24,134	40,601
Other Services	120,070	118,413
Communications	2,639	2,146
Stock & Equipment	32,362	55,427
Fees & Insurance	57,467	46,943
Advertising & Publicity	-	8,377
Total Resources Expended	<u>923,205</u>	<u>873,848</u>
Net Incoming/(Outgoing) Resources	<u><u>-</u></u>	<u><u>(26,966)</u></u>
Net Movement in Funds	<u><u>-</u></u>	<u><u>(26,966)</u></u>
<u>RECONCILIATION OF FUNDS</u>		
Total Funds Brought Forward	-	26,966
Total Funds Carried Forward	-	-

**KING GEORGE'S FIELD, MILE END
 CHARITY NO 1077859
 STATEMENT OF FINANCIAL ACTIVITIES
 (Including an Income & Expenditure Account)
 For the year ended 31 March, 2011**

APPENDIX 1

	UNRESTRICTED FUNDS	TOTAL FUNDS	PRIOR YEAR TOTAL FUNDS
	<u>2010/11</u>	<u>2010/11</u>	<u>2009/10</u>
<u>INCOMING RESOURCES</u>	£	£	£
Incoming Resources From Generated Funds			
Voluntary Income	444,810	444,810	386,876
Activities Generating Funds	421,742	421,742	402,673
Other Income	56,653	56,653	57,333
Total Incoming Resources	<u>923,205</u>	<u>923,205</u>	<u>846,882</u>
 <u>RESOURCES EXPENDED</u>			
Charitable Activities	923,205	923,205	873,848
Total Resources Expended	<u>923,205</u>	<u>923,205</u>	<u>873,848</u>
 Net Incoming/(Outgoing) Resources	 <u>-</u>	 <u>-</u>	 <u>(26,966)</u>
 Net Movement in Funds	 <u>-</u>	 <u>-</u>	 <u>(26,966)</u>
 <u>RECONCILIATION OF FUNDS</u>			
Total Funds Brought Forward	-	-	26,966
Total Funds Carried Forward	-	-	-

**KING GEORGE'S FIELD, MILE END
CHARITY NO 1077859
BALANCE SHEET**

As at 31 March, 2011

	UNRESTRICTED FUNDS			
	<u>2010/2011</u>		<u>2009/2010</u>	
	<u>£</u>	<u>£</u>	<u>£</u>	<u>£</u>
Current Assets				
Debtors & Payments In Advance		121,703		86,685
Creditors: amounts falling due within one year	12,114		7,096	
Receipts In Advance: falling due within one year	109,589	121,703	79,589	86,685
Net Current Assets		<u> -</u>		<u> -</u>
Funds		<u> -</u>		<u> -</u>

The figure for Debtors & Payments In Advance, of £121,703 represents:

(a) £4,539 due from an external organisation; and

(b) funding by the Council of the Creditors (£12,114) and Receipts In Advance (£109,589.), less the Debtors and Payments In Advance, referred to in paragraph (a).

All transactions pass through the Council's accounts.

**KING GEORGE'S FIELD, MILE END
 CHARITY NO 1077859
 CASH FLOW STATEMENT
 For The Year Ended 31 March,2011**

	UNRESTRICTED FUNDS	
	<u>2010/2011</u>	<u>2009/2010</u>
	<u>£</u>	<u>£</u>
Net Cash Flow From Operating Activities	<u>-</u>	<u>(26,966)</u>

Reconciliation of net incoming/(outgoing) resources to net cash flow

	<u>£</u>	<u>£</u>
Net Incoming/(Outgoing) resources for the year	-	-
(Increase)/Decrease in Debtors	(35,018)	36,216
Increase/(Decrease) in Creditors & Receipts in Advance	35,018	(9,250)
Net Cash Flow From Operating Activities	<u>-</u>	<u>(26,966)</u>

This page is intentionally left blank

**KING GEORGE'S FIELD, MILE END
CHARITY NO 1077859**

**Notes to the financial statements
For the year ended 31 March 2011**

1 Accounting Policies

- a) 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 and Reporting by Charities, issued in March, 2005 (the SORP), as amended in 2007.
- b) 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 at the date the Charity provides the relevant services.
- c) There are no restricted funds, within the definition contained in the 2005 SORP. Incoming resources are therefore used for any of the Charity's purposes.
- d) 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) 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.
- f) Employees working in the Mile End Park and at other 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.

2 Staff Costs and Numbers

Staff costs were as follows:	2010/2011	2009/2010
Salaries	£292,987	£281,568
National Insurance	£24,777	£24,443
Pension Contributions	£30,700	£29, 896
Total	£348,464	£335,907

One employee received more than £70,000 during the year (2009/2010 one employees)

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

2010/2011	2009/2010
8.71	8.33

3 Taxation.

The Charity does not pay any tax on its activities, and statutory requirements relating to the payment of tax are not applicable.

4 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.

5 Creditors.

Amounts Falling Due Within One Year:

	2010/2011	2009/2010
Trade Creditors	£12,114	£7,096
Receipts In Advance	£109,589	£79,589
Total	£121,703	£86,685

6 Debtors

	2010/2011	2009/2010
Rentals and Payments In Advance	£4,539	£7,117
Other	£117,164	£79,568
Total	£121,703	£86,685

In 2010/2011, Other Debtors represent the Council's funding of:

- (a) the creditors and receipts in advance, totalling £121,703 (less the £4,539 due for rentals and payments in advance), net £117,164.

**KING GEORGE'S FIELD, STEPNEY (TREDEGAR SQUARE,
BOW)
CHARITY NO 1088999**

**REPORT OF THE TRUSTEES
For The Year Ended 31 March 2011**

The trustees present their report and the financial statements for the year ended 31 March 2011. The financial statements are subject to audit, and are shown on pages 5 to 10 of this report.

The legal and financial information set out below forms part of this report. The financial statements comply with current statutory requirements, the constitution, and the Statement of Recommended Practice-Accounting and Reporting by Charities, as published by the Charities Commission in March, 2005, and the Charities (Accounts and Reports) Regulations 2008 (S.I. No 629, 2008).

EXPLANATORY NOTE

King George's Field, Stepney (Tredegar Square, Bow) is a registered charity. It is referred to throughout this report as the "Charity".

STRUCTURE, GOVERNANCE AND MANAGEMENT

The sole trustee of the Charity is the London Borough of Tower Hamlets, which delegates its responsibilities to a Committee of the Council called the King George's Fields Trust Charity Board which directs the affairs of the Charity and acts as the Charity's trustees. The affairs of the Charity are directed by the Board of Trustees. The trustees meet formally annually or as and when strategic direction is required. The Square is managed by Council employees of the London Borough of Tower Hamlets.

Prior to October 2010, the members of the King George's Fields Trust Charity Board were also those Councillors who were, for the time being, the Cabinet members of the London Borough of Tower Hamlets. From October 2010 onwards, the members of the Charity Board were also those Councillors who were the members of the Mayoral Cabinet.

RISK ASSESSMENT

The Council has strategies to deal with business and operational risks. The Charity Board is satisfied that systems are in place to monitor and control all areas where there is an identifiable risk with financial, operational, or reputational implications.

OBJECTIVES AND ACTIVITY

Tredegar Square Gardens is located in the Bow West Ward of the London Borough of Tower Hamlets. The gardens and surrounding area are a designated Conservation Area for planning and development purposes.

The object of the Charity is the maintenance of the gardens for the use and enjoyment of the public.

The gardens are approximately 0.5 hectares in area, and are formally laid out to grass, shrub beds, hedges and rose beds.

The gardens are maintained by the London Borough of Tower Hamlets. Horticultural maintenance is carried out regularly to an annual programme of works, and includes the pruning of shrubs, roses and hedges, weed control on beds and paths, grass cutting and maintenance of tree bases. Arboricultural work is carried out on an as required basis with the health and safety of the trees given a high priority. Bins and benches are provided for use by visitors and cleansing takes place frequently, normally daily.

The gardens are open during daylight hours. Park rangers and security staff patrol, lock and unlock the gardens throughout the year.

FINANCIAL RESULTS

The net incoming resources for the year totalled £12,443 (£9,835 in 2009/2010). This represented the revenue contribution from the London Borough of Tower Hamlets equal to the costs incurred. As a result of this contribution, the Charity made neither a surplus nor a deficit for the financial year.

Full details of the Charity's revenue income and expenditure are given in the accompanying financial statements. This includes the figures for income and expenditure in the format required for submission to the Charity Commission, and these are shown on Page 6 of the report.

INVESTMENT POLICY AND PERFORMANCE

The Charity has no investments, since there are no surplus funds.

RESERVES POLICY

Since the sole trustee is the London Borough of Tower Hamlets, which meets in full the Charity's net expenditure, the Charity's funding is secured. The Trust Charity Board therefore does not need to set up any financial reserves to protect against any unforeseen fluctuations in income or expenditure.

RESPONSIBILITIES OF THE TRUSTEES

The Trust Charity Board are required to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the Charity as at the Balance Sheet date and of its incoming resources and application of resources, including income and expenditure for the year then ended.

In preparing those financial statements which give a true and fair view, the Board should follow best practice and

- (a) select suitable accounting policies and then apply them consistently
- (b) make judgments and estimates that are reasonable and prudent

(c) state whether applicable accounting standards and statements of recommended practice have been followed, subject to any material departures disclosed and explained in the financial statements

(d) prepare the financial statements on the going concern basis unless it is inappropriate to assume that the Charity will continue on that basis

The Board is responsible for keeping accounting records which disclose with reasonable accuracy at any time the financial position of the Charity, and to ensure that the financial statements comply with the relevant statutory requirements.

The Board is also responsible for safeguarding the assets of the Charity, and are hence taking reasonable steps for the prevention and detection of fraud and other irregularities.

THE CHARITY TRUST BOARD

Upto October, 2010, the board consisted of the following Councillors who were also members of the Cabinet:

Councillor Helal Abbas (Chair)	Leader of the Council
Councillor Joshua Peck (Vice-Chair)	Deputy Leader of the Council
Councillor Shahed Ali	Lead Member, Environment
Councillor David Edgar	Lead Member, Resources
Councillor Marc Francis	Lead Member, Housing, Heritage & Planning
Councillor Sirajul Islam	Lead Member, Regeneration & Employment
Councillor Denise Jones	Lead Member, Culture & Creative Industries
Councillor Shiria Khatun	Lead Member, Childrens Services
Councillor Rachael Saunders	Lead Member, Health & Wellbeing
Councillor Abdal Ullah	Lead Member, Community Safety

From October, 2010 onwards, the board consisted of the Mayoral Cabinet:

Mayor Lutfur Rahman	
Councillor Ohid Ahmed	Deputy Mayor
Councillor Alibor Choudhury	Cabinet Member for Resources
Councillor Rabina Khan	Cabinet Member for Housing
Councillor Rania Khan	Cabinet Member for Regeneration
Councillor Oliur Rahman	Cabinet Member for Children's Services

However, when they meet as the Board, their key decision-making must, as trustees, be in the best interests of the park area, within King George's Field.

AUDITORS

The accounts for 2010/2011 are subject to audit. The Charity's auditors will be the Council's External Auditors, which is the Audit Commission.

BANKERS.

The Charity's bankers are the bankers for the London Borough of Tower Hamlets, which is the Co-operative Bank.

SOLICITORS

The Charity's solicitors are the Legal Service of the London Borough of Tower Hamlets.

PRINCIPAL ADDRESS

The principal address of the Charity is the Council's address:
Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2 BG

**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, 2011**

	See Note	UNRESTRICTED FUNDS	
		<u>2010/11</u>	<u>2009/10</u>
<u>INCOMING RESOURCES</u>		£	£
Public Realm Revenue Contribution		12,443	9,835
Total Incoming Resources		<u>12,443</u>	<u>9,835</u>
<u>RESOURCES EXPENDED</u>			
Salaries	1, 2	1,728	1,850
Repairs & Maintenance		10,715	7,985
Other Services		-	-
Total Resources Expended		<u>12,443</u>	<u>9,835</u>
Net Incoming/Outgoing Resources		<u>-</u>	<u>-</u>
Net Movement in Funds		<u>-</u>	<u>-</u>
<u>RECONCILIATION OF FUNDS</u>			
Total Funds Brought Forward		-	-
Total Funds Carried Forward		-	-

**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, 2011**

	UNRESTRICTED FUNDS	TOTAL FUNDS	PRIOR YEAR TOTAL FUNDS
	<u>2010/11</u>	<u>2010/11</u>	<u>2009/10</u>
<u>INCOMING RESOURCES</u>	£	£	£
Incoming Resources From Generated Funds			
Voluntary Income	12,443	12,443	9,835
Total Incoming Resources	12,443	12,443	9,835
 <u>RESOURCES EXPENDED</u>			
Charitable Activities	12,443	12,443	9,835
Total Resources Expended	12,443	12,443	9,835
Net Incoming/(Outgoing) Resou	-	-	-
Net Movement in Funds	-	-	-
 <u>RECONCILIATION OF FUNDS</u>			
Total Funds Brought Forward	-	-	-
Total Funds Carried Forward	-	-	-

**KING GEORGE'S FIELD, STEPNEY (TREDEGAR SQUARE BOW)
CHARITY NO 1088999
BALANCE SHEET**

As at 31 March, 2011

	See Note	UNRESTRICTED FUNDS	
		<u>2010/11</u>	<u>2009/10</u>
		<u>£</u>	<u>£</u>
Current Assets			
Debtors	1,6	-	509
Creditors: amounts falling due within one year	1,5	-	509
Net Current Assets		<u> -</u>	<u> -</u>

The figure for Debtors, of £509, represents funding by the Council of the Trade Creditors.

KING GEORGE'S FIELD, STEPNEY (TREDEGAR SQUARE BOW)
CHARITY NO 1088999
CASH FLOW STATEMENT
For The Year Ended 31 March,2011

	UNRESTRICTED FUNDS	
	<u>2010/11</u>	<u>2009/10</u>
	<u>£</u>	<u>£</u>
Net Cash Flow From Operating Activities	<u>-</u>	<u>-</u>
 <u>Reconciliation of net incoming resources to net cash flow</u>		
	<u>£</u>	<u>£</u>
Net Incoming/Outgoing resources for the year	-	-
(Increase)/Decrease in Debtors	-	(509)
Increase/(Decrease) in Creditors	-	509
Net Cash Flow From Operating Activities	<u><u>-</u></u>	<u><u>-</u></u>

**KING GEORGE'S FIELD, STEPNEY (TREDEGAR SQUARE, BOW)
CHARITY NO 1088999**

**Notes to the financial statements
For the year ended 31 March 2011**

1 Accounting Policies

- a) 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 and Reporting by Charities, issued in March, 2005 (the SORP).
- b) Income is recognised in full in the Statement of Financial Activities in the year in which it is receivable.
- c) There are no restricted funds, within the definition contained in the 2005 SORP. Incoming resources are therefore used for any of the Charity's purposes.
- d) 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) Where income or expenditure has been recognised but cash has not been received or paid, a debtor or creditor the relevant amount is recorded in the balance sheet.
- f) Employees working in Tredegar Square are Council employees. They are eligible to join the Local Government Pension Scheme administered by the London Borough of Tower Hamlets. The staff costs are the apportioned costs of several Council employees (including employer's National Insurance and pension fund contributions).

2 Staff Costs

Staff costs were as follows:	2010/2011	2009/2010
Total	£1,728	£1,850

These apportioned costs represent the small amounts of time spent by Council staff on duties connected with the maintenance and security of the park. No employee connected with this work received more than £60,000 in either 2010/2011 or 2009/2010.

3 Taxation.

The Charity does not pay any tax on its activities, since in any financial year, expenditure equals income, and statutory requirements relating to the payment of tax are not applicable.

4 Fixed Assets.

No fixed assets are shown in the Charity's accounts. Any capital expenditure on the construction and improvement of assets in Tredegar Square would be shown in the accounts of the London Borough of Tower Hamlets, together with the financing of those construction and improvement works.

5 Creditors.

Amounts Falling Due Within One Year:

	2010/2011	2009/2010
Trade Creditors	nil	£507
Receipts In Advance	nil	nil
Total	nil	£507

6 Debtors

	2010/2011	2009/2010
Commercial and other rentals	nil	nil
Other Debtors	nil	£507
Total	nil	£507

Agenda Item 4.2

Committee/Meeting: King George's Fields Charity Board	Date: 23 rd November 2011	Classification: Unrestricted	Report No: (KGFCB 004/1112)
Report of: Assistant Chief Executive(Legal Services) Isabella Freeman Originating officer: Jill Bell		Title: King George's Fields Charitable Trust Powers and Duties Wards Affected: All Wards	

1. **SUMMARY**

At their last meeting the Trustees asked for a report on their powers and duties as Trustees of the King George's Trusts with particular regard to the shops beneath the Green Bridge at Mile End, Stepney. This report details those.

2. **DECISIONS REQUIRED**

- 2.1 To note the content of the report

3. **BODY OF REPORT**

- 3.1 There are two King George's Fields charities, both of which are registered with the Charity Commission:

(1) The King George's Field, Mile End charity, registered number 1077859 ("the Mile End charity"); and

(2) the King George's Field – Stepney (Tredegar Square, Bow) charity, registered number 1088999 ("the Tredegar Square charity"). Given the request for the report related to the shops no detail is given on this charity in this report.

The Council is the trustee of both charities pursuant to the governing documents detailed in this report.

- 3.2 The King George's 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 George's Fields Charity and discharge all duties of the Council as 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.

4. THE HISTORY OF THE KING GEORGE'S FIELDS MILE END CHARITY

- 4.1 The history of the establishment of the two charities was given in a comprehensive report presented to the Trustees on 17TH June 2009.
- 4.2 In summary the King Georges Field Stepney now known as King Georges Field Mile End was set up following the grant of moneys from a national appeal to perpetuate the memory of the late King George V and the Local Authority. The grant moneys came from the King Georges Field Foundation ("the Foundation") which is now administered by Fields in Trust (formerly the National Playing Fields Association). The local authorities also contributed to the establishment of the park.
- 4.3 The Foundation made grants for the laying out of the playing field and on 9 November 1965, the Greater London Council ("GLC") gave a declaration and undertaking that land shown on a plan marked "KGF1" would be preserved in perpetuity as a memorial to King George V under the provision of the Foundation ("the 1965 Undertaking"). This plan will be available at the meeting but is too large to usefully copy for the purposes of this report.
- 4.4 The Council was the statutory successor to the GLC under the London Government Act 1963 and the Local Government Act 1985. On 29 January 1997, the Council entered into a deed with the National Playing Fields Association ("the 1997 Deed") to amend the land affected by the 1965 Undertaking to be the "the land shown edged red on the plan No KGF2" which is attached to the 1997 Deed ("the Park Lands"). A copy of KGF2 with the areas marked red is attached to this report as Appendix 1. (it is acknowledged that this is a very poor copy but is the only one held by the Charity Commission.
- 4.5 In about 1994, the Millennium Commission identified redevelopment of Mile End Park as a suitable project to mark the new millennium. In January 1998, building work began on the new Mile End Park, which ultimately saw construction of the Terrace Garden, the Green Bridge (completed July 1999), the Art Park, the Ecology Park, the Children's Park and the Children's Pavilion.
- 4.6 Mile End Leisure Centre was built to enhance recreational facilities and is now operated by Greenwich Leisure Limited.

5. THE CURRENT GOVERNING DOCUMENT

- 5.1 On 28 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 2000 Scheme"). A copy of the 2000 Scheme is included as Appendix 2 to this report. The 2000 Scheme expressly provides that it replaces the existing trusts of the charity.

- 5.2 Under the 2000 Scheme, the London Borough of Tower Hamlets (“the Council”) is the trustee of the charity. The Council is empowered 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. This committee has been appointed to fulfil that role.
- 5.3 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...”
- 5.4 The 2000 scheme deals with two categories of land. The first referred to in Part 1 of the Schedule, consists of park lands identified in plan KGF2, referred to in the 1997 Deed (“the Park Lands”). The attached copy of plan KGF2 in Appendix 1 was obtained from the Charity Commission. It is low in quality and difficult to follow, 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.
- 5.5 Under Clause 5(1)(a) the Scheme restricts the use of this land. 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” . (Article 7 is at Appendix 3 of this report)
- 5.6 The second category of land, referred to in Part 2 of the Schedule to the 2000 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 Shop Units”). The Shop Units are only described in words. There is no plan showing their location. The Council, as trustee of the Mile End charity, is given specific powers in relation to the 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
- 5.7 In summary, the Council is to keep the Park Lands in perpetuity as a memorial to King George V and may use the land –
- 5.7 1. For playing fields named and sign-posted as “King George’s Fields”.
 - 5.7 2. For facilities for recreation or other leisure-time occupation, provided that it is in the interests of social welfare and for the public benefit.

6. POWERS

- 6.1 The Council is given specific powers, as trustee of the King George's Field, Mile End charity, which it may exercise to further the objects of the charity. In addition, the Council has powers as trustee provided under the legislation governing trusts, particularly the Trustee Act 1925 ("TA 1925") and the Trustee Act 2000 ("TA 2000").
- 6.2 Disposal of land. The 2000 Scheme makes provision for limited disposal of land. The Council may let part or parts of the Park Lands on leases not exceeding 10 years to provide recreational facilities to the public or to provide such services to the public ancillary to recreation as are mentioned in Article 7 of the Greater London Parks and Open Spaces Order 1967 on the terms mentioned in that article. The Council may let the Shop Units. Otherwise in disposing of any land, the Council must comply with section 36 of the Charities Act 1993, which sets out a number of requirements relating to prior approval, advice, consultation and deliberation. The 2000 Scheme does not make provision for sale of any of the land.
- 6.3 Investment. Presently there are no investments by the Council as trustee. However, the Council has a general power of investment which authorises the making of any investment that the Council could make if it were absolutely entitled to the assets of the trust (TA 2000, Part 2). The Council must obtain and consider proper advice about the way the power of investment should be exercised before exercising the power.
- 6.4 Acquisition of land. The Council has power to acquire freehold and leasehold land in the UK as an investment or for any other reason (TA 2000, Part 3).
- 6.5 Appointment of agents, nominees and custodians. The Scheme specifically makes provision for appointment of a manager for the land the subject of the trust or any part of that land. The Council has additional power under the TA 2000 to delegate the following functions to an agent: (a) carrying out a decision it has taken as trustee; (b) functions relating to the investment of assets subject to the trust; (c) some functions relating to the raising of funds; and (d) other functions prescribed by the Secretary of State. The Act governs the terms of appointment pursuant to the statutory power and the exercise of functions by the agent. The TA 2000 contains power to appoint nominees and custodians in relation to assets of the trust.
- 6.6 Power to give receipts etc. The TA 1925 provides the Council with powers as trustee to give a receipt in writing that may be relied upon by a person paying, transferring or delivering personal property. The TA 1925 also empowers Council to compound liabilities, including by compromising or settling any debt or claim. The Council is also empowered by the TA 1925 to insure any property the subject of the trust. The TA 1925 contains other powers that are probably not relevant for present purposes.
- 6.7 Amendment of the Scheme. The 2000 Scheme expressly provides that the Council may amend the provisions of the scheme, with the exception of the

following: (i) the power of amendment itself; (ii) the definitions; (iii) the restrictions on use of property (ie the objects of the trust); (iv) the (limited) power to dispose of land; the creation of a power to dissolve the charity; or (v) the power to spend permanent endowment of the charity. Whilst the Council may amend the name of the charity it must first obtain the written approval of the Charity Commission.

7 THE SHOPS

7.1 There are 10 shop units managed by the Trustees. Three of the units have been merged to form a large trading unit which is currently let to MAK Ltd t/a Budgens

Mile End Road Green Bridge Shops	Current tenant	Lease start date	Lease length years	Lease expiry	Rent Review Date	Current rent 29/09/2011
383-387 Mile End Road	MAK Ltd t/a Budgens	01/04/2001	25	31/03/2026	01/04/2011	£85,000.00
389 Mile End Road	Nanadan Consulting t/a Roasters Café	29/04/2004	15	28/04/2019	01/09/2009	£28,454.00
391 Mile End Road	WJ Meade Estate Agents	29/09/1999	15	28/09/2014	29/09/2009	£55,000.00
552 Mile End Road	Nandos Restaurant	08/08/2010	20	08/08/2030	08/08/2015	£80,000.00
554 Mile End Road	Zeera Restaurant	07/06/2002	25	06/06/2027	14/07/2012	£39,133.16
556 Mile End Road	Costa Coffee (new letting)	12/09/2011	10	11/09/2021	12/09/2016	£66,000.00
558 Mile End Road	Matsu - repossessed 16.09.2011	Strettons have been appointed to market the vacant unit				£0.00

7.2 The revenue from the shop leases goes to pay for the running costs of the parklands.

7.3 The properties differ in size and are in the process of being surveyed to bring the records up to date. They were let on a shell and core basis and have been adapted by the tenants some of whom have installed mezzanines increasing the floor space.

7.4 External valuers, Jones Lang LaSalle, have been appointed to carry out the rent reviews and are in the process of conducting those for 383-387 and 391 Mile End Road. On 389 at the time of the rent review the company went into

administration and the lease was then assigned. The rent review process has now commenced. All of the leases permit the new rent once it is agreed to be backdated to the rent review date.

- 7.5 When the lease of 556 Mile End Road was considered by members concern was expressed about giving a rent free period. Advice has therefore been sought from Strettons, commercial property advisors, regarding this practice.
- 7.6 They have confirmed that on the leasing of retail or restaurant premises, it is the case on the large majority of transactions that incoming tenants will need to carry out their own shop fit. Most tend to prefer delivery of a shell unit i.e. with previous tenants fittings stripped out of the unit and delivery of certain pre-specified supply of power and other utility services.

In the letting of a previously occupied unit, while in theory it could be argued there might be some value attached to the previous tenants' fit out, in practice in 90% of cases, incoming occupiers will actually incur additional costs of removing the previous tenant's fit out before starting work on their own shop fit. Sometimes also alterations to shop fronts, fascias etc might also be required.

In the current market on a unit of the size of the Mile End shops , and on the basis the previous tenants' shop fit will remain, it is anticipated that the market will require a 6-8 month rent free period (but sometimes as much as 12 months) depending on a) the covenant of the incoming tenant; b) the nature of the shop fit intended and c) competition for the unit.

The agents state that clearly, they would always use their best endeavours to negotiate any rent free incentive to a minimum but much will depend on the negotiating strength of the parties and demand for the unit.

- 7.7 Members have a separate report on 558 Mile End Road

8. FINANCE COMMENTS

- 8.1 The current rental income shown, in paragraph 7.1, has been included in the budget for Mile End Park. The rapid marketing of the property at 558, Mile End Park, and the implementation of forthcoming rent reviews, will minimise any budget failure arising as a result of the repossession of that property. This report is principally for noting, and, as such, there are no further specific financial implications

9. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 9.1 There are no additional comments to those set out in the report.

10. OTHER CONSIDERATIONS

10.1 The Council's role as trustee of the charities referred to in this report must be exercised having regard to the objects, powers and limitations in the governing documents, which are described in this report. The Council is not, in exercising the functions of trustee, necessarily free to pursue its own partnership goals expressed in the Community Plan. That said, it seems clear that the discharge of the trustee duties, which involve the maintenance of playing fields and a public garden in perpetuity, will contribute to one of the key themes in the Community Plan: A Great Place to Live. The priorities for achieving a great place to live include supporting vibrant town centres and a cleaner safer public realm by supporting and improving open spaces.

Appendices

Appendix 1 :- Plan KGF2

Appendix 2 The Charity Commission Scheme 2000

Appendix 3 Article 7 of the Greater London Parks and Open Spaces order 1967

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

Brief description of "background papers"

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

Report presented to Trustees at their
meeting on 17th June 2009

On LBTH website

This page is intentionally left blank

APPENDIX 1 - Plan No KGF2







APPENDIX 2

The Scheme pursuant to which the Charity Commissioners of England and Wales ordered on 28 February 2000 that the charity shown as King George's Field, Mile End should be administered

DC 122/21

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

28th FEBRUARY 2000

the following

SCHEME

will govern the charity

previously known as

KING GEORGE'S FIELDS, STEPNEY (1077859)

and now to be known as

KING GEORGE'S FIELD , MILE END

at Stepney

in the London Borough of Tower Hamlets

Commissioners' References:

Sealing: 33(S)/00

Case No: 152044



[Handwritten Signature]
ASSISTANT COMMISSIONER

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 9th November 1965 as varied deed of variation of 29th 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:

The pow

(a)

(b)

(The t
36 of
restric

(2)

Power
third
such t

(3)

Power
mana
upon
the t

Trustee

London F

Delegat

The tru
power
comr
truste

8.

An

(1

(

- (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;

- (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.



Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967

CHAPTER xxix

ARRANGEMENT OF SECTIONS

Section

1. Confirmation of order in schedule.
2. Short title.

SCHEDULE

GREATER LONDON

PART I

INTRODUCTORY

1 to 5.

PART II

PARKS AND OPEN SPACES

6. Interpretation.
7. Facilities for public recreation.
8. Licences to provide facilities and letting of land and buildings for public recreation.
9. Restriction of public rights.
10. Charges in respect of user of open spaces.
11. Exercise of powers under articles 5 to 10.

Section

12. Restriction on exercise of powers under articles 7 and 8 in relation to commons.
13. Competitions and prizes.
14. Transfer of open spaces between local authorities.
15. Powers to exchange parts of open space for land adjoining.
16. Powers for private owners of land.
17. Use of portions of open spaces for street improvement.
- 18 to 20. General.

SCHEDULES:

- Schedule 1—Enactments reproduced with amendments in Part II of this order.
- Schedule 2—Enactments replaced by Part II of this order.

ELIZABETH II



1967 CHAPTER xxix

An Act to confirm a Provisional Order of the Minister of Housing and Local Government relating to Greater London parks and open spaces. [27th July 1967]

WHEREAS under the provisions of section 87(3) of the London 1963 c. 33. Government Act 1963 the Minister of Housing and Local Government as the appropriate Minister for the purposes of the said section with respect to the matters to which the order relates has made a Provisional Order which needs confirmation by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The order of the Minister of Housing and Local Government Confirmation which, as amended is set out in the schedule to this Act is hereby of order in confirmed and shall have full validity and force. schedule.
2. This Act may be cited as the Ministry of Housing and Local Short title. Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967.

SCHEDULE
GREATER LONDON

PROVISIONAL ORDER FOR SECURING UNIFORMITY IN THE LAW
APPLICABLE WITH RESPECT TO PARKS AND OPEN SPACES

1963 c. 33.

The Minister of Housing and Local Government, as the appropriate Minister for the purposes of section 87(3) of the London Government Act 1963 with respect to the matters to which this order relates and after consultation with the Greater London Council and the councils of the London boroughs, in exercise of his powers under the said section 87(3) and of all other powers enabling him in that behalf, hereby makes the following order:—

PART I. INTRODUCTORY

1. This order may be cited as the Greater London Parks and Open Spaces Order 1967, and shall come into operation on the date of the Act of Parliament confirming it.

2. Part II of this order shall apply to the Greater London Council and the London borough councils.

3. The enactments specified in Schedule 1 to this order (being enactments reproduced with amendments in the said Part II) are hereby repealed so far as they relate to the Greater London Council and the London borough councils.

4. The enactments specified in Schedule 2 to this order (being enactments replaced by the said Part II) are hereby repealed so far as they relate to the Greater London Council and the London borough councils.

5.—(1) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, and in this paragraph "enactment" includes any instrument (including this order) made under any Act.

(2) Any reference in any enactment to an enactment specified in Schedule 1 or 2 to this order shall, unless the contrary intention appears, be construed in the application of the first-mentioned enactment to the Greater London Council or a London borough council as a reference to the corresponding provision in Part II of this order.

(3) Any reference in this order to a numbered article shall, unless the reference is to an article of a specified order, be construed as a reference to the article bearing that number in this order.

(4) Any reference in any article of this order to a numbered paragraph shall, unless the reference is to a paragraph of a specified article, be construed as a reference to the paragraph bearing that number in the first-mentioned article.

(5) References in any order made under section 84, as extended by section 87(2), of the London Government Act 1963 to an enactment specified in Schedule 1 or 2 to this order shall cease to have effect. 1963 c. 33.

PART II. PARKS AND OPEN SPACES

6. In this Part of this order—

Interpretation

“burial ground” and “disused burial ground” have the same meanings as in the Open Spaces Act 1906;

1906 c. 25,

“local authority” means the Greater London Council or a London borough council;

“the Minister” means the Minister of Housing and Local Government; and

“open space” includes any public park, heath, common, recreation ground, pleasure ground, garden, walk, ornamental enclosure or disused burial ground under the control and management of a local authority.

7.—(1) A local authority may in any open space—

Facilities for public recreation.

(a) provide and maintain—

(i) swimming baths and bathing places whether open air or indoor;

(ii) golf courses and grounds, tracks, lawns, courts, greens and such other open air facilities as the local authority think fit for any form of recreation whatsoever (being facilities which the local authority are not otherwise specifically authorised to provide under this or any other enactment);

(iii) gymnasia;

(iv) rifle ranges;

(v) indoor facilities for any form of recreation whatsoever;

(vi) centres and other facilities (whether indoor or open air) for the use of clubs, societies or organisations whose objects or activities are wholly or mainly of a recreational, social or educational character;

(b) provide amusement fairs and entertainments including bands of music, concerts, dramatic performances, cinematograph exhibitions and pageants;

(c) provide and maintain in time of frost facilities for skating and flood any part of the open space in order to provide ice for skating;

(d) provide meals and refreshments of all kinds to sell to the public;

(e) provide and maintain swings, platforms, screens, chairs, seats, lockers, towels, costumes and any apparatus, appliances, equipment or conveniences necessary or desirable for persons resorting to the open space;

- (f) erect and maintain for or in connection with any purpose relating to the open space such buildings or structures as they consider necessary or desirable including (without prejudice to the generality of this paragraph) buildings for the accommodation of keepers and other persons employed in connection with the open space; and
- (g) set apart or enclose in connection with any of the matters referred to in this article any part of the open space and preclude any person from entering that part so set apart or enclosed other than a person to whom access is permitted by the local authority or (where the right of so setting apart or enclosing is granted to any person by the local authority under the powers of this Part of this order) by such person:

Provided that—

- (i) where any part of an open space is set apart or enclosed under the foregoing provisions of this article for the playing of games and that part is not specially laid out and maintained for that purpose, the power under this article to preclude any person from entering that part shall not apply while the part is not in actual use for games;
- (ii) the part of any open space set apart or enclosed for the use of persons listening to or viewing an entertainment (including a band concert, dramatic performance, cinematograph exhibition or pageant) shall not exceed in any open space one acre or one-tenth of the open space, whichever is the greater;
- (iii) where any entertainment is provided in an open space the local authority shall not in any building—
- (a) exhibit any cinematograph film except for or in connection with the advancement of art, education, drama, science, music or literature; or
- (b) exhibit within a period of twelve months after it is first generally released in Great Britain any cinematograph film which commonly forms the main item of a cinematograph entertainment; or
- (c) charge for admission to any exhibition of a cinematograph film which commonly forms the main item of a cinematograph entertainment a price less than the lowest price then current for admission to cinematograph theatres in the borough or county district in which such building is situate for ordinary showings;
- (iv) where any entertainment is provided in an open space the local authority shall not grant or let the use of any building or any part thereof for the purpose of a cinematograph entertainment except on the best terms that can be obtained except when such premises are let to any person or organisation for a charitable, educational, cultural, social or public purpose;
- (v) the local authority shall not provide a cinematograph exhibition on Sundays in an open space outside Greater

London in any case where the open space is situated in a county district in which for the time being places are not allowed to be opened and used on Sundays for the purpose of cinematograph entertainment; and

- (vi) in exercising their powers under heads (v) and (vi) of sub-paragraph (a) of this paragraph a local authority shall satisfy themselves that they have not unfairly restricted the space available to the public for recreation in the open air in any open space.

(2) A local authority may employ such persons (including instructors or organisers in connection with the use or enjoyment of any of the facilities in an open space provided and maintained by the local authority under sub-paragraph (a) of paragraph (1) or under any other enactment), do such acts and make and enforce such restrictions or conditions as they consider necessary or desirable in connection with the exercise of their powers with reference to any of the matters referred to in this article.

8.—(1) A local authority may, subject to such terms and conditions as to payment or otherwise as they may consider desirable, grant to any person the right of exercising any of the powers conferred upon the local authority by article 7 and let to any person, for any of the purposes mentioned in that article, any building or structure erected or maintained, and any part of an open space set apart or enclosed, pursuant thereto.

Licences to provide facilities and letting of land and buildings for public recreation.

(2) The terms and conditions subject to which a right may be granted or letting effected under this article may include a term that the local authority shall contribute either directly or pursuant to a guarantee given by them towards the expenses to be incurred by any person in the provision of any entertainment or otherwise in pursuance of such grant or letting.

9. A local authority may enclose during such periods and subject to such conditions as they may deem necessary or expedient any part of any open space—

Restriction of public rights.

(a) for the purpose of or in connection with the cultivation or preservation of vegetation in the interests of public amenity; or

(b) in the interests of the safety of the public;

and may preclude any person from entering any part so enclosed.

10. A local authority may—

(a) make such reasonable charges as they think fit for—

Charges in respect of user of open spaces.

(i) the use or enjoyment of anything provided by them under sub-paragraphs (a) to (e) of paragraph (1) of article 7; or

(ii) the use of any building or structure erected or maintained by them under sub-paragraph (f) of the said paragraph (1); or

(iii) admission to, or the use of, any part of any open space set apart or enclosed by them under sub-paragraph (g) of that paragraph; and

- (b) authorise any person to whom any right is granted or any building or structure is let under article 8 to make reasonable charges in respect of the purposes for which the local authority themselves may make charges under sub-paragraph (a) of this article:

Provided that no charge for admission to any reading room provided under this Part of this order shall be made on more than twelve days in any one year or on more than four consecutive days.

Exercise of powers under articles 7 to 10.

11.—(1) Subject to the provisions of this article and of article 12, the powers conferred on the local authority by articles 7 to 10 may be exercised notwithstanding the provisions of any enactment or any scheme made under, or confirmed by, any enactment but shall not be exercised in such a manner as to—

- (a) contravene any right which any person may have otherwise than as a member of the public; or
(b) prejudice or affect any provision contained in any enactment or scheme for the protection of any specified person;

without the consent of that person which consent he is hereby empowered to give notwithstanding any disability which may otherwise exist. Nor shall the said powers be exercised in such a manner as to prejudice or affect the operation of the proviso to section 10 of the Paddington Recreation Ground Act 1893 or to prevent the free use and enjoyment by the public of the portion of the recreation ground reserved pursuant to the said proviso.

1893 c. lxxvii.

(2) Subject to the provisions of so much of article 9 as relates to the enclosure of any part of an open space in the interests of public safety, the powers of articles 7, 8 and 10 shall not be exercised in respect of any open space in such a manner that members of the public are by reason only of the exercise of such powers unable to obtain access without charge to some part of such open space.

(3) No power conferred upon a local authority under articles 7 to 10 shall be exercised with respect to any open space in such manner as to be at variance with any trust for the time being affecting such open space (not being a trust existing by virtue of section 10 of the Open Spaces Act 1906) without an order of the High Court of Justice or of the Charity Commissioners or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

1906 c. 25.

(4) Nothing in articles 7 to 10 shall prejudice or affect the operation of, or derogate from, any of the provisions of—

- (a) the relevant provisions of the London Building Acts within the meaning of section 43(5) of the London Government Act 1963 or any byelaw or regulation for the time being in force thereunder;

1963 c. 33.

- (b) any enactment relating to building control and to buildings and structures which is applied to Greater London by section 40 of the said Act of 1963 or any instrument for the time being in force under any such enactment; or
- (c) the Town and Country Planning Act 1962 or any agreement, 1962 c. 38. scheme or order for the time being in force under, or by virtue of, that Act.

(5) Nothing in articles 7 to 10 shall exempt any building or structure erected under the said articles in an open space outside Greater London from any relevant enactment or byelaw relating to the erection, construction, alteration or elevation of buildings or restricting the provision of means of access to any street or road for the time being in force in the district in which the open space is situate.

12.—(1) In the exercise of powers conferred by articles 7 and 8 the local authority shall not, without the consent of the Minister (which consent the Minister may give in such cases as he thinks fit), erect, or permit to be erected any building or other structure on, or enclose permanently, or permit to be enclosed permanently, any part of a common. Restriction on exercise of powers under articles 7 and 8 in relation to commons.

(2) Nothing in this article shall be deemed to require the consent of the Minister to—

- (a) the maintaining or re-erecting by, or with the permission of, a local authority of any building or other structure erected on a common before the date of operation of this order; or
- (b) the continuing by, or with the permission of, a local authority of any permanent enclosure of part of a common made before that date;

and any such building or structure, or permanent enclosure, shall be deemed to have been lawfully erected or made (as the case may be).

(3) The Minister may cause such local inquiries to be held as he may consider necessary for the purpose of his functions under this article, and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply in relation to any such inquiry. 1933 c. 51.

13.—(1) In this article—

- “recreation” means any activity for which a local authority have power to provide facilities in an open space; and
- “competition” means any competition, tournament or contest held in connection with any recreation and includes any display or exhibition given in connection with a competition.

Competitions and prizes.

(2) Subject to the provisions of this article, a local authority may, either alone or in co-operation with any association or body dealing with the promotion or control of any recreation, organise or conduct any competition.

(3) A competition may be organised or conducted either wholly or partly as a local authority may think fit in connection with facilities provided by that authority in exercise of their powers under any enactment.

(4) Without prejudice to the generality of the foregoing provisions of this article, a local authority may, for the use of spectators at a competition, enclose or set apart any part of an open space not exceeding one acre or one-tenth of the open space, whichever is the greater.

(5) The local authority may provide trophies and prizes to be awarded to participants in any competition.

(6) The local authority may charge such entrance fees as they think fit to entrants for any competition.

(7) The local authority may make rules relating to any matters in connection with such competitions as are referred to in this article.

Transfer of
open spaces
between local
authorities.

14.—(1) Where it appears to two local authorities that the functions of one of such authorities with respect to the maintenance and management of any open space or part thereof (in this article referred to as the "open space") could more conveniently be exercised by the other they may enter into and carry into effect an agreement for the transfer of the said functions with respect to that open space to the other such authority.

(2) Any such agreement may be made upon such terms and conditions as may be agreed between the local authorities concerned and may provide for the transfer to that one of them to whom functions are transferred of any estate or interest of the other of them in the open space:

Provided that nothing in this section shall relieve the local authority by whom an estate or interest less than a freehold estate in any open space is transferred in pursuance of this article of any obligation under an instrument creating that estate or interest to obtain the licence or consent of any person to such transfer.

(3) Subject to the proviso to the last foregoing paragraph, the powers conferred by this article may be exercised in respect of an open space notwithstanding anything in any other enactment, byelaws or scheme or in any instrument relating to the open space having the effect of prohibiting or restricting the alienation of the open space or of any estate or interest therein or of specifying the body or person by whom the open space shall be maintained or managed but (save as aforesaid) an agreement under this article shall not—

- (a) operate to vary any trust affecting the open space to which the agreement relates;
- (b) prejudice or affect the operation of any covenant or restriction relating to the use, management or maintenance of such open space.

(c) prejudice or affect any right which any person may have in, or in relation to, such open space otherwise than as a member of the public.

(4) Where functions with respect to an open space are transferred under this article, until byelaws applying to the open space made by the local authority to whom the functions are transferred come into effect, any byelaws made by the local authority by whom the functions are transferred which applied to the open space immediately before the transfer shall continue in force as if made by the first-mentioned local authority.

(5) Nothing in this article or done thereunder shall—

- (a) derogate from any of the powers of a local authority under section 16 of the Open Spaces Act 1906; or 1906 c. 25.
- (b) affect the operation of the London Squares Preservation Act 1931 in relation to any land to which the provisions of that Act apply. 1931 c. xciii.

15.—(1) For the purpose of enlarging or improving any open space a local authority may enter into an agreement with the owner of adjacent land for exchanging such land for open space land and the local authority may pay or receive any moneys for equality of exchange: Powers to exchange parts of open space for land adjoining.

Provided that—

- (a) all such moneys received by a local authority shall be applied in expenditure on capital account in respect of the acquisition or improvement of lands used, or to be used as, or to be added to, an open space and not otherwise; and
 - (b) no land acquired by a local authority from the Crown Estate Commissioners shall be so exchanged except with consent of such Commissioners.
- (2) On an exchange of lands under this article—
- (a) the open space land shall cease for all purposes to form part of the open space and all rights of common, public rights of way and other public rights in, over or affecting the same shall be extinguished; and
 - (b) the adjacent land shall, as from the date on which the local authority receive vacant possession thereof, form part of the open space and shall be subject to the like rights, trusts and incidents as attached to the open space land and all private rights of way and other private rights affecting the adjacent land shall be extinguished:

Provided that the local authority shall make full compensation to all parties interested in respect of any private rights extinguished under or by virtue of this article and such compensation shall be settled in the manner provided by the Land Compensation Act 1961. 1961 c. 33.

(3) In this article—

“ adjacent land ” means land adjacent to the open space; and
“ open space land ” means land being part of the open space.

Powers for private owners of land.

16.—(1) It shall be lawful for the owner of land (not being the council of any county or county borough or London borough or county district or the Greater London Council or a joint committee of two or more such councils) to enter into an agreement with a local authority that, in the event of such owner or any of his successors in title desiring to sell his estate or interest in any such land or any part thereof, he or his successor in title (as the case may be) shall first offer such estate or interest to the said local authority for the purpose of providing an open space or for the purposes of the Physical Training and Recreation Act 1937, at a price to be determined by, or in manner provided by, the agreement.

1937 c. 46.

Any agreement entered into under the powers of this article shall be binding upon every owner of the estate or interest affected thereby, any rule of law to the contrary notwithstanding.

(2) Where an owner of land is as regards that land—

1925 c. 18.

(a) a tenant for life within the meaning of the Settled Land Act 1925; or

1925 c. 20.

(b) a trustee for sale within the meaning of the Law of Property Act 1925;

the powers conferred by this article shall be in addition to and not in substitution for or in derogation of any other powers possessed by him but (in the case of a tenant for life) shall not be exercised without an order of the High Court of Justice or the consent of the persons who are the trustees of the settlement for the purposes of the Settled Land Act 1925 or (in the case of a trustee for sale) the consent of all the beneficiaries under the trust who are of full age and are not under disability.

(3) All moneys (not being rent) received on the exercise of any power conferred by this article by such an owner as is mentioned in paragraph (2) shall be treated as if they were the proceeds of a sale of the land.

(4) The powers of this article shall not be exercised in respect of any land outside Greater London except with the consent of the council of the county in which the land is situate but this paragraph shall not apply to any piece of land in one ownership which is partly within and partly without Greater London and at least one half of which is within Greater London.

Use of portions of open spaces for street improvement.

17.—(1) Notwithstanding anything contained in any enactment, a local authority, upon such terms and conditions as they think fit (whether as to payment or otherwise) for the purpose of the construction, widening or alteration of any street (whether carried out by a local authority or by any other person), may—

(a) utilise, alienate or exchange for other land any part of any open space; and

(b) in a case where land is utilised under this article, debit the account relating to the construction, widening or alteration of the street with an amount representing the whole or a portion of the value of the land so utilised.

(2) No land shall be utilised, alienated or exchanged under this article except with the consent of the Minister and the Minister, before giving any such consent, shall have regard to any representations made to him in the manner specified in paragraph (3).

(3) As soon as practicable after making an application for the consent of the Minister under paragraph (2), the local authority shall fix on, or in the vicinity of, the open space a placard in a conspicuous position—

- (a) giving notice of the making of such application;
- (b) specifying the powers proposed to be exercised;
- (c) stating at which office of the local authority a plan relating to the proposal may be inspected; and
- (d) stating that representations as to the proposal may be made within twenty-eight days from the date of such notice to the Minister;

and the placard shall be retained until the last date for making representations has expired.

(4) Where under paragraph (1) a local authority utilise, alienate or exchange for other land any part of any open space they shall expend on capital account for or in respect of the acquisition of lands to be used as, or to be added to, an open space (including payment of any compensation payable by them under this article or under article 15(2)) sums not less than any moneys which—

- (a) in the case of such utilisation, they may have debited to the account relating to the construction, widening or alteration of the street under paragraph (1); or
- (b) in the case of such alienation, they may receive as consideration for the land alienated by them; or
- (c) in the case of such exchange, they may receive for equality of exchange.

(5) Where a part of an open space is utilised, alienated or exchanged for other land that part shall cease for all purposes to form part of such open space and all rights of common, public rights of way and other public rights in, over or affecting the same shall be extinguished.

(6) Any land acquired under this article by a local authority in exchange for, or for the purpose of the provision of, an open space shall, as from the date on which the local authority receive vacant possession thereof, (if adjacent to an open space and acquired for addition thereto) be subject to the like rights, trusts and incidents as attached to, and to the provisions of any enactment, byelaws or scheme specially relating to, the said open space.

(7) Any land acquired under this article by a local authority in exchange for an open space otherwise than for addition to an existing open space shall be deemed to have been acquired under the Open Spaces Act 1906.

(8) All private rights in, over or affecting land acquired by a local authority under paragraph (6) or (7) shall be extinguished unless and except so far as the local authority otherwise determine and, in any case in which they so determine, they shall give notice in writing of their determination to the persons entitled to the private rights to which the determination relates:

Provided that in the event of such extinction—

- (i) where the lands are acquired by way of exchange under paragraph (1), the authority or other person constructing, widening or altering the street; or
- (ii) where the lands are acquired by expenditure of money under paragraph (4), the local authority;

shall make full compensation to all parties interested in respect of any private rights extinguished by virtue of this paragraph and the compensation shall be settled in the manner provided by the Land Compensation Act 1961.

1961 c. 33.

(9) Except with the consent in writing of the owner of any protected square within the meaning of the London Squares Preservation Act 1931 (not being a protected square vested in a local authority) nothing in this article shall confer upon a local authority any greater or other powers of dealing with such protected square than they would have possessed otherwise than by virtue of this article.

1931 c. xciii.

General.

18. A local authority may procure officers appointed by them for securing the observance of the provisions of all enactments relating to open spaces under their control or management and of the byelaws and regulations made thereunder to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant:

Provided that nothing in this article shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions, gratuities and allowances in respect of police services.

1921 c. 31.

19. Any constable or any officer of a local authority authorised in writing to enforce byelaws having effect in relation to an open space and any person called to the assistance of such constable or officer may, without other warrant than this order, seize and detain any person committing or having committed any offence against such byelaws whose name or residence is unknown to and cannot be ascertained by such officer or constable and take him to a police station or before a justice to be dealt with according to law:

Provided that any officer or constable acting under this article and not being a constable in uniform shall have with him a written authority from the local authority to act and shall produce the same if required.

20. The powers conferred upon a local authority by or in pursuance of this Part of this order shall be in addition to and not in derogation of any other powers possessed by any such authority independently of this order.

SCHEDULES

SCHEDULE 1

ENACTMENTS REPRODUCED WITH AMENDMENTS IN PART II OF THIS ORDER

Article 3

Chapter	Short Title	Enactment
53 & 54 Vict. c. ccxliii.	The London Council (General Powers) Act 1890.	Section 18.
5 Edw. 7. c. ccvi.	The London County Council (General Powers) Act 1905.	Sections 30 to 32.
23 & 24 Geo. 5. c. xxviii.	The London County Council (General Powers) Act 1933.	Sections 22 and 23.
25 & 26 Geo. 5. c. xxxiii.	The London County Council (General Powers) Act 1935.	Part V.
1 & 2 Geo. 6. c. xxxviii.	The London County Council (General Powers) Act 1938.	Section 9.
3 & 4 Geo. 6. c. xv.	The London County Council (General Powers) Act 1940.	The whole Act.
7 & 8 Geo. 6. c. xxi.	The Middlesex County Council Act 1944.	Section 214. Section 283.
10 & 11 Geo. 6. c. xlvi.	The London County Council (General Powers) Act 1947.	Sections 7 and 8.
2 & 3 Eliz. 2. c. xxiv.	The London County Council (General Powers) Act 1954.	Section 19.
1963 c. xvii.	The London County Council (General Powers) Act 1963.	Section 16.
1966 c. xxviii.	The Greater London Council (General Powers) Act 1966.	Section 17.
1967 c. xx.	The Greater London Council (General Powers) Act 1967.	Section 12.

SCHEDULE 2

ENACTMENTS REPLACED BY PART II OF THIS ORDER

Article 4

Chapter	Short Title	Enactment
25 & 26 Geo. 5. c. xcvi.	The Beckenham Urban District Council Act 1935.	Sections 81 and 82.
26 Geo. 5 & 1 Edw. 8. c. lxiii.	The Brentford and Chiswick Corporation Act 1936.	Section 82.
26 Geo. 5 & 1 Edw. 8. c. cxv.	The Merton and Morden Urban District Council Act 1936.	Section 120. Sections 122 and 123.
1 Edw. 8 & 1 Geo. 6. c. lxxxi.	The Ilford Corporation Act 1937.	Section 97.
1 Edw. 8 & 1 Geo. 6. c. xcvi.	The Coulsdon and Purley Urban District Council Act 1937.	Section 94.

Agenda Item 7

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

Document is Restricted

This page is intentionally left blank