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| <p align="center">Grants Determination (Cabinet) Sub-committee</p> <p align="center">A Notice in accordance with Section 24 (b) (1) of Part B of the Constitution</p> <p align="center">6 July 2022</p> |  |
| <p>Report of: Will Tuckley, Chief Executive in accordance with Section 24.1b – Emergency or Extreme urgency decision</p> | <p>Classification: Unrestricted</p> |
| <p align="center">King George’s Fields Trust Charity, COVID-19 Support Funding</p> | |

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| Lead Member | NA |
| Originating Officer(s) | Will Tuckley, Chief Executive |
| Wards affected | None |
| Key Decision? | NA |
| Reason for Key Decision | NA |
| Forward Plan Notice Published | 16 th June 2022 |
| Exempt information | NA |
| Strategic Plan Priority / Outcome | 2. A borough that our residents are proud of and love to live in; |

Executive Summary

Section 24.1 b(i) of the constitution allows the Chief Executive to make any decision of the executive in circumstances of emergency or extreme urgency. Such a decision must then be followed up with notification to the Executive of such decision. This report constitutes the relevant notification to satisfy the constitutional requirements. The particular decision was to fund the King George’s Fields Trust and to maintain their solvency due to lost commercial income and increased costs caused by the Covid-19 pandemic.

Recommendations:

The Mayor in the Grants Determination (Cabinet) Sub-committee is recommended to:

1. Note the decision taken by the Chief Executive in accordance with the Constitution
2. Advise of any further steps which should be undertaken by the executive consequential to the decision if any

1 REASONS FOR THE DECISIONS

- 1.1 The decision has already been taken and was taken prior to the 5 May 2022 local elections. The decision was taken under the Chief Executive's emergency powers. Subsequently notification of the decision and the provision of the opportunity for the Mayor to provide comment and or require further consequential actions (if any), complies with the requirements of the constitution.

2 ALTERNATIVE OPTIONS

- 2.1 None

3 DETAILS OF THE REPORT

- 3.1 The King George's Fields charity is registered with the Charity Commission as King George's Field, Mile End Charity, registered number 1077859.
- 3.2 The King George's Field Mile End charity is governed by a Trust Deed. The King George's, Field Mile End charity is unincorporated, and the charitable trust is established by a Scheme of the Charity Commission dated 28th February 2000.
- 3.3 The Council as Trustee holds the freehold land on behalf of the charity.
- 3.4 The charity generates income through the hire of its assets including the Astro-turf pitches at Stepney Green Park and the Arts and Ecology Pavilions at Mile End Park and commercial unit hire. As a direct result of the restrictions imposed by the government, in response to the coronavirus pandemic, these assets were not available for hire for the majority of the period. In addition, the charity was unable to generate income through its corporate volunteering scheme or benefit from cost savings from the improvement works that this scheme supports.

- 3.5 Prior to the coronavirus pandemic, the average income from the AstroTurf pitches and Arts and Ecology Pavilions was £331,300 (averaged against income from 2018/19 and 2019/20). For 2020/21 the income generated through these assets was £78,600. The 2020/21 income is £252,700 less than the previous two years average.
- 3.6 Prior to the coronavirus pandemic, the average income from corporate volunteering was £33,600 (averaged against income from 2018/19 and 2019/20). For 2020/21 no income was generated through the corporate volunteering programme. Therefore, losses from the cessation of this programme are £33,600.
- 3.7 There were also increased costs from March 2020 through to March 2021 associated with patrolling the facilities to help monitor and enforce government COVID-19 restrictions and also towards maintenance costs including the loss of the corporate volunteering scheme that supported the maintenance programme.
- 3.8 The charity supported the council's and NHS's wider response to the coronavirus pandemic including provision of the use of the Arts and Ecology Pavilions at a reduced rate as vaccination and testing centres (150 days at the Arts Pavilion and 78 days at the Ecology Pavilion).
- 3.9 Support of £390,000 was agreed by the Chief Executive as an emergency measure to enable the King George's Fields Trust Mile End charity to remain solvent. As this was an emergency, the decision was taken by the Chief Executive under rarely used emergency delegations before the 5 May election period. Due to the nature of the decision, there was not sufficient time to convene a Grants Determination Sub-Committee to undertake the decision.
- 3.10 This funding was allocated from the council's non ringfenced COVID-19 Support Funding, which was allocated by the government to the authority to support the additional costs and loss of income that has impacted on the services delivered by the council and the community.
- 3.11 All Councils received a non-ring-fenced grant to support the cost pressures that were faced through additional costs and the failure to receive income caused by the pandemic.

4 EQUALITIES IMPLICATIONS

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

5 OTHER STATUTORY IMPLICATIONS

- 5.1 There are no further statutory implications.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The recommended allocation of £390k is based on both the combination of loss of income detailed within the body of the report and the additional costs of supporting the park with additional staffing and maintenance costs in line with that support that was given to Council owned parks throughout the period of the Pandemic. The Trust in normal years would be self-supporting with an expected break even position or a small surplus which would be held in reserve, by allocating this funding we would treat the trust in the same way as Council run services which would have had covid relief funding to support them to an outturn position of a normal budget year. £390k would ensure the trust had a breakeven position.

7 COMMENTS OF LEGAL SERVICES

- 7.1 Section 24 (b) (1) of Part B of the Constitution allows the Chief Executive to take any decision which would have been reserved to the Mayor in an emergency or extreme urgency. The Chief Executive is then also required to report such decision to the Mayor.
- 7.2 This report satisfies the reporting requirement under Section 24.
- 7.3 The Council is the trustee of the King George Field Trust and owes to the beneficiary (the charity) a fiduciary duty to ensure that the assets are properly managed. However, the distinction is a legal one and in reality part of the Council's offer to the public generally is delivered through the trust and its assets. The Council's ability to utilise the assets is dependent upon the continued solvency of the trust and therefore the use of the money was appropriate and in accordance with the terms under which it was given to the Council.
- 7.4 The imminent insolvency of the Trust would have had a significant effect on the Council and the future of its assets. Therefore, the need to rectify the position represents circumstances of emergency and or extreme urgency. Therefore, it was appropriate that the Chief Executive undertook this decision.
- 7.5 The Council has the legal power to undertake any action an ordinary person would take unless the law says specifically the Council cannot. Therefore the Council had the legal power to make this grant.

Linked Reports, Appendices and Background Documents

Linked Report

- List any linked reports

- State NONE if none.

Appendices

- List any appendices [if Exempt, Forward Plan entry MUST warn of that]
- State NONE if none.

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

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

Officer contact details for documents:

Or state N/A