

King George's Field Trust Board Meeting 26 October 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> James Thomas, Corporate Director Children and Culture	<b>Classification:</b> [Unrestricted]
<b>Governance Report, King George's Field Trust (KGFT)</b>	

<b>Lead Member</b>	Cllr Iqbal Hossain, Cabinet Member for Culture and Recreation
<b>Originating Officer(s)</b>	Catherine Boyd, Head of Arts Parks and Events
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Reason for Key Decision</b>	This report has been reviewed as not meeting the Key Decision criteria.
<b>Forward Plan Notice Published</b>	[Insert date notice was published – see <a href="#">forthcoming decisions webpage</a> ]
<b>Strategic Plan Priority / Outcome</b>	[State Priority and/or Outcome from the <a href="#">Strategic Plan 2020-23</a> ]

## Executive Summary

This report provides an update of a review by the Council's legal team of the governance arrangements for King George's Field (Mile End) charity.

There are a series of recommendations and queries raised through the review that the Board is asked to consider.

## **Recommendations:**

The Board is recommended to:

1. Review the summary of recommendations (Appendix 1) to decide which of the recommendations should be implemented and authorise Director of Legal and Corporate Director of Children and Culture to progress these recommendations.
2. Authorise the Corporate Director of Children and Culture and the Director of Legal to apply to the Charity Commission to change the King George's Field Mile End "2000 Scheme" when it is known which recommendations referred to in Appendix 1 are to be taken forward.
3. Note, and have regard to, the Charity Commission's Public Benefit Guidance (Appendix 2)

## **1 REASONS FOR THE DECISIONS**

- 1.1 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"). The Council is the sole trustee of both charities pursuant to the governing documents detailed in this report.
- 1.2 On 28 February 2000, the Charity Commissioners for England and Wales ordered under the Charities Act 1993 that the charity known as King George's Field, Mile End, at Stepney in the London borough of Tower Hamlets be administered according to a specified scheme ("the 2000 Scheme").
- 1.3 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.
- 1.4 The 2000 Scheme refers to the objectives of the Fields in Trust, those objectives have now been updated and it is therefore desirable for the 2000 Scheme to be amended to reflect these changes. Furthermore, there may be a requirement to make additional amendments to the 2000 Scheme: please refer to Appendix 1 for more information and to the 2000 Scheme (Appendix 3).
- 1.5 The Council is the trustee of the charity and holds the land in trust for the charity.

- 1.6 The King George's Field 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 Field Charity and discharge all the duties of the Council a sole trustee of the Charity
  - 3.2.2 To administer the affairs and discharge the duties of trustee of such other charities controlled by the Council as the Cabinet might authorise by resolution
- 1.7 The principal governing document of KGF Mile End is the 2000 Scheme (see 1.2 above). It is a statutory requirement to apply to the Charity Commission for any changes to the 2000 Scheme.

## **2 ALTERNATIVE OPTIONS**

- 2.1 Not take forward any recommendations.
- 2.2 The 2000 Scheme refers to the objectives of the Fields in Trust, those objectives have now been updated and it is therefore desirable for the 2000 Scheme to be amended to reflect these changes.

## **3 DETAILS OF THE REPORT**

### **Land subject to the Mile End charity**

- 3.1 The Mile End charity in fact relates to two categories of land, which are described in Parts 1 and 2 of the Schedule to the 2000 Scheme (Appendix 3).
- 3.2 The first category of land, 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"), please refer to Appendix 4.
- 3.3 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
- 3.4 The second category of land, referred to in Part 2 of the Schedule to the 2000 Scheme consists of ten 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 Council, as trustee of the Mile End charity, is given specific powers in relation to the Shop Units, which are referred to below.

## **The Objects**

- 3.5 The principal purpose of the Mile End charity is to maintain the Park Lands in perpetuity as playing fields for the use and enjoyment of the public.
- 3.6 The 2000 Scheme makes it clear that the Council may also apply “the land” (assumed to be the Park Lands) to recreational purposes set out in the Recreational Charities Act 1958. The 1958 Act provided that it is charitable to provide, or assist in the provision of, facilities for recreation or other leisure-time occupation, provided that it is in the interests of social welfare and for the public benefit. In order to satisfy the requirement that the provision be in the interests of social welfare, the facilities must be provided with the object of improving the conditions of life for the persons for whom the facilities are primarily intended and either: (i) those persons have need of the facilities by reason of their youth, age, infirmity, disablement, poverty, or social and economic circumstances; or (ii) the facilities are to be available to the members or female members of the public at large.
- 3.7 The Recreational Charities Act 1958 was repealed by the Charities Act 2006. Section 5 of the Charities Act 2011 replaces the 1958 Act in its entirety. The only difference being that instead of the facilities being made available to “the members or female members of the public at large”, the facilities are now to be available to “members of the public at large or to male, or to female, members of the public at large.”
- 3.8 In summary, the Council is to keep the Park Lands in perpetuity as a memorial to King George V and may use the land –
- 3.8.1. For playing fields named and sign-posted as “King George’s Fields”.
- 3.8.2. For facilities for recreation or other leisure-time occupation, provided that it is in the interests of social welfare and for the public benefit.

## **Governance Considerations**

- 3.9 A review of the current governance arrangements has been undertaken and a number of matters have been considered.
- 3.10 The attached summary document of this review (Appendix 1) provides suggested recommendations for consideration by the Board.

## **4 EQUALITIES IMPLICATIONS**

- 4.1 The King George’s Field 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 applicable to this report.

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

6.1 This report focuses on Governance arrangements there are no direct financial implications

## **7 COMMENTS OF LEGAL SERVICES**

7.1 Where a local authority is trustee of an asset held on charitable trust, it is essential to ensure that any asset is held and applied in accordance with the particular charitable purpose to which it was conveyed to the Local Authority.

7.2 It is the corporate body (“authority itself”) which is the trustee and as such guidance from the Charity Commission states that responsibility for decision-making and oversight rests with the King George’s Field Board. In exercising the obligation as charity trustee, the decision takers must ensure that their decisions are only taken on the basis on what is in the interest of the charity and not that what is in the best interest of the Local Authority.

7.3 With regards to the recommendations in Appendix 1, these will assist in ensuring good governance of the Charity and compliance with the Charity Act 2011 as referred to in paragraph 3.7 above and in the future with the Charity Act 2022. The Charity Act 2022 includes a number of changes, recommended primarily by the Law Commission. Broadly the revisions are aimed at making things easier for charity trustees by reducing bureaucracy and cost.

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

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix 1 – Overview of Recommendations from the Governance Review
- Appendix 2 – Public Benefit Guidance
- Appendix 3 – Charity Commission 2000 Scheme
- Appendix 4 – KGF2 Plan

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

- None

#### **Officer contact details for documents:**

Catherine Boyd, Head of Arts Parks and Events