

**DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
8 May 2013**

**STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL**

**DEED, TRUST AND OBLIGATIONS COMMITTEE
[REPORTING TO CABINET]**

Chairman: Councillor A R Martin
Vice-Chairman: Councillor J A Kite MBE
***Membership:** Councillors S P Butterfill, M J Davis, T A Maddison,
and Mrs P A Thurlow
Independent Members: Mr P Draper, Mr J Gaskell, Mr M Gibson and Mr M
Hussey

Substitution not permitted

The Dartford Borough Council as sole trustee, has overall control of the charities and the charities' property and funds. Under the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000, the local authority's charity function is to be discharged by Cabinet.

**KIDD LEGACY BEING PART OF CENTRAL PARK (4013609) AT DARTFORD
KENT**

1. The Charity

By the Indenture (Deed of Gift) dated 28 September 1903, the Kidd Legacy land (edged red on Plan A) was bequeathed to the Council on charitable trust by Colonel Charles Newman Kidd.

2. The Object

The Deed of Gift prescribes that the Kidd Legacy land will be 'appropriated and used in perpetuity as a public recreation ground and for no other purpose whatsoever'.

HESKETH PARK

1. The Charity

By Conveyances dated 30 March 1904, 20 January 1909 and 30 September 1913, the Hesketh Park land (edged red on Plan B) was bequeathed to the Council on charitable trust by Everard Hesketh.

2. The Object

Each of the Conveyances prescribes that the Hesketh Park land will be '[used]...for the purpose of a public recreation ground for the inhabitants of Dartford and not for any other purpose'.

CHILDREN'S PLAYING FIELD AND RECREATION GROUND AT SAVOY ROAD DARTFORD (302723)

1. The Charity

By Conveyance dated 30 August 1928, the land was transferred by The Right-Honourable Courtney Charles Evan Viscount Tredegar and the Trustees of his Settled Estates to the National Playing Fields Association as the freehold owner, on trust.

The Council became the charitable trustee when it entered into lease arrangements with the National Playing Fields Association, for a term commencing 31 March 1998 to 24 March 2028.

2. The Object

The playing field and recreation ground to be held on trust '...for the benefit only of children of school age in the Parish of Dartford in accordance with the charitable purposes of the Association'.

THE CHARITIES' GUIDING PRINCIPLES

The Charitable Trustee will:

- (a) act reasonably i.e. decisions should be within the range of decisions which a reasonable body of trustees could have made;
- (b) act within the powers conferred upon it and the established rules for procedures for dealing with issues of the kind under consideration;
- (c) act in good faith;
- (d) adequately inform itself in order to make the decision in question, including a comprehensive risk analysis and where necessary, make further enquiries and where appropriate, consider legal and other professional advice;
- (e) not take into consideration any factors which it is not proper for it to take into account;
- (f) consider any factors which it should take into account;
- (g) avoid conflicts of interest.

TERMS OF REFERENCE:

A. DELEGATED FUNCTIONS:

- 1. To be the body who on behalf of the Charitable Trustee, safeguards the Object, the Charities' property, funds and the beneficiaries' interests in accordance with the Guiding Principles.
- 2. To ensure that the accounts and the general administration of the Charities complies with statutory regulations.
- 3. To ensure that the Charities' funds are not co-mingled.
- 4. To do anything else within the law which promotes or helps to promote the Object.

B. REFERRED FUNCTION:

To recommend accordingly to Cabinet on the affairs of the Charities.