

DARTFORD BOROUGH COUNCIL

**DEED, TRUST AND OBLIGATIONS COMMITTEE**

**MINUTES** of the meeting of the Deed, Trust and Obligations Committee held on Tuesday 15 October 2019.

**PRESENT:** Councillor A R Lloyd (Chairman)  
Councillor J A Kite, MBE (Vice-Chairman)  
Councillor A E D Barham  
Councillor M J Davis  
Councillor T A Maddison  
Councillor A J Oakley-Dow  
Councillor D Swinerd  
Councillor Mrs. P A Thurlow

**INDEPENDENT MEMBERS:** None present

**ABSENT:** Councillor R M Currans  
Mr. R A Estcourt (Independent Member)  
Mr. A R Martin (Independent Member)  
Mr. S J Maynard (Independent Member)

**Dartford Borough Council Officers:-**

David Hook – Democratic Services (Committee Co-ordinator)

**ALSO PRESENT:** Mr Ken Moore, nominated Independent Member

**8. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor Currans and from Independent Members Richey Estcourt, Tony Martin and Steve Maynard.

The Chairman introduced Mr Ken Moore to Members and explained that the Committee's Selection Panel had met earlier that evening and unanimously selected Mr Moore to fill the vacant 4<sup>th</sup> Independent Member position on DTOC. The Panel's recommendation would now be put to Cabinet (as the appointing body) for formal approval on 31 October. In the interim, Mr Moore was attending the Committee meeting that evening in an 'observer' capacity.

Mr Moore expressed his gratitude to the Selection Panel for their recommendation to Cabinet that he be appointed, and looked forward to fully participating in the Committee's work in the future.

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### 9. DECLARATIONS OF INTEREST

The Committee Co-ordinator confirmed on behalf of the Head of Legal Services that no Cabinet Member present was conflicted on any item in the Agenda.

### 10. CONFIRMATION OF MINUTES OF THE MEETING HELD ON 31 JULY 2019

The Chairman expressed concern that Planning Application 19/00600/FUL for Phases 2 and 3 of land east of Lowfield Street, Dartford, considered by the Committee on 31 July 2019 in the capacity of 'near neighbour' [Min. No. 4 refers], had yet to be determined by the Development Control Board. He asked the Committee Co-ordinator to ascertain the current status of the planning application, and report back to Members.

RESOLVED:

1. That the Minutes of the Committee's meeting held on 31 July 2019 be confirmed as accurate.

### 11. URGENT ITEMS

There were no urgent items for the Committee to consider.

### 12. RECRUITMENT OF FOURTH INDEPENDENT MEMBER TO THE COMMITTEE

The Chairman confirmed for the record, the outcome of the selection panel meeting which had taken place at 6 p.m. that evening to recruit a candidate to fill the vacant (4<sup>th</sup>) Independent Member position on the Committee, as proposed by Members at their meeting on 31 July 2019 [Min. No. 5 refers].

He also advised that in the event, Mr Richey Estcourt (Independent Member) had not been able to participate in the Panel process as proposed, nor had either of the other Independent Members of the Committee Mr Tony Martin or Mr Steve Maynard, due to prior work and family commitments.

The Panel's recommendation would now be put to Cabinet on 31 October 2019 for approval, as the body recommending accordingly, to the Committee.

### 13. THE KIDD LEGACY TRUSTEE'S ANNUAL REPORT AND ACCOUNTS 2018/2019

The report asked the Committee to consider the Trustee's *draft* Annual Report and Accounts in the Kidd Legacy at Central Park Dartford (registered charity number 11342579) for the financial year **1 April 2018 to 31 March 2019** as set out in Appendix A to the report, and to comment accordingly.

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A Member noted that insurances for the Kidd Legacy land in 2018/19 had appeared to have quadrupled in total (£1,010) in comparison to the insurances charged in 2017/18 (£252) [Appendix A agenda p.21].

The Committee Co-ordinator relayed the following explanation to Members on behalf of the Financial Services Manager. The insurances figure for 2017/18 had been understated in that annual report, due to an overstatement for insurances in the 2016/17 annual report, when the insurances for 2017/18 had been paid in advance and included in the 2016/17 insurance totals in error. The actual insurances figure for 2017/18 was in fact £1,058.90 and in reality therefore, the insurances total for 2018/19 of £1,010 represented a reduction in premium on the previous year.

Members welcomed this explanation and asked that future annual reports for the Kidd Legacy land in Central Park also include the annual premium figure, in addition to the total for all insurances.

The Vice-Chairman updated the Committee concerning future developments and continuing success stories in Central Park. The Green Gym equipment was being replaced and updated, including the ground around the equipment. Significant investment was also being undertaken by the Council in the designated play spaces in the Park, to provide equipment which was also suitable for children with disabilities. The recently concluded 2018/19 Band Stand concert season had been the most successful to date, and a similar programme of events was proposed for 2020/21.

The Cabinet Portfolio Holder for Arts & Culture supported the Vice-Chairman in his comments. Audiences attending the Band Stand concerts continued to be diverse in nature and not confined to Dartford residents. Family groups enjoying a picnic whilst enjoying the concerts, was a particular recurring theme amongst attendees.

The Chairman welcomed the further improvements being undertaken by the Council in its corporate capacity, to provide public recreational facilities in Central park (including the Kidd Legacy land) and expressed his thanks to Officers for preparing the annual report and accounts.

### RESOLVED:

1. That the Committee approve the *draft* Annual Report and Accounts for the Kidd Legacy at Central Park Dartford (registered charity 11342579) for the period **1 April 2018 to 31 March 2019** as set out in Appendix A to the report;
2. That the Committee Chairman be authorised to sign the 2018/19 Annual Report and Accounts (Appendix A to the report) on the Trustee's behalf;

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3. That the Managing Director be authorised to file the Annual Update for the financial year 2018/19 with the Charity Commission on the Trustee's behalf;
4. That future Annual Accounts detail the annual Insurance premium for the Kidd Legacy, in addition to the total for Insurances [as Minuted above].

**14. CHILDREN'S PLAYING FIELD AND RECREATION GROUND, SAVOY ROAD - TRUSTEE'S ANNUAL REPORT, ACCOUNTS AND ANNUAL UPDATE 2018/19**

The report asked the Committee to consider the Trustee's *draft* Annual Report and Accounts and the Annual Update, for the Children's Playing Field and Recreation Ground, Savoy Road (registered charity 302723) for the financial year **1 April 2018 to 31 March 2019** as set out in Appendix A to the report, and to comment accordingly.

Members were reminded that the Charity held no funds and that the Council, in its corporate capacity, had undertaken the grounds maintenance of the Charity's land in 2018/19 at a cost of £3,329 [report para 3.8 agenda p.25 refers] and would continue to do so, until the lease with the National Playing Fields Association (freehold owner) expired in March 2028 [report para 3.1 agenda p.23 refers]. In response to a specific question, it was confirmed that the peppercorn rent paid by the Council to the Association was £1 per annum.

Given the continued corporate expenditure by the Council on behalf of the Charity detailed above, the Income and Expenditure Account for the Trust as detailed in Appendix A was zero.

The Chairman asked that the Committee's thanks to Officers for the 2018/19 Annual Report, Accounts and Update be recorded, and the role of the Council in continuing to meet the grounds maintenance costs on behalf of the Charity be similarly noted.

RESOLVED:

1. That the Trustee's *draft* Annual Report, Accounts and Update for the period **1 April 2018 to 31 March 2019** be approved;
2. That the Committee, acting as charitable trustee, notes the financial position of the charity as set out in paragraph 3.8 of the report and the Income and Expenditure Account [Appendix A agenda p.48 refers];
3. That the Managing Director be authorised to file the Annual Update for the financial year 2018/19, with the Charity Commission on the Trustee's behalf.

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**15. HESKETH PARK - TRUSTEE'S ANNUAL REPORT, ACCOUNTS AND ANNUAL UPDATE 2018/19**

The report asked the Committee to consider the Trustee's *draft* Annual Report, Accounts and Annual Update for Hesketh Park for the financial year **1 April 2018 to 31 March 2019** as set out in Appendix A to the report, and to comment accordingly.

The Vice-Chairman advised Members of some further upgrades that the Council was undertaking in its corporate capacity, to existing recreational facilities in Hesketh Park including:

- The existing tennis courts were being renovated, including the provision of 10 nets per season. The security of the courts was being enhanced with the installation of a PBCL (push button control lock). Users would be able to obtain the code from the Bowls Club or the Cricket Club, or by phoning the Council;
- Children's play space equipment was being upgraded, including facilities for children with disabilities;
- The existing 5-a-side quadrangle was to benefit from new fencing behind the goal areas.

The Committee (as charitable trustee) welcomed the improvements being made by the Council, acting in its corporate capacity, to the existing recreational facilities in Hesketh Park for residents.

Members also expressed their thanks to Officers for preparing the Trust's 2018/19 Annual Report, Accounts and Update.

RESOLVED:

1. That the Trustee's *draft* Annual Report, Accounts and Update for the period **1 April 2018 to 31 March 2019** be approved;
2. That the Committee (as charitable trustee) notes that rental income arising from the lease of land in Hesketh Park to Dartford Cricket Club Limited, is offset against the grounds maintenance costs incurred by the Council in its corporate capacity, on the charity's behalf.

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The meeting closed at 7.25 pm

Councillor A R Lloyd  
CHAIRMAN