

DEED, TRUST AND OBLIGATIONS COMMITTEE
13 OCTOBER 2020

THE KIDD LEGACY TRUSTEE'S ANNUAL REPORT AND ACCOUNTS 2019/2020

Ward: Town

1. Summary

1.1 To present the Trustee's draft Annual Report and Accounts on The Kidd Legacy at Central Park Dartford (registered charity number 11342579) and to recommend accordingly.

2. RECOMMENDATIONS

2.1 That the Committee considers the draft Trustee's Annual Report and Accounts at Appendix A.

2.2 That, subject to any comments made by the Committee, the draft Annual Report and Accounts for the period 1 April 2019 to 31 March 2020, be approved.

2.3 That the Committee Chairman be authorised to sign the Annual Report and Accounts on the Trustee's behalf.

2.4 That the Head of Finance be authorised to file the Annual Update for the financial year 2019/20 with the Charity Commission, on the Trustee's behalf.

3. Background and Discussion

3.1 All charities with income of over £10,000 that are registered with the Charity Commission are required to prepare a Trustee's Annual Report, and Accounts and make copies available to the public on request. However, only a brief Annual Update has to be submitted to the Charity Commission.

3.2 The Charities Act 2011 highlights the requirement for charities' aims to be, demonstrably, for the public benefit. Trustees must have regard to the Charity Commission's guidance on public benefit and respond appropriately in its work and its reporting to the public, through the Charity Commission.

3.3 When assessing the public benefit of an individual organisation, the Charity Commission considers the following criteria:

- what the organisation's aims are, whether those aims are charitable and whether the aims are fully and accurately reflected in its stated objects;
- whether each of the aims are for the public benefit and whether they will, or may be, carried out for the public benefit, taking into consideration the particular circumstances of the organisation;

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- the context within which the aims will be carried out, including what is relevant and appropriate for current social and economic conditions;
- what identifiable benefits arise from the organisation carrying out each of its aims, having regard to any available evidence;
- whether there is any detriment or harm that might arise from the particular organisation carrying out its aims;
- who the organisation's aims are intended to benefit, and whether the beneficiaries are the public generally or a section of the public;
- where the beneficiaries are a section of the public, whether any restrictions on who can benefit are reasonable in relation to the organisation's charitable aims;
- where fees are charged for the organisation's services or facilities, whether the effect of those fees is to restrict benefit only to those who can afford to pay the fees, or whether there are other opportunities for those people to benefit in some material way that is related to the organisation's aims;
- whether people in poverty are excluded from the opportunity to benefit; and
- whether there are any private benefits to individuals or organisations (other than benefits people receive as a beneficiary) that arise from the organisation carrying out its aims and whether those private benefits are incidental.

3.4 A Trustee's Annual Report is a key document in explaining what a charity is trying to do and how it goes about it. It provides the trustee with an opportunity to explain matters that cannot fully be explained by accounts alone and adds transparency and accessibility to the financial information that accounts provide.

3.5 The draft Annual Report and Accounts 2019/20 are set out at Appendix A; as the charity's income is now below the threshold of £25,000 per annum set by the Charity Commission, there is no longer the requirement for the Accounts to be formally audited, or subjected to external scrutiny by an independent examiner.

3.6 The Committee is asked to consider the draft Annual Report and Accounts at Appendix A. Approval is sought for the Head of Finance to file the Annual Update for 2019/20 with the Charity Commission on the Trustee's behalf.

4. Relationship to the Object(s) of the Trust

The Object of the Charity is, 'the appropriation and use of the land in perpetuity as a public recreation ground and for no other purpose whatsoever'.

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5. Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications for the Charity	As discussed in the body of the report.
Legal Implications for the Charity	As discussed in the body of the report.
Risk Implications for the Charity	None as a result of this report

6. Details of Exempt Information Category

Not applicable

7. Appendices

Appendix A – Draft Trustee’s Annual Report and Accounts for the year 2019/2020

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
		Liz Dobinson (01322) 343322	Finance/ Strategic Directorate (Internal Services)	N/A