

DEED, TRUST AND OBLIGATIONS COMMITTEE
13 OCTOBER 2020

**CHILDREN'S PLAYING FIELD AND RECREATION GROUND,
SAVOY ROAD - TRUSTEE'S ANNUAL REPORT AND ACCOUNTS
AND ANNUAL UPDATE 2019/20**

Ward: Town

1. Summary

1.1 To present 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 number 302723) for the financial year 2019/20, and to recommend accordingly.

2. RECOMMENDATIONS

2.1 That the Committee considers the draft Trustee's Annual Report and Accounts and Annual Update for 2019/20 shown at Appendix A.

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

2.3 That the Committee, acting as charitable trustee, notes the financial position of the charity as set out in paragraph 3.8 of this report.

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 The playing field and recreation ground at Savoy Road are leased, at a peppercorn rent, by the Council from the National Playing Fields Association ("the Association") for a thirty year term ending on 24 March 2028. The land was transferred by The Right-Honourable Courtney Charles Evan Viscount Tredegar and the Trustees of his Settled Estates to the Association as the freehold owner on 30 August 1928 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]".

3.2 All charities with income of up to £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.

3.3 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.

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3.4 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;
- 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.

3.5 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.

3.6 The Trustee's draft Annual Report and Accounts, and the Annual Update 2019/2020 are set out at Appendix A. The Committee is asked to note that there is no requirement for the Accounts to be formally audited, nor do they need to be independently examined as the charity has no income.

3.7 The play equipment at the site was installed by the Council from corporate funds and, as such, will continue to be maintained corporately. The Accounts and Annual Update therefore do not include the annual maintenance costs for this equipment.

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- 3.8 In 1997, the Council received, from Kent County Council, a commuted sum of £21,132 for the upkeep/maintenance of the land. In 1998/99, an initial charge of £480 was drawn-down from the commuted sum for the maintenance of the land. Since that time, this sum has been inflated by the relevant price index for the grounds maintenance contract, and in 2019/20, the actual costs would have been £3,329. However, the commuted sum was exhausted during 2014/15, and this sum was paid by the Council in its corporate capacity. The Council will continue to pay the annual charges in relation to this charity for the remainder of the lease term until 24 March 2028.
- 3.9 The Committee is asked to consider the Annual Report and Accounts and Annual Update for 2019/20 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 land is 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 National Playing Fields Association]".

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

Financial Implications for the Charity	The Charity's commuted sum (£21,132 upon receipt in 1997), which had previously been drawn down annually in order to meet the cost of grounds maintenance at the site, was exhausted in 2014/15. The running costs of the facility will continue be met by the Council, in its corporate capacity, for the remainder of the lease term.
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

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6. Details of Exempt Information Category

Not applicable

7. Appendices

Appendix A – Draft Trustee’s Annual Report and Accounts and Annual Update 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	Financial Services Strategic Directorate (Internal Services)	N/A