

DEED, TRUST AND OBLIGATIONS COMMITTEE
13 OCTOBER 2020

HESKETH PARK - TRUSTEE'S ANNUAL REPORT AND
ACCOUNTS AND ANNUAL UPDATE 2019/20

Ward: Brent

1. Summary

1.1 To present the Trustee's draft Annual Report and Accounts and the Annual Update for Hesketh Park 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 notes that rental income arising from the lease of land to the Dartford Cricket Club Limited is offset against the grounds maintenance costs incurred by the Council in its corporate capacity on the charity's behalf.

3. Background and Discussion

3.1 At its meeting on 13 October 2011 [Minutes 41 and 42], the Committee considered a report on the then proposed Scheme of Management for Hesketh Park and the financial position of the charity. The Scheme of Management took effect from 9 November 2011.

3.2 At its meeting on 25 July 2015 [Minute 5] the Committee approved the grant of a lease of the cricket pitch area to Dartford Cricket Club Limited on the terms already approved by the Committee at its meeting on 14 April 2015 [Min. No. 23]. The lease was completed on 21 July 2017. The initial annual rent payable is £5,000 per annum, to be reviewed every 5 years. The term of the lease is 25 years, expiring on 20 July 2042.

3.3 The Charity Commission requires charities to register with them if income received exceeds £5,000. This requirement will not be met in 2019/20 and unless further income is received it may not be necessary to register in the foreseeable future. The Council will monitor the situation and seek the appropriate authority if the position changes. The Council as Trustee remains subject to charity law and the regulatory powers of the Charity Commission. Accounts should be maintained and, as a matter of good practice, the Council as Trustee has prepared a Trustee's Annual Report and Accounts in the same way as for the other charities for which the Council is Trustee.

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- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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 is unregistered.
- 3.8 The Committee is asked to consider the Annual Report and Accounts and Annual Update for 2019/20 at Appendix A.

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3.9 The rental income for the charity from Dartford Cricket Club Limited will go towards the running costs of the charity, which include the grounds maintenance charges that, otherwise, are met by the Council acting in its corporate capacity.

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

The Charity Land is to be used as a recreation ground for the use of the inhabitants of Dartford.

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 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	Finance/ Strategic Directorate (Internal Services)	N/A