

HESKETH PARK, DARTFORD, KENT

Sole Trustee's Annual Report for the period 1 April 2019 to 31 March 2020

1. Reference and administration details

Registered Charity Number	Not applicable
Charity's principal address	Civic Centre Home Gardens Dartford Kent DA1 1DR
Land Registry Title	K907660
Ward	Brent
Trustee	The Dartford Borough Council
Independent examiner	Not appointed
Bankers	Lloyds Bank plc, 46 High St, Dartford, Kent, DA1 1BY
Solicitors	No external appointment
Investment Advisers	Not appointed

2. Structure, governance and management

Structure

- 2.1 By Conveyances dated 30 March 1904, 20 January 1909 and 30 September 1913, the land that now comprises the majority of Hesketh Park (the Charity Land) was bequeathed to the Council on charitable trust by Everard Hesketh. Each of the Conveyances prescribes that the Charity Land will be '[used] for the purpose of a public recreation ground for the inhabitants of Dartford and not for any other purpose'.
- 2.2 On 21 July 2017, a 25 year lease of the charitable land which forms the cricket field in Hesketh Park, was agreed with Dartford Cricket Club Limited. A new pavilion building has been erected on adjoining land in the ownership of the Council in its corporate capacity. Additionally, another part of the charitable land is subject to a lease in favour of Hesketh Park Bowls Club Limited.
- 2.3 The Charity is governed by a Scheme of Management made by the Charity Commission on 9 November 2011.

Governance

- 2.4 In order to be a charity, a body must be established for exclusively charitable purposes. Whilst local authorities and charities often both have close interests in local topics, the Charity needs to be independent of the Council as local authority, in that decisions about the administration and operation of the Charity need to be taken solely in the interests of the Charity with a view to furthering its charitable purposes and for no other purpose.
- 2.5 To avoid inherent conflicts of interest between the Council's role as local authority and its role as trustee of the Charity and to safeguard the Charity's Object, the Council has established a trustee committee known as 'The Deed, Trust and Obligations Committee' (comprised of elected Councillors and Co-optees (independent members)) to operate and manage the charity's affairs with the following functions:
1. To be the body that, on behalf of the sole trustee, safeguards the Object, the Charity's property, funds and the beneficiaries' interests within the Guiding Principles referred to below.
 2. To ensure that the accounts and the general administration of the Charity comply with statutory regulations.
 3. To ensure that the Charity's funds are not co-mingled.
 4. To do anything else, within the law, which promotes, or helps to promote, the Object.
- 2.6 The Deed, Trust and Obligations Committee has adopted a Conflicts of Interest Policy (approved by the Charity Commission) which is intended to assist the Committee in identifying conflicts, to avoid conflicts arising at all and, where conflicts do arise, to assist the Committee to manage those conflicts in order to avoid perceived and actual problems occurring. Provided that the Committee is mindful of its obligations on behalf of the Charity and is seen to act in accordance with those obligations, and that any conflicts of interest are managed accordingly, there will not be bias in matters related to Charity decisions.
- 2.7 Elected Councillors, Co-optees and Council Officers are bound by Codes of Conduct. Details of Committee members' related party transactions are disclosed in note 1 to the accounts. Committee members are required to disclose all relevant interests (disclosable pecuniary interests or prejudicial interests), register disclosable pecuniary interests with the Council's Monitoring Officer and, in accordance with the Member Code of Conduct (adopted 20 July 2012 (Min. No. 35)), withdraw from decisions where a conflict of interest arises.
- 2.8 Council Officers keep under regular review the possibility of any actual or potential conflict of interest between the interest of the Charity and those of the Council in its corporate/local authority landowner capacity. Independent advice is commissioned when the need arises.

Management

2.9 The Deed, Trust and Obligations Committee complies with the following principles in the interests of the Charity (the Guiding Principles):

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

2.10 The Deed, Trust and Obligations Committee's membership during 2019/20 comprised the following elected Councillors and (voting) Co-optees:

1. Councillor A R Lloyd (Chairman)
2. Councillor J A Kite MBE (Vice-Chairman)
3. Councillor Mrs. A E D Barham (w.e.f. 22 May 2019)
4. Councillor Mrs. R M Currans (w.e.f. 22 May 2019)
5. Councillor M J Davis
6. Councillor T A Maddison
7. Councillor A J Oakley-Dow (w.e.f. 22 May 2019)
8. Councillor D Swinerd
9. Councillor Mrs P A Thurlow
10. Mr R A Estcourt (Independent Member)
11. Mr A R Martin (Independent Member)
12. Mr S J Maynard (Independent Member)
13. Mr K Moore (Independent Member) (w.e.f. 31 October 2019)

14. Councillor S H Brown (1 April to 21 May 2019)
15. Councillor K M Kelly (1 April to 2 May 2019)
16. Councillor R Lees (1 April to 2 May 2019)

2.11 As a matter of law the Committee members do not assume the individual responsibilities of trustees.

2.12 Whilst the Deed, Trust and Obligations Committee has the ultimate responsibility for the conduct of the Charity and makes the strategic decisions as well as monitoring the performance of the Charity, it has to

operate day to day management through Council Officers; this in particular applies to the physical maintenance of the Charity's Land. The day to day management of the Charity Land has been delegated by the Deed, Trust and Obligations Committee, to the Strategic Director (Internal Services). The Strategic Director (Internal Services) is accountable to the Deed, Trust and Obligations Committee and it is the Committee's task to monitor that she discharges her duties to the Charity.

- 2.13 The maintenance of the Charity Land is carried out by the Council's 'Waste and Parks' section, part of the Strategic Directorate (External Services).

Risk management

- 2.14 The Deed, Trust and Obligations Committee considers the major risks to which the Charity is exposed, reviews those risks, and establishes systems and procedures to manage those risks. The Committee considers the ongoing maintenance of the Charity Land and the play equipment to constitute the Charity's major financial risk.

The risks associated with conflicts of interest are managed in accordance with the Codes referred to sections 2.6 and 2.7 above.

Training

- 2.15 Induction and training are critical for the development of good trustees - a professional approach is expected at all times. All Committee members have received an induction from an external facilitator and the Head of Legal Services, thus ensuring that they fully understand the Council's charitable role, its operations, its staff and its ethos and values. The induction process also set out what is expected of trustees by the charities which are administered by the Committee, the law and the Charity Commission. Committee members have been trained in the adopted [2012] Member Code of Conduct.

3. Objectives and activities for the public benefit

The Deed, Trust and Obligations Committee has referred to, and has had regard to, the Charity Commission's general guidance on public benefit when deciding what activities the Charity should undertake in reviewing the Committee's aims and objectives and in planning future activities on the Charity's Land. In particular, the Deed, Trust and Obligations Committee considers how planned activities will contribute to the Object.

Summary of object

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

*Summary of main activities
In relation to these objects
for the year 2019/20*

The Charity Land is used for recreational purposes in accordance with the Object. Parts of the site are leased to tenants who operate the cricket club and bowls club at the Park.

*Key objectives for the ensuing
financial year 2020/2021*

Ongoing maintenance of the Charity Land.

4. Measuring achievements and performance

Maintaining the Charity Land to an appropriate standard will be the main benchmark against which success will be measured.

5. Financial Review

Financial review The Charity's Accounts for the financial year 2019/2020 are appended to this report. The accounts have been compiled on an accruals basis, which matches the way the Council accounts for the income and expenditure.

The grounds maintenance of the Charity Land during 2019/2020 was undertaken by the Council as part of the general maintenance of its parks and open spaces.

The Charity's balance of £1,404, held as at 31 March 2020, will go towards the charity's running costs, e.g. trustee's insurance, in future years.

The income stream, received from the lease with Dartford Cricket Club Limited will be used to contribute towards the grounds maintenance costs which have been borne by the Council in its corporate capacity (the Council in its corporate capacity resolved to meet these costs only because the charity had no further funds at its disposal).

6. Declaration

The Deed, Trust and Obligations Committee on behalf of The Dartford Borough Council as sole trustee, declares that it has approved the sole trustee's Annual Return and further declares that there are no serious and/or significant incidents that it should have reported, but have not.

Signed by the Chairman of the
Deed, Trust and Obligations Committee
on behalf of The Dartford Borough Council
as sole trustee

Signature

Full name Councillor Andrew Ronald Lloyd

Date 13 October 2020

Hesketh Park, Dartford, Kent

Income and Expenditure Account for the period 1 April 2019 to 31 March 2020

Trustee responsibilities in relation to financial statements

The Trustee is responsible for preparing the Trustee's Report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards. The law applicable to charities in England and Wales requires the Trustee to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the Charity and of the incoming resources of the Charity for that period. In preparing these financial statements, the Trustee is required to:

- (a) select suitable accounting policies and then apply them consistently;
- (b) observe the methods and principles of the Charities SORP;
- (c) make judgements and estimates that are reasonable and prudent;
- (d) state whether applicable accounting standards have been followed, subject to any departures disclosed and explained in financial statements; and
- (e) prepare financial statements on the going concern basis unless it is inappropriate to presume that the Charity will continue in business.

The Trustee is responsible for keeping accounting records which disclose with reasonable accuracy the financial position of the Charity and enable it to ascertain that the financial statements comply with the Charities Act 2011, the Charity (Accounts and Reports) Regulations 2008 and the provisions of the Conveyances. The Trustee is also responsible for safeguarding the assets of the Charity and hence taking reasonable steps for the prevention and detection of fraud and other irregularities. The Trustee is responsible for the maintenance and integrity of the Charity and financial information included in Trustee publications and on the Council's website.

The annual financial statement has been prepared on an accruals basis, which matches the way the Council accounts for the income and expenditure. Accruals accounting means that income and expenditure are recognised as they are earned or incurred and not as money is received or paid. For example, if an invoice relating to March 2020 is expected to arrive in April 2020, it will be accounted for in the 2019/20 accounts (the financial year it relates to), not the 2020/21 accounts (the financial year it arrives in).

There is no requirement for the Charity's accounts to be submitted to the Charity Commission, but they will be available for inspection by the public.

Income and Expenditure Account		
	Unrestricted Funds 2019/20 £	Unrestricted Funds 2018/19 £
Income		
Rents	5,000	5,000
Other Income	0	0
<u>TOTAL INCOME</u>	5,000	5,000
Expenditure		
Grounds Maintenance/other running costs	5,000	5,000
Insurance Premium	740	740
<u>TOTAL EXPENDITURE</u>	5,740	5,740
<u>NET (SURPLUS) / DEFICIT FOR THE YEAR</u>	740	740
Cash and bank balances at 30 March 2020 (31 March 2019)	1,404	2,144

Notes:

1. The Charity is being managed on the basis of an independent budget which is being operated in line with Charity Commission's requirements. All income and expenditure is accounted for separately from the Council's corporate finances.
2. The Charity has no permanent endowment; all its receipts and payments have been classified as 'unrestricted funds'. These are funds that the Deed, Trust and Obligations Committee is able to spend for any of the Charity's purposes.

Signed by the Chairman of the Deed, Trust and Obligations Committee on behalf of The Dartford Borough Council as sole trustee.

Signature

Full name Councillor Andrew Ronald Lloyd

Date 13 October 2020

NOTES TO THE ACCOUNTS

Related party transactions

None declared