

DEED, TRUST AND OBLIGATIONS COMMITTEE
25 NOVEMBER 2025

**THE KIDD LEGACY TRUSTEE'S ANNUAL REPORT AND
ACCOUNTS 2024/2025**

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 1134257) for the financial year 2024/25, and to recommend accordingly.

2. RECOMMENDATIONS

- 2.1 That the [draft] Trustee's Annual Report and Accounts at Appendix A and independent Examiners report at Appendix C, be considered.
- 2.2 That, subject to any comments made by the Committee, the [draft] Annual Report and Accounts for the period 1 April 2024 to 31 March 2025, 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 2024/25 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 2024/25 are set out at Appendix A. The charities annual income has risen above £25,000 for the first time and as such is subject to an independent examination. The examination has been carried out by the independent Internal Audit function and their report is included as Appendix C.

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 2024/25 with the Charity Commission on the Trustee's behalf.

3.7 The Ordnance survey plan showing the site is at Appendix B to the report.

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.
Climate Impact Assessment	None
Staffing Implications	None
Administrative Implications	None
Risk Assessment	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 2024/25

Appendix B – Ordnance Survey Plan

Appendix C- Independent Examiners Report

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>
		Becky Parrish (01322) 343148	Financial Services / Corporate Services Directorate	N/A

Kidd Legacy being part of Central Park Dartford Kent

Sole Trustee's Annual Report for the period 1 April 2024 to 31 March 2025

1. Reference and administration details

Registered Charity Number	1134257
Charity's principal address	Civic Centre Home Gardens Dartford Kent DA1 1DR
Land Registry Title Number	K915198
Ward	Town
Trustee	The Dartford Borough Council
Independent Examiner	Not appointed
Bankers	Lloyd's Bank plc, 46 High Street, Dartford, Kent, DA1 1BY
Solicitors	No external appointment
Investment Advisers	Not appointed

2. Structure, governance and management

Structure

2.1 By an Indenture dated 28 September 1903 (the 1903 Indenture), an area of land adjoining Central Park Dartford was bequeathed on charitable trust, by Colonel Charles Newman Kidd, to the Urban District Council of Dartford and, on local government reorganisation in 1974, the trusteeship passed to The Dartford Borough Council, a local authority. The 1903 Indenture prescribes that the land will be 'appropriated and used in perpetuity as a public recreation ground and for no other purpose whatsoever' i.e. the land is to be held on trust by The Dartford Borough Council (the Council), for recreational purposes. The land is commonly referred to, locally, as the Kidd Legacy land or Kidd Legacy charity (the Charity).

The Charity is governed by a Scheme made by the Charity Commission on 16 February 2010.

Governance

- 2.2 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.
- 2.3 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 who, 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.
- 2.4 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, is seen to act in accordance with those obligations and manages any conflicts of interest accordingly, there will not be bias in matters related to charity decisions. The Committee is also aware of the Charity Commission's conflicts of interest guide issued in May 2014.
- 2.5 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 26 July 2012 [Min.No.35] as amended from time to time), withdraw from decisions where a conflict of interest arises.
- 2.6 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

2.7 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, to make further enquiries and, where appropriate, to consider legal and other professional advice;
- (e) To not take into consideration any factors which it is 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.

2.8 The Deed, Trust and Obligations Committee's membership during 2024/25 comprised the following elected Councillors and (voting) co-optees:

- | | | |
|-----|------------------------------------|-----------------|
| 1. | Councillor A R Lloyd | (Chairman) |
| 2. | Councillor M Davis | (Vice-Chairman) |
| 3. | Councillor Mrs. R M Currans | |
| 4. | Councillor A Gaskin | |
| 5. | Councillor D Graham | |
| 6. | Councillor C Pearce | |
| 7. | Councillor D Swinerd | |
| 8. | Councillor Mrs P A Thurlow | |
| 9. | Mr A R Martin (Independent Member) | |
| 10. | Mr K Moore (Independent Member) | |
| 11. | VACANT (Independent Member) | |
| 12. | VACANT (Independent Member) | |

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

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 Chief Officer & Director of Corporate Services who is accountable to the Committee and it is the Committee's task to monitor that the Chief Officer and Director of Corporate Services discharges her duties to the Charity.

- 2.10 The maintenance of the Charity Land is carried out by the Council's 'Waste and Parks' section, part of the Housing and Public Protection Directorate.

Risk management

- 2.11 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 them. The Committee considers the viability of investment returns on the permanent endowment to constitute the Charity's major financial risk, and recent extreme volatility in world financial markets has demonstrated this risk.

The Deed, Trust and Obligations Committee has delegated the management of the permanent endowment to the Council, where the sum invested benefits from the Council's average rate of return on its investments. The average rate of interest achieved by the Council is calculated at year end (as a percentage) and is independently verified by the Council's investment advisers, Arlingclose Limited; this percentage is then applied to the sum of the Charity's permanent endowment and its accumulated unrestricted funds. The Charity's funds are held separately from the Council's own monies.

The risks associated with conflicts of interest are managed in accordance with the Codes referred to in sections 2.4 and 2.5 above.

Training

- 2.12 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 sets 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 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'.

*Summary of main activities
in relation to these objects
for the year 2024/25*

The Charity land is used for recreational purposes in accordance with the Object. The Charity land is maintained to an appropriate standard, in keeping with the remainder of Central Park.

In line with The Dartford Borough Council's (acting in its corporate capacity/as local authority landowner) overall vision for Central Park Dartford, environmental enhancement of the Charity land was undertaken in the public benefit and at nil cost to the Charity, by the siting of an Edwardian-style bandstand (to replace the original Edwardian feature), and the construction of footpaths to link it to Central Park. The bandstand has an identifiable public benefit to Dartford Borough residents and provides a new cultural and recreational venue to attract people into Central Park and the open spaces beyond. The programme of events includes quality musical events e.g. bands, orchestras etc., as well as other recreational events for local residents.

The Council, acting in its corporate capacity as local authority landowner, has assumed responsibility for the management, maintenance etc. of the bandstand.

The Council, acting in its corporate capacity as local authority/landowner, has agreed to lessen the Charity's exposure to ongoing grounds maintenance of the Charity land, by subsidising any shortfall.

*Key objectives for the ensuing
financial year 2025/26*

Cultural and recreational events have continued on the Charity land. These events will have an identifiable public benefit to Dartford Borough residents and will accord with the Charity's Object.

4. Measuring achievements and performance

The Council aims to improve the quality of green space in and around Central Park Dartford and open up access to, and through, the Park.

The environmental enhancements to, and around, the Charity land provide and/or assist in the provision of facilities for recreation or other leisure time occupation in the interest of social welfare, with such facilities being provided to the public at large, in accordance with the Object of providing a recreation ground, in perpetuity, for inhabitants of the Borough of Dartford.

5. Financial Review

Financial review The Income and Expenditure Account for the Charity for the financial year 2024/25 is appended to this report. This account has been compiled on an accruals basis, which matches the way the Council accounts for the income and expenditure.

The Charity received £275,000 from the proceeds of the sale of .089hc of Charity land (adjacent to Lowfield Street Dartford), in April 2004. Subsequently, £5,000 was paid for an equivalent area of land (.089hc) in Central Park to replace that area of Charity land adjacent to Lowfield Street Dartford sold in 2004.

The sole trustee holds the sum of £270,000 as investment permanent endowment.

The grounds maintenance of the Charity land during 2024/2025 was undertaken by Dartford Borough Council as part of the general maintenance of Central Park. The grounds maintenance contract was retendered in 2017 and a new contractor was appointed from 1st January 2018. The first full year of the contract was 2018/19.

The contract was for an initial 5 years. A 5 year extension was agreed from 1st January 2023, so the only increase will be an annual one in line with CPI. For 2024/25, the charge was £5,225.00.

The income received in 2024/25 comprised of hire income and investment income. The hire income was from Forrest's Amusements for the hire of Central Park between 10/06/2024 and 23/06/2024 and 17/03/2025 and 30/03/2025.

The in-house investment income rate used decreased marginally and was an average of 4.96% compared to 5.03% in the prior year.

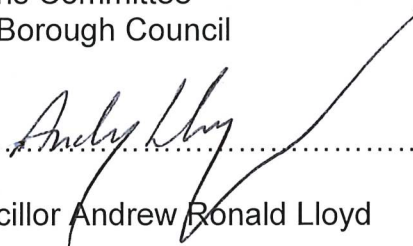
At 31 March 2025, the Charity held balances of £382,129.82 made up of £270,000 permanent endowment, which is held and invested in order to produce income in furthering the Object and other sums (cumulative interest and other receipts). Spending any funds held as permanent endowment requires the consent of the Charity Commission.

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 has not.

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

Signature

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Full name

Councillor Andrew Ronald Lloyd

Date

25 November 2025

Kidd Legacy being part of Central Park Dartford Kent

Income and Expenditure Account for the period 1 April 2024 to 31 March 2025

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 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 2024 is expected to arrive in April 2024, it will be accounted for in the 2024/25 accounts (the financial year it relates to), not the 2025/26 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 2024/25	Unrestricted Funds 2023/24
Income		
Investment Income	17,839	16,981
Trading Activities:		
Rents	10,876	4,858
<u>TOTAL INCOME</u>	28,715	21,839
Expenditure		
Grounds Maintenance	5,225	5,008
Insurance Premium	660	658
<u>TOTAL EXPENDITURE</u>	5,885	5,666
<u>NET SURPLUS / (DEFICIT) FOR THE YEAR</u>	22,830	16,173
Cash and bank balances at 31 March 2025 (31 March 2023)	359,300	359,300
Composed of:		
Permanent endowment	270,000	270,000
Interest and other net income	112,130	89,300
	382,130	359,300

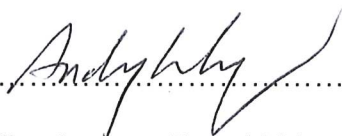
Notes:

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. A separate bank account is kept for the Charity's monies.
3. The permanent investment endowment of £270,000 referred to in section 5 above, is part of the cash and bank balances shown above. The permanent endowment was originally £275,000, but reduced in 2008/2009 by £5,000 to £270,000, by agreement of the Charity Commission, to fund the transfer of .089 hectares of land to replace Charity land sold in 2004.

4. Other than the investment permanent endowment of £270,000, all other 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. The £270,000 permanent endowment is capital, which is to be held and invested in order to produce income in furthering the Object. The Deed, Trust and Obligations Committee must take care not to spend any funds held as permanent endowment without the Charity Commission's consent.

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

Signature

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Full name

Councillor Andrew Ronald Lloyd

Date

25 November 2025

NOTES TO THE ACCOUNTS

Related party transactions

None declared