

### **3. BEECH HURST GARDENS CHARITABLE TRUST, HAYWARDS HEATH, WEST SUSSEX (CHARITY NUMBER 305202) - SURPLUS CHARITY TRUST FUND FOR A NEW FOOTPATH PROJECT IN THE GARDENS IN 2012/13**

#### **1.0 INTRODUCTION**

- 1.1 The Council being a trust corporation, by virtue of the Local Government Acts, is the Trustee of any land gifted to the Council upon charitable trust and is appointed the Trustee pursuant to Section 210 of the Local Government Act 1972 by virtue of being the statutory successor to the Cuckfield Urban District Council, the Cuckfield Rural District Council, the Burgess Hill Urban District Council and the East Grinstead Urban District Council.
- 1.2 The Council as Trustee comprises all the Members of the Council, who by virtue of their office as Members of the Council are the managing trustees of the Charities vested in the Council. Members of the Council receive specific training on their roles and responsibilities as Charity Trustees as part of their Member training.
- 1.3 The names of members of the Council who currently serve as a charity trustee are set out in the table below:

Mandy Thomas-Atkin (Chairman)  
Gordon Marples (Vice-Chairman)

Jonathan Ash-Edwards	Bruce Forbes	Gary Marsh
Simon Banham	Richard Goddard	Peter Martin
Stephen Barnett	Susan Hatton	Edward Matthews
Andrew Barrett-Miles	Ginny Heard	Simon McMenemy
Richard Bates	Christopher Hersey	Pru Moore
Edward Belsey	Margaret Hersey	John O'Brien
Margaret Belsey	Catrin Ingham	Peter Reed
Liz Bennett	Anne Jones	Robert Salisbury
Katy Bourne	Denis Jones	Susan Seward
Heidi Brunson	Graham Knight	Ian Simpson
Jack Callaghan	Jim Knight	Christopher Snowling
Cherry Catharine	Jacqui Landriani	Dick Sweatman
Phillip Coote	Andrew Lea	Colin Trumble
Mims Davies	Mike Livesey	Neville Walker
John de Mierre	Andrew MacNaughton	Garry Wall
David Dorking	Bob Mainstone	Norman Webster
Kathleen Dumbovic	Natalie March	Emily White
Tim Farmer		

- 1.4 Beech Hurst Gardens Charitable Trust ("the Gardens") was constituted by a Declaration of Trust dated 2<sup>nd</sup> March 1950 when Gardens were gifted to the Council's predecessor, the Urban District Council of Cuckfield, by the trustees of the late William Johnson Yapp to be administered by the Council upon charitable trust. The objects of the Charity are the provision of a public park and recreation ground for the benefit of the inhabitants of Haywards Heath. The trustees powers of management are very restrictive and are limited to providing facilities for the use and enjoyment of the inhabitants of Haywards Heath for educational, scientific, cultural or recreational purposes and for any of the charitable purposes set out in section 4 of the Physical Training and Recreation Act 1937 and not for any purposes that are not charitable. There is an express provision that prohibits use of the Charity's property by the Council for the discharge of its functions as a local authority.

1.4 The purpose of this report is to seek the Charity Trustees' approval to use of some of the surplus income of Beech Hurst Gardens Charity for a footpath project within the Gardens in 2012/13.

## 2.0 BACKGROUND

2.1 Mitchells & Butlers Retail No.2 Limited lease the restaurant site from the Charity and following earlier improvements the profits now being generated by them has resulted in additional turnover income to the Charity, which has enabled the Charity to accumulate a surplus. All income from the facilities at Beech Hurst Gardens is ring-fenced and can only be expended on meeting the running costs of the Gardens and improvements to the Gardens. Details of the surplus and proposed expenditure are shown below.

## 3.0 PROPOSALS

3.1.1 In 2009/10 the Charity had a Trust Fund surplus £17,471 and in 2010/11 a surplus of £11,906. It is proposed that £15,000 be allocated for the 2012/13 financial year for the construction of a new tarmac footpath that will run inside the hedge along the southern boundary of the Gardens. This will enable the two tarmac footpaths on the east and west side of the gardens to be connected which will enable a circular walk to be taken safely within the confines of the Gardens. This scheme is incorporated within the Council's corporate expenditure plan for 2012/13 however it needs to be approved by the Charity Trustees.

## 4.0 FINANCIAL IMPLICATIONS

4.1 The Charity's existing revenue budgets are capable of accepting the additional maintenance burden of this improved walkway to the Gardens.

## 5.0 RISK ANALYSIS

5.1 The works will be done in a safe and professional manner by qualified contractors taking full regard of the potential hazards through their own risk assessment and method statement. Now the pitch and putt course has been closed on this site it is much safer for visitors to walk along this southern boundary.

## 6.0 EQUALITIES AND CUSTOMER SERVICE IMPLICATIONS

6.1 The provision of this additional footpath link will make access to the gardens more wheelchair and pushchair friendly.

## 7.0 RECOMMENDATIONS

***The Charity Trustees are recommended to:***

***7.1 Note the contents of this report; approve the construction of a new footpath at the Gardens and authorise the Head of Leisure and Sustainability the expend £15,000 of the Charity's Trust Fund on this footpath project.***

BACKGROUND PAPERS:

Leisure and Sustainability, Property, Legal and Finance files

ENVIRONMENTAL IMPLICATIONS STATEMENT:

This report raised no environmental implications.

LIASON WITH LOCAL COUNCILS:

A steering meeting incorporating the local town council meets twice a year which has approved this proposal.

COMPLIANCE WITH CODE OF PRACTICE ON COMMITMENTS:

Funds have been allocated for this project