

4. BEECH HURST GARDENS CHARITABLE TRUST, HAYWARDS HEATH, WEST SUSSEX (CHARITY NUMBER 305202)

WORKS TO BEECH HURST COTTAGES

1.0 INTRODUCTION

- 1.1 The Council is a trust corporation and is appointed the Trustee of the above Gardens.
- 1.2 The Council as Trustee comprises all the Members of the Council. Members of the Council are the managing trustees of the Charities.
- 1.3 Beech Hurst Gardens Charitable Trust (“the Gardens”) was constituted by a Declaration of Trust dated 2nd March 1950 when the 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.
- 1.4 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.

2.0 PURPOSE OF REPORT

- 2.1 To seek the Trustees’ approval to carry out the works to Beech Hurst Cottages listed below and authorise the expenditure of the Trust’s funds of up to £31,000 (subject to procurement) to complete general works and to refurbish No. 4 Beech Hurst Cottages and install a new bathroom to No. 5 Beech Hurst Cottages as set out in Appendix 1.

3.0 BACKGROUND AND PROPOSALS

- 3.1 The Charity is responsible for maintaining the cottages such that a good standard of accommodation is provided, as measured by the Housing Health & Safety Rating System.
- 3.2 As part of routine work, condition surveys and risk assessments are undertaken and when opportunities arise, such as when a tenant moves out, more fulsome refurbishment is carried out in order to raise standards and achieve an increased rent.
- 3.3 This last occurred when No. 3 last became vacant in December 2017, and the property was immediately let at an improved rental of £1,100 per month, (from £850), which reflected the market rent for this property. This work followed the programme which was undertaken earlier in 2016/17, to carry out external redecorations to all five cottages.
- 3.5 It is now proposed to refurbish No. 4 (to include a full rewiring) in the same way and with the same objective.
- 3.6 It is also proposed to install a new bathroom at No. 5, as this was not included when the cottage was refurbished in 2016/17. The cottage was let out in August 2016 at a rental of £900 per month (from £800). This will complete the work to No. 5 and will enable a rent review to take place.

4.0 LEGAL ADVICE TO THE CHARITY TRUSTEES

- 4.1 The Charity Trustees need to be aware that, in view of their dual roles as Charity Trustees and Members of the Council there is the potential for a conflict of interest. The Charity Commission is fully aware of this potential and has issued guidance to local authority Charity Trustees reminding them of their fiduciary duty as Charity Trustees. The guidance says that local authority Charity Trustees have an overriding duty to act in the best interests of the Charity when dealing with property vested in local authorities as Trustee.
- 4.2 If there is a conflict between the interests of the Charity and the interest of the Council they must disregard the interests of the Council and make their decisions as Charity Trustees in the best interests of the Charity even if that will be inconvenient to or detrimental to the interest of the Council. These rules also apply to any Charity Trustee who is also a member of another local authority such as a Town or Parish Council.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The improvement works to No. 4 will ensure the property is an attractive let that should achieve an improved rental of £1,100 pcm. Similarly, the improvement to No. 5 should achieve an improved rental, subject to negotiation.

6.0 RISK MANAGEMENT IMPLICATIONS

- 6.1 All work will be done in a safe and professional manner by qualified contractors, subject to procurement, and taking full regard of the potential hazards through their own risk assessment and method statements.
- 6.2 It is important to undertake remedial and preventative work to affected areas of the properties, as otherwise the current condition of the properties will further deteriorate and make it more difficult to secure tenants.

7.0 EQUALITIES AND CUSTOMER SERVICE IMPLICATIONS

- 7.1 The recommendations contained in this report do not have an adverse or negative impact on Equality and Customer Service, however, failure to undertake refurbishment and improvement work to the cottages might.

8.0 RECOMMENDATIONS

- 8.1 *The Charity Trustees are recommended to authorise the use of the Trust's funds to complete general works and refurbish No. 4 Beech Hurst Cottages, and to fit a new bathroom at No. 5 Beech Hurst Cottages, as per Appendix 1.***

APPENDIX 1: OVERVIEW OF WORK REQUIRED IN THE COTTAGES

General

Location	Description	Assessed cost
Nos. 1 - 4	Obtain comprehensive asbestos management surveys to property nos. 1 - 4	£2,400
No.1	Removal of identified asbestos	£500
	Total	£2,900

No.4 Beech Hurst Cottages

This property is due to become vacant at the end of July. The downstairs accommodation is currently being used as two lounge areas. The property would benefit from the rear area becoming a kitchen / diner more suited to family occupation. This area will be refurbished to increase the available kitchen units, enable the usual white goods to be installed (by incoming tenants). Whilst the property is vacant, the entire property shall be decorated throughout along with new carpets as required.

Location	Description	Assessed cost
Kitchen	New kitchen and dining area	£8,000
Associated works	Decorate throughout	£3,500
Flooring	New carpet to lounge, Stairs & Bedrooms	£2,500
All rooms	Rewire all electrics	£3,500
Bathroom	Full refurbishment and provision of an electric shower.	£5,000
	Total	£22,500

No. 5 Beech Hurst Cottages

This property was fully refurbished in 2016/17, with the exception of the bathroom which would benefit from a complete renewal.

Location	Description	Assessed cost
Bathroom	Re-fit, re-tile and re-floor. Provide bath room with electric shower.	£5,000
	Total	£5,000