

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

**WORKS TO REPLACE BEECH HURST GARDENS ARTIFICIAL BOWLS MAT**

**1.0 INTRODUCTION**

- 1.1 Beech Hurst Gardens is a very popular Park in Haywards Heath which has held the coveted Green Flag status for over 10 years.
- 1.2 The Council is a trust corporation and is appointed the Trustee of the above Gardens. 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 2<sup>nd</sup> 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 Trustees’ approval to replace the artificial bowling mat at Beech Hurst Gardens and authorise the expenditure of the Trust’s funds up to £10,000 to complete the works.

**3.0 BACKGROUND AND PROPOSALS**

- 3.1 The current outdoor artificial bowls mat at Beech Hurst Gardens has been in place for over 20 years. It is showing signs of significant wear and tear and is now unable to be cleaned to a suitable standard without causing more damage to the surface
- 3.2 The mat is used predominantly by Haywards Heath and Beech Hurst Bowls Club and Heath Mid Sussex Petanque Club. It is also available to members of the public to hire through our online booking system. It is the only publicly accessible artificial bowls green in the District.
- 3.3 Haywards Heath and Beech Hurst Bowls Club currently have over 60 members and they use the artificial green for practice sessions, when the ‘real’ grass bowling green is being used for matches or is too wet to play on. Many of their newer bowlers use the mat to enhance their performance in addition to coaching sessions which also take place. It is also

used during the winter months when the grass bowling green is closed. Heath Mid Sussex Petanque Club have 35 members who also regularly use this facility.

- 3.4 Haywards Heath and Beech Hurst Bowls Club are looking to attract new members and attract younger people to play bowls by going out to local schools. The feedback from the club is that it is useful for new players to start on the artificial mat to help build their skills and confidence. They feel the current mat is looking very tired and is slightly torn which does not look appealing to potential new members.
- 3.5 This investment could also potentially increase the number of public bookings by providing the ideal location for introducing new members to Bowls. In turn, this would generate additional income for the Council going forward.
- 3.6 It is not possible to carry out ad-hoc repairs to the mat due to the need to have a perfectly flat surface so that the bowls roll correctly. Any repairs are likely to create small undulations in the surface and it would potentially become unusable.
- 3.7 In addition, the current mat is no longer able to be cleaned to a suitable standard and this would remain an issue even with ad-hoc repairs.

#### **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 income generated, and expenditure incurred at Beech Hurst Gardens is split between restricted and unrestricted funds; the former relates to the cottages, and restaurant facility, with the sporting facilities being unrestricted funds.
- 5.2 This Beech Hurst Trust Fund currently has a balance of £55k in its accounts.
- 5.3 The total installation cost for a new artificial mat is £10,000. This includes the removal of the existing mat and its underlay.

5.4 The new mat is approved by World Bowls (the recognised International Federation for the sport of Bowls) and has a 10 year guarantee. If the surface becomes damaged or worn from normal wear and tear during this time then the supplier will meet all repair costs.

## **6.0 RISK MANAGEMENT IMPLICATIONS**

6.1 All work will be carried out in safe and professional manner by qualified contractors and taking full regard of any potential hazards through their own risk assessments and method statements.

6.2 It is important to carry out these works otherwise the condition of the mat will deteriorate further and become unusable as a facility.

## **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 not undertake the improvement works might.

## **8.0 RECOMMENDATIONS**

**8.1 *The Charity Trustees are recommended to authorise the use of the Trust's funds to complete the works to replace the artificial bowls mat at Beech Hurst Gardens.***