

### **3. BEECH HURST GARDENS CHARITABLE TRUST, HAYWARDS HEATH, WEST SUSSEX (CHARITY NUMBER 305202) – WORKS TO ENHANCE THE BEECH HURST KIOSK IN BEECH HURST GARDENS**

#### **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:

Gordon Marples (Chairman)  
Peter Reed (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	Robert Salisbury
Liz Bennett	Anne Jones	Susan Seward
Pete Bradbury	Denis Jones	Ian Simpson
Heidi Brunsdon	Graham Knight	Christopher Snowling
Jack Callaghan	Jim Knight	Dick Sweatman
Cherry Catharine	Jacqui Landriani	Mandy Thomas-Atkin
Phillip Coote	Andrew Lea	Colin Trumble
Mims Davies	Mike Livesey	Neville Walker
David Dorking	Andrew MacNaughton	Garry Wall
Kathleen Dumbovic	Bob Mainstone	Norman Webster
Tim Farmer	Natalie March	Emily White

- 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.

- 1.5 The purpose of this report is to seek the Charity Trustees' approval to increase the funds available to carry out works to refurbish and improve the kiosk facility in Beech Hurst Gardens.

## **2.0 BACKGROUND**

- 2.1 Officers were asked to estimate the budget required for refurbishment / improvement works to the current kiosk facility in Beech Hurst Gardens. A budget of £45,000 was considered appropriate based on an initial scoping of the required works. This figure was approved by the Trustees at your meeting on 21<sup>st</sup> November 2012
- 2.2 The design of the project has subsequently been developed. This has involved consultation with services engineers regarding the issue of drainage connections. A cesspit arrangement had been envisaged. However, it has transpired that this is not possible due to tree root protection and other technical reasons. Therefore, a drainage run needs to be made to the mains sewer in the highway. Connection to the foul drain behind the bowls club was considered. However, this option would be £8,000 more as a pump would be required due to the sloping nature of the land here.
- 2.3 The developed design, including revised drainage connections, has been tendered to building contractors and the best price achieved, including a £3,000 contingency, is £60,000. This represents an additional £15,000 over and above the original estimated cost due to the reasons stated.

## **3.0 PROPOSALS**

- 3.1 Officers are requesting an additional sum of £15,000 to carry out improvement works to the kiosk.
- 3.2 The contract for the work can then be let after Christmas to start on site mid-January 2014. The works should take about 6-8 weeks to complete. This will enable the facility to be available to the public when the weather hopefully starts to improve in early March 2014.

## **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The Charity's existing revenue budgets are capable of accepting the additional cost of the scheme.

## **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.

## **6.0 EQUALITIES AND CUSTOMER SERVICE IMPLICATIONS**

- 6.1 The upgrading of the kiosk will provide more services to customers using the park. This will potentially make the food and drink offer available to more people as the nature of the kiosk and the items sold will have a lower unit price per item.
- 6.2 The kiosk will offer a disabled, publicly available, WC facility, so improving facilities in the park for all.

## **7.0 RECOMMENDATIONS**

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

***7.1 (i) Note the contents of this report***

***(ii) Approve an additional revenue budget of £15,000, taking the total budget to £60,000 for the improvement to the park kiosk facility.***