

COUNCIL CHARITABLE LAND – ANNUAL OPERATIONAL REPORT

1.0 INTRODUCTION

- 1.1 The Council being a trust corporation, by virtue of the Local Government Acts, is the Trustee of the Charities mentioned in Section 2 of this report 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 trustees of all registered charities in England and Wales are required by Section 162 Charities Act 2011 to prepare an annual report containing the information required by the Charities (Accounts and Reports) Regulations 2005 regarding the activities of the charity in the preceding financial year.
- 1.3 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 mentioned in Section 2 of this report. Members of the Council receive specific training on their roles and responsibilities as Charity Trustees as part of their Member training. The names of members of the Council holding office for the period 1st April 2014 to 31st March 2015, the period for which this report relates, who have served as a charity trustee are set out in the table below:

Councillor Gordon Marples (Chairman)
Councillor Peter Reed (Vice-Chairman)

Councillors

John Allen	Bruce Forbes	Peter Martin
Jonathan Ash-Edwards	Richard Goddard	Edward Matthews
Simon Banham	Susan Hatton	Simon McMenemy
Stephen Barnett	Ginny Heard	Pru Moore
Andrew Barrett-Miles	Christopher Hersey	John O'Brien
Richard Bates	Margaret Hersey	Geoff Rawlinson
Edward Belsey	Catrin Ingham	Robert Salisbury
Margaret Belsey	Anne Jones, MBE	Ian Simpson
Liz Bennett	Denis Jones	Christopher Snowling
Pete Bradbury	Graham Knight	Dick Sweatman
Heidi Brunsdon	Jim Knight	Mandy Thomas-Atkin
Jack Callaghan	Jacqui Landriani	Colin Trumble
Cherry Catharine	Andrew Lea	Neville Walker
Rod Clarke	Mike Livesey	Garry Wall
Phillip Coote	Andrew MacNaughton	Norman Webster
Mims Davies	Mike Livesey	Emily White
David Dorking	Natalie March	
Kathleen Dumbovic	Gary Marsh	

- 1.4 Since an Annual Operational Report on the activities of the Charities mentioned in Section 2 of this report and the Accounts of the Charities mentioned in Section 2 of this report must be submitted to, considered and approved by the Members sitting Charity Trustees and not as Members of the Council, it is necessary to call a special meeting of the Members of the Council to sit as the Charity Trustees.

- 1.5 All of the Charities mentioned in Section 2 of this report are unincorporated associations and their principal office is Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex RH16 1SS.
- 1.6 The Council's Chief Executive, Kathryn Hall, was the Chief Executive of the Charities mentioned in Section 2 of this report for the period covered by this report and the routine operational management of the Charities is delegated to and shared by the Council's Head of Leisure and Sustainability and the Council's Property and Assets Manager. Any major operational management decisions that might affect the interests of the Charities are made by the Charity Trustees.
- 1.7 The Charities' solicitor is the Solicitor to the Council, their bankers are the Lloyds Bank and Mr Hugh Barron (CPFA) independently examines their Accounts.
- 1.8 This report provides a review of the operational activities of the Charities managed by the Council and a statement of each charity's financial affairs for the period 1st April 2014 to 31st March 2015. It also updates charity trustees on current operational issues and seeks authority for some of the planned changes. A copy of the Accounts for each charity is annexed to this report and together they comprise the Charity's Annual Report and Accounts.

2.0 CHARITIES OPERATIONAL REPORT

2.1 General

- 2.1.1 Project work on these sites have been directed at maintaining the quality of these facilities and securing their income generating capacity to offset the costs of providing these publicly accessible open spaces and their facilities.

2.2 Beech Hurst Gardens, Haywards Heath – Charity No: 305202

- 2.2.1 The Charity was constituted by a Declaration of Trust dated 2nd 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.
- 2.2.2 The object of the Charity is 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. By virtue of a Scheme made by the Charity Commissioners on 1st March 1996, the Council now has the power, subject to complying with charity law and the prior written consent of the Charity Commissioners, to sell or let part of the Charity's property provided that this will not unduly interfere with the objects of the Charity.
- 2.2.3 These gardens represent a major park for the town of Haywards Heath, while attracting visitors from outside the district. Regular maintenance has provided a high quality facility.

A Steering Group for the gardens has now been in existence for many years. The site received another 'Green Flag' award in July 2014 and has been formally mystery shopper judged in June 2015.

- 2.2.4 The tenth year's trading figures for the Family Restaurant produced a turnover rent of £11,357 that was received in addition to the recently reviewed £47,037 base rent.
- 2.2.5 The income generated and expenditure incurred at this site is split between restricted and unrestricted funds the former relates to the cottages, and restaurant facility, with the sporting facilities being unrestricted funds. Total income generated from petanque, events, tennis, rent from the cottages, leases, and licences (including the restaurant), on the site totalled £112k. This sum includes supplementary rental income as detailed in paragraph 2.2.4 of this report. Overall running costs excluding depreciation amounted to £97k of which £82k related to buildings and ground maintenance costs with the rest being utilities expenditure. Capital schemes of £109k, (playground improvements and renovation of the café), have reduced the prior year surplus and gives a revised amount of £79K, currently shown as a Debtor balance.
- 2.2.6 At the meeting of the Charity Trustees held on the 24th July 2013 the Charity Trustees were informed of proposals to let the new kiosk to be run on a concession basis with associated disabled toilet facilities.
- 2.2.7 At the meeting of the Charity Trustees held on 18th December 2013, the Charity Trustees considered a report on proposed improvement works to the kiosk to enable the facility to be hired out as a catering concession and authorised additional expenditure of £15,000 from the Charity's reserves to deliver the Beech Hurst Kiosk project.
- 2.2.8 On 23rd July 2014, as part of the Charity's Annual Operational Report the Charity Trustees received an update on the kiosk project and committed an additional £11,000 for Beech Hurst Kiosk.
- 2.2.9 At the meeting of the Charity Trustees held on 15th April 2015, the Charity Trustees considered a report on the terms of the proposed catering concession at Beech Hurst Kiosk and authorised the Charity's Solicitor to grant a 2 year lease to the successful bidder with a licence to be issued in the interim to enable the catering concession to operate while the detailed lease is settled with the operator. A short term licence to operate a catering concession at the Beech Hurst Kiosk was issued to Ms Joanna Collins on 18th May 2015 and the catering concession has been operating from Beech Hurst Kiosk since 1st June 2015.
- 2.2.10 Approval is requested for Officers to formally explore the feasibility of Sussex Miniature Locomotive Society (SMLS) located within the gardens, to construct a museum/visitor centre adjacent to the railway track. The proposed location is the rear (north) of the existing café concession. A detailed report will then be presented for formal consideration.
- 2.2.11 Approval is also requested for Officers to investigate the development of an Art Trail for 4-5 pieces of bespoke environmentally themed art, on the southern grassed area of the gardens. A detailed report will then be presented for formal consideration.
- 2.2.12 In the Annual Operational Report to the Charity Trustees for 2013/14 the Charity Trustees advised of improvements to be carried out at the Harvester Restaurant and the Charity Trustees gave approval to lease an additional area of land to Mitchells & Butler to enable an access ramp to be constructed at the entrance to the restaurant to facilitate improved disabled access in line with the requirements of the Equalities Act. A supplemental

Lease of the land required for the disabled access was granted to Mitchells & Butler on 7th November 2014

2.2.13 The Council has been approached by the developers of the land to the west of Beech Hurst Gardens (for the care home facility and new Age UK accommodation) seeking permission to connect a path from their development into the gardens. They have agreed to fund the construction of the path, but it will be gifted to the trust following acceptable completion. Gates and fences between the two properties will be the responsibility of the managing agents for the property.

2.2.14 Approval is sought to accept the agreed construction sum and install the path on the trust land to ensure it complies with acceptable standards for a path in the public domain.

2.3 Richard Worsley Recreation Ground, Cuckfield (known as Cuckfield Recreation Ground) – Charity No: 206789

2.3.1 The Charity was constituted by Conveyance dated 1st July 1920 when the Park was gifted to the Council's predecessor, the Urban District Council of Cuckfield, by Frances Pendleburg Worsley to be administered by the Council upon charitable trust.

2.3.2 The object of the Charity is the provision of a Public Recreation Ground for the use and benefit of the inhabitants of the former Urban District of Cuckfield and the Parish of Cuckfield Rural, and as a perpetual memorial to her late husband, who died on the 9th November 1916, and as a memorial to those who gave their lives in the Great War 1914-18. The Council's powers of management are restricted to using the property for charitable purposes. By virtue of a Scheme made by the Charity Commissioners on 15th May 2000, the Council now has limited power, subject to complying with charity law and the prior written consent of the Charity Commissioners, to let part of the Charity's property provided that this will not unduly interfere with the objects of the Charity.

2.3.3 The grounds to this popular and well used venue were regularly maintained. In total income of £2k was generated in 2014/15 mainly from pitch and event hiring, hire of the tennis courts and ground rental for the tennis pavilion. The income generated contributed to the grounds maintenance and upkeep of the tennis courts, pavilion, playgrounds and paddling pool expenditure of £39k

2.3.4 The lease to the Cuckfield Lawn Tennis Club for both pavilion and courts was completed in July 2015.

2.4 Fairfield Recreation Ground, Burgess Hill – Charity No: 305187

2.4.1 The Charity's property comprises the eastern end of the recreation ground. The Charity was constituted by Conveyance dated 1st October 1891 when the Park was gifted to the Council's predecessor, the Burgess Hill Local Board, by the Churchwardens and Overseers of the Parish of Clayton to be administered by the Council upon charitable trust. The Charity was enrolled on the books of the Charity Commissioners under the Mortmain and Charitable Uses Act 1888.

2.4.2 The object of the Charity is the provision of a place of exercise and recreation for the benefit of the inhabitants of the Parish of Clayton (now part of the Parish of Hassocks) and the neighbourhood. The Council's powers of management are restricted to using the

property for charitable purposes within the meaning of the Recreational Charities Act 1958 now the Charities Act 2011.

2.4.3 There has been no change to the charity section of the site. The grounds were regularly maintained.

2.4.4 The property comprises a popular public recreation ground on which is located a drained football pitch. Regular maintenance by the Council has provided a high quality facility. This continues to be used regularly by sports clubs generating income of £2k, with expenditure of £15k for sports pitch maintenance and associated facility running costs.

2.5 Public Open Spaces, Lucastes Avenue Haywards Heath – Charity No: 233890

2.5.1 The land was gifted to the Council's predecessor, the Urban District Council of Haywards Heath, for use as public open space in perpetuity by a Conveyance dated 9th January 1932. The Charity was constituted by an Order of the Secretary of State for Education and Science made on 26th January 1965 pursuant to section 18 of the Charities Act 1960 and the land was declared a charitable foundation, and the Cuckfield Urban District was appointed Charity Trustee.

2.5.2 The object of the Charity is the provision of public open space for the enjoyment of the inhabitants of Haywards Heath.

2.5.3 The land comprises mainly roadside grass verges and woodland belts at the eastern end in Lucastes Avenue, which are regularly maintained by the Council, at a cost of £344. It has no income generating potential.

2.6 Ashurst Wood Recreation Ground, East Grinstead – Charity No: 305162

2.6.1 The Charity was constituted by a Conveyance dated 22nd September 1954 when the Park was gifted to the Council's predecessor, the Urban District Council of East Grinstead, by the Trustees of Ashurst Wood Recreation Ground.

2.6.2 The object of the Charity is the provision of the open space for the recreation of adults and as a playground for children and youths of the village of Ashurst Wood as public open space. The Council's powers of management are restricted to using the property for charitable purposes within the meaning of the Recreational Charities Act 1958 now the Charities Act 2011.

2.6.3 The recreation ground comprises a number of recreational facilities including a children's playground. The soccer pitches continue to be very well used. All facilities were regularly maintained.

2.6.4 £3k income was received for football pitch and pavilion hire. The income contributed towards expenditure of £10k for grounds and general upkeep of the facilities.

2.7 St Johns Park, Burgess Hill – Charity No: 305189

2.7.1 The Charity's property comprises only the eastern half of the park. The Charity was constituted by a Conveyance dated 24th April 1891 when the Park was gifted to the Council's predecessors, the Burgess Hill Local Board, upon charitable trust.

- 2.7.2 The object of the Charity is the provision of a Public Park and Pleasure Ground for the benefit of the inhabitants and visitors to St John's Common. The Council's powers of management are restricted to using the property for charitable purposes within the meaning of the Recreational Charities Act 1958 now the Charities Act 2011.
- 2.7.3 The grounds of this popular park for Burgess Hill were regularly maintained.
- 2.7.4 Income of £11k was generated in 2014/15 mainly from cricket pitch, event, and pavilion hire. This contributed towards expenditure of £49k for grounds and general upkeep of the facilities.
- 2.7.5 The refreshment kiosk within the pavilion was also operated during the summer on a trial basis and generated £1k income over this period, included in the income in paragraph 2.7.4. This trial may form the basis of a further report to trustees seeking approval to formalise these arrangements through a licence or similar agreement. An additional landscaped area was provided adjacent to building during 2014/15 to assist in making this café area a more attractive and therefore viable business.

2.8 Public Walk and Pleasure Ground, Lindfield (known as West Common) Charity No: 305324

- 2.8.1 The land was acquired by the Council's predecessor, the Urban District Council of Cuckfield pursuant to section 164 of the Public Health Act 1875 and constitutes public open space. The Charity was constituted when the land was enrolled on the books of the Ministry of Education pursuant to section 6(2) of the Mortmain and Charitable Uses Act 1888 and section 1 of the Mortmain and Charitable Uses Act Amendment Act 1892.
- 2.8.2 The object of the Charity is the provision of a Public Walk and Pleasure Ground pursuant to section 164 of the Public Health Act 1875 for the benefit of the local inhabitants of Lindfield. The Council's powers of management are restricted to using the property for charitable purposes within the meaning of the Recreational Charities Act 1958 now the Charities Act 2011.
- 2.8.3 This land forms a linear open space surrounded by busy public highways with little income generating potential. The site continues to be regularly maintained, at a cost of £806.
- 2.8.4 Officers request approval to investigate a proposal to manage the land as a "bee friendly" wild flower meadow. If the proposal is accepted the area should be scalp-cut to bare the soil, scarify and over sow with a bee friendly wild flower mix. If approved a consultation will be arranged with residents to solicit their views.

2.9 Brooklands Park eastern end (unregistered charity)

- 2.9.1 The Charity's property comprises only the eastern half of the park. The Charity was constituted by a Conveyance dated 4th July 1906 when the land was gifted to the Council's predecessors, the East Grinstead Urban District Council to be held upon trust for the purpose of providing a public park and recreation ground.
- 2.9.2 The object of the Charity is the provision of a Public Park and Recreation Ground for the benefit of the inhabitants East Grinstead, the neighbourhood and the public generally. The Council's powers of management are restricted to using the property for charitable

purposes within the meaning of the Recreational Charities Act 1958 now the Charities Act 2011.

2.9.3 The grounds of this popular park for East Grinstead were regularly maintained, at a cost of £3,072.

2.9.4 The planning proposal for this land has been delayed by the implications of the habitats directive affecting the Ashdown Forest. An application is likely to come forward before the end of the year.

2.10 John Pears Recreation Ground (Unregistered charity)

2.10.1 As a result of meetings with the Parish Council and recent legal advice with regard to the status of this park it has now been established that the park is held on charitable trust and as such there are no separate charity accounts but this will be rectified in the next annual operational report.

2.10.2 John Pears Field was gifted to the Council by the Pears family in 1974, upon the death of Mr John Pears, a long standing resident of Ashurst Wood. His wife Mrs Molly Pears continued to oversee the development of the recreation ground as part of a management committee with the District and Parish Council's. Since her death the field has been continued in charitable trust status and is being included in this report as an item.

2.10.3 The object of the Charity is the provision of a Public Park and Recreation Ground for the benefit of the inhabitants East Grinstead, the neighbourhood and the public generally. The Council's powers of management are restricted to using the property for charitable purposes within the meaning of the Recreational Charities Act 1958 now the Charities Act 2011.

2.10.4 Ashurst Wood Parish Council have written to the District Council seeking agreement to the provision of two new facilities within the site. The proposal includes a new section of footpath running through the site as part of a wider Parish Council access path project. The second element to the proposal is for a new sports / activity wall being suggested to complement the existing facilities at the site. The proposals are currently being considered and would be subject to a future report, seeking formal agreement to implement.

2.10.5 The grounds of this popular park for Ashurst Wood were regularly maintained.

3.0 CHARITIES ACCOUNTS

3.1 From 1st March 1996 new reporting regulations came into effect such that from the financial year 1996/97, the Council, as Charity Trustees is obliged to complete annual returns for each of the managed Charities under its control. The accounts are attached as appendix 1 to this report. They set out the details of income and expenditure for each Trust Site for the financial year commencing on 1st April 2014 and ending on 31st March 2015; on an accruals basis.

3.2 For the sake of consistency all the Charities accounts were independently examined by Hugh Barron (CPFA) in June 2015. His reports on the accounts for each Trust are attached to the end of the accounts.

3.3 The returns to the Charity Commission will be completed on the basis of these figures. In line with recommended practice the Trust Fund Assets are no longer consolidated within the balance sheet in the Council's Statement of Accounts.

3.4 Trustees should note that in the case of any charity where the charity's expenditure exceeds its income and that the shortfall is met from the Council's own resources.

4. FINANCIAL IMPLICATIONS

4.1 All income and expenditure shown in the 2014/15 Charity Accounts were accommodated within the 2014/2015 Revenue Budget.

5. RISK ANALYSIS

5.1 By compiling detailed annual operational and financial reports the Trustees are minimising their risks of not complying with current legislation and Charity Commission requirements. This report will form part of the Annual Returns for each Charity referred to in the report.

6.0 CONCLUSION

6.1 The trust property has been held and maintained satisfactorily during the period 1st April 2014 to 31st March 2015.

7.0 RECOMMENDATIONS

The Charity Trustees are recommended:

7.1 To note and agree the contents of this report and approve the Charities' Accounts for 2014/15.

7.2 To consider the requests and approve the proposals set out in the report in respect of the following specific charities;

a) Beech Hurst Gardens

- Authorise officers to formally explore the proposals for the construction of a visitor centre/museum with the Sussex Miniature Locomotive Society and to report back to a future meeting of the Trustees on specific detailed terms.
- Authorise officers to investigate the proposals for an Art Trail within the gardens.
- Authorise Officers to negotiate an agreed sum for the construction of a path from the Age UK accommodation into the gardens and to report back to a future meeting of the Trustees on specific detailed terms.

b) West Common

- Authorise officers to manage the land as a "bee friendly" wild flower area subject to a satisfactory consultation with residents.

c) John Pears Recreation Ground

- Agree in principal to the construction of a path across the recreation ground to link other paths on Wall Hill Road, Ashurst Wood, subject to negotiation of an agreed funding package.

BACKGROUND PAPERS:

Leisure and Sustainability, Property, legal and finance files

ENVIRONMENTAL IMPLICATIONS STATEMENT:

This report raised no environmental implications.

LIAISON WITH LOCAL COUNCILS:

No Town or Parish consultation has taken place for the purposes of this report; however consultation takes place for all major works and new initiatives.

COMPLIANCE WITH CODE OF PRACTICE ON COMMITMENTS:

All costs and income relating to charitable land were accommodated within the 2014/2015 Revenue Budget.

**Charity Accounts
2014/15**

Mid Sussex District Council as Charity Trustees of:

Beech Hurst Gardens
Ashurst Wood Recreation Ground
Richard Worsley Recreation Ground
St John's Park
Fairfield Road Recreation Ground
Lucastes Avenue Open Space
West Common Public Walk and Pleasure Ground
Brooklands Park