

20 February 2024

PLEASE NOTE START TIME OF MEETING

NOTE: There will be limited public access to observe the meeting. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the day prior to the meeting. Access is also available via a live stream through the [Mid Sussex District Council's YouTube channel](#).

TO THE CHARITY TRUSTEES – MID SUSSEX DISTRICT COUNCIL,

You are hereby summoned to attend a meeting of the CHARITY TRUSTEES – MID SUSSEX DISTRICT COUNCIL to be held in the **COUNCIL CHAMBER** on **WEDNESDAY, 28TH FEBRUARY, 2024 at 6.45 pm** to transact the following business.

A G E N D A

	Pages
1. To be agreed by general affirmation the Minutes of the previous meeting held on 13 December 2023.	3 - 4
2. To receive Declarations of Interest from Members in respect of any matter on the agenda.	
3. To consider any items that the Chairman of the Charity Trustees agree to take as urgent business.	
4. Request for Funding for the Haywards Heath and Beech Hurst Bowls Club New Storage Facility (Charity Number 305202)	5 - 8
5. Beech Hurst Gardens Tennis Courts.	9 - 12

KATHRYN HALL
Chief Executive

To: **Members of Charity Trustees:** Councillors M Kennedy, M Miah, D Eggleton, C Cherry, G Casella, J Hitchcock, M Avery, G Zeidler, L Farren, J Russell, E Prescott, K Berggreen, C Hobbs, D Pascoe, A Platts, A Rees, P Kenny, A Bashar, P Lucraft, AM Cooke, C Wood, L Carvalho, M Belsey (Chairman), R Bates, A Bennett, P Brown, J Belsey, P Chapman, R Clarke, M Cornish, J Dabell, J Edwards, R Eggleston, S Ellis, A Eves, I Gibson, J Henwood, S Hatton, S Hicks, T Hussain, R Jackson, J Knight, G Marsh, J Mockford, A Peacock, C Phillips, D Sweatman and R Whittaker

**Minutes of a meeting of Charity Trustees
held on Wednesday, 13th December, 2023
from 6.45 pm - 6.48 pm**

Present:

M Kennedy	P Kenny	S Ellis
D Eggleton	A Bashar	A Eves
C Cherry	P Lucraft	I Gibson
G Casella	AM Cooke	J Henwood
J Hitchcock	C Wood	S Hatton
M Avery	L Carvalho	S Hicks
G Zeidler	R Bates	T Hussain
L Farren	A Bennett	R Jackson
J Russell	P Brown	G Marsh
E Prescott	P Chapman	A Peacock
K Berggreen	R Clarke	C Phillips
C Hobbs	M Cornish	D Sweatman
D Pascoe	J Dabell	R Whittaker
A Rees	R Eggleston	

Absent: Councillors M Miah, A Platts, M Belsey, J Belsey, J Edwards, J Knight and J Mockford

1. TO BE AGREED BY GENERAL AFFIRMATION THE MINUTES OF THE PREVIOUS MEETING HELD ON 20 SEPTEMBER 2023.

The minutes of the meeting held on 20 September 2023 were agreed by Members and signed by the Chairman.

2. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

Councillor Bates declared an interest as he is the Council's representative for Beech Hurst Gardens.

3. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN OF THE CHARITY TRUSTEES AGREE TO TAKE AS URGENT BUSINESS.

None.

4. BEECH HURST GARDENS CHARITABLE TRUST, HAYWARDS HEATH, WEST SUSSEX, (CHARITY NUMBER 305202) - GRANT OF A 5 YEAR LEASE TO THE KIOSK TENANT.

The Solicitor to the Trustees introduced the report and confirmed that paragraph 12 should read that the lease commencement date is January 2024. He also noted that the recommendations are subject to the Solicitor being satisfied that no objections are received during the relevant period.

Councillor Jackson moved the item. This was seconded by Councillor Henwood.

The Chairman took the Trustees to the recommendations which were agreed unanimously.

RESOLVED

The Charity Trustees agreed that the Beech Hurst Gardens Charitable Trust grant a lease of the Kiosk, edged in red on the layout plan attached to this report at Appendix I, to the proposed new tenant SUBJECT TO the Solicitor to the Trust being satisfied that no objections or representations are received during the relevant period which would give rise to a material concern to the Trust.

The meeting finished at 6.48 pm

Chairman

REQUEST FOR FUNDING FOR THE HAYWARDS HEATH & BEECH HURST BOWLS CLUB NEW STORAGE FACILITY (CHARITY NUMBER 305202)

REPORT OF: DIRECTOR PEOPLE AND COMMERCIAL SERVICES
Contact Officer: David Thompson- Interim Head of Estates Services & Building Control
david.thompson@midsussex.gov.uk
Wards Affected: Lucastes and Bolnore
Key Decision: No
Report to: Charity Trustees
28 February 2024

Purpose of Report

1. The purpose of the report is to seek the Charity Trustees' authorisation of the release of funding for a new storage facility for the Haywards Heath and Beech Hurst Bowls Club.

Summary

2. 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.

Recommendations

3. **The Charity Trustees are recommended to approve the release of £18,060 + VAT for a new storage facility at Beech Hurst Bowls Club**
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Background

4. Beech Hurst Gardens Charitable Trust ("the Gardens") 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. 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.
5. 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.
6. Haywards Heath and Beech Hurst Bowls Club currently has a 28-year lease of their premises which expires on 15 October 2024.

7. Whilst the current lease does not expire until October 2024, the Club has requested a new lease as they wish to add an additional exterior area to their demise to site a new storage shed.
8. The proposed new shed will replace the existing storage attached to the side of the clubhouse, which is dark and narrow. It will provide additional secure storage space which will be easier for elderly members to access and safely use the equipment (e.g. pushers, mats, bowls, scoreboards).
9. The land on which the shed will be installed is currently managed by the Council and the new lease will provide for an area with a larger footprint to incorporate the additional storage. Planning is required which will be applied for by MSDC.
10. Once installed, the shed will become part of the Club's demised premises and they will be responsible for insuring it and maintaining it for the term of the lease.
11. The Club has obtained a quote for a suitable shed and MSDC has obtained a competitive rate for the removal of the existing and installation of the new shed building.
12. The total cost for supply and installation is £18,060.

Policy Context

13. 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. 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.

Financial Implications

14. None.

Risk Management Implications

15. None.

Equality and Customer Service Implications

16. The recommendations contained in this report do not have an adverse or negative impact on Equality and Customer Service.

Other Material Implications

17. None.

Sustainability Implications

18. None.

Background Papers

None.

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BEECH HURST GARDENS TENNIS COURTS

REPORT OF: DIRECTOR OF PEOPLE AND COMMERCIAL SERVICES
Contact Officer: Glen Wilkinson, Leisure Contract Monitoring Officer, Email:
glen.wilkinson@midsussex.gov.uk
Wards Affected: Lucastes and Bolnore
Key Decision: No
Report to: Beech Hurst Gardens Charity Trustees
Date of meeting: 28 February 2024

Purpose of Report

1. Gardens Charity Trustees to finance the resurfacing of three tennis courts and provide new sockets, posts, and nets. The purpose of the report is to seek up to £50,000 (excluding VAT) from Beech Hurst

Summary

2. Beech Hurst Gardens tennis courts, a valuable local sports facility available for hire, were last refurbished in 2003. In order for the tennis courts to remain safe and provide access to sport for the community, the courts require resurfacing and repainting.

Recommendations

3. **That the Beech Hurst Gardens Charity Trustees are recommended to:**
 - (i) **make available up to £50,000 (excluding VAT) to finance the renovation of all three tennis courts at Beech Hurst Gardens.**
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Background

4. Beech Hurst Gardens tennis courts are a very popular sports facility within the District providing a sporting pursuit that contributes to many individual's physical and mental health and wellbeing. The tennis courts were last resurfaced in 2003 and repainted in 2011.
5. Generally outdoor courts of this nature would be resurfaced every 10 to 15 years and repainted every seven to 10 years. The tennis courts at Beech Hurst Gardens have, therefore, proven to be exceptionally cost effective and the hire of the courts is a source of income for the Council.
6. If the courts are to remain suitable for use and the Council is to avoid them becoming unsafe, they need to be refurbished within the next 12 months.

Context

7. The Council have been developing a working partnership with the Lawn Tennis Association (LTA) to utilise their ClubSpark booking platform for payment for and access to courts and coaching opportunities across the district. It is a simple and flexible system with multiple modules and applications to help manage and grow tennis venues. The system has proven to reduce unauthorised access to courts and as a result, increase income.
8. ClubSpark compatible access gates were installed at Beech Hurst Gardens tennis courts during summer 2023.

9. To maintain the popularity of the courts (and support any potential increase associated with the introduction of the ClubSpark platform) and to ensure participant's safety the courts need to be resurfaced when the playing surface starts to crack, break up and become uneven. The courts in question have now reached the point at which such works are required.
10. The Trust comprises all Councillors in Mid Sussex District Council who consider any reports received. The Trustees look to ensure that all Trust Funds spent are done so in line with the Trust's objectives, including using funds to support recreational purposes within Beech Hurst Gardens. Funds are available to be used from both an Unrestricted Funds account and from Endowments received.

Policy Context

11. The future maintenance of Beech Hurst Gardens tennis courts will be incorporated within the Council's Green Spaces Strategic Investment Plan to ensure, as far as possible, that the condition of the courts is maintained to a good standard and regular maintenance is accounted for in the long-term.
12. The provision of facilities that support community Health and Wellbeing can also reduce the demand on other public services (such as the NHS) by promoting and facilitating access to a healthy lifestyle.

Other Options Considered

13. Given the current condition and the value for money provided by the last resurfacing (undertaken over 20 years ago) the Council should not consider patching or repainting the surface of the tennis courts. Patching and/ or repainting will not significantly prolong the life of the tennis courts.

Financial Implications

14. To undertake the works specified the current estimated cost is £46,617 (excluding VAT) based on prices secured in December 2023. A total of £50,000 has been requested to provide a small contingency should there be price increases or unforeseen costs during the renovation.
15. At the present time, the Trust holds Restricted Funds of £343,906 from which these works would be funded.
16. A total of £293,906 would remain after the required funding allocation is made.
17. The Courts generated approximately £4,500 income during the last financial year. Surplus income generated from the hire of Beech Hurst Gardens tennis courts (net maintenance expenditure) is returned to the Trust Fund and ringfenced.
18. It is likely that this investment, plus the recent introduction of the Club Spark booking platform, will increase the level of income generated from the hire of Beech Hurst Gardens tennis courts.

Risk Management Implications

19. If the Council do not undertake to resurface the tennis courts the surface will deteriorate further and it is possible that they may become unsafe. A deterioration in condition will also impact the Council's ability to generate income from this facility.

Equality and Customer Service Implications

20. The tennis courts will need to be closed during the refurbishment. The Council will ensure that all booking platforms are updated and, wherever possible, alternative facilities are suggested.

Other Material Implications

21. None.

Sustainability Implications

22. None.

Background Papers

None

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