

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

**WORKS TO INSTALL ELECTRONIC ACCESS GATES FOR TENNIS COURT ACCESS**

**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 install electronic access gates to the tennis courts at Beech Hurst Gardens and authorise the expenditure of the Trust’s funds up to £13,000 to complete the works, and ongoing maintenance and data costs of £601 per year.

**3.0 BACKGROUND AND PROPOSALS**

- 3.1 Officers have been working with the Lawn Tennis Association (LTA) over the past two years to identify ways to increase tennis court usage at all the Council’s park facilities as part of a district wide project. Feedback from members of the public and the LTA shows that establishing availability and accessing the courts is not an easy process and this is potentially impacting on the number of bookings and reducing participation.
- 3.2 Last year the Council moved to the LTA’s ClubSpark booking platform. The ClubSpark booking system won the “Best Participation Technology” at the Sports Technology Awards in 2019 and is used extensively by other Local Authorities and Private Clubs to manage their courts. This software allows members to create their own accounts (which our

previous online system could not do) to speed up booking times, allows them to cancel bookings (which our previous system could not do) and also have it as an app on their mobile phone for quick and easy bookings. This system went live on 1 October 2020 across all the Council's park tennis court sites and has been positively received by users.

- 3.3 The next stage of this project is to link ClubSpark to a new electronic gate system, so that once a booking has been made via ClubSpark the hirer is sent a unique code they use to enter the courts for their specific hire period. We successfully installed our first electronic gate at John Pears Recreation Ground earlier this year, and this is working very well for all users.
- 3.4 The Council has also been successful in securing LTA funding to install electronic access gates at tennis courts at Victoria Park in Haywards Heath and St Johns Park in Burgess Hill. We are currently planning installation dates in the autumn and would like to be able to add Beech Hurst Gardens at the same time.

#### **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 £218,946k in its accounts.
- 5.3 The total installation cost for the electronic gate is £12,500.
- 5.4 Ongoing maintenance and data costs of £601 per year.

## **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 Currently we have coded access gates which have to be manually changed every 2-3 weeks by officers. This is very time consuming and does not stop people accessing the courts multiple times once they have the code. These new gates will stop unauthorised use which will also help protect the surface of the courts in the long term.

## **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 the improvement works may impact on residents' ability to participate in tennis.

## **8.0 RECOMMENDATIONS**

- 8.1 *The Charity Trustees are recommended to authorise the use of the Trust's funds to install electronic access gates to the tennis courts at Beech Hurst Gardens.***