

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

WORKS TO INSTALL FENCING AROUND THE BOWLING GREEN

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 2nd 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 fencing around the bowling green at Beech Hurst Gardens and authorise the expenditure of the Trust’s funds up to £20,000 to complete the works.

3.0 BACKGROUND AND PROPOSALS

- 3.1 Haywards Heath & Beech Hurst Bowls Club was established in 1977 from the merger of two previously separate clubs, Haywards Heath BC and Beech Hurst BC, which had played on adjacent greens in Beech Hurst Gardens and shared the same Clubhouse from 1954, when Beech Hurst Gardens were opened as a public recreation area. The Gardens had been part of the Beech Hurst Estate before being gifted in trust to Cuckfield Urban District Council, the predecessor of MSDC, in 1950 for the benefit of local people; MSDC now administers the trust and the gardens.
- 3.2 Haywards Heath and Beech Hurst Bowls Club is affiliated to Bowls England and currently has over 70 members. They use the bowls green between mid-April and the end of

September each year. The Club plays around 70 home and away friendly mixed matches and 8-10 ladies matches throughout the season attracting a lot of visitors to the site.

3.3 Beech Hurst Gardens and the bowling green are maintained under contract by the Council's grounds maintenance contractor, Idverde. The bowling green maintenance costs circa £7,500 per year to maintain.

3.4 Currently the green has no formal fencing around it, meaning that members of the public, dogs and other animals are able to get onto it when it is not in use by the bowls club. In the past we have received reports and witnessed people riding bikes, playing football and letting their dogs run around on the green. This damages the delicate surface of the green to the detriment of the bowlers and gives rise to increased repair/ maintenance costs for the Council.

3.5 It is proposed to install a dark green, 1.2m high bow topped style fence around the green to prevent unauthorised access and to protect the playing surface for the bowls club. We have been in discussions with the bowls club to ensure they are happy with our design. The fencing will have a maintenance gate and four bowlers' access gates to allow suitable access to our contractors and the club.

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 a new fencing is £20,000

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 to protect the surface of the bowling green from unauthorised use which cause the surface to deteriorate and incur increased costs to the Council to rectify.

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 have an impact on users of the bowling green if unauthorised use causes damage to the green's surface that prevents the bowls club from using the facility for matches and club activities.

8.0 RECOMMENDATIONS

- 8.1 The Charity Trustees are recommended to authorise the use of the Trust's funds to install fencing around the bowling green at Beech Hurst Gardens.***