

COUNCIL CHARITABLE LAND – ANNUAL OPERATIONAL REPORT

1st April 2020 to 31st March 2021

INTRODUCTION

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.
2. The trustees of all registered charities in England and Wales are required to prepare an annual report regarding the activities of the charity in the preceding financial year.
3. The Council as Trustee comprises all the Members of the Council, who are the managing trustees of the Charities mentioned in Section 2 of this report. The names of Members of the Council who have served as a charity trustee during the period of this report (1 April 2020 to 31 March 2021) are set out in the table below:

C Trumble (Chairman)
M Belsey (Vice Chairman)

G Allen	R Clarke	S Hatton	J Mockford
J Ash-Edwards	E Coe Gunnell	J Henwood	A Peacock
R Bates	White	S Hicks	C Phillips
J Belsey	P Coote	S Hillier	M Pulfer
A Bennett	M Cornish	T Hussain	R Salisbury
L Bennett	R Cromie	R Jackson	S Smith
A Boutrup	J Dabell	J Knight	A Sparasci
P Bradbury	R de Mierre	C Laband	L Stockwell
P Brown	B Dempsey	Andrew Lea	D Sweatman
H Brunsdon	R Eggleston	Anthea Lea	N Walker
R Cartwright	S Ellis	J Llewellyn-Burke	R Webb
P Chapman	A Eves	A MacNaughton	N Webster
	L Gibbs	G Marsh	R Whittaker
	I Gibson		

4. At the meeting on 29th September 2021 Members of the Council will sit as the Charity Trustees and consider this report.
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. The Council's Chief Executive, Kathryn Hall, was the Chief Executive of the Charities mentioned in Section 2 of this report for the year 2020/21. Any major operational management decisions that might affect the interests of the Charities are made by the Charity Trustees.
6. The Charities' solicitor is the Solicitor and Head of Regulatory Services, Tom Clark, their bankers are the Lloyds Bank and Mr Alan Peach (CPFA) independently examines all their Accounts.
7. This report provides a review of the operational activities of the Charities, and a statement of each charity's financial affairs for the period 1st April 2020 to 31st March 2021. It updates the trustees on current operational issues and seeks authority for some 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.

CHARITIES OPERATIONAL REPORT

General

8. The objective here is to maintain the quality of the facilities whilst securing their income generating capacity to offset the costs of providing these publicly accessible open spaces and facilities.

Beech Hurst Gardens, Haywards Heath – Charity No: 305202

9. The Charity was constituted 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.
10. 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.
11. 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 been in existence for many years. The site continues to hold a 'Green Flag' award. It was 'mystery shopped' again in the summer of 2021 and was once again awarded Green Flag status.

Finances

12. No turnover rent for the Family Restaurant for the period 06/10/2019 – 05/10/2020 was received in addition to the £56,540 base rent.
13. 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. The income generated from petanque, events, tennis, rent from the cottages, leases, and licences (including the restaurant and income in 12 above), on the site totalled £130k. Overall running costs excluding depreciation amounted to £136k of which £100k related to buildings and ground maintenance costs (including improvements to bowling green and handrails), £29k was an allowance for bad debt for base rent on the restaurant, with the rest being utilities expenditure. Thus a deficit has been carried forward for this Charity of £6k and gives a revised amount of £219k, see Appendix 1.

Attractions

14. Due to the pandemic, the attractions such as the café and the Beech Hurst Railway have been closed during the lockdowns. Despite this, they have continued to pay rent during this time. The pavilion for the Bowls Club has been affected by subsidence. The Council and the tenant (Beech Hurst Bowls Club) are working together and, following engineering reports, a Horse Chestnut tree was removed on in August 2021.

15. Further to the sale of the parcel of land adjoining the Gardens, it has been discovered that the water supply for the garage leased to Sussex Miniature Locomotive Society has been disconnected. Unexpectedly, the supply ran under the disposed land which would have been unreasonable to expect due to the proximity of other water meters in the surrounding area serving all the other water supplies in the Gardens. In order to reinstate the water supply to this building, a new supply pipe will need to be installed and the Council is currently receiving quotes. It is estimated that this will cost between £10,000 - £15,000.
16. Path improvement works have continued on site, with a new tarmac path from the car park to the café area and another new path from the terrace area to the play area being installed at a cost of £7,770. These now allow greater access around the site- particularly for people with mobility issues.

Beech Hurst Cottages

17. All 5 cottages have been fully let throughout the year and are generating a total rental income of £60,200 per annum.

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

18. The object of this Charity is the provision of the open space for the recreation of adults and as a playground for the children and young people 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.
19. All the facilities are well used and regularly maintained.
20. £2k income was received for football pitch and pavilion hire. The income contributed towards expenditure of £13k for grounds and general upkeep of the Recreation Ground as outlined in the paragraph above. Also see Appendix 1.

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

21. The object of this 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. 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.
22. The grounds to this popular and well used venue have been regularly maintained. In total income of £3k was generated in 2020/21, mainly from pitch and event hiring, 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 £20k. See also Appendix 1.

St. Johns Park, Burgess Hill - Charity No: 305189

23. 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.
24. 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 Park is included in the Council's Parks Improvement programme and will attract funding accordingly
25. Income of £5k was generated in 2020/21 mainly from the cricket pitch, event and pavilion hire. This contributed towards the expenditure of £46k for grounds and general upkeep of the facilities. See Appendix 1.
26. Internal works at the Burgess Hill Cricket Club pavilion has been completed to improve its utility, and some flood mitigation measures have been implemented to prevent the increasingly frequent flooding of the building and equipment. It was agreed with senior officers that the club would delay signing their new lease agreement, previously agreed by the Trustees, for their exclusive use of certain areas of the pavilion. As the works are now completed, the Council is currently in discussions with the Club to renew their lease.
27. Burgess Hill Cricket Club have installed a new irrigation system for their cricket square which would also serve the cricket outfield area and further help improve the playing surface for the club's use. This was approved by Charity Trustees previously.
28. Burgess Hill Cricket Club approached the Council to ask it to consider allowing the club to take responsibility for the grass cutting programme for the cricket outfield and surrounding area. The Club have provided the Council with the necessary risk assessments and Public Liability Insurance and we are satisfied that they have the expertise and equipment to carry this out. We therefore granted temporary permission in April 2021 and propose to formalise this by way of an annual licence going forward. The Landscapes Team will continue to monitor the work to ensure it meets the Council's standards.
29. The site was put forward for a 'Green Flag' award for the first time in 2018. The park retained this status for a third consecutive year in 2020 and will be mystery shopped again over the summer of 2021 for this year's awards.
30. A new kiosk operator "Kiosk in the Park" has been operating from the pavilion since May 2021 and has approached the Council to take on a lease for this part of the pavilion to help their business develop further.
31. As part of the Council's Parks Investment Programme, St Johns Park has been the subject of an extensive public consultation and master-planning exercise over the past 18 months, culminating in a costed and prioritised plan for the development and improvement of the site over the coming two years. It is proposed that this will be the subject of a capital funding bid in 2022/23.

Fairfield Recreation Ground, Burgess Hill – Charity No: 305187

32. The Charity's property comprises the eastern end of the recreation ground.
33. 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.

34. There has been no change to the charity section of the site. The grounds have been regularly maintained.
35. The property comprises a popular public recreation ground including a drained football pitch. Regular maintenance by the Council has provided a high-quality facility. This has not generated any income in 2020/21 due to credit notes being issued for cancelled pitch and pavilion hire. The expenditure was £7k for sports pitch maintenance and associated facility running costs. See Appendix 1.

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

36. 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.
37. The object of the Charity is the provision of public open space for the enjoyment of the inhabitants of Haywards Heath.
38. The land comprises mainly roadside grass verges and woodland belts at the eastern end of Lucastes Avenue, which are regularly maintained by the Council, at a cost of £363. It has no income generating potential. See Appendix 1.

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

39. 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.
40. 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.
41. 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 £849. See Appendix 1.
42. The Blue Heart Campaign area has continued into 2019/20 with positive feedback from members of the public. The area was roped off and a Blue Heart installed to help identify the area to park users. We have also identified an area of Camomile Flowers growing on the Black Hill part of Lindfield Common. This area will also be roped off between September and October so local residents and visitors can enjoy.

Brooklands Park Eastern End (Unregistered charity)

43. The Charity's property comprises only the eastern half of the park. 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.
44. The grounds of this popular park for East Grinstead were regularly maintained, at a cost of £7k. See Appendix 1.

John Pears Recreation Ground (Unregistered charity)

45. John Pears Recreation Ground 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.
46. 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.
47. The grounds were regularly maintained at a cost of £20k which included the installation of a new tennis court access gate. An income of £4k was generated in 2020/21. See Appendix 1. The playground at this recreation ground has been refurbished during 2020 as part of the Capital Programme at a cost of £79k.
48. The Landscapes and Leisure Team have worked with the Lawn Tennis Association (LTA) to introduce a new online booking and digital access gate system. This allows greater flexibility in booking for club members and will increase public use of the courts. Initial feedback has shown it has been well received by all users.

CHARITIES' ACCOUNTS

49. The Charity Trustees are 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 2020 and ending on 31st March 2021.
50. 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.
51. Trustees should note that in the case of any charity where the charity's expenditure exceeds its income, the shortfall is met from the Council's own resources.

FINANCIAL IMPLICATIONS

52. All income and expenditure shown in the 2020/21 Charity Accounts were accommodated within the 2020/21 Revenue Budget.

RISK ANALYSIS

53. 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.

CONCLUSION

54. The trust property has been held and maintained satisfactorily during the period 1st April 2020 to 31st March 2021. However, further consideration is required for income generation at all sites to help aid sustainability and raise quality.

RECOMMENDATIONS

55. **The Charity Trustees are recommended:**

- (i) **To note and agree the contents of this report and approve the Charities' Accounts for 2020/2021;**
- (ii) **To approve the proposal set out in paragraph 15 in respect of funding a new water supply to the garage leased to Sussex Miniature Locomotive Society.**
- (iii) **To approve the proposal set out in the report at Paragraph 28 in respect of granting the Cricket Club a licence to carry out grass cutting of the cricket outfield and surrounding area for the entire year.**
- (iv) **To approve the proposal set out in Paragraph 30 in respect of granting a lease to the kiosk area of St Johns Park pavilion to the Kiosk in the Park operators.**

ENVIRONMENTAL IMPLICATIONS STATEMENT:

56. This report raised no environmental implications.

LIAISON WITH LOCAL COUNCILS:

57. 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:

58. All costs and income relating to charitable land were accommodated within the 2020/21 Revenue Budget.

BACKGROUND PAPERS:

59. Leisure and Sustainability, Property, legal and finance files.

APPENDIX 1 (attached)

Charity Accounts 2020/2021

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
John Pears Recreation Ground