

COUNCIL CHARITABLE LAND – ANNUAL OPERATIONAL REPORT

1st April 2021 to 31st March 2022

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 2021 to 31 March 2022) are set out in the table below:

M Belsey (Chairman)
P Coote (Vice Chairman)

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

4. At the meeting on 12 October 2022 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 2021/22. 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 Corporate Solicitor, 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 2021 to 31st March 2022. 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 had a full judging visit again in the summer of 2022 and was once again awarded Green Flag status.

Finances

12. No turnover rent for the Family Restaurant for the period 06/10/2020 – 05/10/2021 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 £128k. Overall running costs excluding depreciation amounted to £74.5k of which £81k related to buildings and ground maintenance costs (including the bowling green fencing and the installation of smart access electronic gates to the tennis courts. (this is still to be completed due to issues currently with the power supply which are being looked in to further.) £12.5k credit was a partial reversal of the previous year's allowance for bad debt for base rent on the restaurant, with the remainder of the expenditure being for utilities, Council tax and audit fees £6k. Thus a surplus has been carried forward for this Charity of £53k and gives a revised amount of £272k, 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) have worked together and, following engineering reports, a Horse Chestnut tree was removed in August 2021.
15. The installation of a new water supply to the Sussex Miniature Locomotive Society has been completed. This was at a cost of £4,638.60.

Beech Hurst Cottages

16. In the Covid-19 lockdowns, a payment plan for one of the cottages was agreed to fulfil the rental payments in full over a period that stretches into the following financial year.
17. The Cottages have generated a total rental income of £54,790 in 2021/22. During 2021/22, one of the cottages was vacant and therefore there was a loss rental income whilst refurbishment works were completed.

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. £4k income was received for football pitch and pavilion hire. The income contributed towards expenditure of £11k 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 paddling pool in the play area was extensively repaired this year following problems identified following detailed structural surveys of the pool carried out by Places Leisure, who manage the facility as part of our Leisure Contract.
23. The grounds to this popular and well used venue have been regularly maintained. In total income of £4k was generated in 2021/22, mainly from pitch and event hiring and ground rental for the tennis pavilion. The income generated contributed to the grounds maintenance and upkeep of the pavilion, playgrounds and paddling pool expenditure of £48k. The expenditure of £48k includes £30k for the pavilion refurbishment. See also Appendix 1.

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

24. 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.

25. 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
26. Income of £9k was generated in 2021/22 mainly from the cricket pitch, playgroup and pavilion hire. This contributed towards the expenditure of £43k for grounds and general upkeep of the facilities. See Appendix 1.
27. 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 was granted temporary permission in April 2021 and a proposed annual licence is currently being negotiated with our Legal Team. The Landscapes Team will continue to monitor the work to ensure it meets the Council's standards.
28. The site was put forward for a 'Green Flag' award for the first time in 2018. The park retained this status for for 2021/22 following a mystery shop visit during the summer. It will have a full judging visit in 2022.
29. 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. The new lease was approved by the Trustees on 29th June 2022 and is currently with Legal.
30. 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 future years.
31. As part of the Burgess Hill Places and Connectivity Programme new tarmac paths have been installed across the site to widen the main path from London Road to Lower Church Road for shared use and to replace some existing stone chipping paths around the skate park and play area to make the site more accessible to users..
32. The Council granted permission via a licence to Burgess Hill Town Council to install a rainbow bench to give thanks to the key workers during the Covid-19 crisis. The Town Council will be responsible for the ongoing maintenance of the bench.
33. The Council has been approached by the family of the artist responsible for the "Stability" sculpture in St Johns Park. They have asked permission to temporarily remove the sculpture to create a mould and to stabilise it further. This would likely take around six weeks to complete. A licence will be granted in 2022 to enable this to happen.

Fairfield Recreation Ground, Burgess Hill – Charity No: 305187

34. The Charity's property comprises the eastern end of the recreation ground.
35. 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.

36. 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 generated income of £6k in 2021/22 from events, pitch and pavilion hire. The expenditure was £10k for sports pitch maintenance and associated facility running costs. See Appendix 1.
37. As part of the Burgess Hill Places and Connectivity Programme, new shared use tarmac paths have been installed across the site to provide improved access and accessibility for all users.
38. The grounds have been regularly maintained.

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

39. 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.
40. The object of the Charity is the provision of public open space for the enjoyment of the inhabitants of Haywards Heath.
41. 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 £367. It has no income generating potential. See Appendix 1.

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

42. 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.
43. 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.
44. 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 £996. See Appendix 1.
45. The Blue Heart Campaign area has continued into 2021/22 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.

Brooklands Park Eastern End (Unregistered charity)

46. 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.
47. The grounds of this popular park for East Grinstead were regularly maintained, at a cost of £8k. See Appendix 1.
48. As part of the Council's Parks Investment Programme, Brooklands 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 long term development and improvement of the site. It is proposed that this will be the subject of a capital funding bid in future years.

John Pears Recreation Ground (Unregistered charity)

49. 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.
50. 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.
51. The grounds were regularly maintained at a cost of £15k which included the completion of the installation of a new tennis court access gate. An income of £2k was generated in 2021/22. See Appendix 1.
52. The Council was contacted by the Village Council who wish to make improvements to the Recreation Ground and Pavilion. The first was to install a defibrillator on the Pavilion. The Council granted a licence to the Village Council to permit the installation and the ongoing maintenance responsibilities. The second was a request to install outdoor gym equipment adjacent to the existing MUGA wall. The Village Council has provided the necessary risk assessments and public liability insurance from their contractors and a licence has been completed. The Village Council are purchasing and installing the equipment and will be responsible for the ongoing maintenance.

CHARITIES' ACCOUNTS

53. 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 2021 and ending on 31st March 2022.
54. 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.
55. 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

56. All income and expenditure shown in the 2021/22 Charity Accounts were accommodated within the 2021/22 Revenue Budget.

RISK ANALYSIS

57. 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

58. The trust property has been held and maintained satisfactorily during the period 1st April 2021 to 31st March 2022. However, further consideration is required for income generation at all sites to help aid sustainability and raise quality.

RECOMMENDATIONS

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

- (i) **To note and agree the contents of this report and approve the Charities' Accounts for 2021/2022;**

ENVIRONMENTAL IMPLICATIONS STATEMENT:

60. This report raised no environmental implications.

LIAISON WITH LOCAL COUNCILS:

61. 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:

62. All costs and income relating to charitable land were accommodated within the 2021/22 Revenue Budget.

BACKGROUND PAPERS:

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

APPENDIX 1 (attached)

Charity Accounts 2021/2022

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