

COUNCIL CHARITABLE LAND – ANNUAL OPERATIONAL REPORT 1st April 2022 to 31st March 2023

REPORT OF: DIRECTOR OF RESOURCES AND ORGANISATIONAL DEVELOPMENT

Contact Officer: Kevin Toogood, Assistant Director of Legal and Democratic Services
Email: kevin.toogood@midsussex.gov.uk Tel: 01444 477050

Wards Affected: N/A

Key Decision: No

Report to: Charity Trustees
20 September 2023

Purpose of Report

The purpose of the report is to provide a review of the operational activities of the Charities and a statement of each charity's financial affairs for the period 1st April 2022 to 31st March 2023. It also updates the trustees on operational matters. A copy of the Accounts for each charity is annexed to this report and together they comprise the Charity's Annual Report and Accounts.

Recommendations

1. **The Charity Trustees are recommended to:**
 - (i) **Note and agree the contents of this report**
 - (ii) **Approve the Charities' Accounts for 2022/2023.**

Background

2. The Council being a trust corporation, by virtue of the Local Government Acts, is the Trustee of the Charities mentioned in this report. 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 this report.
4. All of the Charities mentioned in 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 this report for the year 2022/23. Any major operational management decisions that might affect the interests of the Charities are made by the Charity Trustees.
5. Between April 2022 and December 2022, the Charities' solicitor was the former Corporate Solicitor, Tom Clark. Since December 2022 the Charities' solicitor has been his successor, Kevin Toogood, Assistant Director of Legal and Democratic Services. The Charities' bankers are the Lloyds Bank and Mr Alan Peach (CPFA) independently examines all their Accounts.

6. The objective in relation to all of the Charities is to maintain the quality of the facilities they provide whilst securing income-generating capacity, to offset the costs of providing these publicly accessible open spaces and facilities.

Beech Hurst Gardens, Haywards Heath – Charity No: 305202

7. 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.
8. These gardens are a major park for the town of Haywards Heath, while also attracting visitors from outside the District. Regular maintenance has provided a high-quality facility. The site was once again awarded Green Flag status for the year 2022/23.

Finances

9. No turnover rent for the Family Restaurant for the period 06/10/2021 – 05/10/2022 was received in addition to the £56,540 base rent.
10. 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 £134k. Overall running costs excluding depreciation amounted to £63k of which £58k related to buildings and ground maintenance costs, with the £5k remaining expenditure being for utilities, Council tax and audit fees. Thus, a surplus has been carried forward for this Charity of £71k, giving a revised amount of £344k, see Appendix 1.

Beech Hurst Cottages

11. The Cottages have generated a total rental income of £62,635 in 2022/23.

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

12. The object of this Charity is the provision of 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. All the facilities are well-used and regularly maintained.
13. £2k income was received for football pitch and pavilion hire. The income contributed towards the expenditure of £16k 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

14. 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.

15. The grounds of this popular and well-used venue have been regularly maintained. In total income of £5k was generated in 2022/23, 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 £34k. See also Appendix 1.

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

16. 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.

17. Income of £3k was generated in 2022/23 mainly from the cricket pitch, playgroup, and pavilion hire. This contributed towards the expenditure of £56k for grounds and general upkeep of the facilities. See Appendix 1.

18. The site retained its 'Green Flag' status for the fourth consecutive year in 2022/23.

Fairfield Recreation Ground, Burgess Hill – Charity No: 305187

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

20. 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.

21. 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 an income of £5k in 2022/23 from events, pitch and pavilion hire. The expenditure was £15k for sports pitch maintenance and associated facility running costs. See Appendix 1.

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

22. The object of the Charity is the provision of public open space for the enjoyment of the inhabitants of Haywards Heath.

23. 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 £401. It has no income-generating potential. See Appendix 1.

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

24. 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.

25. 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.

26. 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 £939. See Appendix 1.
27. The Blue Campaign 'rewilding' area continued into 2022/23 with positive feedback from members of the public.

Brooklands Park Eastern End (Unregistered charity)

28. 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.
29. The grounds of this popular park for East Grinstead were regularly maintained during 2022/23, at a cost of £8,367. See Appendix 1.

John Pears Recreation Ground (Unregistered charity)

30. The object of the Charity is the provision of a Public Park and Recreation Ground for the benefit of the inhabitants of East Grinstead, the neighbourhood and the public generally.
31. The grounds were regularly maintained at a cost of £16k. An income of £5k was generated in 2022/23. See Appendix 1.

Charities' Accounts

32. 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 2022 and ending on 31st March 2023.
33. 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.
34. 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.

Liaison with Local Councils.

35. 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.

Conclusion

36. The trust property has been held and maintained satisfactorily during the period from 1st April 2022 to 31st March 2023. However, further consideration is required for income generation at all sites to help aid sustainability and raise quality.

Financial Implications

37. All income and expenditure shown in the 2022/23 Charity Accounts were accommodated within the 2022/23 Revenue Budget.

Risk Implications

38. 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.

Sustainability Implications:

39. None.

Equality and Customer Service Implications

40. None.

Other Material Implications

41. In regard to compliance with the Code of Practice on Commitments, all costs and income relating to charitable land were accommodated within the 2022/23 Revenue Budget.

Appendices

Appendix 1 - Charity Accounts for the Year Ended 31st March 2023

Background Papers

None