

REQUEST FOR FUNDING FOR THE HAYWARDS HEATH & BEECH HURST BOWLS CLUB NEW STORAGE FACILITY (CHARITY NUMBER 305202)

REPORT OF: DIRECTOR PEOPLE AND COMMERCIAL SERVICES
Contact Officer: David Thompson- Interim Head of Estates Services & Building Control
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Wards Affected: Lucastes and Bolnore
Key Decision: No
Report to: Charity Trustees
28 February 2024

Purpose of Report

1. The purpose of the report is to seek the Charity Trustees' authorisation of the release of funding for a new storage facility for the Haywards Heath and Beech Hurst Bowls Club.

Summary

2. The Council being a trust corporation, by virtue of the Local Government Acts, is the Trustee of any land gifted to the Council upon charitable trust and is appointed the Trustee pursuant to Section 210 of the Local Government Act 1972 by virtue of being the statutory successor to the Cuckfield Urban District Council, the Cuckfield Rural District Council, the Burgess Hill Urban District Council, and the East Grinstead Urban District Council.

Recommendations

3. **The Charity Trustees are recommended to approve the release of £18,060 + VAT for a new storage facility at Beech Hurst Bowls Club**
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Background

4. Beech Hurst Gardens Charitable Trust ("the Gardens") was constituted by a Declaration of Trust dated 2nd March 1950 when 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. 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.
5. The Council as Trustee comprises all the Members of the Council, who by virtue of their office as Members of the Council are the managing trustees of the Charities vested in the Council. Members of the Council receive specific training on their roles and responsibilities as Charity Trustees as part of their Member training.
6. Haywards Heath and Beech Hurst Bowls Club currently has a 28-year lease of their premises which expires on 15 October 2024.

7. Whilst the current lease does not expire until October 2024, the Club has requested a new lease as they wish to add an additional exterior area to their demise to site a new storage shed.
8. The proposed new shed will replace the existing storage attached to the side of the clubhouse, which is dark and narrow. It will provide additional secure storage space which will be easier for elderly members to access and safely use the equipment (e.g. pushers, mats, bowls, scoreboards).
9. The land on which the shed will be installed is currently managed by the Council and the new lease will provide for an area with a larger footprint to incorporate the additional storage. Planning is required which will be applied for by MSDC.
10. Once installed, the shed will become part of the Club's demised premises and they will be responsible for insuring it and maintaining it for the term of the lease.
11. The Club has obtained a quote for a suitable shed and MSDC has obtained a competitive rate for the removal of the existing and installation of the new shed building.
12. The total cost for supply and installation is £18,060.

Policy Context

13. 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. 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.

Financial Implications

14. None.

Risk Management Implications

15. None.

Equality and Customer Service Implications

16. The recommendations contained in this report do not have an adverse or negative impact on Equality and Customer Service.

Other Material Implications

17. None.

Sustainability Implications

18. None.

Background Papers

None.