

BEECH HURST GARDENS CHARITABLE TRUST, HAYWARDS HEATH, WEST SUSSEX (CHARITY NUMBER 305202) - REQUEST TO INSTALL AUTOMATIC METER READING DEVICE TO DETERMINE USAGE BETWEEN TENNIS COURTS AND THE KIOSK

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
27 March 2024

Purpose of Report

1. The purpose of the report is to seek Trustees' approval to install a new Automated Meter Reading (AMR) device at Beech Hurst Gardens Tennis Courts to monitor the electricity usage of the access gates to the courts and the kiosk. It seeks approval of the expenditure of the Trust's funds of £1,896.65 (£2,275.98 inc VAT) to lease and maintain the AMR for a 5-year period.

Recommendations

2. **The Charity Trustees' are recommended to authorise the use of the Trust's funds to install a new AMR (Automatic meter reading) meter at Beech Hurst Gardens Tennis Courts to monitor the electricity usage of the access gates to the courts and the kiosk.**
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Background

3. Beech Hurst Gardens is a very popular Park in Haywards Heath which has held the coveted Green Flag status for over 11 years.
4. 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.
5. Beech Hurst Gardens Charitable Trust ("the Gardens") was constituted by a Declaration of Trust dated 2 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.
6. 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 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.

7. MSDC Officers have now requested the installation of a new AMR (Automatic meter reading) meter to assist in differentiating the consumption of electricity at the Beech Hurst Kiosk and the Beech Hurst Tennis Courts.
8. The Current set up for metering is as follows:
 - The main meter serving the kiosk is located within a timber housing to the side of the engineering workshop. There is a check meter connected directly to this that is located inside the kiosk. The power for the gates has been taken from the distribution board within the kiosk and there is a check meter in place located locally to the gates.
9. Facilities contractors Stark have provided costs to carry out the following:
 - Replace the main meter (on the side of the Engineering workshop) with an AMR meter and replace the existing check meter supplying the gate to the Beech Hurst Gardens Tennis courts with an AMR check meter.
 - These works will allow officers access to usage of the Beech Hurst Kiosk including the WC and usage of the gate. Usage of the Beech Hurst Kiosk will allow officers to recharge the Café Owner accordingly.

Policy Context

10. 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

11. 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.
12. This Beech Hurst Trust Fund currently has a balance of £343,906.12 in its accounts. The Total cost to lease and maintain the AMR for a 5-year period is £2,275.98.

Risk Management Implications

13. 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.

Equality and Customer Service Implications

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

Other Material Implications

15. None

Sustainability Implications

16. None

Background Papers

None