

COUNCIL CHARITABLE LAND – ANNUAL OPERATIONAL REPORT 1st April 2019 to 31st March 2020

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 2019 to 31 March 2020) are set out in the table below:

	C Trumble (Chairman)		
	M Belsey (Vice-Chair)		
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 30th September 2020 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 2018/19. 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 Hugh Barron (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 2019 to 31st March 2020. 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 formally judged again in June 2019, and once again received Green Flag status.

Finances

12. The turnover rent for the Family Restaurant for the period 06/10/2018 – 05/10/2019 was £5,353 which 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. Total income generated from petanque, events, tennis, rent from the cottages, leases, and licences (including the restaurant and income in 2.2.4 above), on the site totalled £129k. Overall running costs excluding depreciation amounted to £59k of which £54k related to buildings and ground maintenance costs, with the rest being utilities expenditure. Thus a surplus has been carried forward for this Charity of £70k and gives a revised amount of £225K, see Appendix 1.

Attractions

14. The Sussex Miniature Locomotive Society (the Society) has asked to explore the possibility of a new long lease to enable them to carry out necessary repairs which they are required to complete under their lease. Their current lease is for 28 years, expiring 2026, and they are looking for a similar lease to start sooner. Negotiations have been on hold due to the COVID-19 pandemic as they will need their own committee approval before they can formally take their request further.

Beech Hurst Cottages

15. No. 3 Beech Hurst Cottages was re-let during the year 2019-2020 with a void period of 98 days from 16/03/2019 to 21/06/2019 whilst minor refurbishment work was completed prior to reletting. All 5 cottages are currently let and generating a total rental income of £58,800 per annum.

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

16. 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.
17. All the facilities are well used and regularly maintained.
18. £2K income was received for football pitch and pavilion hire. The income contributed towards expenditure of £8k 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

19. 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.
20. The grounds to this popular and well used venue have been regularly maintained. In total income of £3k was generated in 2019/20, 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 £18k. See Appendix 1.

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

21. 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.
22. 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
23. Income of £11K was generated in 2019/20 mainly from the cricket pitch, event and pavilion hire. This contributed towards the expenditure of £42K for grounds and general upkeep of the facilities. See Appendix 1.
24. Council officers have worked with Burgess Hill Cricket Club and other users to agree internal improvements to the pavilion to improve its utility, and some flood mitigation measures 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 area of the pavilion until this work was completed. This work for internal refurbishment and improvement of facilities and drainage commenced the 17th August 2020 and will be completed later in the autumn.

25. Burgess Hill Cricket Club are wanting to install a new irrigation system for their cricket square which would also serve the cricket outfield area as well which would help improve the playing surface for the clubs use. This club would entirely fund and manage this project and **we are seeking Trustees approval to grant them a licence for this work to be undertaken later this year so it can be in place before winter.**
26. The site was put forward for a 'Green Flag' award for the first time in 2018. It was formally judged in June 2018 and received Green Flag status. As is required of all Green Flag parks, a flag pole was installed in December 2018 in a prominent location adjacent to the skate park, from which the green flag now flies. The park has retained this status for a second consecutive year in 2019 and will be judged again in September 2020 for this year's awards.
27. Officers commissioned work to refurbish the flower and shrub beds at the entrance from London Road in the autumn of 2018, replacing the previous annual bedding schemes with more sustainable planting. In March this year the flower beds in the roundabout area were replanted with more sustainable plants, eliminating completely the seasonal planting/ bedding planting in this park. More work is planned around these beds this winter to improve the area. St Johns Park is one of four parks that are in the process of being masterplanned for future improvement works which Member and the public have been consulted on and help frame these designs. These masterplans are due to be completed before the winter.
28. A plan for bee friendly wild flower area on this site was introduced in early 2020 using the Blue Heart Campaign. The area was roped off and a blue heart installed. We will be assessing how successful this is at the end of the growing season.

Fairfield Recreation Ground, Burgess Hill – Charity No: 305187

29. The Charity's property comprises the eastern end of the recreation ground.
30. 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.
31. There has been no change to the charity section of the site. The grounds have been regularly maintained.
32. 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 continues to be used regularly by sports clubs generating income of £7k, with expenditure of £14k for sports pitch maintenance and associated facility running costs. See Appendix 1.

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

33. 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.
34. The object of the Charity is the provision of public open space for the enjoyment of the inhabitants of Haywards Heath.

35. 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 £1,350. It has no income generating potential. See Appendix 1.

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

36. 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.
37. 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.
38. 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 £914. See Appendix 1.
39. A plan for bee friendly wild flower area on this site was proposed; and adjacent residents have been consulted and are generally in favour. This was introduced in early 2020 using the Blue Heart Campaign. The area was roped off and a Blue Heart installed to help identify the area to park users..

Brooklands Park Eastern End (Unregistered charity)

40. 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.
41. The grounds of this popular park for East Grinstead were regularly maintained, at a cost of £8k. See Appendix 1.

John Pears Recreation Ground (Unregistered charity)

42. 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.
43. 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 were regularly maintained at a cost of £27k and provide an income of £3K. See Appendix 1. The playground at this recreation ground will be refurbished in 2020, subject to Cabinet approval of spending, circa £80,000.
45. Outdoor Services are currently working with the Lawn Tennis Association (LTA) to implement and trial a new online booking and digital access gate system. This will allow greater flexibility in booking for club members and to increase public use of the courts. Work is still ongoing, the new booking form is aiming to go live later this year.

CHARITIES' ACCOUNTS

46. 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 2018 and ending on 31st March 2019.
47. 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.
48. 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

49. All income and expenditure shown in the 2019/20 Charity Accounts were accommodated within the 2019/20 Revenue Budget.

RISK ANALYSIS

50. 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

51. The trust property has been held and maintained satisfactorily during the period 1st April 2019 to 31st March 2020. However, further consideration is required for income generation at all sites to help aid sustainability and raise quality.

RECOMMENDATIONS

52. **The Charity Trustees are recommended:**
 1. **To note and agree the contents of this report and approve the Charities' Accounts for 2019/2020;**
 2. **To approve the proposal set out in the report at Paragraph 25 in respect of installing irrigation to the cricket pitch at St. Johns Park.**

BACKGROUND PAPERS:

Leisure and Sustainability, Property, legal and finance files

ENVIRONMENTAL IMPLICATIONS STATEMENT:

This report raised no environmental implications.

LIAISON WITH LOCAL COUNCILS:

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:

All costs and income relating to charitable land were accommodated within the 2018/19 Revenue Budget.

APPENDIX 1 (attached)

Charity Accounts 2019/2020

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