

# **THE SHRUBBERY**

Charity Registration No 299098

## **ANNUAL REPORT & ACCOUNTS**

**YEAR ENDED 31<sup>st</sup> MARCH 2021**

# **THE SHRUBBERY**

Charity Registration No 299098

Year Ended 31<sup>st</sup> March 2021

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**THE SHRUBBERY**  
Charity Registration No 299098  
Year Ended 31<sup>st</sup> March 2021

## **Trustee's Annual Report**

The Trustee is pleased to present their report and accounts for the year ended 31 March 2021.

The accounts have been prepared in accordance with the accounting policies set out in note 2 to the accounts and comply with the Trust's governing document, the Charities Act 2011 and the Statement of Recommended Practice, Charities SORP (FRS102).

### **Objectives and activities**

Under the Essex Act 1987 Southend Borough Council hold the land in the Borough known as the Shrubbery upon trust, for the enjoyment of the public as an open space under the Open Spaces Act 1906, freed and discharged from the trusts and conditions imposed by a conveyance dated 10th December 1918 made between William Gregson, John Rumbelow Brightwell and Sydney Bridge of the one part and the mayor, Aldermen and Burgesses of the Borough of Southend of the other part.

In previous years, the Shrubbery was let rent free to Mr Mike Dolby who operated the Never Never Land attraction on the site. In 2001/2002 Mr Dolby surrendered his lease and the site, apart from the Fishermans Wharf building, is now vacant.

In 2015 planning permission was granted for the demolition of the Fishermans Wharf building. The building dates from 1911 and was formerly a tearoom known as The Shrubberies. In 1986, the premises were refurbished to create Fishermans Wharf, a popular family-run seafood restaurant. A terrace was added in 2012 so diners could take full advantage of the views whilst being sheltered from the elements.

The building was demolished in 2018 and groundworks for a new, modern restaurant began in January 2019. All works are being undertaken by Fishermans Wharf as the lessee with The Shrubbery benefitting from an increased rental income on completion and ownership of the asset.

The Shrubbery is administered and maintained for the objects set out in its governing document by the Borough Council.

The Trustees in making decisions about the Trust make those decisions with due regard to the objects of the Trust.

In addition they have due regard to their legal duty to carry out the Trust's charitable purposes for the Public Benefit and the Charity Commissions' guidance thereon.

The Shrubbery has remained available for all members of the public to benefit from and use freely for the purposes of recreation and pleasure throughout the period.

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## **Achievements and performance**

The Shrubbery is currently maintained to allow the purposes in its Governing document set out below to take place during the financial year 2020-21.

The fairy-tale castle which remained on the site after the closure of the Never Never Land attraction has now been fully restored and the water fountain within it has been flowing again since May 2019. The sleeping giant, a huge grass figure growing out of the ground, has also been completed and is designed to draw people into the magic that is the memory of so many from their childhood. The Never Never Land attraction first opened in 1935 and the castle is part of Southend's heritage as a seaside town.

The new Fishermans Wharf restaurant is still under construction, works having been severely delayed due to the Coronavirus pandemic.

The Trustee considers that the performance of the charity during the year was good.

## **Plans for the future**

The Trustees intend to continue with the current activity and maintain the standards of The Shrubbery.

## **Financial review**

The trust operated at a surplus for the year of £41,892 (2020 £50,801). This will be added to past surpluses and used to ensure the future of the trust.

## ***Reserves Policy***

The trust does not need to hold reserves as any deficit which arises on the operation of the trust, should the trust have no funds to meet it, is funded by Southend on Sea Borough Council, which is sole trustee of the trust.

The trustees' agreed a scheme of arrangement with the Charity Commissioners, dated 25th June 2003, whereby past and future surpluses accruing to the Shrubbery can be used to meet deficits arising on other charitable recreation grounds for which Southend Borough Council acts as sole trustee, namely Jones Memorial Recreation Ground, Priory Park and Victory Sports Ground.

## ***Going concern***

The Shrubbery meets the definition of a public benefit entity under FRS102. There are no material uncertainties about the charity's ability to continue as a going concern.

## **Structure, governance and management**

### ***Governing documents***

The Trust's Governing document is in the form of a scheme sealed by Order of the Commission on 25<sup>th</sup> June 2003, which superseded the original regulation by section 86 of the Essex Act 1987.

### ***Trustee recruitment and training***

Southend Borough Council elected members are corporate Trustees. Therefore Councillors once elected become a corporate Trustee of the Trust.

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### ***Risk Assessment***

The borough council, when carrying out risk assessments for its own activities, includes within the assessment the activities of the trust, so any major risks applicable to the trust are covered by the council arranging appropriate insurance or having in place strategies to cover other contingencies.

### **Reference and administrative details**

#### ***Trustee***

Southend-on-Sea Borough Council

#### ***Secretary/Treasurer to the Trust***

Southend-on-Sea Borough Council

#### ***Address***

Civic Centre  
Victoria Avenue  
Southend-on-Sea  
Essex SS2 6EP

#### ***Independent Examiner***

TC Group  
The Courtyard  
Shoreham Road  
Upper Beeding  
Steyning  
West Sussex  
BN44 3TN

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### **Statement of Trustees' Responsibilities**

The Trustees are responsible for preparing accounts which give a true and fair view of the state of affairs of the Charity as at the end of each financial year and the income and expenditure of the Charity for that period.

In preparing those accounts, the Trustees are required to:

- Select suitable and applicable accounting policies and then apply them consistently
- Make judgement and estimates that are reasonable and prudent
- Prepare the financial statements on a going concern basis unless it is inappropriate to presume that the organisation will continue in business

The Trustees are also responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Charity and enable it to ensure that the financial statements comply with charity legislation and the relevant governing instruments. They are responsible for safeguarding the Charity's assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

### **Results**

The Trust's financial results are as per the annexed accounts.

By order of the Trustees

**Signed**



Joe Chesterton, Executive Director (Finance & Resources)

**Date** 18<sup>th</sup> March 2022

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**Independent Examiner's Report**

I report on the accounts of the Trust for the year ended 31<sup>st</sup> March 2021, which are set out on pages 6 to 11.

**Responsibilities and basis of report**

As the charity trustees of the Trust you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the Trust's accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

**Independent examiner's statement**

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of the Trust as required by section 130 of the Act; or
2. the accounts do not accord with those records; or
3. the accounts do not comply with the applicable requirements concerning the form and content of accounts set out in the Charities (Accounts and Reports) Regulations 2008 other than any requirement that the accounts give a 'true and fair view which is not a matter considered as part of an independent examination.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

*TC Group*

**Mark Cummins FCCA**

For and on behalf of TC Group

Office: Steyning

Dated: 23 March 2022

# THE SHRUBBERY

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Year Ended 31<sup>st</sup> March 2021

## Statement of Financial Activities

	Note	2020/21 Unrestricted Funds £	2020/21 Endowment Funds £	2020/21 Total Funds £	2019/20 Total Funds £
<b>Income From</b>					
Investments	3	46,390	-	46,390	56,883
Total Income		<u>46,390</u>	<u>-</u>	<u>46,390</u>	<u>56,883</u>
<b>Expenditure on</b>					
Charitable activities	4	4,498	-	4,498	6,082
Total expenditure		<u>4,498</u>	<u>-</u>	<u>4,498</u>	<u>6,082</u>
Net income/expenditure and net movement in funds		<u>41,892</u>	<u>-</u>	<u>41,892</u>	<u>50,801</u>
<b>Reconciliation of Funds</b>					
Total funds brought forward		<u>437,010</u>	<u>481,940</u>	<u>918,950</u>	<u>868,149</u>
Total funds carried forward		<u>478,902</u>	<u>481,940</u>	<u>960,842</u>	<u>918,950</u>

All income and gains for the year are recognised on the statement of financial activities. All the Charity's activities are classified as continuing.

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**Balance Sheet**

	Note	2020/21 Total Funds £	2019/20 Total Funds £
<b>Fixed Assets</b>			
Investment Property	5	481,940	481,940
Total Fixed Assets		<u>481,940</u>	<u>481,940</u>
<b>Current Assets</b>			
Cash at bank and in hand		479,522	437,640
Total Current Assets		<u>479,522</u>	<u>437,640</u>
<b>Liabilities</b>			
Creditors: Amounts falling due within one year	6	(620)	(630)
Net current assets/(liabilities)		<u>478,902</u>	<u>437,010</u>
Total assets less current liabilities		<u><u>960,842</u></u>	<u><u>918,950</u></u>
<b>The funds of the charity</b>			
Endowment funds	7	481,940	481,940
Unrestricted funds	11	478,902	437,010
Total charity funds		<u><u>960,842</u></u>	<u><u>918,950</u></u>

Approved by the Trustee and signed on its behalf by an authorised signatory.

**Signed**



Joe Chesterton, Executive Director (Finance & Resources)  
Southend on Sea Borough Council for the Trustee

**Date** 18<sup>th</sup> March 2022

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**Notes to the Accounts**

**Note 1 Legal Status**

The Shrubbery is an unincorporated charity registered in England and Wales (charity number 299098).

**Note 2 Accounting Policies**

***Basis of preparation***

The accounts have been prepared in accordance with Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2016) – (Charities SORP (FRS 102)), and the Charities Act 2011.

The Shrubbery meets the definition of a public benefit entity under FRS 102. Assets and liabilities are initially recognised at historical cost or transaction value unless otherwise stated in the relevant accounting policy note(s). There are no material uncertainties about the charity's ability to continue as a going concern given the continued support of Southend Borough Council.

***Cash Flow Statement***

In accordance with the Charities SORP (FRS 102) the charity is claiming exemption from the requirement to prepare a cash flow statement on account of it being a small charity.

***Income***

Charitable activities income is recognised when receivable.

Investment income represents income from rent and is recognised when receivable.

***Expenditure***

Expenditure is accounted for on an accruals basis exclusive of the element of VAT which is recoverable by Southend Borough Council in accordance with VAT Notice 749 para 7.5.

Charitable expenditure comprises those costs incurred by the charity in the delivery of its activities and services for its beneficiaries.

***Investment Property***

Investment property is held at fair value with movements being taken to the Statement of Financial Activities.

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## ***Cash at bank and in hand***

Cash at bank and in hand includes cash and short term highly liquid investments. No separate bank account is maintained by the Trust, therefore all income and expenditure passes through the Borough Council's account, and its cash balances are held within the Borough Council's general bank account.

## ***Creditors and provisions***

Creditors and provisions are recognised where the charity has present obligation resulting from a past event that will probably result in a transfer of funds to a third party and the amount due to settle the obligation can be measured or estimated reliably.

## ***Critical accounting estimates and judgements***

In the application of the charity's accounting policies, the trustees are required to make judgements, estimates and assumptions about the carrying amount of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised.

The trustees do not consider that there are any critical estimates or areas of judgement that need to be brought to the attention of the readers of the financial statements.

## **Note 3 Investment Income**

	2021	2020
	£	£
Rent Receivable	44,552	53,750
Interest	1,838	3,133
	<b>46,390</b>	<b>56,883</b>

## **Note 4 Cost of Charitable Activities**

	2021	2020
	£	£
Employees	2,515	1,726
Building/Ground Maintenance	661	1,992
Transport	16	28
Insurance	5	351
Supplies & Services	338	1,041
Governance costs	620	630
Administration	343	314
	<b>4,498</b>	<b>6,082</b>

The support costs incurred are the administration services provided by Southend Borough Council and governance costs. Total support costs for the year were £963 (2020 £944).

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Governance costs comprise solely of fees paid to independent examiners. During the year £620 (2020 £630) was paid to the independent examiner in respect of examination services.

Employee costs relate to employees of the Council.

No staff were remunerated over £60,000 in the year.

The charity is managed by Southend Borough Council and doesn't have any key management personnel.

**Note 5 Investment Property**

	<b>Investment Property £</b>
<b>Fair Value</b>	
Balance brought forward @ 01/04/20	481,940
Revaluation	-
<b>Balance carried forward @ 31/03/21</b>	<b>481,940</b>

The investment property represents the value of the Fisherman's Wharf Café which was revalued by Jamie Redden MRICS on 31 March 2019.

**Note 6 Creditors**

Amounts falling due within one year

	<b>2021 £</b>	2020 £
Other Creditors	<b>620</b>	630

**Note 7 Endowment fund**

The endowment fund comprises the investment property.

**Note 8 Trustee remuneration**

No trustee was paid in respect of their services as a trustee in 2020 or 2021 and no expenditure was reimbursed.

**Note 9 Related Party Transactions**

During the year the trustee (Southend Borough Council) collected £46,390 (2020: £56,883) on behalf of the Trust in respect of investment income. The Trust paid the Council £3,878 in respect of operating costs for the year (2020: £5,452).

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### Note 10 Comparative Funds

All income and expenditure in 2020/21 was unrestricted.

### Note 11 Net Assets Between Funds

#### *Year Ending 31<sup>st</sup> March 2021*

	Unrestricted	Endowment	Total
<b>Fixed Assets</b>	-	<b>481,940</b>	<b>481,940</b>
<b>Current Assets</b>	<b>479,552</b>	-	<b>479,552</b>
<b>Current Liabilities</b>	<b>(620)</b>	-	<b>(620)</b>
<b>Total</b>	<b>478,902</b>	<b>481,940</b>	<b>960,842</b>

#### *Year Ending 31<sup>st</sup> March 2020*

	Unrestricted	Endowment	Total
<b>Fixed Assets</b>	-	481,940	481,940
<b>Current Assets</b>	437,640	-	437,640
<b>Current Liabilities</b>	(630)	-	(630)
<b>Total</b>	437,010	481,940	918,950

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