

# **HASTINGS & ST. LEONARDS COASTAL USERS' GROUP**

## **CONSTITUTION AND TERMS OF REFERENCE**

### **1. Name**

The name of the Group shall be the "Coastal Users' Group" and, unless the Charity Commission shall have determined otherwise, the Group shall act as the Coastal Advisory Group under the Charity Commission Scheme dated 13 January 2011 (the Scheme).

### **2. Definitions**

- a. The Foreshore is that area of land on the seafront at Hastings and St Leonards which is held on charitable trusts by the Council under Land Registry Title XXXX, as shown on the attached plan.
- b. The Foreshore Trust is the charity registered at the Charity Commission as the Hastings and St Leonards Foreshore Charitable Trust (No. 1105649) (the Charity).
- c. The Council is Hastings Borough Council

### **3. Objectives**

- 1) To provide regular communication between users of the Foreshore and the Council, as trustee of the Charity.
  - b. To act as consultee for matters affecting the Foreshore and to be considered by the Charity Committee, when exercising the Council's function as trustee of the Charity, in particular:-
    - The standards or specifications for the maintenance of the Charity's land;
    - The Charity's policy relating to the activities and events arranged or permitted on the Charity's land; and the arrangement or permitting of any activity or event on the Charity's land which is outside the Charity's policy;
    - The Charity's policy relating to the exercise of any power under the Hastings Borough Council Act 1988 or otherwise to manage, let, sell or otherwise dispose of the Charity's property;
    - The exercise, other than in accordance with its established policies, of any power under the Hastings Borough Council Act 1988 or otherwise to manage, let, sell or otherwise dispose of the Charity's property.
- 2) To act as consultee for matters to be considered by Hastings Borough Council affecting Hastings Borough Council land adjacent to or in close proximity to the Foreshore.
- 3) to provide a forum for discussion of matters of concern or interest to the Group pertaining to or affecting the Foreshore

#### 4. Status of the Group

- a. The Group shall be regarded as an internal body giving advice
  - (i) to the Council, as charity trustee, through its Charity Committee under paragraph 3(1) above;
  - (ii) to the Council in its own right in relation to Council owned land under paragraph 3(2) above;
  - (iii) raising with the Council in either capacity matters discussed under paragraph 3(3) above.
- b. As such, the councillors attending the Group shall not be regarded as sitting on an outside body for the purposes of the Code of Conduct (for Councillors) and having to declare a personal or prejudicial interest when matters relating to or affecting the Group are discussed in the Council.
- c. The Council shall provide administrative services to the Group and reference to the secretary shall be to the administrative officer designated by the Council.

#### 5. Membership of the Group

- a. The Membership is to reflect those groups and organisations which:-
  - use the Foreshore for leisure and pleasure purposes,
  - are engaged in providing leisure for other users,
  - statutory agencies with responsibilities affecting the Foreshore;
  - those with an interest in the Foreshore; Including but not exclusively as follows:-

<b>Councillors and Council Officers</b>	Marketing and Major Projects Manager	Type 1A (non voting)
	Resort Manager	Type 1A (non voting)
	Leader Member – Regeneration and Culture	Type 1A (non voting)
	Ward Councillor – West St Leonards	Type 1
	Ward Councillor – Central St Leonards	Type 1
	Ward Councillor – Castle	Type 1
	Ward Councillor – Old Hastings	Type 1
<b>Statutory Services</b>	Environment Agency	Type 2
	Maritime & Coastguard Agency	Type 2
	Southern Water Services	Type 2
	Sussex Police	Type 2
	Royal National Lifeboat Institution	Type 2
<b>Attractions &amp; Non-Commercial</b>	Old Hastings Preservation Society/Fishermen's Museum	Type 1
	Hastings Shipwreck	Type 1

	Museum	
	Stade Partnership	Type 1
	Save Our Heritage Group	Type 1
	Hastings Pier Charity	Type 1
<b>Representing Commercial Interests</b>	Hastings Fishermen's Protection Society	Type 1
	White Rock & America Ground Business Group	Type 1
	Hastings Arts Forum	Type 1
	Hotel & Tourism Association	Type 1
	Stade Amusements	Type 1
	Blue Reef	Type 1
	Hastings Crazy Golf	Type 1
	St Leonards Town Team	Type 1
	Hastings Area Chamber of Commerce	Type 1
	The Source BMX	Type 1
	Hastings Windsurfing Ltd / Epic Life	Type 1
<b>Leisure – Non-profit</b>	East Hastings Sea Angling Association	Type 1
	Friends of the Country Park	Type 1
	Hastings and District Canoe Club	Type 1
	Hastings and St Leonards Rowing Club	Type 1
	Hastings and St Leonards Sailing Club	Type 1
	Hastings and St Leonards Sub Aqua Club	Type 1
	Hastings Sea Cadets	Type 1
	Hastings Voluntary Lifeguard Club	Type 1
	1066 Board Riders	Type 1
	Hastings and St Leonards Sea Angling Club	Type 1
	Hastings Urban Bikes	Type 1
	West of Haven Fishermen's Association	Type 1
	West of Haven Beach Users Association (Beach Huts)	Type 1
	Hastings Motorboat & Yacht Club	Type 1
<b>Supporting Commercial and Community interests</b>	Love Hastings (BID)	Type 1
<b>Community</b>	Hastings and Rother Disability Forum	Type 1
	Castle Ward Forum	Type 1
	Hastings Old Town Residents Association	Type 1
	West St Leonards Community Centre	Type 1

Note on third column:

Type 1 –full membership with voting rights

Type 1A – as above but without voting rights

Type 2 – limited membership where members are sent agendas and minutes and can be invited or request to be invited for relevant items. No voting rights

Type 3 – additional guest members could be invited for particularly relevant items. No voting rights.

- b. The Membership is not fixed and it may be added to with the agreement of the Group.
- c. Each member shall send one representative or substitute to a meeting of the Group.
- d. Each member shall advise the secretary of the name of its duly authorised representative and substitute.
- e. A person who is a member of the Grant Advisory Panel appointed under the Scheme shall not be eligible to act as representative of a member organisation on the Group.
- f. Failure by a member's duly authorised representative or substitute to attend three regularly convened consecutive meetings may result in expulsion of the member from the Group if this is approved by not less than two thirds of the members present and voting at a subsequent Annual General Meeting.
- g. Each member is expected to
  - contribute positively towards the workings of the Group; and
  - at all times when considering matters under paragraph 3(1) above keep in mind that the Foreshore is held for the common use, benefit and enjoyment of Her Majesty's subjects and the public generally, and for those purposes permitted by the Hastings Borough Council Act 1988.
- h. Membership of the Group is permanent. However, a member may be expelled from membership of the Group by resolution of the Group at a General Meeting, approved by not less than two thirds of the members present and voting, if in their opinion the member has conducted itself in such a way as to compromise or conflict with to the objectives of the Group.
- i. Likewise a member's representative may be removed from the Group and the member will be given the option to appoint a different representative or leave the Group.
- j. In both cases the member will be given the opportunity to answer the allegations before a meeting of the Group, called

with no less than 10 working days' notice to the member concerned.

## **6. Meetings of the Group**

- a. There shall be an Annual General Meeting of the Group at a time and place to be agreed by the Group and not less than 15 working days' notice of the meeting shall be given to members, specifying the business to be transacted. The Annual General Meeting shall be open to the public who may attend to observe.
- b. A member may give notice to the secretary of a proposal which must be seconded by another member and delivered to the secretary within 15 working days of the meeting. The secretary shall then give notice to each member of the extended agenda for the meeting within 10 working days of the meeting.
- c. The Group shall be chaired by a person elected by the Group at the Annual General Meeting from the membership of the Group. Members and officers of the Council are eligible for election. The chair shall be elected in order to fulfil the following requirements:-
  - To maintain a position of impartiality as chair
  - To facilitate an open and balanced discussion where all interested persons have the opportunity to comment:
  - To ensure that the agenda for meetings includes all items which the Council as Trustee or as local authority has notified as required for comment and recommendation from the Group.
  - To determine that the meeting is quorate before commencing consideration of business
  - To ensure that the Group completes the business before it
  - To keep order
  - To summarise the issues arising in the course of discussion and to ensure that the sense of the meeting is properly ascertained by taking a vote where necessary.
  - To approve a draft of the minutes.

The first chair under this Constitution shall be elected at the first ordinary meeting of the Group following adoption of this Constitution by the Charity Committee and shall hold office until the first Annual General Meeting following that election. The term of office of chair shall be one year and there shall be no limit on the number of terms held as chair.

- d. The Group shall elect a vice-chair on the same basis as for the chair. The vice-chair shall take the chair where the chair is either absent or prevented from taking part due to a conflict of interest.

- e. General meetings of the Group shall be held not less than quarterly and additional meetings may be called at any time by the chair or at the request of the Council or on a written request signed by not less than 8 members of the Group stating the item or items for discussion. The agenda shall be agreed by the Chair and shall be sent to the members at least 5 working days before the meeting.
- f. Each agenda shall have an item for "Any other business".
- g. The Group will always try to reach a consensus without taking a vote, though there will be occasions when this will not be possible. With the exception of the Council Lead Member and Council officers, each Type 1 member of the Group shall have one vote, which shall be exercised by the duly nominated representative of the member or substitute. For the avoidance of doubt, councillors attending in their capacity as ward members shall have a vote as representatives of their constituents.
- h. The chair shall have a second or casting vote where there is an equality of voting. Where the chair is a non-voting member of the Group, the chair shall have a casting vote only where this is required to break a tie in voting.
- i. Quorum for meetings shall be 8 members who are entitled to vote.
- j. Minutes of meetings of the Group will be circulated to members and such items as shall be agreed by the Group shall be forwarded to the Charity Committee as a recommendation or for noting.
- k. The Group may set up sub-groups to investigate and report back to the Group on matters referred to the Group for consultation purposes. Any response to consultation by the Charity Committee shall be agreed by the Group in a meeting.

## **7. Conflict of interest**

- a. If any member or a representative of a member present at a meeting has a private or personal financial interest, or his/her employer, partner, business associate, relative or close friend has such an interest in any matter to be considered at the meeting, he/she as soon as practicable after the start of the meeting shall disclose the fact to the meeting. The member affected may make representations to the Group and answer questions from other members of the Group but then shall leave the room and take no part in the discussion or voting.

- b. Failure to abide by the rule in paragraph 7a, may result in action under paragraphs 5g and h above.

#### **8. The Protector**

The Scheme provides for a Protector for the Charity and sets out certain powers of the Protector, including the right to attend and speak at meetings relating to the administration of the Charity and to receive notice of meetings and minutes and relevant papers. This applies to meetings of the Coastal User Group and so the Protector should be included as if a member when giving notice of meetings and distribution of agenda and papers and minutes

#### **9. Changes to the Constitution**

- a. This Constitution may be amended by a two thirds resolution of those present and voting at the AGM or a meeting convened for the purpose. Notice of the proposal shall be given as in paragraph 6. b. above.
  - b. The Charity Committee is under a duty to keep under review the suitability of the Group as constituted to perform the functions of the Coastal Advisory Group under the Scheme and this Constitution may be changed as a result of such review.
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