

CHARITY COMMITTEE
25 JANUARY 2011

Present: Councillors Barlow (in the Chair), Cooke and Kramer.
Mr Chris May, Protector.

At the start of the meeting the Chair welcomed Mr Chris May, the appointed Protector.

The Chair thanked Hugh Marriage, Jerry Le Sueur, Councillor Anne Bird and Councillor Bruce Dowling, the outgoing trustees, and Alan Rogers, Peter Field, former Councillor Aileen McDonnell, the late Councillor Roy Tucker, Councillor Matthew Lock and Councillor Trevor Webb, previous trustees.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

2. HASTINGS AND ST LEONARDS FORESHORE CHARITABLE TRUST – CHARITY COMMISSION SCHEME 2011

The Borough Solicitor presented a report on the making of the Charity Commission Scheme (the Scheme) on 13 January 2011 and of the provisions of the Scheme. She recommended the adoption of certain documents required under the Scheme. The main provisions of the scheme were set out in the report and the full scheme was appended, together with: -

Guidance on Governance to the Trustee and Guidance to the Protector;
Summary of Governance Arrangements;
Conflicts of Interest Policy;
Coastal Users' Group Constitution; and
Grants Advisory Panel Constitution.

The Protector commented on the Guidance to the Protector in Appendix B. He said that clarification was required in respect of the duties of the Protector set out in paragraph 6 and asked for a further report on this matter as soon as possible.

The Protector also commented on paragraph 6 c of appendix E regarding the constitution of the Coastal Users' Group. The document proposed that the Chair of the Group be the designated Council Officer. The Protector considered that this might create a public perception that the body might not be independent of the Council. He suggested that the Chair should be elected by the Group.

Councillor Kramer reported that the Hastings Local Strategic Partnership had commented that they wished the membership of the Grant Advisory Group to be drawn from across the Local Authority area.

The Protector suggested that the Council should seek outside legal advice on the suitability of the constitutions of both the Coastal Users' Group and the Grant Advisory Panel.

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Mention was made of the recruitment process for the Grant Advisory Panel, and of the public invitation to apply for membership. The Protector asked that he be kept informed of the process and progress of the recruitment exercise and this was agreed.

The Chair commented on an article in the Hastings and St Leonards Observer on 21 January entitled, "Town Set for Cash Boost". His response is appended to these minutes.

RESOLVED (unanimously) – that Charity Committee:-

- (1) welcomes the Scheme making the Council trustee for all purposes and extends its gratitude to the retiring Foreshore Trustees for their resolute commitment to the charity from their appointment in March 2006 to their retirement earlier this month;**
- (2) notes and commits itself to the provisions of the Scheme including the original trusts of the conveyance of 8 September 1893;**
- (3) notes and adopts the Governance Guidance to the Trustee and the Guidance to the Protector;**
- (4) adopts and commits itself to the provisions of the Summary of Governance Arrangements;**
- (5) adopts and commits itself to the provisions of the Conflicts of Interest Policy;**
- (6) agrees the Constitution and membership of the Coastal Users' Group as the Coastal Advisory Group under the Scheme, subject to deferral of paragraph 6 c of appendix E (Coastal Users' Group Constitution) for further consideration following the Borough Solicitor seeking independent legal advice and consulting further with the Coastal Users' Group;**
- (7) agrees the Constitution of the Grant Advisory Panel and instructs the Borough Solicitor to proceed with the recruitment of members of the Panel as set out in the report, and to keep the Protector informed as to the process and progress of this exercise; and**
- (8) independent legal advice be sought in respect of the constitutions of both the Coastal Users' Group and the Grant Advisory Panel.**

Reason for the decision: -

The making of the Scheme achieved a long-held objective of the Council, that it should again be the Trustee of the Charity for all purposes. The Scheme set out certain requirements for the future management of the Charity and it was necessary for the Committee to adopt all of the documents set out in the appendices to the report and

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named in the recommendations, in order to ensure the transparency, public accountability and probity required by the Scheme.

3. SCHEME OF DELEGATIONS TO OFFICERS

The Borough Solicitor presented a report on a recommended Scheme of Delegations to Officers. The recommended scheme was appended to the report. In presenting the report the Borough Solicitor amended the last sentence of paragraph 11 to add the word, "services," between the words, "contracts for" and "works or the supply of goods with a value of £10,000 or more".

The report explained that it was impossible for a busy local authority to provide an efficient and effective service to the public without considerable delegation of decision-making to officers. For the operation of the Foreshore Trust charity it was likewise necessary to have a scheme of delegation to officers within a clearly defined policy framework determined by the Committee. At the same time, it was important that, as far as possible, substantial decisions should be made by the Committee itself.

RESOLVED (unanimously) – that the recommended Scheme of Delegations to Officers from Charity Committee be adopted as set out in Appendix A to the report of the Borough Solicitor.

Reason for the decision: -

It is in the interests of the efficiency and effectiveness of the Charity that the Trustee should be able to act and react quickly in the service of the Charity. A Scheme of Delegations to Officers allows the Trustee to achieve this objective. The Scheme for the Charity is more limited than the Council's Standing Instructions to Authorised Officers because of the role of the Trust, and in the interests of greater public access to the Trustee's decisions.

4. BANK ACCOUNT SIGNATORIES

The Borough Solicitor presented a report seeking instruction from the Committee on the signatories for the bank accounts held by the Hastings and St Leonards Foreshore Charitable Trust (the Charity).

RESOLVED – that: -

- (1) the authorised signatories for the accounts be as set out in the report of the Borough Solicitor;**
- (2) 2 signatures be required on cheques drawn on the accounts.**

Reason for the decision: -

It was necessary to authorise the mandate forms requiring a change of signatories on the Charity's bank accounts and the requirement for 2

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signatures was good practice and in accordance with Charity Commission guidance.

5. FORESHORE TRUST WEB PAGE

The Borough Solicitor presented a report on a proposed webpage for the Charity. It was important that information relating to the Charity was readily available. Suggested content for a webpage on the Council's website was appended to the report although it was not finalised.

The Protector said that he would also set up an independent website and there would be links between his and the Foreshore Trust webpage.

RESOLVED – that the content of the webpage be agreed in principle and officers be authorised to finalise the content and presentation in consultation with the Chair.

Reason for the decision: -

It is important that there is information readily available to the public concerning the history of the Foreshore Trust as well as its current operational and governance arrangements.

6. PROGRAMME OF MEETINGS FOR CHARITY COMMITTEE

The Borough Solicitor presented a report recommending a programme of meetings to the end of the 2011/2012 municipal year. The report listed the proposed dates of meetings, the standard items for inclusion on agenda and one particular item of business for consideration at the next meeting.

RESOLVED – that Charity Committee agrees the programme of meetings as follows: -

Tuesday, 25 January 2011;

Tuesday, 29 March 2011;

Tuesday, 7 June 2011;

Wednesday, 7 September 2011;

Monday, 12 December 2011;

Monday, 26 March 2012

Reason for the decision: -

It was important that there were regular programmed meetings of the Committee in order to transact business and make decisions on behalf of the Council as trustee of the Foreshore Trust and that the public were aware of the dates of the meetings.

(The Chair declared the meeting closed at 7.17 pm)

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Appendix

“TOWN SET FOR CASH BOOST”

OBSERVER 21 JANUARY 2011 - article attached

Response from Chair as part of debate on the first report:-

- The ability of the Trust to distribute surplus income is a new power under the 2011 Scheme made by the Charity Commission.
- The Scheme sets down clear direction regarding the use of capital and income. The first priority is that income and capital should be used to meet the proper costs of administering the Charity and of managing its assets (including the repair and insurance of its land and buildings).
- Any surplus, after the payment of these costs, must be applied in furthering the objects of the Charity.
- That does not mean that all surplus income in any year will be available for distribution as grants.
- As Trustee the Council has to ensure that it has sufficient reserves to meet unexpected contingencies. There may also be issues of major capital expenditure that the Committee will have to consider. The Committee will be taking expert advice as to what levels of reserves it should be maintaining.
- It is hoped that there will be surplus income that can be distributed as grants to charitable purposes within the Borough as envisaged by the Scheme.
- The Scheme sets out the process for grant distribution and creates a Grant Advisory Panel which advises the Charity Committee on grant criteria, grant publicity and application forms and individual grant applications. The Panel is independent of the Council with no councillors or officers permitted to sit on the Panel. The members of the Panel are appointed by the Committee from applicants with knowledge and experience of the voluntary and charitable sector, particularly in the Borough.

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- Currently, we are inviting applications from suitably qualified people to sit on the Panel and the closing date for this is 11 February. Anyone with the necessary qualification who would like to be involved in this is invited to apply to sit on the Panel by writing to the Borough Solicitor at the Town Hall. There are between 4 and 8 positions to fill and we will go through an interview process to ensure as far as possible that we have a balanced Panel.

- We hope to be able to formally appoint the new Panel at our next meeting in March and to consult with them on the criteria for making grants.

- We are a new Committee and we will be taking financial advice and then we will be able to start to form a view about how much money is available for distribution as grants in the current financial year.