

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

13 January 2011

this

SCHEME

will alter the trusts of the charity

known as

HASTINGS AND ST LEONARDS FORESHORE CHARITABLE TRUST (1105649)

at

Hastings, East Sussex



Authorised Officer

1. Definitions

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

“the charity’s land” means all land belonging to the charity at the date of this scheme (and any land that may be acquired in substitution or addition) whether registered, unregistered or subject to an application for registration.

“the Council” means Hastings Borough Council, and “a councillor” and “councillors” mean a member or members of the Council.

“the Advisory Group” means the organisation called the Coastal Users’ Group or such other body as the Commission may from time to time specify in writing.

“the Commission” means the Charity Commission for England and Wales.

“the trusts of the charity” means the trusts contained in a conveyance dated 8 September 1893, as amended by the Hastings Borough Council Act 1988 and a scheme of the Commission of 22 March 2006.

ADMINISTRATION

2. Administration

- (1) The charity is to be administered in accordance with the trusts of the charity as altered by this scheme.
- (2) The scheme of 22 March 2006 is to cease to have effect from the date of this scheme.

OBJECTS OF THE CHARITY

3. Objects of the charity

The objects of the charity are:

- (1) To hold and maintain the charity’s land for the objects set out in the trusts of the charity, namely for the common use, benefit and enjoyment of all Her Majesty’s subjects and of the public for the time being for ever; and
- (2) Subject to sub-clause (1) above, such charitable purposes within the area of the Borough of Hastings as the trustee thinks fit.

TRUSTEE

4. Trustee

The Council is the trustee for all purposes of the charity.

CONSULTATION ON FORESHORE MATTERS

5. Consultation on Foreshore Matters

The trustee must:

- (1) consult the Advisory Group on all matters specified in part 1 of the schedule to this scheme;
- (2) have regard to the recommendations of the Advisory Group.

GRANT ADVISORY PANEL

6. Grant Advisory Panel

- (1) There must be a Grant Advisory Panel with no fewer than four and not more than eight members.
- (2) Members of the Grant Advisory Panel must not be councillors, or officers or employees of the Council.
- (3) The trustee must appoint members of the Grant Advisory Panel on the basis of their knowledge and experience of the voluntary and charitable sector and in particular their knowledge of the voluntary and charitable sector in the area of the Borough of Hastings.
- (4) The trustee must establish procedures for the conduct of the business of the Grant Advisory Panel including:
 - (a) notice and convening of meetings;
 - (b) quorum;
 - (c) management of conflict of interest;
 - (d) notification to the trustee of vacancies;
 - (e) such other matters as the trustee considers is necessary for the efficient, orderly and impartial conduct of the business of the Grant Advisory Panel.

- (5) The Grant Advisory Panel must consider and make recommendations in respect of:
 - (a) the criteria for making grants which the trustee adopts from time to time;
 - (b) the content and format of grant application forms;
 - (c) the advertisement of availability of assistance by way of grant from the charity;
 - (d) individual applications for grants and proposals of the trustee for making grants.
- (6) The trustee must have regard to the recommendations of the Grant Advisory Panel.

ANNUAL PUBLIC MEETING

7. Annual Public Meeting

- (1) Except as provided in sub-clause 5 of this clause, the trustee must hold an Annual Public Meeting within 6 months of the end of the charity's financial year, or as soon as possible thereafter.
- (2) The trustee must give not less than 28 days' notice of the Annual Public Meeting.
- (3) The notice calling an Annual Public Meeting must be published in a newspaper circulated in the area of the Borough of Hastings, whose circulation and readership make it suitable and effective for giving notice to a reasonable proportion of the inhabitants of that Borough. The notice must include details of the business to be transacted at the meeting.
- (4) At the Annual Public Meeting the trustee must:
 - (a) present the Trustee Annual Report and accounts for the last financial year; and
 - (b) make available:
 - (i) a summary of the governance arrangements for running the charity; and
 - (ii) a copy of the charity's conflicts of interest policy.
- (5) Nothing in this scheme requires an Annual Public Meeting to be held before 31 March 2011.

MINUTES

8. Minutes

The trustee must keep minutes, in books kept for the purpose or by such other means as the trustee decides, of the proceedings of its meetings. In the minutes, the trustee must record its decisions and, where appropriate, the reasons for those decisions. The trustee must approve the minutes according to its procedures.

ACCOUNTS, ANNUAL REPORT AND ANNUAL RETURN

9. Accounts, Annual Report and Annual Return

The trustee must comply with its obligations under the Charities Act 1993 with regard to:

- (1) Keeping accounting records for the charity;
- (2) Preparing annual statements of account for the charity;
- (3) The audit or independent examination of the statements of account of the charity;
- (4) Transmitting the statements of account of the charity to the Commission;
- (5) Preparing an annual report and transmitting it to the Commission.

BANK ACCOUNT

10. Bank Account

Any bank or building society account in which any of the funds of the charity are deposited must be operated by the trustee and held in the name of the charity.

CHARITY LAND

11. Charity Land

- (1) The trustee must use its best endeavours to register the charity's land with the Land Registry.
- (2) Within 14 days of the registration or any amendment to the registration of the charity's land, the trustee must publish in a reasonably accessible way sufficient details of the charity's land to enable members of the public to identify it.

USE OF INCOME AND CAPITAL

12. Use of Income and Capital

- (1) The trustee must firstly apply:
 - (a) the charity's income; and
 - (b) if the trustee thinks fit, expendable endowment; and
 - (c) when the expenditure can properly be charged to it, its permanent endowment

in meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its land and buildings).
- (2) After payment of these costs, the trustee must apply the remaining income in furthering the objects of the charity.
- (3) The trustee may also apply for the objects of the charity:
 - (a) expendable endowment; and
 - (b) permanent endowment, but only:
 - (i) where it is permitted in accordance with, and subject to the conditions in, section 75, section 75A or section 75B of the Charities Act 1993 (*power of unincorporated charities to spend capital*); or
 - (ii) on such terms, including for the replacement of the amount spent, as the Commission may approve by order in advance.

PROTECTOR

13. Protector

- (1) Except with regard to the appointment of the first protector under subclause (11) of this clause, the trustee must appoint a protector of the charity, whose fiduciary duty will be to ensure the integrity of the administration of the charity, and who must report to the Commission any matter which he has reasonable cause to believe is likely to be relevant for the purposes of the exercise by the Commission of any of its functions.
- (2) The protector must in each year prepare a statement of his or her activities and findings for publication by the trustee in its Trustee Annual Report.
- (3) The protector must be a person who holds a qualification awarded by a member of the Consultative Committee of Accountancy Bodies.
- (4) The protector has the powers listed in part 2 of the schedule to this scheme.
- (5) Any vacancy in the office of protector must be advertised by the trustee.

- (6) The protector must be appointed in writing for a maximum term of 3 years. The protector may serve an unlimited number of terms.
- (7) A person will be disqualified from being the protector if within the previous 5 years he or she is or has been:
- (a) a councillor, officer, employee or paid consultant of the Council or of any organisation controlled by the Council; or
 - (b) interested in any contract with the Council either on his or her own behalf or as a member of any organisation or firm, provided that no account is to be taken of any interest consisting of not more than 1% of the issued share capital of a company of which a protector is a member
- but nothing in this clause disqualifies a person if that person would be disqualified only by virtue of interests or arrangements authorised by clause 13(9) or clause 13(10).
- (8) The protector ceases to be the protector:
- (a) on expiry of his or her term of office;
 - (b) if he or she becomes disqualified under clause 13(7);
 - (c) on death;
 - (d) if notice is given in writing by the trustee; or
 - (e) on giving notice in writing of his resignation to the trustee.
- (9) Where the protector is a member or employee of a firm or company, that firm or company may receive reasonable remuneration for any advice given or work undertaken on the express instructions of the protector in his capacity as protector notwithstanding that the protector may receive an indirect benefit.
- (10) The protector is entitled to receive:
- (a) reasonable out of pocket expenses;
 - (b) reasonable remuneration at a level fixed by the trustee; and
 - (c) the cost of obtaining indemnity insurance.
- (11) Christopher John Rutton MA FCA is the first protector of the charity and will hold office for a period of three years from the date of this scheme.

GENERAL PROVISION

14. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

PART 1

Matters for consultation with the Advisory Group

- (1) The standards or specifications for the maintenance of the charity's land
- (2) 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.
- (3) 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.
- (4) 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.

PART 2

Powers of the protector

- (1) The protector must be given by the trustee sufficient notice and accompanying papers in relation to all meetings of the trustee, committees and delegates of the trustee, and the Annual Public Meeting.
- (2) The protector is entitled to attend and speak at all meetings relating to the administration of the charity including meetings of the trustee, committees and delegates of the trustee and the Annual Public Meeting, and table items for discussion but not vote.
- (3) The protector is entitled to:
 - (a) call for any information from the trustee; and
 - (b) seek professional or other advice to enable the protector to carry out his or her duties.