

CHARITY COMMITTEE
29 MARCH 2011

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

10. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

11. MINUTES

RESOLVED – that the minutes of the meeting held on 15 February 2011 be approved and signed by the Chair as a correct record.

12 WHITE ROCK BATHS

The Corporate Director Regeneration, Homes and Communities presented a report proposing action in respect of the following issues relating to the White Rock Baths [WRB]: -

- (a) a lease on an area above WRB to the Hastings Pier & White Rock Trust [HPWRT] for a Community Showroom;
- (b) a grant application received in respect of the Community Showroom; and
- (c) the connection of sewage services to the WRB and potential Community Showroom.

The report contained information about the history of the site and investigations that had been carried out in the past with regard to its future use. There were two major strands of interest for the use of the Baths. The first of these was from an organisation called Lifecycle and the second was the Hastings Pier and White Rock Trust (HPWRT). The report contained details of their proposals for the use of the premises.

The Borough Solicitor and Monitoring Officer included paragraphs in the report highlighting potential conflicts of interest for the Charity Committee as a committee of the Cabinet. She reminded members that when the Committee was considering any matter in which the Council had an interest, its first duty was to the Charity and to make a decision which was in the best interests of the Charity.

The Borough Solicitor and Monitoring Officer also commented that no consultation had yet taken place with the Coastal Users' Group and, therefore, this should be undertaken before a final decision could be made in relation to either proposal. In the event that the Committee agreed recommendation 1 to the report, should the Group make recommendations other than as recommended by this report in relation to the proposed lease to the Hastings Pier Charity, a further report would be brought forward.

The Protector queried the length of the proposed lease for 15 years when the planning permission had been granted only for three years. The Corporate Director Regeneration, Homes and Communities replied that it was hoped that

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the platform over one of the wells at the baths would remain for over three years subject to planning approval of the time extension. The break clause in the lease at three years was to allow for the possibility of Planning Committee refusal of an extension.

Councillor Kramer moved approval of the recommendations to the report, which was seconded by Councillor Cooke.

RESOLVED (unanimously) – that: -

- (1) subject to consultation with the Coastal Users' Group, the granting of a lease to Hastings Pier Charity for the West Light Well of White Rock Baths for a community showroom for 15 years be agreed in principle but subject to the conditions in Para 27 of the report and this matter be delegated to the Estates Manager for action;**
- (2) the application for £120k from Hastings Pier and White Rock Trust be deferred and considered at a future meeting;**
- (3) the continuation of work to open the Foyer and parts of the promenade level in conjunction with Lifecycle be supported; and**
- (4) the arrangement of sewage connections to the White Rock Baths to a maximum value of £75k be delegated to officers on the basis outlined in the report.**

Reasons for the decision: -

to enable decisions by the Charity Committee on grant aid to be taken in a structured process; and

to allow urgent negotiations with Lifecycle and HPWRT to be taken forward.

13 SEAFRONT MANAGEMENT FORWARD BUSINESS PLAN FOR THE FORESHORE TRUST

The Resort Services Manager presented the report of the Head of Amenities and Leisure on the proposed elements of a forward business plan. The Committee was asked to consider how surplus income might be used to support the objects of the Foreshore Trust. The report outlined the components of a business plan, including repairs and renewals, commercial and leisure opportunities.

The boundary between Foreshore Trust and HBC land ownership along the seafront had been established and agreed between the parties. Maps were now with the Land Registry for their assessment. It was emerging, however, that the boundary lines were not always precise enough to show whether a specific set of steps or railings lay on one side or the other. This would make determination of repairing liabilities for a shared structure problematic. It was the officers' view that these areas of uncertainty were best dealt with by a walking inspection with the Trust's surveyor. This would inform a report to the

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Committee with clarification of ownership or a recommendation for an allocation of liability, where precise lines of responsibility were not possible or practical. The Committee was asked to instruct its representative and consider the outcome at its next meeting.

Councillor Cooke moved approval of the recommendations to the report, which was seconded by Councillor Kramer.

RESOLVED (unanimously) – that: -

- (1) the Charity Committee support the creation of a business plan for future expenditure to protect and maintain foreshore assets, to maximise income where feasible and to enhance the foreshore for the enjoyment of the public;**
- (2) officers present a draft business plan to the June meeting; and**
- (3) the Charity Committee appoint a representative to work with Council officers to establish precise foreshore boundaries or shared allocation of costs where assets straddle HBC and Foreshore Trust land.**

Reasons for the decision: -

it was important that the Charity Committee was aware of the extent and complexity of seafront responsibilities and the likely cost of emerging liabilities;

there were major areas of seafront refurbishment that will emerge and require funding in the near future. There might also be opportunities to increase the Trust's income to help defray maintenance costs; and

interest in the seafront was intense and opportunities existed for enhancement in underdeveloped areas.

14 EXTENSION TO CYCLE ROUTE

The Resort Services Manager presented the report of the Head of Amenities and Leisure seeking support for the shared pedestrian and cycle route along the eastern seafront and agreement to cycle route signs and markings on Foreshore Trust land. The report contained details of the design of the proposed route and signage.

Consultation had already been undertaken and further consultation was planned. The Coastal Users Group had expressed their support and made comments that were included in the report.

The Protector asked about funding of this scheme. The Resort Services Manager said that funding required would be minimal and might be met jointly by the Council and the Foreshore Trust. However, this matter would be reported back to the Committee as part of the Forward Plan.

Councillor Kramer moved approval of the recommendations to the report, which was seconded by Councillor Cooke.

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RESOLVED (unanimously) – that: -

- (1) the designation of relevant parts of the promenade as a shared use pedestrian and cycle route be supported; and**
- (2) permission be given for the additional signs and markings to be installed.**

Reason for the decision: -

The eastern cycle route extension along with the planned western link from Glyne Gap to West Marina would provide a continuous off road route of more than 8km between Bexhill and Hastings and would form part of the National Cycle Network Route 2 (The South Coast Cycle Route), contributing to public use and enjoyment of the seafront and supporting sustainable transport objectives.

15 FORESHORE TRUST – FINANCIAL REPORT (2010/11 POSITION AND 2011/12 BUDGET)

The Head of Financial Services presented a report on the current year's financial position (2010/11), and submitted a budget for 2011/12. The report also outlined arrangements regarding the use of surpluses and of financial monitoring and accounting. A statement of financial activities was appended to the report. The Head of Financial Services corrected the dates at the head of the statement at the meeting and circulated a revised table.

Councillor Cooke moved approval of the recommendations to the report, which was seconded by Councillor Kramer.

RESOLVED (unanimously) – that: -

- (1) the current financial position be noted (2010/11);**
- (2) the draft budget for 2011/12 be agreed;**
- (3) the total level of grants to be given in 2011/12 be considered at the June meeting of the Committee;**
- (4) monitoring reports be presented to each meeting of the Charity Committee; and**
- (5) reserves be retained until such time as a full business plan for the Trust is agreed.**

Reasons for the decision: -

the Council had the responsibility for the proper management of the financial affairs of the Trust. In doing so it complied with Accounting Codes of Practice and the high standards required for the accounting of Public money;

the transfer of responsibility for the Trust to the Council provided the opportunity to properly plan for the future of the Foreshore. The use of any potential surpluses generated by the Trust must be determined in

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the light of affordability. To do so the future plans of the Trust and long term maintenance liabilities needed to be fully determined; and

given the financial position of the Trust, a surplus expected in 2011/12, the current level of reserves, but longer term planning still to be completed, the establishment of a prudent level of grants allocations be determined in June.

16 HASTINGS BOROUGH COUNCIL'S INSURANCE RENEWAL OPTIONS

The Chief Auditor presented a report seeking agreement to the insurance renewal option proposed by Hastings Borough Council, which was to join the Horsham Insurance Framework, following the ending of the agreement with Zurich Municipal on 31st January 2012. The Horsham Insurance Framework would cease on 31 March 2014 by which time a new framework developed by the East Sussex Procurement Hub was likely to have been developed. Details of the Council's perspective and the available insurance options were contained in the report.

The Protector requested that details be provided to show the difference in costs to the Foreshore Trust between the existing charges and those proposed under the new arrangement. The Head of Financial Services said that details of the premiums would be provided and that the achievement of Value for Money through procurement would be included in the business plan.

RESOLVED (unanimously) – that the Committee agree with Hastings BC's preferred option of joining the Horsham Insurance Framework.

Reasons for the decision: -

the Council's Insurance Agreement with Zurich Municipal ended on 31 January 2012, with no extension facility. The option of Hastings Borough Council procuring insurance itself would not have the buying power of a collaborative effort and development of a Hastings Borough Council Insurance Framework was risky since neighbouring authorities were committed to the East Sussex Procurement Hub and so there would be reliance on us being able to engage interest from outside authorities;

the East Sussex Procurement Hub was considering creating a new Insurance Framework which was likely to attract a lot of interest from other authorities and hence better buying power because the timing of it would be closer to the time when those authorities would be looking to gain access to a new Insurance Framework agreement; and

joining the Horsham Insurance Framework had the advantages of requiring minimal resources and enabling us to take advantage of the proposed East Sussex Procurement Hub Insurance Framework when it was in place.

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17 COASTAL USERS' GROUP CONSTITUTION

The Borough Solicitor presented a report advising Committee of the legal advice received regarding the constitution of the Coastal Users Group. She recommended an updated draft Constitution for approval by the Committee.

The Borough Solicitor referred to the decision made at the first meeting of the Committee that, at the suggestion of the Protector, independent legal advice should be taken on the question of chairing the meeting and generally on the suitability of the draft constitutions of the Coastal Users' Group and the Grant Advisory Panel. Advice had been sought and received from the Charity Commission and from Gordon Nurse, Counsel of Radcliffe Chambers, who specialised in charity law. Details of advice received were contained in the report.

The amended proposed constitution and terms of reference for the Coastal Users' Group were appended to the report. The Borough Solicitor reported that the Friends of Hastings Country Park Nature Reserve should be added to the membership of the group as they had been omitted from the report in error.

Councillor Kramer moved approval of the recommendations to the report, subject to the inclusion of the Friends of Hastings Country Park Nature Reserve to the list of membership of the Group. This was seconded by Councillor Cooke.

RESOLVED (unanimously) – that: -

- (1) the report be noted: and**
- (2) the amended Constitution is agreed by the Committee as appropriate for the functions of the Coastal Users' Group under the Scheme subject to the inclusion of the Friends of Hastings Country Park Nature Reserve to the list of membership of the Group.**

Reason for the decision: -

Under the Scheme the Council had to consult with the Coastal Users' Group on certain matters and it was essential that the Group was properly constituted for that purpose. The amended Constitution took account of guidance and legal advice received.

18 GRANT ADVISORY PANEL APPOINTMENTS AND CONSTITUTION

The Borough Solicitor presented a report recommending appointments to the Grant Advisory Panel and submitting the amended draft Constitution for approval.

In accordance with the decision of the Committee, a recruitment process had taken place for suitable members of the Grant Advisory Panel. Following advertisement in the local newspaper and on the Council's website, nine applications were received. This was shortlisted down to 6 candidates for

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interview by the members of the Committee. The successful candidates were named at the meeting, as set out in the resolution below.

As instructed, independent legal advice had been sought and an amended draft Constitution was submitted taking account of the recommended amendments. These consisted of correction of the name of the Panel from Grant Advisory Group to Grant Advisory Panel and inclusion of reference to the Protector's powers to attend and speak at meetings of the Panel and access to papers and minutes.

Councillor Kramer moved approval of the recommendations to the report, subject to the addition of the following paragraph to paragraph 8 of the draft Constitution of the Grant Advisory Panel:

"The Charity Committee is under a duty to keep under review the suitability of the Panel as constituted to perform the functions of the Grant Advisory Panel under the Scheme and this Constitution may be changed as a result of such review."

This was seconded by Councillor Cooke.

RESOLVED (unanimously) – that: -

- (1) the Committee appoints the following persons to the Grant Advisory Panel: -
Steve Manwaring;
Sandra Garner;
Dick Edwards;
Judith Monk; and
Karen Rigby-Faux**
- (2) the Committee agrees the amended draft Constitution subject to the addition of the following paragraph to paragraph 8 of the draft Constitution of the Grant Advisory Panel:

"The Charity Committee is under a duty to keep under review the suitability of the Panel as constituted to perform the functions of the Grant Advisory Panel under the Scheme and this Constitution may be changed as a result of such review."; and**
- (3) the Committee notes the position regarding consideration of grant criteria.**

Reason for the decision: -

The Charity Commission Scheme required that the Council consult with the Grant Advisory Panel in relation to grant criteria, grant applications and related administrative matters for the purpose of distributing surplus income through grants for charitable purposes.

19 FORESHORE TRUST LAND EVENT POLICY

The Head of Communications and Marketing presented a report recommending an Events Policy which delegated the routine booking of

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events on Foreshore Trust Land to the appropriate officers of the Council. A list of events which had taken place in the last period would be presented to each meeting of the Charity Committee.

The Borough Solicitor and Monitoring Officer commented that consultation with the Coastal Users' Group had taken place and that their comments were incorporated in the report.

In answer to questions raised by Members of the Committee and the Protector changes were agreed to the Events Policy as set out in the resolutions below.

RESOLVED (unanimously) – that: -

- (1) the Events Policy be amended as follows: -**
 - (a) the word, “include” be deleted and substituted by the word, “comprise” in the second sentence of the first paragraph of the policy, to clarify that the list of large events that could take place without reference to the charity Committee was exhaustive; and**
 - (b) the addition of the words, “or lesser amount at the discretion of the Deputy Chief Executive or his nominee” between the words, “an absolute minimum of £5m” and the words, “for events involving no mechanical equipment or heat sources” in the fourth paragraph;**
- (2) the list of events which are to be presented to meetings of this Committee to include some information about events, such as the numbers attending; and**
- (3) the appropriate officers of the Council be delegated authority to book and manage events on Foreshore Trust land in accordance with its events policy. New events (i.e. those that have not taken place before 1 January 2011) that incur real costs to the Foreshore Trust be considered on a case by case basis by the Charity Committee.**

Reason for the decision: -

To ensure the efficient operation of the Charity Committee, that its time is not taken up with the routine booking of events on Foreshore Trust land.

20. COASTAL USERS GROUP

The minutes of the meetings of the Coastal Users Group held on 12 January and 10 March 2011 were submitted.

RESOLVED – that the minutes of the meetings of the Coastal Users Group held on 12 January and 10 March 2011 be received.

(The Chair declared the meeting closed at 7.07 pm)