

CHARITY COMMITTEE
7 JUNE 2011

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

1. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

2. MINUTES

RESOLVED – that the minutes of the meeting held on 29 March 2011 be approved and signed by the Chair as a correct record.

3 FORESHORE TRUST REPAIRS AND RENEWALS PROGRAMME

The Head of Amenities and Leisure presented a report on the forward plan of repairs and renewals which would form part of the Foreshore Trust business plan. A programme of repairs, renewals and improvement for Foreshore Trust assets was appended to the report.

The most urgent items were enabling works to make the White Rock Baths more commercially usable if proposals for its use were taken forward. Works within the building were hampered by the excessive accumulation of rubble which was affecting investigations and causing health and safety concerns. An asbestos survey was also necessary to reveal the extent of any asbestos within the rubble prior to removal.

The Head of Amenities and Leisure orally reported that initial investigations had revealed that it was unlikely that the existing pipe work at the White Rock Baths site could be used. The septic tanks might be usable.

The Resort Services Manager orally reported on receipt of three expressions of interest for the operation of concessions on the seafront, affecting Foreshore Trust land. The proposals were for a small bike hire scheme, kayak hire and to operate a bungee jump.

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

RESOLVED (unanimously) – that: -

- (1) the draft repairs and renewals plan be approved;**
- (2) an allocation of £75,000 towards an asbestos survey and rubble clearance in the White Rock Baths be agreed;**
- (3) the Chief Executive or his nominee be delegated authority to award contracts, in consultation with the Chair of the Charity Committee, subject to HBC Financial Operating Procedures; and**
- (4) a proposed Foreshore Trust business plan be reported to the next meeting of the Charity Committee.**

CHARITY COMMITTEE
7 JUNE 2011

Reasons for the decision: -

In order to manage its capital and income prudently, the Charity Committee requires a rolling forward plan of mandated works to Foreshore Trust assets and proposals for amenity and commercial income investments.

The White Rock Baths was being prepared for its return to commercial use. Any further works within the building were hampered by the excessive accumulation of rubble which was affecting investigations and causing health and safety concerns. An asbestos survey was also necessary to reveal the extent of any asbestos within the rubble prior to removal.

4 STADE HALL LEASE

The Head of Destination Management and Marketing presented a report recommending that the Charity Committee delegate authority to the Stade Community Trust (SCT) to manage the facilities on the Stade. A copy of the SCT's Memorandum and Articles of Association was submitted as Appendix A to the report. The draft heads of terms for the Stade Hall were submitted as appendix B.

A model had been developed whereby the Stade site (Stade Hall and Stade Open Space) would be managed by a community group. Whilst the building (Stade Hall) was on land owned by the Foreshore Trust (FT), the Stade Open Space comprised land jointly owned by Hastings Borough Council and the FT.

It was proposed that the Stade Hall be leased to the SCT, the community group established for this purpose. Day to day management of the Stade Open Space would be undertaken by the SCT under a management agreement with the Foreshore Trust and the Council. The SCT was currently registering for charitable status and the report suggested how the arrangements might work.

The Borough Solicitor advised that the proposed lease on these terms could only be granted where the tenant is a charity. Further the use of the building and facilities had to be consistent with the objects of the Foreshore Trust at all times.

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

RESOLVED (unanimously) – that the proposals set out in the report be agreed in principle and authority be delegated to the Chief Executive or his nominee, in consultation with the Chair, to agree the final terms and documentation.

Reasons for the decision: -

The management of the new Stade facilities by a new community group was encouraged during the bidding process for external funding for the work. It created a sustainable model for the future operation of

CHARITY COMMITTEE
7 JUNE 2011

the facilities as well as being consistent with and promoting the objects of the Foreshore Trust.

5 CONNECT 2 – GLYNE GAP TO ST LEONARDS CYCLE ROUTE

The Head of Financial Services presented a report about the construction of a shared footway/cycleway by East Sussex County Council. The County Council would require the use of an area of what is Trust land as a working area and access strip for construction of the cycle route. Approval was being sought to complete a Licence now as construction was planned to start in July, with the path due to open in November. The draft licence was appended to the report.

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

RESOLVED (unanimously) – that: -

- (1) an Access Licence be granted to East Sussex County Council; and**
- (2) the Estates Manager be delegated authority to agree terms for the Licence.**

Reason for the decision: -

The Licence would enable East Sussex County Council to construct a footway/cycleway which would contribute to public use and enjoyment of the seafront and so accords with the objects of the Trust.

6 COMMUNITY VOLLEYBALL COURT, MARINE PARADE

The Head of Financial Services presented a report seeking approval to enter into a Maintenance Agreement to formalise the management and maintenance of the volleyball court at Marine Parade.

The previous Trustees had entered into an Agreement which provided that the tenant of land at Marine Parade, Arnold Palmer Putting Courses Ltd (APPC), would undertake certain works at its expense and when complete they would be granted a new longer lease. Part of the works was to construct a new volleyball court on the beach to be made available for use by the general public.

A plan showing the area of land was appended to the report.

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

RESOLVED (unanimously) – that: -

- (1) a maintenance agreement be entered into; and**
- (2) the Estates Manager be delegated authority to agree heads of terms for the agreement.**

CHARITY COMMITTEE
7 JUNE 2011

Reason for the decision: -

An agreement was required to formalise the management and maintenance of the volleyball court

7 FORESHORE TRUST – FINANCIAL REPORT

The Head of Financial Services presented a report on the financial position for 2010/11, the current year's financial position (2011/12), a Reserves Policy, and funds available for grant purposes. The latest estimate was a surplus of some £229,000 in 2010/11. This figure remained an estimate until the account closure processes were fully completed. In presenting his report the Head of Financial Services circulated an additional recommendation, as set out in resolution (4) below.

Background information on determining a Reserves policy, potential risks to the Foreshore Trust that could have financial implications and a draft Reserve Policy were all appended to the report.

The Protector commented on the problem of deciding the amount of the reserve required. The Head of Financial Services said that the level of reserves would be reviewed as appropriate, not less than on an annual basis. He would explore the possibility of obtaining insurance cover in respect of loss of income, which could potentially enable the reserve to be reduced.

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

RESOLVED (unanimously) – that: -

- (1) the financial position for 2010/11 and revised budget and position for 2011/12 be noted and agreed;**
- (2) the proposed reserves policy be adopted and be subject to regular review;**
- (3) £50,000 be made available for grants in 2011/12; and**
- (4) the previous indication of support given by the former Chairman of the Foreshore Trust for the Lifecycle project at White Rock Baths in the sum of £175,000 be addressed in a subsequent report to the Charity Committee if it is possible to move forward with the Lifecycle proposals.**

Reasons for the decision: -

The Council had the responsibility for the proper management of the financial affairs of the Trust. The use of any potential surpluses generated by the Trust had to be determined in the light of affordability.

The level of Reserves to be maintained was dependent on the future plans of the Trust and also the potential financial risks that the Trust could face in the years to come.

Given the financial position of the Trust, and a surplus expected in 2011/12, but that longer term planning is still to be completed, the

CHARITY COMMITTEE
7 JUNE 2011

establishment of a very prudent level of grant allocations for this year needed to be determined.

8 GRANT ADVISORY PANEL UPDATE

The Borough Solicitor presented a report updating the Committee on the work of the Grant Advisory Panel. They had met twice since their appointment and the minutes of their first meeting were appended to the report. At that meeting they considered their Constitution and, with some amendments concerning the term of office of the Panel officers, they had now adopted the Constitution which was appended to the report for adoption.

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

RESOLVED (unanimously) – that: -

- (1) progress with the establishment of the grant scheme be noted; and**
- (2) the amended Constitution be adopted.**

Reason for the decision: -

The Scheme required that the Council consult with the Grant Advisory Panel and the work of the Panel was important to the delivery of one of the Foreshore Trust's objects.

9. COASTAL USERS GROUP

The minutes of the meetings of the Coastal Users Group held on 18 May 2011 were submitted.

RESOLVED – that the minutes of the meetings of the Coastal Users Group held on 18 May 2011 be received.

10. IMPROVEMENTS TO FORESHORE TRUST LAND

The Head of Communications and Marketing presented a report on work being carried out near the fishmarket, and sought permission for improvement work to be carried out on land owned by the Foreshore Trust, and leased to Hastings Fishmarket Enterprises (HFE). The report was considered, with the approval of the Chair and also the Chair of the Overview and Scrutiny Committee for Resources, as a matter of urgency because work was due to start in the very near future, hopefully by the end of June.

Hastings Borough Council (HBC) was making improvements to the load/unload arrangements at Hastings Fishmarket, the project was part funded by HBC, and part by the European Fisheries Fund ('EFF'). Most of the work was being carried out on land owned directly by HBC and leased to

CHARITY COMMITTEE
7 JUNE 2011

HFE, but a very small amount, literally just a few square metres, was on land owned by the Foreshore Trust ('FT') and leased to HFE.

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

RESOLVED (unanimously) – that approval be given for the fishmarket improvement work planned for Foreshore Trust land.

Reasons for the decision: -

To ensure that all of the work carried out on land leased to HFE was completed as per the proposals, and that a small sliver of work was not left undone because it fell within the Foreshore Trust's demise. Not to do it could compromise the safety arrangements in the vicinity of a level crossing over the miniature railway

(The Chair declared the meeting closed at 6.42 pm)