

**CHARITY COMMITTEE
7 SEPTEMBER 2011**

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

11. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

12. MINUTES

RESOLVED – that the minutes of the meeting held on 7 June 2011 be approved and signed by the Chair as a correct record.

13 UPDATE ON FORESHORE TRUST BOUNDARY

The Borough Solicitor presented a report on the progress with registration of the Charity's land ownership. One important matter raised by the Land Registry was the thickness of the line on the settlement plan. The Registry had requested further definition of the boundary line so that it accorded with Ordnance Survey features. It would be beneficial if such definition were to identify on the ground where the ownership/responsibility of the Charity ended and where that of the Council began. As this was a clear area of potential conflict of interest, David Powell FRICS, who advised the former Trustees and was a specialist in boundary demarcation and disputes, had been instructed to represent the Charity in discussion with officers regarding where the line should be.

It was anticipated that final recommendations would come through to Charity Committee on behalf of the Charity, and Cabinet on behalf of the Council, for final agreement at the December meetings. In view of the conflict of interest for the Council, the Borough was seeking independent legal advice for the Committee on the recommendations coming forward in December.

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

RESOLVED (unanimously) – that progress with the application to register the Charity's land title at the Land Registry be noted.

Reasons for the decision: -

It was provided in the Charity Commission Scheme that the Council, as Trustee, would use its best endeavours to register the Charity's land title at the Land Registry and, therefore, it was important that the Committee receive updates until registration was achieved.

14 FORESHORE TRUST BUSINESS PLAN 2011 - 2016

The Head of Amenities and Leisure Services presented a report on the Foreshore Trust draft business plan. The plan was appended to the report.

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The Charity Committee required a business plan to support its decision-making on the use of Trust assets and surplus. The business plan was based upon current knowledge of maintenance, income, required capital works and proposals for new activities. It would be subject to review and modification as developing proposals and investigations were completed, most significantly in relation to the White Rock Baths and future car parking arrangements.

Views on the draft document had been sought from the Coastal Users Group, the Grants Panel and the Protector. Their responses were incorporated in the document.

Councillor Kramer moved approval of the recommendation to the report, subject to the possibility of bringing forward works to Rock-a-Nore and Pelham Place car parks being kept under review. This was seconded by Councillor Cooke.

RESOLVED (unanimously) – that the business plan be adopted as a working document and the possibility of bringing forward works to Rock-a-Nore and Pelham Place car parks be kept under review.

Reason for the decision: -

To present a clear picture of the proposed operation of the Foreshore Trust and the use of income and assets over the next five years for consideration by the Charity Committee.

15 ANNUAL REPORT AND ACCOUNTS 2010 - 2011

The Head of Financial Services presented a report on the 2010/11 Annual report and Accounts. The Hastings and St Leonards Foreshore Charitable Trust, Trustee's report and financial statements for the year ended 31 March 2011 were appended to the report. The Council had received an unqualified opinion on the accounts from the external auditor's, Buzzacotts.

The financial position in 2010/11 showed an actual outturn surplus figure of £224,597. In terms of net current assets (effectively the cash position), the balance was £1,777,740 at 31 March 2011, whilst total funds (which included all assets) amounted to £1,991,758.

In respect of the financial position for 2011/12 income was budgeted at £1,058,250 and expenditure at £871,350. The estimated surplus for the year was £186,900. Monitoring of the Trust's position as at the end of July 2011 showed that the trust was on target to generate this level of surplus (figure before grant distribution).

The Protector had included a section in the Annual Report. At the meeting he indicated that, due to the shortness of time between the end of the financial year and the deadline for finalisation of the Annual Report and Accounts as required by the Scheme, he had not been able to go through the accounts in detail but he would do so. He repeated his statement in the Annual Report that he knew of no matter which would necessitate making any report to the Commission in his role as Protector of the Charity.

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The Protector also suggested that a summary of the Annual Report and Accounts would be helpful. Councillor Kramer suggested that, in order to improve access to the documents and in furtherance of equality, the print size used for the accounts should be increased. The Head of Financial Services said that the print size used for printed sets of accounts and those published on the website would be improved.

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

RESOLVED (unanimously) – that the Annual Report and Accounts 2010-11 be approved.

Reasons for the decision: -

The Council had the responsibility for the proper management of the financial affairs of the Trust. The Council as Trustee, through the Charity Committee, was required to approve the annual report and accounts by the 30 September of each year.

16 GRANTS CRITERIA AND PROCESS

The Borough Solicitor presented a report on the recommendations of the Grant Advisory Panel in respect of the draft grant criteria and the grant process for the first round of distribution.

Sandra Garner, Chair of the Grant Advisory Panel, addressed the Committee. The members of the Charity Committee thanked the members of the Grant Advisory Panel for their dedicated work.

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

RESOLVED (unanimously) – that: -

- (1) the recommendations of the Grant Advisory Panel be noted;**
- (2) the draft Grants Criteria as shown in Appendix A to the report are adopted; and**
- (3) the grants process with supporting documentation shown in Appendix B to the report is adopted subject to detailed finalisation of this and other documentation described in the report which is delegated to the Chief Executive or his nominee in consultation with the Chair.**

Reason for the decision: -

The Charity Commission Scheme required that the Council, as Trustee, had regard to the recommendations of the Grants Advisory Panel when reaching decisions concerning grant criteria, processes and awards of grants.

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17. COASTAL USERS GROUP

The minutes of the meeting of the Coastal Users Group held on 16 August 2011 were submitted.

RESOLVED – that the minutes of the meeting of the Coastal Users Group held on 16 August 2011 be received.

(The Chair declared the meeting closed at 6.35 pm)