

**Agenda Item No:** 5

**Report to:** Charity Committee

**Date of Meeting:** 9 January 2012

**Report Title:** Foreshore Trust Boundary

**Report By:** Jayne Butters  
Borough Solicitor

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### **Purpose of Report**

To obtain Committee approval to agree the boundary between land at Hastings Foreshore owned by the Council and land owned by the Foreshore Trust.

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### **Recommendation(s)**

- 1. That the Committee consider the reports by David Powell dated 22 September 2011 and Geoff Longmire dated 30 November 2011 and agree final details of the boundary.**

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### **Reasons for Recommendations**

The Charity Commission Scheme dated 13 January 2011 provides that the Council as Trustee use its best endeavours to register the Charity's land title at the Land Registry.

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## Introduction

1. The background to this item is set out in my report to the Charity Committee meeting dated 7 September 2011 entitled, Update on Foreshore Trust Boundary set out in Appendix A to this report.
2. In that report at paragraph 6, I pointed out that in view of the conflict of interest for the Council, I was to seek independent legal advice for the Committee.
3. Subsequently, a report has been received by the Surveyor employed on behalf of the Foreshore Trust, David Powell, dated 22 September 2011, and is attached at Appendix B. A solicitor, Geoff Longmire, a partner in Heringtons Solicitors in Hastings, has duly been instructed and has produced his advice to the Committee dated 30 November which is attached at Appendix C.
4. Geoff Longmire will attend the meeting of the Charity Committee on 9 January in order to explain his advice and answer questions.

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## Wards Affected

Castle, Central St. Leonards, Old Hastings, West St. Leonards

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## Area(s) Affected

None

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	No
Local People's Views	No

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## Background Information

Appendix A: Borough Solicitor's report to Charity Committee, 7 September 2011 entitled, Update on Foreshore Trust.

Appendix B: David Powell's report to Charity Committee dated 22 September 2011.

Appendix C: Geoff Longmire's advice to Charity Committee dated 30 November 2011.

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**Officer to Contact**

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Appendix B could not be published in this area of the Council's website. A copy may be obtained from Elaine Wood, Principal Committee Administrator, email [ewood@hastings.gov.uk](mailto:ewood@hastings.gov.uk) or tel 01424 451717