

**CHARITY COMMITTEE  
9 JANUARY 2012**

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

**32. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

**33. MINUTES**

**RESOLVED** – that the minutes of the meeting held on 12 December 2011 be approved and signed by the Chair as a correct record.

**34. EXCLUSION OF THE PUBLIC**

**RESOLVED** – that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that, if members of the public were present, there would be disclosure to them of “exempt” information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972.

| Minute No. | Subject Matter                               | Paragraph No. |
|------------|--|---------------|
| 35 (E)     | Insurance Tender Appraisal – Foreshore Trust | 3             |

**35 FORESHORE TRUST BOUNDARY**

The Borough Solicitor submitted a report seeking to obtain approval to agree the boundary between land at Hastings Foreshore owned by the Council and land owned by the Foreshore Trust.

In view of the conflict of interest for the Council, the Borough Solicitor had obtained independent legal advice for the Committee from Geoff Longmire, a partner in Heringtons Solicitors in Hastings. The Borough Solicitor’s report to the Charity Committee on 7 September 2011 entitled, Update on Foreshore Trust Boundary, was appended to the report. Also appended were a report by the Surveyor employed on behalf of the Foreshore Trust, David Powell, dated 22 September 2011 and Geoff Longmire’s advice to the Committee dated 30 November 2011.

Geoff Longmire was in attendance at the meeting and presented his report. He pointed out that boundary lines would change over time and that there was now a need to agree the boundary so that it could be accepted by the Land Registry. In particular he suggested that the southern face of structures should be agreed to be the boundary line. He pointed out that the Trustees would need to consider if they wished to retain ownership of steps from the

**CHARITY COMMITTEE  
9 JANUARY 2012**

promenade onto the beach, as a means of access to the beach, or if they did not wish to retain ownership because of maintenance liabilities. He answered questions from the members and from the Protector.

The Protector referred to the decision made at the last meeting regarding seafront decorative lighting and said that the question of land ownership should be resolved by measurement based on the map of White Rock Baths. A question remained regarding the allocation of costs if the decorative lighting columns were not on Foreshore Trust land. He commented that there was a broader issue regarding the White Rock Baths. Following the surrender of the lease substantial monies were spent in upkeep during the 20's and 30's, probably by the Council. It was important to know the legalities involved.

Geoff Longmire commented that significant questions had been raised concerning the status of White Rock Baths. As a matter of property law, he considered that there was no doubt that there was a surrender of the 500 year lease signed in 1881 in 1922, at which point the leasehold and freehold ownership came to the Council, subject to a sub-lease for a short period. If the basis of the Council's acceptance of the lease was to be questioned that was a matter of trust law and Counsel's opinion would need to be sought.

The Borough Solicitor explained that she was in a position of conflict because she would be advising the Council on this matter. However, she said that the 1893 plan had transferred the White Rock Baths and the land to the Council. The Head of Amenities and Leisure stated that six lighting columns fell within the land owned by the Foreshore Trust and that land ownership of two others was being checked. The Trust would not be charged for these if they were found to fall outside of trust land.

Councillor Barlow proposed a Motion which was seconded by Councillor Kramer, as set out in the resolution below.

**RESOLVED (unanimously) – that: -**

- (1) the recommendations contained in the report of David Powell dated 22 September 2011 be agreed; and**
- (2) the Borough Solicitor be instructed to proceed to apply to the Land Registry to register the Trust's title on this basis, and the Borough Solicitor be authorised to execute such documentation as is considered necessary to bring this into effect in consultation with the Chair.**

**Reason for the decision: -**

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

**36(E) INSURANCE TENDER APPRAISAL – FORESHORE TRUST**

The Head of Financial Services presented a report containing confidential information regarding the outcome of the recent mini-competition exercise for

**CHARITY COMMITTEE**  
**9 JANUARY 2012**

the Council's overall insurance requirements but with particular reference to the Foreshore Trust insurance element. The report was considered as a matter of urgency, with the approval of the Chair, because renewal of the insurance contract needed to be made before the next Charity Committee meeting.

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

**RESOLVED (unanimously) – that: -**

- (1) the offer from Zurich Municipal be accepted as being the most economically advantageous tender; and**
- (2) if possible the policy renewal dates be aligned and the Foreshore Trust insurance arrangements be formally incorporated within the Council's overall contract.**

**Reason for the decision: -**

Having undertaken a thorough tendering exercise, it had emerged that Zurich Municipal had offered the most economical insurance premium for the Trust. It also made administrative sense to combine the requirements of the Trust into the Council's main insurance contract in terms of handling potential claims for the future under one agreement.

(The Chair declared the meeting closed at 10.29 am)