

Agenda Item No:

Report to: Charity Committee

Date of Meeting: 10 December 2012

Report Title: Land at the Stade - East Hastings Sea Angling Association

Report By: Peter Grace
Head of Finance

Purpose of Report

To seek approval to grant a lease.

Recommendation(s)

- 1. That Charity Committee agrees to grant a lease of land at the Stade to East Hastings Sea Angling Association subject to any objections resulting from the legal process of public notification.**

Reasons for Recommendations

The terms of the proposed lease are considered to be the best that can reasonably be obtained for the charity.

Background

1. As part of the re-development of the Stade area it was initially intended that Stade Hall and the East Hastings Sea Angling Association (EHSAA) clubhouse building would be physically linked.
2. Subsequently plans to provide accommodation between the two building were dropped, but it was felt that it would still be good to provide covered access between the two buildings. This now remains, with the roof of the covered area effectively providing the balcony for the EHSAA with steps up to it.
3. It was agreed that EHSAA would take on responsibility for maintaining the structure so a lease of this area (shown hatched black on the attached plan) needs to be granted to them.
4. The lease is proposed to be for a term until 30 March 2019 (which is the same as the lease of the clubhouse) at a rent of £1 per annum. A report has been obtained from external Surveyor's, Dyer & Hobbis, which recommends these terms.

Coastal Users Group

5. Under the Scheme the Council must consult with the Coastal Users Group on the following:
 - The charity's policy relating to the exercise of any power under the Hastings Borough Council Act 1988 or otherwise to manage, let sell or otherwise dispose of the charity's property.
 - The exercise, other than in accordance with established policies, of any power under the Hastings Borough Council Act 1988 or otherwise to manage, let see or otherwise dispose of the charity's property.
6. The Trustees must have regard to the recommendations of the Coastal Users Group.
7. The minutes of the Coastal User's Group meeting held on 29 November will be available at the meeting

Monitoring Officer's Comments

8. There is strict regulation of the disposal of land and land interests of charities under Section 36 Charities Act 1993. The general provision is that there is to be no disposition of land held in trust without an order of the Charity Commission or the Court unless the provisions set out in the section are satisfied. For a commercial lease of more than 7 years the trustees:
 - Must obtain and consider on the proposed disposition views from a qualified surveyor instructed by the trustee and acting exclusively on behalf of the charity;
 - Advertise the proposed disposition for such period and in such manner as the surveyor recommends in the report, unless the surveyor has advised that it is not in the best interests of the charity to advertise it; and

- Decide that it is satisfied, having considered the report, that the terms of the proposed disposition are the best that can reasonably be obtained for the charity.
9. The Act goes on to make special provision for what is described as "specie land", i.e. land held in trust for the charity where the objects provide that the land is to be used for the purposes or particular purposes of the charity as opposed to investment land. This area is such land i.e. it is held on the trust to hold for the common use, benefit or enjoyment of Her Majesty's subjects and the public generally. By virtue of the Hastings Borough Council Act 1988 the permitted uses under the Trust for this specified area are extended to include "religious and cultural activities, entertainments, amusements, sports, leisure activities, illuminations, information, and the sale of refreshments and beach requisites".
 10. The requirement in respect of any proposed disposition of specie land is that the proposal must first be advertised inviting representations to be made no less than one month from the date of the notice and the Trustee must take into consideration any representations made within that time.
 11. When the legal notices are published if there are any objections these will be reported back to a future Charity Committee meeting to be considered

Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Area(s) Affected

Central Hastings, East Hastings, North St. Leonards, South St. Leonards

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

Background Information

Plan ESAD 1241-1

Officer to Contact

Amy Terry
aterry@hastings.gov.uk
01424 451640

Note: The Appended site plan is published on the Hastings and St Leonards Foreshore Charitable Trust web pages, or from the following link:

http://www.hastings.gov.uk/community_living/foreshore_trust/