

**CHARITY COMMITTEE
10 DECEMBER 2012**

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

18. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

19. MINUTES

RESOLVED – that the minutes of the meeting held on 26 September 2012 be approved and signed by the Chair as a correct record.

20 PELHAM PLACE CAR PARK – REPAVING AND ADDITIONAL SPACES

The Head of Amenities, Resorts and Leisure presented a report on the results of contract tenders and sought agreement to the appointment of a contractor for repaving and extension of Pelham Place car park. The scheme would create an additional 22 car parking spaces with a net loss of approximately 18 motorcycle spaces and resurfacing of the whole car park. Plans showing the existing and proposed layouts were appended to the report. Construction works would commence in early February 2013 for 8 weeks.

Tenders had been received from six Civil Engineering Contractors that were registered with Constructionline, as follows: -

Tenderer Number:

1	£229,149.34
2	£238,789.85
3	£244,638.25
4	£217,143.43
5	£219,290.59
6	£233,616.85

The matter had been considered at the meeting of the Coastal User Group held on 29 November 2012. The minutes of the meeting were circulated prior to the start of the meeting and the Coastal User Group's comments were taken into consideration by the Committee in making its decision.

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

RESOLVED (unanimously) – that the contract for repaving and extension of Pelham Place car park be awarded to tenderer number 4.

Reasons for the decision: -

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The Charity Committee agreed in July 2012 that tenders should be sought for repaving and extending Pelham Place car park. Tenders had been received and evaluated. All tenders met our criteria and officers recommended that tenderer 4 be awarded the contract as the lowest priced tender.

21 PARKING PLACE ORDER ON FORESHORE TRUST LAND

The Director of Environmental Services presented a report on proposals to introduce a Parking Place Order on the Winch Hut Road, the Stade open space and surrounding areas. This would enable the effective management and control of vehicles accessing and parking in the area. A plan of the proposals was appended to the report.

The matter had been considered at the meeting of the Coastal User Group held on 29 November 2012. The minutes of the meeting were circulated prior to the start of the meeting and the Coastal User Group's comments were taken into consideration by the Committee in making its decision.

Councillor Gurney moved approval of the recommendations to the report, subject to an additional recommendation as set out in (2) below, which was seconded by Councillor Kramer.

RESOLVED (unanimously) – that: -

- (1) the proposed introduction of a Parking Place order under Section 35 of the Road Traffic Act 1984 to Winch Hut Road, the Stade open space and surrounding area be authorised as defined in the plan appended to the report; and**
- (2) authority for any minor modifications to the Order or plan arising from negotiations be delegated to the Director of Environmental Services in consultation with the Chair of the Charity Committee**

Reasons for the decision: -

There had been an ongoing problem with unauthorised vehicles accessing and using the area for many years. In the past some control had been possible by using a permit system and the local authority's powers to clamp and remove vehicles. As from 1st October 2012, the Protection of Freedom Act, Section 54, made it a criminal offence to immobilise or remove a vehicle parked on private land. This had significantly impaired the Council's ability to manage the use of the area by motor vehicles. It was therefore considered that the introduction of a Parking Place Order would enable the Foreshore Trust to manage the use of the area by motor vehicles more effectively.

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22 STADE HALL ETC. UPDATE ON PROPOSED MANAGEMENT ARRANGEMENTS

The Director of Environmental Services presented a report on the proposed management arrangements being developed for the Stade (Hall and Open Space). He sought agreement in principle to the proposals to date.

The Stade Hall was built entirely on land owned by the Foreshore Trust ('FT'). Land forming the Stade Open Space was owned approximately one third by HBC and two thirds by the FT. From a very early stage in the planning of the Stade improvement project, it was intended that Stade Hall, and the Stade Open Space, would be managed by a community group. A Stade Hall Trust and a charity were being established. Details of the trustees and advisors attending meetings were included in the report.

There had been considerable discussion about the terms on which the trustees would take 'ownership' of the hall and responsibility for managing the open space. The basis for discussions was set out in the report.

Concern had been expressed that the membership of the Trust was too focussed on the Old Town and might not fully represent the interests of the Foreshore Trust. There was a view that membership of the proposed Stade Hall Trust should be extended to include a representative from other parts of the Borough and also include an elected representative from outside of the Old Town. A meeting was being arranged with the current proposed trustees to discuss this matter. Further discussions were also necessary regarding the exact nature of the 'tenancy' arrangements for occupying the building and in relation to the extent of the repairing obligations for the Stade Hall Trust.

The Protector sought clarity about which matters would be the responsibility of the Trust and which the Council, under the lease. The Chair outlined the responsibilities as repairs, running costs, management and insurance being the responsibility of the Stade Hall Trust and the maintenance of the structure being the responsibility of the Council. The Stade Hall Trust would run it on a not for profit basis.

The matter had been considered at the meeting of the Coastal User Group held on 29 November 2012. The minutes of the meeting were circulated prior to the start of the meeting and the Coastal User Group's comments were taken into consideration by the Committee in making its decision.

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

RESOLVED (unanimously) – that: -

- (1) Progress on devolving the management of Stade Hall and the Stade Open Space to the Stade Hall Trust is noted; and**
- (2) the proposals are agreed in principle subject to further discussions with the proposed Stade Hall Trustees.**

Reasons for the decision: -

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- i) To ensure that the Charity Committee is aware of the plans to devolve the management of Stade Hall and the Stade Open Space and progress to date.
- ii) To secure agreement in principle to the proposed arrangements.

23 REVISED FORESHORE TRUST BUSINESS PLAN 2012 - 2016

The Head of Amenities, Resorts and Leisure presented a report on the first annual revision of the Foreshore Trust Business Plan. The revised plan was appended to the report. The main revisions to the document appeared in pages 13 through 19 where the achievements of 2011 and 2012 and the plans for 2013 onwards were explained. There were revised sections in the appendices, notably the forward plan for trust spending.

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 User Group and the Protector. Responses from the Coastal Users Group were incorporated in the document. In addition the matter had been considered at the meeting of the Coastal User Group held on 29 November 2012. The minutes of the meeting were circulated prior to the start of the meeting and the Coastal User Group's comments were taken into consideration by the Committee in making its decision.

The Protector had been sent the revised document for comment but stated that he had not received it. He had no comment at this time.

The Head of Finance commented that all large schemes would require further Charity Committee approval. An asterisk would be placed against these lines in the spending plan.

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

RESOLVED (unanimously) – that: -

- (1) the revised Foreshore Trust business plan be approved; and**
- (2) authority for any minor modifications be delegated to the Head of Amenities, Resorts & Leisure in consultation with the Chair of the Charity Committee.**

Reasons for the decision: -

The Charity Committee adopted its first business plan in September 2011 and agreed that the plan would be revised annually.

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**24 ADDITIONAL FACILITIES AND ACTIVITIES ON HASTINGS AND ST
LEONARDS SEAFRONT**

The Resort Services Manager presented the report of the Head of Amenities, Resorts and Leisure on the current position regarding facilities and activities for users of the seafront and foreshore at Hastings & St Leonards. The report contained a list of potential sites for future activities. The list also included sites owned by Hastings Borough Council.

The matter had been considered at the meeting of the Coastal User Group held on 29 November 2012. The minutes of the meeting were circulated prior to the start of the meeting and the Coastal User Group's comments were taken into consideration by the Committee in making its decision.

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

RESOLVED (unanimously) – that: -

- (1) the Council's Chief legal Officer seek specific legal advice on the use certain areas of land on behalf of the Charity Committee; and**
- (2) subject to the necessary clarification the sites listed in the report are actively marketed and expressions of interest invited**

Reasons for the decision: -

There was a widespread support for encouraging a greater range of facilities and activities for users of the seafront and foreshore at Hastings & St Leonards.

There were recognised gaps in service provision e.g. kayak hire, cycle hire, small beachfront catering kiosks that could be encouraged to improve the use and enjoyment of the seafront and foreshore.

The previous approach to enquiries had been quite fragmented and this was an important opportunity to provide clarity on available sites, planning and other statutory requirements and well as an easier and quicker process for potential operators.

An important first step to develop and improve facilities on land owned by the Foreshore Trust would be to seek legal advice on the commercial use of certain identified parts.

**25 LAND AT THE STADE – EAST HASTINGS SEA ANGLING
ASSOCIATION**

The Head of Finance presented a report seeking approval to grant a lease of a covered access between the Stade Hall and the East Hastings Sea Angling Association clubhouse. The proposed lease would be for a term until 30 March 2019 (which was the same as the lease of the clubhouse) at a rent of £1 per annum. The Monitoring Officer's comments on the strict regulation of

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the disposal of land and land interests of charities under Section 36 Charities Act 1993 were submitted in the report.

Under the Scheme the Council had to consult with the Coastal User Group and have regard to their recommendations. The matter had been considered at the meeting of the Coastal User Group held on 29 November 2012. The Group had made no comments.

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

RESOLVED (unanimously) – that a lease of land at the Stade be granted to East Hastings Sea Angling Association subject to any objections resulting from the legal process of public notification.

Reasons for the decision: -

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

26 LAND AT MARINE PARADE – GO KART SITE

The Head of Finance presented a report seeking approval to grant a lease of the Go Kart site. The existing lease would expire on 31 December 2012. Under the terms of the Landlord & Tenant Act the tenant was entitled to a new tenancy. The Monitoring Officer's comments on the strict regulation of the disposal of land and land interests of charities under Section 36 Charities Act 1993 were submitted in the report.

A report, in compliance with the Charities Act, had been provided by GVA Grimley Ltd. This was confidential to the Trustees, and the Protector, as it contained recommendations in respect of the terms of the new lease, including the rent. The report concluded that it was in the Charity's interest to enter into a new lease.

Under the Scheme the Council had to consult with the Coastal User Group and have regard to their recommendations. The matter had been considered at the meeting of the Coastal User Group held on 29 November 2012. The Group had made no comments.

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

RESOLVED (unanimously) – that: -

- (1) a new lease of the site be granted subject to any objections resulting from the legal process of public notification; and**
- (2) the Estates Manager be delegated authority in consultation with the Chair to agree the final terms of the lease.**

Reasons for the decision: -

An external Surveyor's report has been obtained which recommended proposed lease terms that were considered to be the best that could reasonably be obtained for the charity.

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27 STADE AMUSEMENTS SITE

The Head of Finance presented a report seeking approval to grant a lease of the Stade Amusements site. The existing lease would expire in 2017. The tenant had requested to be granted a new 50 year lease in return for carrying out improvements to the site. The Monitoring Officer's comments on the strict regulation of the disposal of land and land interests of charities under Section 36 Charities Act 1993 were submitted in the report.

A report, in compliance with the Charities Act, had been provided by GVA Grimley Ltd. This was confidential to the Trustees, and the Protector, as it contained recommendations in respect of the terms of the new lease, including the rent. The report concluded that it was in the Charity's interest to enter into a new lease.

Under the Scheme the Council had to consult with the Coastal User Group and have regard to their recommendations. The matter had been considered at the meeting of the Coastal User Group held on 29 November 2012. The minutes of the meeting were circulated prior to the start of the meeting and the Coastal User Group's comments were taken into consideration by the Committee in making its decision.

The Protector commented on the extreme length of the lease and asked if it could be any shorter. The Head of Finance reported that the tenant was entitled to a 14 year lease but then no improvements would be made. Proposed improvements were costed at £579,090 and the tenant was unlikely to make the improvements without the 50 year lease. The external surveyor had recommended the proposed lease terms as the best that could reasonably be obtained for the Charity.

Councillor Kramer moved approval of the recommendations to the report, subject to the inclusion of the words, "in accordance with the external independent surveyor's advice" in resolution (1) as shown below. This was seconded by Councillor Gurney.

RESOLVED (unanimously) – that: -

- (1) a new lease of the site be granted in accordance with the external independent surveyor's advice subject to any objections resulting from the legal process of public notification; and**
- (2) the Estates Manager be delegated authority in consultation with the Chair to agree the final terms of the lease and any changes necessary to the lease of the Miniature Railway.**

Reasons for the decision: -

An external Surveyor's report had been obtained which recommended proposed lease terms that were considered to be the best that could reasonably be obtained for the charity.

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28 FORESHORE TRUST FINANCIAL REPORT

The Head of Finance presented a report on the current year's financial position (2012/13).

The Charity Committee had two main income streams from car parking and property leases / licenses. Monitoring statements were appended to the report which provided detail of the costs being incurred on major projects within the business plan. Financial projections were generally in line with the original budget, as amended by the decision taken by the Committee on 2 July to bring forward expenditure of £205,000 on Pelham Place car park.

The total balances on the Trust accounts at the 31 March 2012 amounted to £2,023,310. With an estimated operating surplus of £169,000 in 2012/13 (before grants) and programmed expenditure now of some £535,000, the estimated fund balance at 31 March 2013 was some £1,608,000.

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

RESOLVED (unanimously) – that the financial position for 2012/13 be noted and agreed.

Reason for the decision: -

The Council had the responsibility for the proper management of the financial affairs of the Trust.

29 COASTAL USER GROUP MEETING – 29 NOVEMBER 2012

The Foreshore Trust items from the minutes of the meeting of the Hastings and St Leonards Coastal User Group held on 29 November 2012 were circulated prior to the start of the meeting. The comments contained in the minutes were taken into consideration by the Committee in making its decisions.

(The Chair declared the meeting closed at 6.52 pm)