

CHARITY COMMITTEE

9 DECEMBER 2019

Present: Councillors S Beaney (Chair); Batsford (Vice-Chair); Forward; and Chris May (The Protector).

45. APOLOGIES FOR ABSENCE

Apologies received from Councillor Rogers; Victoria Conheady, Assistant Director, Regeneration and Culture; and Peter Grace, Assistant Director, Financial Services and Revenues. Councillor Forward was present as a substitute for Councillor Rogers.

46. DECLARATIONS OF INTEREST

None.

47. MINUTES OF PREVIOUS CHARITY COMMITTEE

RESOLVED – that the minutes of the Charity Committee meeting held on 23rd September 2019 be approved as a true record.

RESOLVED – that the minutes of the Foreshore Trust AGM held on 23rd September 2019 be approved as a true record.

48. (FORESHORE TRUST) FINANCIAL REPORT

Simon Jones, Chief Accountant, presented a Finance Report to advise the Committee on the current year's financial position.

The budget agreed in March 2019 identified budgeted income at £1,477,000 and expenditure at £1,296,000. The budgeted surplus for the year being £181,000 after direct governance costs, but before distribution of grants, capital charges and before use of Reserves. A deficit of £197,000 is budgeted for after these adjustments.

At this stage in the year a number of variances have been identified. The net effect leading to a (£35,000) reduction in the forecast deficit to £162,000.

The Chief Accountant highlighted two variances. Based on the experience from 2018/19 it is possible that the income budget for car parking may be overly ambitious by approximately £40,000. This year it is particularly hard to accurately forecast income as the Council has moved away from separate seasonal summer/winter charging to having a fixed charge all year round.

The forecast reduction in income from car parking is however fully offset by an expected increase in rental income, in particular from Victoria chalets and the White Rock beach huts.

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Since publication of the report the £12,000 underspend for maintenance of the White Rock water play feature has now been earmarked for this financial year.

It was noted that a member of the Coastal Users Group had asked why the Foreshore Trust appears to be running its reserves down. The Chief Accountant said that this was in line with the reserves policy as previously agreed by the Committee.

The Committee thanked the Chief Accountant for his work and wished him well in his new job.

Councillor Batsford proposed approval of the recommendation, seconded by Councillor Forward.

RESOLVED (unanimously):

To agree the current financial position for 2019/20.

Reasons:

The Council has the responsibility for the proper management of the financial affairs of the Trust. In doing so it complies with Accounting Codes of Practice and the high standards required for the accounting of Public money.

At this stage in the year the budget is forecast to be underspent by (£35,000) at the year end. A surplus of £193,000 is anticipated for 2019/20 in respect of operating income and expenses. Once grant and project costs are taken into account a deficit of £162,000 is anticipated.

49. APPOINTMENT OF GRANTS ADVISORY PANEL MEMBERS

Chris Barkshire-Jones, Chief Legal Officer, presented a report to propose the appointment of new members to the Grants Advisory Panel.

The Grants Advisory Panel (GAP) was introduced within the Scheme dated 13 January 2011 in which Hastings Borough Council became the Trustee for the Hastings and St Leonards Foreshore Charitable Trust.

Presently GAP can have no fewer than four members and no more than eight. Since 2011 when GAP dealt with one round of grant applications their work has increased with the 'Events' grant scheme in 2013-2014. Their work will increase further in June 2020 when they will deal with a new larger grants programme. This means that the panel must be fully staffed.

The Committee thanked officers for organising the interview process and welcomed Nick and Stephanie.

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Councillor Forward proposed approval of the recommendations, seconded by Councillor Batsford.

RESOLVED (unanimously):

- 1. That the Charity Committee approves the appointment of Stephanie Gaunt and Nick Porter to the Grants Advisory Panel with immediate effect.**
- 2. That the Charity Committee give delegated authority to the Chief Legal Officer in consultation with the respective Chairs of the Grants Advisory Panel and Charity Committee to recommend to Charity Committee further appointment from those applicants previously interviewed on a 'as and when needed' basis.**

Reasons:

The Grants Advisory Panel need to have a full complement of eight members in order to carry out their functions.

50. RESOLUTION TO CHARITY COMMISSION

Chris Barkshire-Jones presented a report to propose that the Charity Committee request that the Charity Commission agrees to amend the Scheme dated 13 January 2011 to increase the membership of the Grants Advisory Panel to a maximum of 10.

In 2011 the Grants Advisory Panel were considering one round of grant applications in regard to small organisations. In 2014 the Grants Advisory Panel were considering two rounds of grant applications as the Trust agreed a new 'events' fund. These two rounds of grant applications were combined in April 2019. These involve the Grants Advisory Panel considering an average of 30 applications.

Councillor Batsford proposed approval of the recommendation, seconded by Councillor Forward.

RESOLVED (unanimously):

To instruct the Chief Legal Officer to send the Charity Committee's resolution to the Charity Commission requesting that the maximum number of Grants Advisory Panel members be increased to 10 and therefore amend the Scheme dated 13 January 2011.

Reasons:

From 2011 the Grants Advisory Panel were involved in one grants application process which in time increased to two. It is the Trusts intention to offer a further larger grant

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from June 2020. The current chair of the Grants Advisory Panel believes that the process requires two further members to be able to cope with the workload.

51. ADVERTISE POSITION OF PROTECTOR

Chris Barkshire-Jones presented a report to seek authority to advertise the position of Protector with immediate effect.

Mr Christopher May is currently in post as the Protector. He has served three terms the last of which expires in March 2020.

The Chief Legal Officer needs to advertise the post no later than the New Year with the intention of bringing a report back to Charity Committee in March 2020 to appoint a Protector. Mr May is welcome to apply for a further term. The Chief Legal Officer will post the advert on the Council's website and will advertise the post in one of the professional accountancy publications.

Councillor Forward proposed approval of the recommendation, seconded by Councillor Batsford.

RESOLVED (unanimously):

Give delegated authority for the Chief Legal Officer to advertise for the position of Protector with immediate effect.

Reasons:

The Hastings and St Leonards Foreshore Trust must appoint a protector of the charity whose fiduciary duty will be to ensure the integrity of the administration of the charity, and who must report to the Commission any matter which he has reasonable cause to believe is likely to be relevant for the purposes of the exercise by the Commission of any of its functions.

52. CHANGES TO GRANTS ADVISORY PANEL CONSTITUTION

Chris Barkshire-Jones informed the Committee that the Grants Advisory Panel agreed to amend its constitution at its Annual General Meeting on 3rd December 2019.

The amendments allow panel members to serve a maximum term of office of 9 years (3 terms of 3 years). Further changes to the Constitution remove reference to duly nominated representatives as there have never been any and the Scheme makes no mention of member representatives.

The Committee noted the amendments.

RESOLVED that: -

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Charity Committee note that the Grants Advisory Panel agreed to amend its constitution at its Annual General meeting held on 3rd December 2019 in line with its constitution to allow for more flexibility in recruiting and retaining panel members and to make the constitution 'fit for purpose'.

Reason:

It is a legal requirement of the Hastings and St Leonards Foreshore Trust Scheme dated 13 January 2011 that there must be a Grants Advisory Panel (GAP).

53. MINUTES OF COASTAL USERS GROUP HELD ON 3 DECEMBER

The minutes of the Coastal Users Group (CUG) meeting held on 3 December 2019 were submitted for the Committee to note.

RESOLVED that the minutes of the Coastal Users Group meeting held on 3 December 2019 be received and noted.

54. EXCLUSION OF THE PUBLIC

Councillor Batsford proposed a motion for the exclusion of the public from the meeting, seconded by Councillor Forward.

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 referred to in the relevant report.

55. WHITE ROCK FOUNTAIN

Hannah Brookshaw, Regeneration Manger, presented a report to brief the Committee on final progress with the White Rock fountain construction project.

Due to the water ingress mitigation works taking place 4 to 13 December 2019 an urgent decision was taken on 22 November 2019 to agree the recommendation in principle.

It was confirmed that the work is being funded partly from the £12,000 maintenance underspend and partly from savings in other parts of the construction work.

Councillor Forward proposed approval of the recommendation, seconded by Councillor Batsford.

RESOLVED (unanimously):

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The committee agree to offset £24,127 to The Source as compensation for lost revenue due to closure of the park for construction works, expected to last 10 days.

Reasons:

Water ingress mitigation works due to leaks caused by construction movement from the new water feature at the area known as White Rock Fountain requires closure of The Source for 10 days to enable works to take place. The compensation to The Source recognises the loss of income to their business during the closure period.

Urgency provisions were utilised and a decision 22 November 2019 due to the time constraints for the requirement for water ingress mitigation works to take place 4 – 13 December 2019, prior to the required reporting process for the next Charity Committee meeting.

(The Chair declared the meeting closed at 6.22pm)