

**Report to:** Charity Committee

**Date of Meeting:** 16<sup>th</sup> March 2020

**Report Title:** Appointment of Protector

**Report By:** Chris Barkshire-Jones Chief Legal Officer and Monitoring Officer

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### **Purpose of Report**

To appoint a Protector to the Hastings and St Leonards Foreshore Charitable Trust which is necessary under The Scheme dated 13 January 2011 authorised by the Charity Commission for England and Wales.

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### **Recommendation(s)**

- 1. To appoint James Cook with effect from 20 March 2020 for a period of three years.**

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### **Reasons for Recommendations**

On 13 January 2011, the Charity Commission for England and Wales approved Hastings Borough Council as trustee for the Hastings and St Leonards Foreshore Charitable Trust. The scheme required that the trustee 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 Charity 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”.

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## Introduction

1. The Council became Trustee of the Hastings and St Leonards Foreshore Charitable Trust by virtue of a Scheme dated 13 January 2011.
2. The Scheme states that the Trustee “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 its functions”
3. The Protector must in each year prepare a statement of the or her activities and findings for publication by the trustee in its Trustee Annual Report.
4. The Protector must be a person who holds a qualification awarded by a member of the Consultative Committee of Accountancy Bodies.
5. Any vacancy in the office of Protector must be advertised by the Trustee.
6. The Protector must be appointed in writing for a maximum term of three years. The Protector may serve an unlimited number of terms.
7. Christopher May was appointed as the Trust’s first Protector in March 2011. He has served three terms his current appointment coming to an end on 19 March 2020.

### Currently

8. Charity Committee gave delegated authority for the Chief Legal Officer to advertise the post December 2019. This was done in January 2020 both on the Council’s website and in the voluntary section ‘work wanted’ of the Institute of Chartered Accountants. There was no cost for this service.
9. The Council have received two expressions of interest. Interviews were carried out on the 20<sup>th</sup> February 2020. The Charity Committee carried out the interviews.
10. After assessing the performance of the two candidates it was agreed that James Cook be recommended for appointment of Protector of the Trust from 1<sup>st</sup> April 2020 for a period of three years.

### Timetable of Next Steps

11. Please include a list of key actions and the scheduled dates for these:

Action	Key milestone	Due date (provisional)	Responsible
Protector appointment	Protector appointment	20 March 2020	Charity Committee

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## Wards Affected

Insert the list of wards affected

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## Implications

Relevant project tools applied? No

Have you checked this report for plain English and readability? Yes

Climate change implications considered? No

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

Equalities and Community Cohesiveness

Crime and Fear of Crime (Section 17)

Risk Management

Environmental Issues

Economic/Financial Implications

Human Rights Act

Organisational Consequences

Local People's Views

Anti-Poverty

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## Additional Information

References were taken and approved

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## Officer to Contact

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