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CHARITY COMMITTEE

29 MARCH 2021

Present: Councillor O'Callaghan (Chair), Councillor Batsford (Vice-Chair) and Councillor Rogers. James Cook (The Protector)

88. WELCOME FROM THE CHAIR OF THE CHARITY COMMITTEE, COUNCILLOR MARGI O'CALLAGHAN

The Chair welcomed those present to the meeting.

89. TRUSTEE ANNUAL REPORT AND ACCOUNTS FOR THE YEAR 2019/20

The Chief Accountant submitted a report adopted at the Charity Committee meeting held at 6:00pm earlier in the evening.

The Chief Accountant presented the report to the committee.

The Chief Finance Officer expressed his thanks to the Chief Accountant and the rest of the Finance team for putting their hard work in pulling the accounts together and to the external auditors, Manningtons, in what has been a difficult period. The committee also thanked officers for their guidance and hard work.

RESOLVED (unanimously):

To agree the Annual Report and Financial Accounts 2019-20

Reasons for Recommendations:

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.

The Council as Trustee, through the Charity Committee, is authorised to approve the annual report and accounts which is normally done by the 30th September each year but the outbreak of Covid19 meant an extension was required and the accounts will now be presented for approval on 29th March 2021.

90. PUBLIC QUESTION TIME (30 MINUTES)

A notice had been placed in the local newspaper inviting written questions. The Legal Adviser to the Charity Committee presented the questions that were received. The answers have been sent to the questioners earlier today:

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Questions from Mr Hurrell:

On the 22/05/2019 appeal hearing APP/B1415/X/18/3203560 / APP/B1415/X/18/3209886 for Certificate of Lawful Use application HS/EX/18/00485 granted the area the status of an “amusement park” and conferred permitted development rights on the area.

I would be grateful to answers to the following questions:

1. When will the footpath permission granted permission under HS/FA/18/01009 be built?
2. Does the appeal decision mean that the footpath granted permission under HS/FA/18/01009 does not need to be built?
3. Does the appeal decision mean that public access is no longer to be maintained in the amusement park?
4. What measures has the FT taken to protect access across the land that falls to the East of the boating Lake?
5. Has the FT as landowner granted permission for the new fence blocking the site from the South?
6. Will the FT as owner of the land ensure that public access is protected?

Answers:

Planning application no HS/FA/18/01009 included ‘Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located.’ The application was determined by the Planning Committee on 6th March 2019 and planning permission was granted. The application for a Certificate of Lawful development for existing use as an Amusement Park (HS/EX/18/00485) was refused by the Council on 9th August 2018. The Applicant’s appealed to the Planning Inspectorate and the appeal was allowed resulting in the Lawful Development Certificate being granted thereby classifying the site as an amusement park benefiting from permitted development. Part 18 of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the following development, subject to the listed restrictions, in amusement parks:

Class B – development at amusement parks

B. Permitted development

Development on land used as an amusement park consisting of—

(a) the erection of booths or stalls or the installation of plant or machinery to be used for or in connection with the entertainment of the public within the amusement park; or

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(b) the extension, alteration or replacement of any existing booths or stalls, plant or machinery so used.

Development not permitted

B.1. Development not permitted

Development is not permitted by Class B if—

(a) the plant or machinery would—

(i) if the land or pier is within 3 kilometres of the perimeter of an aerodrome, exceed a height of 25 metres or the height of the highest existing structure (whichever is the lesser), or

(ii) in any other case, exceed a height of 25 metres;

(b) in the case of an extension to an existing building or structure, that building or structure would as a result exceed 5 metres above ground level or the height of the roof of the existing building or structure, whichever is the greater; or

(c) in any other case, the height of the building or structure erected, extended, altered or replaced would exceed 5 metres above ground level.

In response to your specific questions:

1. This is not a question for the Foreshore Trust as it is a matter for the Applicant / Tenant of the site. Condition 1 of the planning permission granted states that 'The development hereby permitted shall be begun before the expiration of three years from the date of this permission.'
2. The appeal decision authorises the use as an Amusement Park only (as defined by Class B, Part 18, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It is a separate issue to the permission granted under HS/FA/18/01009 and therefore not related.
3. The appeal decision authorises the use as an amusement park only, giving them permitted development rights under Class B set out above. Again, this is a separate issue to the planning permission or the footpath within.
4. If this refers to the tarmac area from the road to the beach then the Trust position is that as Landlord it would not grant consent to fence this access off.
5. The Trust has not given consent to a new fence that would permanently block the tarmac area off. There is temporary (Heras) fencing in place to prevent access to the tarmac area until works are completed. The Trust has granted consent for the works and the temporary fencing is in place for safety reasons.
6. See above.

Questions from Mr Lewcock:

1. What submissions has the Foreshore Trust made or does it intend to make on the draft Hastings Local Plan to ensure that its independent objectives will be protected and enhanced?

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2. If the submissions for the Hastings Town Deal Board are accepted by the Government and the Town Deal Board is reconstituted as proposed, will the Foreshore Trust seek representation on the Board?

Answers:

1. The chair of the charity committee sits on HBC cabinet on behalf of the Charitable Trust and, alongside the other members of the charity committee, engaged in the planning and development of the Reg 18 draft consultation version of the new local plan which has just completed.
2. The trustee of the charity is accountable body for the towns fund. Decisions re Head of Terms and other items regarding the towns fund will come to Cabinet and can be discussed at full council.

If a member of the committee also sat on the town deal board there would be issues regarding conflict of interest at Cabinet, Council and potentially at the Charity committee for decisions regarding investment on Foreshore Trust land. It is therefore inadvisable to seek representation on the town deal board for a member of the charity committee.

Questions from Mr Davis:

1. As we now know, and the Council have accepted, we live under the threat of climate change which will mean both sea level rise and rain events of increasing density/regularity.
2. Depending on your chosen source of information it is likely that Hastings town centre (around the old memorial etc) will flood regularly by 2050.
3. Does the foreshore boundary move inland to a revised shoreline at that time or is it fixed meaning no foreshore so no Foreshore Trust at those points that flood?

Answers:

1. The SMP indicates the beach will change in profile and extent overtime, due to climate change.
2. The northern edge of the beach along the towns urban coastline is the line that is held by the SMP 'hold the line' policy until 2105

The built assets of the FST sit above this line, and are expected to benefit from ongoing flood defence grant in-aid – this would preclude the need to move the FST boundary as we understand now (in terms of the income generation)

3. Based on this policy approach and the current climate science – the FST boundary would likely not need to be revised, but would be a decision the FST charity may wish to consider in due course.

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Questions from Mr Fisher:

1. Can the Foreshore Trust indicate how it is independent from Hastings Borough Council?
2. In the past it seems the Foreshore Trust has made payments to individuals and organisations that seem to have no relation to the Town's foreshore activities. Can the Foreshore Trust provide a set list of objectives, its funding streams and how organisation linked to the foreshore are supported?
3. Could the Foreshore Trust indicate whether its committee endorses the use of the Old Bathing Pool area (the last open space seafront) for housing development - rather than a leisure & tourism use linked to other seafront activities?

Answers:

1.
 - (a) Scheme insisted we have a protector who acts like a 'watch dog' to ensure separation of decision making
 - (b) Conflict of interest policy
 - (c) Charity commission
2. All details regarding the aims and objectives surrounding grant schemes are on the HBC website:
<https://www.hastings.gov.uk/my-community/foreshoretrust/whattheydo/>
Please note HBC, as trustee, do not assess grant applications. One of the requirements of the Scheme is that the Trustee appoints an independent Grants Advisory Panel. The Panel takes an important role in making recommendations to the Committee on the distribution of surplus income through grants to charitable purposes in the Borough.
3. The charity does not own the old bathing pool site and is therefore unable to comment

Questions from Mr Edwards:

1. Part time worker supporting the Coastal Users Group links and assisting in the grants making programme - The CUG meeting held March 2020 was unanimous in requesting this post be created. There is no mention in the Reports so please can an update be provided.
2. Water Play provision - this issue has been raised over several years. It would be a huge attraction to visiting families. Can the location be looked at again please? [kindly include a re-examination of the site opposite the Italian Way - with a challenge to Southern Water to be helpful]

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3. What are the levels of voids and rent arrears at the end of March 2020, what actions have been taken to achieve maximum income and how frequently are rent reviews undertaken?

Answers:

1. This post has been recruited to. The post holder was aligned to the community hub between April and August. From September onwards they have supported the other part of this post, managing the small and events grant and the large grant schemes.

As the CUG have not met physically since last year, and there is no development of a FST business plan due to Covid impacts (where the rolling 5 years business plan is being worked to) this aspect of the role is being looked at for the 2021/22 financial year in terms of support to the CUG.

2. Once resourcing allows this will be looked at. However the officers who were exploring this were realigned to the community hub between March and August 2020 and then refocused on developing the Towns Fund application for Hastings. Covid implications around water play also need to be understood. This hasn't been explored in the context of water play at present.
3. The impact of COVID-19 has been significant for the Trust this year, both from property rentals and particularly car parking income. In terms of rentals there was a period earlier in the year when a number of businesses were unable or unwilling to pay the rental owe, but generally that is no longer the position, with just three tenants owing significant sums over £1,000. This is a result of the government business grant scheme distributed by the council, providing a significant level of financial assistance. The largest of these outstanding debts, which relates to a quarter 4 invoice of £15,899.66, including VAT, is being paid off on a monthly basis and the outstanding monies are expected to be paid in full. Likewise, the two other larger debts relating to rentals amount to £4,998.26 in total, are expected to be paid in full. Rent reviews are conducted using external surveyors unless the terms of the lease include inflation linked indices as the basis of the reviews, in which case these can be conducted by the council's Estate Team. Generally, rent reviews are conducted either annually or five-yearly, with upward only rent reviews.

(The Chair declared the meeting closed at 6:58pm)