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CHARITY COMMITTEE

28 SEPTEMBER 2015

Present: Councillors Hodges (Chair), Forward, Cartwright. Also in attendance Mr Chris May, the Protector

6. **APOLOGIES FOR ABSENCE**

None.

7. **DECLARATIONS OF INTEREST**

None.

8. **MINUTES OF THE MEETING HELD 27 JULY 2015**

RESOLVED – that the minutes of the meeting held on 27 July 2015 be approved and signed by the Chair as a correct record.

9. **ADDITIONAL URGENT ITEMS (IF ANY)**

None.

10. **FORESHORE TRUST GRANTS PROGRAMME**

The Assistant Director Regeneration and Culture presented a report to introduce the recommendations of the Grant Advisory Panel (GAP) in respect of projects to be funded the Foreshore Trust Small Grants Programme 2015/16.

The purpose of the small grants programme is to support organisations delivering a range of activities for local people that address the Charity's objectives and priorities.

The Chair, Andrew Colquhoun, of GAP presented the panel's recommendations to the committee. The small grants programme had been advertised from June 2015 in a variety of web pages and printed publications, and a total of 36 applications for funding had been received. Each grant application had been assessed against the Foreshore Trust's objectives and scored by two members of the GAP, and then jointly reviewed by a meeting of the full panel. The GAP recommended approving seventeen grant applications for the 2015/16 programme, totalling £53,315. Each of the successful applications will be subject to monitoring of take up and impact of the project, in line with the Foreshore Trust's equalities policy.

Members of the committee thanked the GAP for their efforts in assessing the applications for funding.

Councillor Hodges proposed approval of the recommendations, as set out in the resolution below, seconded by Councillor Cartwright.

RESOLVED (unanimously) that:
Charity Committee accepts the Small Grants recommendations of the GAP as set out in Appendix 1 of the report.

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The reason for this decision was:

The Grant Advisory Panel has appraised the merits of the applications received for Small Grant support and has made a number of recommendations for grant awards that can be funded from the 2015 – 16 budgets. These were assessed with detailed discussion on each application at two GAP meetings held during July 2015.

11. **FORESHORE TRUST - ANNUAL REPORT AND FINAL ACCOUNTS 2014/15**

The Assistant Director - Financial Services and Revenues presented a report which sought approval of the 2014/15 Annual Report and Financial Accounts.

A surplus of £251,000 had been achieved in 2014/15, which was in line with projections. The report identified key areas of income and expenditure for the Trust over the previous financial year. The main programme reserve was £688,172.

The council had received an unqualified opinion on the accounts from its external auditors. The Charity Committee, on behalf of the council as Trustee, was required to approve the annual report and financial accounts by 30 September 2015.

Councillor Cartwright proposed approval of the recommendations to the report, seconded by Councillor Forward.

RESOLVED (unanimously) that:

That the Annual Report and Financial Accounts for 2014/15 are approved.

The reason for this decision was:

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

The Council as Trustee, through the Charity Committee, is required to approve the annual report and accounts by the 30 September each year.

12. **FORESHORE TRUST - FINANCIAL REPORT**

The Assistant Director - Financial Services and Revenues presented the finance report to the committee. The report outlined the financial position of the Trust in 2015/16.

In March 2015, the Trust had agreed its budget for 2015/16, with an estimated surplus of £248,000. The Trust's income and expenditure for 2015/16 remained in line with the budget projections. Expenditure for the potential kiosk and landscaping/fountain works had been excluded from the business plan until there is more certainty of the Trusts financial position. It was noted that levels of the latest month's car parking income will be included in the report for the next meeting on 14 December 2015.

Councillor Forward proposed approval of the recommendations as set out in the Assistant Director – Financial Services & Revenues to the report, seconded by Councillor Cartwright.

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**RESOLVED (unanimously) that:
The current financial position for 2015/16 be agreed.**

The reason for this decision was:

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.

A surplus in line with budget expectations is anticipated for 2015/16 in respect of ongoing operations.

13. FUTURE MANAGEMENT OPTIONS FOR THE STADE FACILITIES

The Assistant Director Regeneration and Culture presented a report which sought to advise the Charity Committee on the current position and future options regarding management arrangements for the Stade Hall, Classroom on the Coast and the Stade Open Space (Stade Facilities).

The Facilities have served as successful venues for a large number and wide range of community based activities over the years. European funding through the Fisheries Local Action Group (FLAG) programme which, in recent years, has supported a number of events and Facilities administration and promotion comes to an end in October. The report identified a number of interim measures and arrangements for the Stade facilities until more permanent options can be investigated and agreed, and these include administration of the Stade Facilities by the Council on behalf of the Foreshore Trust; reinstigation of regular meetings of the Management Advisory Group; continuation of some traditional events, and investigation of activities that will enable the Facilities to be self-sustaining over the longer term. DEFRA have confirmed there will be a Flag II programme which will be clarified in Autumn this year.

Councillor Cartwright proposed approval of recommendation 1 to the report, seconded by Councillor Forward.

Councillor Forward proposed approval of recommendation 2 to the report, seconded by Councillor Cartwright.

RESOLVED (unanimously) that:

- 1. That the Charity Committee approves the interim measures set out in section 20 of this report.**
- 2. That a further report setting out options be brought to the Charity Committee in time for implementation in 2016-17.**

The reason for this decision was:

The external funding for promotion and management of these facilities will cease in October, and there is a need to put in place alternative arrangements to ensure that these facilities can continued to be used for the benefit of the general public.

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14. POWER TO BORROW

The Chief Legal Officer presented a report which sought approval to provide the Hastings and St. Leonards Foreshore Charitable Trust with an express power to borrow.

The Charity Commission have advised the Charity Committee that the Trust would benefit from the express power, and that they would need to formally agree the recommendation to the report. Once agreed, the minute will be sent to the Charity Commission to consider giving their written consent to implement Clause 5(4) of the Charity Commissions model Trust Deed, which provides a power to borrow.

The committee will receive a further update from the Chief Legal Officer concerning the time frame and how the change will be implemented as soon as this information is provided by the Commission.

Councillor Cartwright sought clarification on S124 and S126 of the Charities Act 2011 as referred to in the report. The Chief Legal Officer confirmed she would respond directly to him.

Councillor Cartwright proposed approval of the recommendations to the report, seconded by Councillor Forward.

RESOLVED (unanimously) that:

Charity Committee confirm that they adopt the wording contained in Clause 5(4) of the Charity Commission's model Trust Deed that being "to borrow money and to charge the whole or any part of the property belonging to the Charity as security for repayment of the money borrowed. The Trustees must comply as appropriate with Sections 124-126 of the Charities Act 2011 if they wish to mortgage land owned by the Charity".

The reason for this decision was:

The Hastings and St Leonards Foreshore Charity Trust would benefit from having an express power to borrow money.

15. MINUTES OF THE COASTAL USERS GROUP HELD ON 8 SEPTEMBER 2015

The extract of Foreshore Trust items from the minutes of the Coastal Users Group meeting held on 8 September 2015 were submitted.

RESOLVED (unanimously) that the minutes of the meeting of the Coastal Users Group held on 8 September 2015 be received and noted

16. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

(The Chair declared the meeting closed at. 6.36 pm)