



BROADSTAIRS & ST. PETER'S
TOWN COUNCIL

Annual Town Assembly 16 March 2020

Due to the Covid-19 pandemic, the Annual Town Assembly, due to be held on the 16th March 2020, was cancelled. Members of the public were asked to submit their questions via email so that they could be answered by a panel of Councillors.

Please find below the list of questions submitted and the Town Council response:

1. *Why do the CT10 Parochial Charities refuse to answer legitimate questions from a CT10 resident?*

The Town Council cannot respond on behalf of the Charity. Please be aware that CT10 Parochial Charities is the result of an amalgamation of charities - C for Culmers and T for Taddy's – that was carried out around the time that postcodes were introduced. Whilst it may appear by name to be a public organisation for Broadstairs & St Peter's, it is not, and therefore there is no automatic right for any CT10 or other resident to have information from the charity, unless in accordance with the Charity Commission or other regulatory authorities.

2. *Why does the Charities' website not include the information about the trustees as shown on the Charity Commission's website?*

The Town Council cannot answer any questions with regard to the website of the CT10 Parochial Charities. However we understand there is no legal requirement for any Charity to declare the information you request on their own website.

3. *Is there a requirement under the constitution of the Charities for the Town Council to appoint four trustees?*

The Town Council cannot answer questions regarding the constitution of the Charity as this is an entirely separate entity. However we have been informed that it is in the Charity's constitution.

Traditionally, the names of four Trustees have been put forward by the Town Council every 4 years, but there is no obligation for these to be councillors, officers or in any way connected with the Town Council.

4. *If any of the four appointees resign from their trustee post, is the Town Council required to replace them?*

Yes, Cllr Roy Dexter has recently resigned and the Town Council has appointed a replacement, Cllr Roger Binks who expressed an interest in the role, for the remainder of the current 4 year period, this decision was made in January and can be found in the Finance and General Purpose minutes on the Town Council website.

5. *How long has this arrangement been in place?*

The Charity will be in the best position to answer this question but the Town Council has only been in place in its current form, since the 1972 Local Government Act.

6. *Do these Town Council appointees have to be councillors or employees?*

No, see response to question 3 above.

7. *Are these appointments made after mutual agreement?*

The Town Council appoints the representatives at a meeting attended by all Councillors. But, prior to the meeting the Charity gives guidance as to the role and the type of individual that they would need to be a representative, i.e. someone who can attend daytime meetings.

8. *Could the Charities refuse to accept a Town Council appointee?*

See above.

9. *One of the appointees lists an additional trustee post of the Broadstairs Youth and Leisure Centre. Is this still valid as Retort House is now a Town Council asset?*

The Town Council cannot respond to questions regarding an individual's other personal and private interests or connections. However, the Broadstairs Youth and Leisure Centre Trust is still a valid trust, although they no longer play a role in Retort House. This question would need to be directed to both the Broadstairs Youth and Leisure Trust and the CT10 Charities.

10. *What are the benefits to the Charities and the Town Council of their close collaboration?*

There is no collaboration, close or otherwise.

The Town Council is a tenant of the Charity for a parcel of land leased for the benefit of the public.

It is extremely common for some individuals to be involved in many community organisations. That does not imply any impropriety on the part of any of the four town council nominated trustees. Councillors are also bound by a Code of Conduct and any potential or actual conflict of interest is recorded and the appropriate actions taken.

11. *Do these benefits outweigh the possible negative public perception of the collaboration?*

The lease is in the Council's public accounts and long-standing. Every resident has the benefit of being able to walk across that land and to also see the accounts if they wish too.

12. Why does the Charities' website not give the financial information available on the Charity Commission's website?

The Town Council cannot respond on the matters of another legal entity. However it notes that there is no requirement to give this information on an organisation's own website.

13. Why are the Charities so reluctant to give information about the source of their income and the way that it is spent?

The Town Council cannot respond on the matters of another legal entity.

14. As the Charities' finances seem so healthy, why was there a need to sell the section of Culmer's Land?

The Town Council cannot respond on the matters of another legal entity.

15. How are the Charities going to use this very large additional income?

The Town Council cannot respond on the matters of another legal entity.

16. Was selling the land within the terms of the original 1495 bequest?

The Town Council cannot respond on the matters of another legal entity.

17. On 14 January 2020 at a Broadstairs Society meeting, the Chair of the trustees explained that the area of Culmer's Land that they had sold had been neglected by the Town Council and allowed to become overgrown, used for fly tipping and antisocial behaviour. I had previously understood that the land had not formed part of the Culmer's Amenity Land leased by the Town Council from the Charities and therefore had remained the responsibility of the Charities. Which organisation was responsible for that area of Culmer's Land in the years before May 2018?

The Town Council was responsible as tenant for the land until 2013. Thereafter and during several years of re-negotiation of the lease, the Charity was responsible.

The land had been tenanted by an allotment holder but due to the difficulty of the terrain, the tenant left the land and no other tenant was willing to take it on.

18. Why was it neglected and allowed to become so unpleasant?

See above.

19. I have been told that several decades ago there was a plan to by-pass Albion Street and the lower High Street by building roads through Culmer's Land from Alexandra Road and Nelson Place to Vere Road. This plan met with vigorous local opposition and was dropped. Would it be possible to read the Town Council records about this plan, the grounds for the opposition and how the decision was reached?

This was in the 1980s and would have involved TDC as the Local Planning Authority and Kent County Council. The Town Council was the tenant for the land at the time and it is likely it would have been a consultee. So, it is likely that the Town Council does hold some information in the archive of minutes.

Any member of the public is allowed to request to view these minutes, but they are not allowed to leave the Town Council offices as they are a matter of public record and must be retained as part of the constitution of the Town Council.

20. Why did a trustee of the Charities state at the 2018 Town Assembly that there was 'no intention to build' on Culmer's Land when that trustee could reasonably be expected to have known that outline planning permission had been obtained to build houses and the sale of that site to a property developer was already in progress?

Please address this question to the relevant individual. However, it should be noted that the area of Culmer's Amenity Land that the Town Council would retain as part of the lease, no longer included the piece of land nearest to the Alexandra Road.

21. Why are the Charities so opposed to Culmer's Land being listed as a Local Green Space in the Neighbourhood Development Plan and TDC Local Plan?

The Town Council cannot respond on the matters of another legal entity. However, the comments they made against the plan can be found on the Consultation pages of the Thanet District Council website www.consult.thanet.gov.uk

22. Why are the Charities so determined to maintain the value of Culmer's Land if there is no intention to sell it for building development in the future?

The Town Council cannot respond on the matters of another legal entity.

23. What is the Town Council's view on a misleading statement being given by an official of an organisation at a public meeting like an Annual Town Assembly?

The Annual Town Assembly is convened for residents to have the opportunity to ask questions of the Council and Councillors on issues relating to the Town Council's work.

It is not the forum for questions relating to the affairs of other organisations and they should be neither accepted nor answered. Councillors are present at the Assembly as representatives of the Council and no other organisation.