

## WALBERSWICK COMMON LANDS CHARITY

### CHARITABLE OBJECTS – POLICIES AND INTERPRETATIONS

#### 1. Distinction between 'Inhabitants' and 'Residents' when providing charitable benefits

- 1.1. Inhabitants are defined as those people who pay Council Tax or Business Rates in Walberswick and whose permanent and principal home is within the Village. For the avoidance of doubt it includes tenants who are responsible for Council Tax whether in local authority, housing association or privately rented housing.
- 1.2. Residents are defined as those people who pay Council Tax or Business Rates for residential property in Walberswick and thereby includes those people who own second homes or holiday homes available for rent.

#### 2. Charitable benefits and grants provided to individuals

- 2.1. Charitable benefits or grants to individuals will only be provided to qualifying inhabitants and their spouses, partners or immediate family living permanently with them.
- 2.2. Residents will not be eligible to receive individual charitable benefits or grants.
- 2.3. Charitable benefits or grants to inhabitants must be properly assessed on the basis of need and hardship. The rationale for such awards must be recorded in the minutes.
- 2.4. In considering applications the Trustees will not discriminate on the basis of sex, gender, gender reassignment, age, race, colour, nationality, ethnic or national origin, health, disability, marital/civil partnership status, sexual orientation, pregnancy or maternity, responsibility for dependents, political activities, criminal record, religion, faith or other beliefs.
- 2.5. Payments should not be made that are a statutory entitlement, e.g. housing benefit or incapacity benefit.
- 2.6. Grants should be made as direct payment for goods or services. Only in exceptional circumstances should cash grants be made.
- 2.7. All grants to individuals should be reviewed annually, including a reassessment visit in the event of changed circumstances.
- 2.8. For the avoidance of doubt the granting of rights to an individual over the Charity's land, such as an access or beach hut licence, is not a charitable benefit.

#### 3. Charitable benefits and grants provided to charities, institutions and groups ("groups")

- 3.1. Only those groups that provide a benefit to residents of Walberswick, or have the potential to provide such benefit, are eligible for benefits or grants from the Charity.
- 3.2. Charitable benefits or grants must fall within the approved charitable purposes defined by the Charity Commission and listed in Appendix A.

3.3. The rationale for grants to groups must be recorded in the minutes including reference to the appropriate charitable purpose.

3.4. All grants to groups should be reviewed annually to reassess charitable benefit to the community, including the financial circumstances of the beneficiary where appropriate.

#### **4. Support for community projects and events**

4.1. The wording *'for the general benefit of the inhabitants of Walberswick'* in the 2009 Scheme shall be interpreted as meaning both inhabitants and residents.

4.2. Support for community projects and events must fall within the approved charitable purposes defined by the Charity Commission and listed in Appendix A or have specific consent from the Commission.

4.3. The rationale for supporting community projects and events must be recorded in the minutes including reference to the appropriate charitable purpose.

#### **5. Disposal of Walberswick Common**

5.1. The area of land known as Walberswick Common must be retained for the purposes defined in the 2009 Scheme.

#### **6. Disposal of other land and property**

6.1. Any sales, disposals or grants of permanent rights over other land or property, including rights of way and easements, must be in accordance with the 2009 Scheme, Charities Act and comply with Charity Commission guidance cc28.

6.2. Professional advice from a qualified surveyor and where appropriate legal advice from an independent solicitor must be sought in every instance.

6.3. The rationale for the disposal or grant must be recorded in the minutes, including any deviation from the advice provided by the qualified surveyor.

#### **7. Granting of permanent easements for access across the Charity's land**

7.1. The provisions of paragraph 6 above shall apply to the grant of permanent easements with the following clarifications and additions:

7.1.1. Easements will be valued on a commercial, open market basis.

7.1.2. Wherever possible, proceeds from the sale of an easement will be used for a community project that provides charitable benefit for a wide section of residents.

7.1.3. Subject to agreement of the party acquiring the easement, the source of funding for the community project will be communicated and credit given wherever possible.

## **8. Granting of leases and licences**

- 8.1. Any leases or licences (including beach hut, fishing hut, access and parking licences) must be granted in accordance with the 2009 Scheme, Charities Act and comply with the Charity Commission guidance cc28.
- 8.2. For licences with a duration of one year or less, the Trustees may exercise their discretion in determining the licence fee. The Trustees should consider market evidence when setting licence fees where available. The Trustees should ensure that the licence fee at a minimum covers administrative and legal expenses.
- 8.3. For all leases and licences of greater than one year:
  - 8.3.1. No lease may be granted for a term of longer than 21 years.
  - 8.3.2. Professional advice must be sought from a qualified surveyor as required under Charity Commission guidance cc28.
  - 8.3.3. The terms of the lease or licence must be approved by an independent solicitor.
  - 8.3.4. The rationale for granting the lease or licence must be recorded in the minutes, including any deviation from the advice provided by the qualified surveyor.

## **9. Beach and Fishing Hut licence fees – distinction between residents and non-residents**

- 9.1. Resident licensees will have their annual licence fee set at the standard rate. In determining the standard rate Trustees will consider; (i) market evidence, (ii) the amenities available in Walberswick (such as beach access, toilets and water supply) when compared to other locations and (iii) other factors the Trustees may consider appropriate.
- 9.2. Non-residents will have their annual licence fee set at a premium rate. Typically, 50% higher than the standard rate.

## **10. Granting of Access Licences (formerly known as wayleaves)**

- 10.1. The provisions of paragraph 8 above shall apply to access licences with the following clarifications and additions:
  - 10.1.1. The access licence fee shall be set at a level that recovers the Charity's administrative and legal costs. It is not the intention of the Trustees to make a profit from the access licences.
  - 10.1.2. The licensees should be responsible for a fair proportion of the maintenance cost of the access.
  - 10.1.3. The Charity should not be liable for any loss, injury, damage etc. arising from the granting of the access licence.

## **APPENDIX A - CHARITIES ACT 2011 – APPROVED CHARITABLE PURPOSES AS AT 6 APRIL 2017**

1. The prevention or relief of poverty
2. The advancement of education
3. The advancement of religion
4. The advancement of health or the saving of lives
5. The advancement of citizenship or community development
6. The advancement of the arts, culture, heritage or science
7. The advancement of amateur sport
8. The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
9. The advancement of environmental protection or improvement
10. The relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
11. The advancement of animal welfare
12. The promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services
13. Other charitable purposes:
  - a. the provision of facilities for recreation and other leisure-time occupation in the interests of social welfare with the object of improving the conditions of life for the persons for whom they are intended
  - b. the provision of public works and services and the provision of public amenities (such as the repair of bridges, ports, havens, causeways and highways, the provision of water and lighting, a cemetery or crematorium, as well as the provision of public facilities such as libraries, reading rooms and public conveniences)
  - c. the promotion of certain patriotic purposes, such as war memorials
  - d. the social relief, resettlement and rehabilitation of persons under a disability or deprivation (including disaster funds)
  - e. the promotion of industry and commerce
  - f. the promotion of agriculture and horticulture
  - g. gifts for the benefit of a particular locality (such as trusts for the general benefit of the inhabitants of a particular place); the beautification of a town; civic societies
  - h. the promotion of mental or moral improvement
  - i. the promotion of the moral or spiritual welfare or improvement of the community
  - j. the promotion of ethical standards of conduct and compliance with the law in the public and private sectors
  - k. the rehabilitation of ex-offenders and the prevention of crime

Note: Charitable purposes to be kept updated in line with Charity Commission guidance.