

## **AGREED MEMORANDUM OF UNDERSTANDING BETWEEN CANTERBURY CITY COUNCIL AND THE HERNE BAY PIER CHARITABLE TRUST**

Herne Bay Pier dates from 1831 and represents an important part of the town's history as well as a focal point for its seafront. The preservation, maintenance and enhancement of the Pier as an important asset of the town is a key objective of Canterbury City Council, which is the legal owner of the Pier.

The Council has facilitated the establishment of the Herne Bay Pier Charitable Trust as a charitable body to promote the preservation and conservation of the Pier as a building of historic and architectural importance. The parties agree that the Trust's initial activities will be to campaign and lobby for the interests of the Pier, to consider how best to promote the benefit of the public in respect of the Pier and to fundraise towards its preservation and improvement. All such activities are to be carried out within the charitable objects of the Trust.

It is agreed that the Trust will seek to establish the widest possible membership base within the town and the surrounding area both as a resource to support its activities and as a basis for wide and inclusive discussion on Pier matters within the town. The establishment of a wide membership base will add credibility to the work and opinions of the Trust.

The Trust will be treated by the City Council as the principal consultee within the town in relation to Pier matters. The City Council will actively consult with the Pier Trust on all aspects of the future of the Pier including the Pier Pavilion building, the Pier head, the maintenance of the Pier structure, and any proposals for the future use or development of the Pier.

The City Council will entertain proposals from the Pier Trust to purchase the freehold of the Pier, to take a long-term lease or to manage the Pier on a day-to-day basis at some suitable future date. Any such proposals must be supported by a sound business plan and long-term strategy. The City Council will not be bound to accept any such proposals but will give them a fair hearing whilst taking into account the long-term financial, legal, planning and other responsibilities of the City Council.

The City Council will provide seed-corn funding of £5,000 towards the initial setting up costs of the Trust during 2008/9. The City Council will support the activities of the Trust by the provision of meeting rooms and officer advice in so far as its other priorities allow.

The City Council will nominate two councillors who represent Herne Bay wards to sit on the Board of the Trust, to be determined each year by the Annual Council meeting.

The remaining nine members of the Trust Board will retire and if they so wish stand for re-election every three years by thirds in accordance with the Trust's constitutional documents. The Trust will hold its Annual General Meeting and any Extraordinary General Meetings in the town to determine the appointment of Trustees and deal with any other necessary Trust business. (*This will be in the Trust's legal documentation.*)

The Trust and the City Council will respect each others views and will work together in the interests of the Pier and the town generally.

This Memorandum of Understanding will operate for an initial period until December 2011 unless mutually agreed changes are made in the meantime. It is anticipated that it will then be extended or renegotiated by agreement between the City Council and the Trust. It could be withdrawn earlier by the City Council but only if the Trust commits a material breach of the above terms.

Original draft approved by Canterbury City Council Executive on 3 April 2008, with authority to make changes delegated to the Director of Environment in consultation with the relevant portfolio holder.

Approved by Pier Trust on 7 July 2008 with minor amendments agreed by the Director of Environment under that delegated authority.

8 July 2008