

## DRAFT

### Beechwood Hall and Rural Park (Charity Reg No 206200)

This is the governing document of the Charity as at 7<sup>th</sup> November 2019. It comprises the Charity Commission Scheme dated 28<sup>th</sup> July 2005, as amended by resolutions of the trustees on 24<sup>th</sup> May 2012, 8<sup>th</sup> October 2013 and 7<sup>th</sup> November 2019.

#### 1. Definitions

“ the area of benefit “ means the Parish of Hamsey

“the charity” means the charity identified at the beginning of this document

“the Council means Hamsey Parish Council”.

#### ADMINISTRATION

#### 2. Administration

The charity is to be administered by the Council in accordance with this Governing Document.

#### 3. Name of the charity

The name of the charity is Beechwood Hall and Rural Park

#### OBJECT

#### 4. Object of the charity

(1) The object of the charity is, in the interests of social welfare, to improve the conditions of life of the inhabitants of the area of benefit without distinction of political, religious or other opinions by the provision and maintenance of:

(a) A village hall for use by the inhabitants, including use for:

(i) Meetings, lectures and classes, and

(ii) Other forms of recreation and leisure – time occupation; and

(b) A recreation ground for use by the inhabitants.

(2) The land identified in part 1 of the schedule to this scheme must be retained by the committee for use for the object of the charity.

#### TRUSTEE

5. Hamsey Parish Council (“the Council”) shall be the sole charity trustee of the Charity. Decisions of the Council as sole trustee of the Charity shall be recorded in a minute book and books of account shall be provided and kept by the Council.

#### PROPERTY

#### 6. Property, administration, repairs and insurance

6.1 The expression “charity property” shall mean all real property whether freehold or leasehold owned by the Charity from time to time.

- 6.2 The Charity and the charity property must be administered by the Council as sole charity trustee. The Council is the charity trustee within the meaning of Section 177 of the Charities Act 2011. The Council must act reasonably and prudently in all matters relating to the Charity and must always pursue the interests of the Charity to the exclusion of other Council interests in the Village Centre.
- 6.3 The Council must:
- 6.3.1 ensure that the charity's property and all buildings thereon and other property of the Charity are at all times kept in repair and sufficiently insured against all insurable risks including fire, theft and public liability and must whenever necessary procure a professional valuation for such purposes and
- 6.3.2 take out such insurance as the Council considers necessary to protect the charity's property including but not limited to public liability insurance and employer's liability insurance.

## **POWERS OF THE COUNCIL**

### **7. Powers of the Council**

The Council shall have the following powers, which may be exercised only in promoting the Charity's objects:

- 7.1 to raise funds and invite and receive contributions and endowments (whether for general or special purposes). In raising funds the Council must not undertake any trading activities which are liable to tax other than charity trading and must conform to relevant requirements of the law
- 7.2 to buy, take on lease or in exchange, hire or otherwise acquire any property necessary for the achievement of the Charity's objects and to maintain and equip it for use
- 7.3 subject to clause 15 and subject to the restrictions imposed by the Charities Act 2011, to sell, lease or otherwise dispose of all or any part of the charity's property and other property belonging to the Charity which is not required by clause 4 above to be retained for use for the object of the charity. (The council must comply with the restrictions on disposal imposed by the Charities Act 2011).
- 7.4 to deposit or invest funds in any manner (but to invest only after obtaining advice from a financial expert)
- 7.5 to borrow money by mortgage or otherwise or to seek grant aid as may be required for maintaining, extending or improving the charity's property or any part thereof or erecting any building thereon or for any work carried on therein and to charge the whole or any part of the charity's property and other property at any time belonging to the Charity with repayment of the money so borrowed or granted (but only in accordance with the restrictions imposed by the Charities Act 2011)
- 7.6 to employ staff (who shall not be Members of the Council) and to make all reasonable and necessary provision for the payment of pensions and superannuation for staff and their dependants
- 7.7 to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the Charity's objects or of similar charitable purposes and to exchange information and advice with them
- 7.8 without prejudice to clause 5, to appoint, constitute and provide clear terms of reference for, such sub-committees as the Council may think fit. Such sub-committees shall be answerable to the Council and all their acts and proceedings must be fully and promptly reported to the Council

- 7.9 to do anything else within the law which promotes or helps to promote the Charity's objects.

## **MEETINGS**

### **8. Meetings of the Council**

The following provisions apply to meetings of the Council as sole trustee of the Charity:

- 8.1 The Council must hold at least two ordinary meetings in each year. All meetings must be held separately from, and at different times to, meetings of the Council otherwise than as sole trustee of the Charity.
- 8.2 Meetings of the Council may be called at any time by the chairman or any two members of the Council upon not less than ten days' notice having been given to all other members.
- 8.3 A special meeting may be called at any time by the chairman or any two members of the Council upon not less than seven clear days' notice being given to all other members of the Council of the matters to be discussed.
- 8.4 If the chairman is absent from any meeting, the vice-chairman (if any) shall preside; otherwise the members present must, before any other business is transacted, choose one of their number to be chairman of the meeting.
- 8.5 Every issue may be determined by a simple majority of the votes cast at a meeting of the Council.

### **9. Recording of Meetings**

The Council must keep proper minutes of its meetings. The minute book must be available for inspection upon reasonable request by any member of the Council. The minute book must be retained by the Clerk to the Council.

## **ANNUAL GENERAL MEETING**

### **10. Annual General Meeting and Special Meetings**

- 10.1 There shall be an annual general meeting in connection with the Charity which shall be held in such month of the year as the Council shall determine provided that annual general meetings must be held not more than fifteen months after the holding of the preceding annual general meeting.
- 10.2 All inhabitants of the area of benefit of 18 years of age and upward shall be entitled to attend the annual general meeting and any special meetings.
- 10.3 Public notice of every annual general meeting and any special meetings shall be given in the area of benefit at least 14 days before the date thereof.
- 10.4 The chairman of annual general meetings shall be the chairman for the time being of the Council, but if he or she is not present before any other business is transacted, the persons present shall appoint a chairman of the meeting.
- 10.5 The business of an annual general meeting shall be the presentation by the Council of the report and accounts of the Charity for the preceding year and such other business as the chairman shall allow.

## **ACCOUNTS**

### **11. Accounts**

The Council must comply with their obligations under the Charities Act 2011 with regard to:

- 11.1 the keeping of accounting records for the Charity
- 11.2 the preparation of annual statements of account for the Charity
- 11.3 the auditing or independent examination of the statements of account for the Charity and
- 11.4 the transmission of the statements of account of the Charity to the Charity Commission.

## **12. Annual Report and Annual Return**

The Council must comply with its obligations under the Charities Act 2011 with regard to the preparation of an annual report and of an annual return and their transmission to the Charity Commission.

## **13. Receipts and Expenditure**

The income of the Charity, including all donations and bequests, must be paid into an account operated by the Council in the name of the Charity at such bank or building society as the Council shall from time to time decide. All cheques and orders for payment of money from such account shall be signed by at least two members of the Council.

## **RULES**

### **14. Rules**

Within the limits prescribed by this governing document the Council may from time to time make and alter rules for the management of the Charity and in particular with reference to:

- 14.1 the terms and conditions upon which the charity's property, or any other property belonging to the Charity, may be used by persons or bodies other than the Council for the purposes specified in this governing document and the sum (if any) to be paid for such use
- 14.2 the deposit of money at a proper bank or building society and the safe custody of documents
- 14.3 the appointment of an auditor or an independent examiner
- 14.4 the engagement or dismissal of such officers, servants and agents as the Council may consider necessary and the payment of such persons (not being members of the Council)
- 14.5 the summoning and conduct of meetings."

## **CHARITY PROPERTY**

### **15. Use of Income and Capital**

- (1) The Council must firstly apply:
  - (a) The charity's income; and
  - (b) If the committee think fit, expendable endowment

In meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its buildings).

- (2) After payment of these costs, the Council must apply the remaining income in furthering the object of the charity.
- (3) The Council may also apply for the object of the charity:
  - (a) Expendable endowment; and

- (b) Permanent endowment, but only on such terms for the replacement of the amount spent as the Commission may approve by order in advance.

### **AMENDMENT of GOVERNING DOCUMENT**

#### **16. Power of amendment**

(1) The Council (subject to the provisions of this clause) may from time to time amend the trusts if they are satisfied that it is expedient in the interests of the charity to do so.

(2) The Council must not make any amendment which would have the effect directly or indirectly of:

- (a) Altering or extending the purposes of the charity;
- (b) Authorising the Council to do anything which is expressly prohibited by the trusts of the charity;
- (c) Causing the charity to cease to be a charity at law;
- (d) Altering or extending the power of amendment that is conferred by this clause

(3) The Council must obtain the prior written approval of the Commissioners before making any amendment which would have the effect directly or indirectly of:

- (a) Enabling them to spend permanent endowment or capitalise income of the charity;
- (b) Conferring a benefit of any kind on all or any of the current members or their successors;
- (c) Varying the name of the charity

(4) A decision to make an amendment must be approved at an annual general meeting of the charity at which:

- (a) At least 14 clear days' public notice has been given in the area of benefit, the notice stating the business to be considered; and
- (b) Such amendments are approved by a two-thirds majority of the inhabitants of the area of benefit present and voting at the meeting.

(5) The Council must:

- (a) Prepare a written memorandum of each amendment, which must be signed at the meeting at which the amendment is made by the person chairing the meeting;
- (b) Send to the Commissioners a certified copy of the memorandum within three months of the date of the meeting; and
- (c) Retain the memorandum as part of the governing document.

### **GENERAL PROVISIONS**

#### **17. Questions relating to the Governing Document**

The Commissioners may decide any question put to them concerning:

- (1) The interpretation of this governing document; or
- (2) The propriety or validity or anything done or intended to be done under it.

### **SCHEDULE**

#### **PART 1**

The land is described in a conveyance of the 28<sup>th</sup> April 1945 which was made between Sir Ernest Arthur Gowers and two others of the first part and the Parish Council of Hamsey of the second part.

#### **PART 2**

(Part 2 of the Charity Commission Scheme removed in consequence of the resolution of  
[insert date])

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Chairman