

Sealed 23rd February 1996

N20(S) 96

County – Staffordshire
Parish – Colton
Charity – Village Hall

CS(Liv4)
3,088,172

Adjudges not chargeable
With stamp duty

Scheme

CHARITY COMMISSION

In the matter of the Charity known as the Village Hall, in the Parish of Colton, in the County of Staffordshire, comprised in conveyances dated the 10th December 1921 and the 24th November 1967; and
In the matter of the Charities Act 1993.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme [as amended by a resolution of the Committee of Management passed at a special meeting called under clause 14 of the original Scheme on the 26th May 2016] be approved and established as the Scheme for the regulation of the above-mentioned Charity:-

SCHEME

Administration of Charity

1.1 The above-mentioned Charity and the property thereof shall be administered and managed in conformity with the provisions of this Scheme by the Committee of Management hereinafter constituted as the charity trustees thereof.

1.2 The name of the Charity shall be The Colton Village Hall or such other name as the Committee of Management from time to time by resolution may decide with the prior approval of the Charity Commissioners.

Vesting

2. The land with the buildings thereon specified in the schedule hereto is hereby vested in the Official Custodian for Charities for all the estate and interests therein belonging to or held in trust for the Charity.

Object

Object of Charity

3.1 The object of the Charity shall be the provision and maintenance of a village hall for the use of the inhabitants of the Parish of Colton (the area of benefit) without distinction of political, religious or other opinions, including use for meetings, lectures and classes, and for other forms of recreation and leisure time occupation, with the object of improving the conditions of life for the said inhabitants.

3.2 The said land and building shall be held upon trust for the purposes of a village hall as aforesaid.

Committee of Management - Members

The Committee

4.1 There shall be a Committee of Management (the Committee) whose members shall be the trustees for the time being of the Charity.

4.2 The Committee shall appoint from among its members a Secretary who shall maintain a register of members and their interests.

Constitution

5.1 Subject to paragraph 7.5 the Committee shall consist of not more than twenty-one members being

- not more than eight Elected Members and
- not more than thirteen Representative Members

5.2 The constitution of the Committee may on the application of the Committee be altered from time to time by Order of the Charity Commission.

5.3 The Committee may co-opt at any one time up to two persons whose knowledge, skills or experience will enhance the work of the Committee and such persons shall be Trustees for the duration of their appointment. A person may be co-opted for a specific purpose, in which case their appointment shall cease on the fulfilment of that purpose, or generally in which case their appointment shall cease at the conclusion of the Annual General Meeting (AGM) next following their appointment subject to the right of the Committee to co-opt them afresh.

Elected Members

6.1 Elected Members shall be appointed at each AGM and shall hold office from the end of the AGM at which they are appointed until the conclusion of the following AGM unless they are re-appointed at that meeting.

6.2 The Committee may make, revoke or amend bye-laws governing the nomination, election and re-election of Elected Members.

6.3 A casual vacancy in the number of Elected Members may be filled by the Committee, the appointment taking effect from the passing of the resolution to appoint.

Representative Members

7.1 Colton Parish Council is entitled to appoint up to two Representative Members.

7.2 Subject to paragraph 7.3, the following Parish Organisations are entitled to appoint one Representative Member:

| | |
|--------------------------------------|---------------------------------|
| Colton History Society | Colton Neighbourhood Watch |
| Colton Old Peoples Welfare Committee | Colton Friendship Club |
| Colton Parish Lands Trust | Colton Parochial Church Council |
| Colton Produce Guild | Colton Ramblers |
| Colton Women's Institute | St Mary's School, Colton |
| Colton Local Nature Reserve | |

7.3 Where a Parish Organisation is unable to find a single person willing to act as a Representative Member, the Committee may at its absolute discretion permit that Organisation to appoint two alternative representatives. Only one of the Representative Members may attend, speak and vote at any meeting but, with the agreement of the Committee, the other representative may attend as an observer. Both such representatives shall be trustees of the Charity but shall count as one Representative Member for the purposes of paragraph 5.1.

7.4 A Representative Member may not take office until the Parish Organisation which he or she represents has notified the Secretary in writing that they have been appointed to represent that Organisation on the Committee. If at the time the notification is made the Parish Organisation has no Representative Member, subject to paragraph 8.2 their appointment takes effect when the notification is received by the Secretary. If the Parish Organisation already has a Representative Member the appointment takes effect on the resignation of the existing member or at the next following AGM whichever is the sooner. All such appointments lapse at the end of the AGM next following their appointment unless the Secretary receives notification from the Organisation appointing them that the appointment has been renewed.

7.5 The Committee shall have power by a resolution passed by not less than two-thirds of the members to amend the list of Parish Organisations in paragraph 7.2 and to allow the appointment of a Representative Member by any organisation added to the list.

Provisions with regard to members generally

8.1 A trustee shall cease to hold office if he or she:

- (a) is disqualified from acting as a trustee by virtue of section 178 and 179 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision);
- (b) ceases to be a member of the charity;
- (c) in the written opinion, given to the charity, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a trustee and may remain so for more than three months;
- (d) resigns as a trustee by notice to the charity (but only if at least two trustees will remain in office when the notice of resignation is to take effect); or
- (d) is absent without the permission of the trustees from all their meetings held within a period of six consecutive months and the trustees resolve that his or her office be vacate.

8.2 No person shall be entitled to act as a member of the Committee, whether on a first or any subsequent entry into office, until they have signed a declaration of acceptance and of willingness to act in the trusts of this Scheme, a record of such declarations to be maintained by the Secretary.

8.3 Other than in exceptional circumstances and with the prior written approval of the Charity Commission, no Member shall take or hold any interest in any property belonging to the Charity otherwise than as a trustee for the purposes of this Scheme or receive any remuneration or be interested in the supply of work or goods at the cost of the Charity.

Committee of Management – meetings and proceedings Meetings

9.1 The Committee shall hold at least four ordinary meetings a year. A special meeting shall be convened by the Secretary if either the Chairman or any three members request it. The Secretary shall give seven clear days' notice to members of the date of a special meeting and the matters to be discussed.

9.2 Notice of meetings and copies of papers to be discussed at meetings shall be circulated to all members electronically unless a member has indicated in writing to the Secretary that they require notice by letter.

9.3 The Committee may make, revoke or amend bye-laws for the conduct of its meetings. In particular the Committee shall determine the number of members who shall form a quorum provided that that number shall not be less than one-third of the total number of members for the time being.

9.4 Meetings of the Committee shall be chaired by the Chairman of the Committee or in his or her absence the Vice-Chairman if any or in his or her absence a member selected for that purpose by the members present at the meeting.

9.5 The Committee may invite to attend a meeting any person who it believes can contribute to its work. Such persons may speak but not vote at a meeting and shall not be trustees of the Charity.

Sub-committees

10.1 The Committee may from time to time establish one or more Sub-committees, including an Executive Sub-Committee, to have responsibility for or to advise the Committee on, specific aspects of the business of the Committee. Subject to paragraph 10.4, members of sub-committees need not be members of the Committee but no Sub-committee shall be comprised only of persons who are not also members of the Committee.

10.2 Sub-committees shall have such powers as are delegated to them by the Committee but the Committee cannot delegate final decision making powers other than to the Executive Sub-committee if established.

10.3 Sub-committees shall report on their activities at each ordinary meeting of the Committee and shall be bound by decisions of and directions given by the Committee.

10.4 If the Committee establishes an Executive Sub-committee its members shall be the Honorary Officers for the time being.

Honorary Officers

11.1 At the first meeting in each year after the AGM the Committee shall elect one of their number to be Chairman of the Committee, one of their number to be Secretary and one of their number to be Treasurer. The Committee may also elect one of their number to be Vice-

Chairman and may designate up to four others of their number as additional Honorary Officers.

11.2 Honorary Officers shall hold office until the commencement of the first Committee meeting following the AGM next after their appointment. All Honorary Officer shall be eligible for re-election.

Voting

12.1 Unless otherwise expressly provided by this Scheme, every issue requiring a decision shall be determined by the majority of votes of the members present and voting at a meeting of the Committee or a Sub-committee but in the event of an equality of votes the chairman of the meeting shall have a casting vote.

12.2 Unless any member of the Committee or a Sub-committee objects in connection with the vote on a particular issue, voting on any issue which requires to be determined before the date of the next meeting of the Committee or a Sub-committee may be conducted by email or other electronic means approved by the Committee or Sub-Committee. A record of such a vote by the Committee shall be kept by the Secretary. A record of such a vote by a Sub-committee shall be kept by the chairman of the Sub-committee.

Obligations of the Committee

13.1 The Committee (and if so directed by the Committee, a Sub-committee) shall keep in books maintained for the purpose, minutes of the proceedings of their meetings.

13.2 The Committee shall at all times comply with the requirements of Charity law with regard to the keeping of accounting records and the production and presentation to the Charity Commission of annual accounts, annual reports and annual returns and any other similar obligation which may be imposed by law.

13.3 The Committee shall insure the buildings specified in the Schedule to this Scheme and the furniture, fixtures, fittings and other effects in the buildings or any other permanent or temporary buildings erected on the land specified in the Schedule, to their full value against fire and other usual risks arising out of the ownership of property.

Rules

14.1 Within the limits prescribed by this Scheme, the Committee may from time to time make, amend and revoke rules for the conduct of their business. In particular the Committee may make rules in respect of the following matters.

14.2 The terms and conditions on which the buildings specified in the Schedule to this Scheme may be used for the purposes specified in the Scheme by persons or bodies other than the Committee and the sum (if any) to be paid for that use.

14.3 The appointment and remuneration of an auditor (or as may be permitted by Charity law, other independent examiner) of the accounts of the Charity.

14.4 The terms of office of the Honorary Officers.

14.5 The engagement and dismissal of any employees of the Charity.

Application of income

Receipts and expenditure

15.1 The income of the Charity shall be deposited into such bank and other account as the trustees consider necessary and to invest funds and to delegate the management of funds in the same manner and subject to the same conditions as the Trustees of a trust are permitted to do by the trustee Act 2000.

15.2 Subject to paragraph 15.3, the income of the Charity shall be applied as the Committee shall decide solely in furthering the objects of the Charity.

15.3 In particular, but without prejudice to the generality of the preceding paragraph, the income shall be applied in insuring, maintaining improving and repairing the buildings specified in the Schedule to this Scheme (including any access roads and car parks) and the furniture, fixtures, fittings and effects therein and in paying all rates, taxes and other necessary outgoings, including, if applicable, the wages or salaries of any paid members of staff.

15.4 A charity trustee is entitled to be reimbursed from the property of the charity or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the charity.

15.5 A charity trustee may benefit from trustee indemnity insurance cover purchased at the charity's expense in accordance with, and subject to the conditions in, section 189 of the Charities Act 2011

15.6 None of the income or property of the charity may be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to any member of the charity. This does not prevent a member who is not also a trustee from receiving:

- (a) a benefit from the charity in the capacity of a beneficiary of the charity;
- (b) reasonable and proper remuneration for any goods or services supplied to the charity.

Annual General Meetings

Calling the meeting

16.1 There shall be an Annual General Meeting (AGM) of the Charity which shall be held in the third month after the end of the Charity's financial year or as soon as practicable thereafter.

16.2 The Committee may make, revoke or amend bye-laws for the conduct of the AGMs of the Charity.

16.3 Public notice of every AGM shall be given in the Parish of Colton at least 14 days before the date of the meeting.

16.4 The persons entitled to attend and vote at an AGM are the inhabitants of the Parish of Colton aged 18 or over at the date of the meeting and any member of the Committee who is not an inhabitant of the Parish.

Conduct of the meeting

17.1 The chairman of the meeting shall be the Chairman of the Committee or in his or her absence the Vice-Chairman or in the absence of both of them by the appointed starting time of the meeting, one of the persons entitled to attend and vote at the meeting appointed by those present at the meeting.

17.2 The Secretary (or in his or her absence one of the persons entitled to attend and vote at the meeting appointed by those present at the meeting) shall take a minute of the business of the meeting which shall be publicised within the Parish of Colton within such a period of time after the conclusion of the meeting and in such a manner as the Committee shall determine.

17.3 The business of the AGM shall be as follows:

17.4 To appoint the Elected Members of the Committee

17.5 To receive the names of the Representative Members of the Committee

17.6 To receive the annual report and accounts

17.7 To act as a general consultative forum between the Committee and the inhabitants of the Parish of Colton with regard to the objects of the Charity.

General provisions

Donations

18. The Committee may accept any donations of money or property for the general purposes of the Charity or for any special objects connected with the Charity not inconsistent with the provisions of this Scheme.

Power of amendment

19.1 Subject to the provisions of this paragraph, the Committee may amend the provisions of this Scheme.

19.2 Any amendment must be made under the authority of a resolution passed at a special meeting of the Committee called under paragraph 9.1 of this Scheme.

19.3 The Committee must not make any amendment which would vary any of the following provisions of this Scheme or confer a power to dissolve the Charity:

(a) paragraphs 19.1 to 19.5

(b) the purposes of the Charity (including the purposes for which any property of the Charity is required to be used in specie)

(c) the objects of the Charity as set out in paragraph 3 (d) paragraph 8.3

19.4 The Committee must obtain the prior written approval of the Charity Commission to any amendment that would vary the Committee's power of investment.

19.5 The Committee must promptly send to the Charity Commission a copy of any amendment made under this paragraph and must keep a copy of any such amendment with the original Scheme sealed on the 23rd February 1996.

Questions arising under the Scheme

20. Any question as to the construction of this Scheme as amended or as to the regularity or validity of any acts done or about to be done under this Scheme shall be determined by the Charity Commission upon such application made to them for the purpose as the Commission think sufficient

THE SCHEDULE

The following land situate at Colton in the County of Staffordshire: All that land registered at HM Land Registry with absolute title number SF634410.

Sealed by Order of the Commissioners this 23rd day of February 1996