

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today

17th September 2001

and amended at 28th May 2008 and 3rd June 2009 and 3rd February 2010 and
26th August 2020

the following

SCHEME

will govern the Charity

previously known as

Hutton Rudby Village Hall and Charity for a Recreation Ground

and now to be known as

HUTTON RUDBY VILLAGE HALL AND RECREATION GROUND (236854)

at

Hutton Rudby, North Yorkshire

Commissioner's Reference: Case No. 200385

note: 2010 amendments in bold
2020 amendments in italics

DEFINITIONS

1. Definitions

In this Scheme:

“the area of benefit” means Hutton Rudby and the surrounding neighbourhood.

“the Charities” means the Charities identified at the beginning of this Scheme.

“the Charity” means the Charity created by clause 2 of this Scheme.

“the Committee” means the Committee of Management of the Charity.

“the first Trustees” means the persons listed in part 1 of the Schedule to this Scheme.

“the Members” means the Members of the Committee (who are the Charity Trustees of the Charity) acting under this Scheme.

ADMINISTRATION

2. Administration

- (1) The Charities are to be administered as one Charity in accordance with this Scheme. This Scheme replaces the former Trusts of the Charities.
- (2) The Charity will be administered by the first Trustees until the end of the first Annual General Meeting held under this Scheme. They must administer the Charity in accordance with the provisions of this Scheme.

3. Name of the Charity

The name of the Charity is Hutton Rudby Village Hall and Recreation Ground.

OBJECTS

4. Object of the Charity

- (1) The object of the Charity is the provision and maintenance of a Village Hall and Recreation Ground for use by the inhabitants of the area of benefit without distinction of political, religious or other opinions, including use for:
 - (a) meetings, lectures, and classes, and
 - (b) other forms of recreation and leisure-time occupation with the object of improving the conditions of life for the inhabitants.
- (2) The land identified in part 2 of the Schedule to this Scheme must be retained by the Committee for use for the object of the Charity.

POWERS OF THE COMMITTEE

5. Powers of the Committee

In addition to any other powers which they have, the Committee may exercise the following powers in furtherance of the objects of the Charity:

- (1) Power to acquire or hire property and to maintain and equip it for use. (the property must be needed to further the objects of the Charity).
- (2) Power to appoint staff (who must not be members) and pay them reasonable remuneration, including pension provision for them and their dependants.
- (3) Power to insure against public liability risks, employer's liability risks, buildings and property fire and other risks **and Trustee's indemnity.**
- (3) Power to insure against Public Liability and if appropriate Employers liability and Trustees liability and to insure the buildings and contents of the `village Hall to their full value against fire and all other usual risks (except to the extent that the buildings are insured against any of these risks by a tenant.)***
- (4) Power to raise funds. (The Committee must not undertake any permanent trading activity).
- (5) Power to co-operate with other Charities, voluntary bodies and statutory authorities. The committee may exchange information and advice with them.
- (6) Power to make rules and regulations consistent with this scheme for the management of the Charity.
- (7) Power to create Advisory Committees whose name and number of members shall be specified.**
The members of these Committees shall be informed of the terms of reference of the Committee. The Advisory Committees may advise and make recommendations to the Committee of Management. The members of the Advisory Committees need not be members of the Committee of Management.
- (8) Power to open Bank Accounts and specify details of the number of signatories.**

COMMITTEE

6. Committee of Management

- (1) There should be:
Six elected members in accordance with Clause 7 of this Scheme.
One appointed member for each of the organisations listed in part 3 of the Schedule to this Scheme, with the exception of the Parish Council, which will appoint two members.
Co-opted members (maximum of two) in accordance with Clause 9 of the Scheme.
There should be added to the Committee of Management Co-opted members in accordance with Clause 9 of the Scheme.
- (2) The members of the Committee are the managing Trustees of the Charity.
- (3) The term of office of all members will end at the Annual General Meeting following the date on which they came into office. They may be re-elected or re-appointed.

7. Elected Members

- (1) The elected members must be appointed at the Annual General Meeting.
- (2) The appointment will be effective from the end of the Annual General Meeting at which the appointment is made.

8. Appointed members

- (1) Any appointment must be made according to the ordinary practice of the appointing body.
- (2) An appointment must not be made more than 2 months before the Annual General Meeting.
- (3) The appointment will be effective from the later of:
 - (a) the end of the Annual General Meeting; and
 - (b) the date on which the Committee or their Secretary or Clerk are informed of the appointment.

(4) The person appointed need not be a member of the relevant appointing body.

9. Co-opted Members

The committee may appoint not more than 2 Co-opted members. The appointment must be made at a special meeting of the Committee. The appointment will be effective from the end of that meeting until the end of the following Annual General Meeting.

Co-opted members will be appointed at an ordinary meeting of the committee not a special meeting.

10. New Members

The Committee must give each new member on their first appointment:

- (1) A copy of this Scheme and any amendments made to it;
- (2) A copy of the Charity's latest report and statement of accounts.

11. Register of Members

- (1) The Committee must keep a register of the name and address of every member and the dates on which their terms of office begin and end.
- (2) Before acting as a member, every member must (whether on their first appointment or on any later re-appointment) sign in the register a declaration of acceptance and willingness to act in the trusts of this Scheme.
- (3) The Committee must promptly report any vacancy in the office of appointed member to the body entitled to fill it.

12. Members not to have a personal interest

Except with the prior written approval of the Commissioners no member may:

- (1) receive any benefit in money or kind from the Charity; or
- (2) have a financial interest in the supply of goods or services to the Charity; or
- (3) acquire or hold any interest in property of the Charity (except in order to hold it as a Trustee of the Charity).

13. Termination of membership

A member will cease to be a member if he or she:

- (1) is disqualified from acting as a Trustee by ***Charities Act 2011 sections 178/180***; or
- (2) is absent without the permission of the members from all their meetings held within a period of 12 months and the members resolve that his or her office be vacated: or
- (3) gives not less than one month's notice in writing of his or her intention to resign (but only if at least one third of the total number of members will remain in office when the notice of resignation is to take effect).

OFFICERS

14. Chairman/Chairman Elect

- (1) At their first meeting in each year after the Annual General Meeting the members must elect

one of their number to be Chairman of their meetings.

- (2) *The Management Committee shall elect a Chairman Elect (Vice Chairman) for a two year term at the first meeting after each alternate AGM. At the conclusion of the two year term, the Management Committee will confirm the appointment of the Chairman Elect as Chairman.*
- (3) *In the absence of the Chairman at any meeting, the Chairman Elect will assume the Chair. In the absence of both Chairman and Vice Chairman, members will elect one of their number to chair the meeting.*
- (4) *In the event of the resignation of the Chairman Elect a replacement will be sought at the next Management Committee Meeting.*

15. Secretary and Treasurer

The Committee may appoint a Secretary and Treasurer. The offices may be held by:

- (1) members (who must not receive any reward for acting and who may be dismissed as Secretary or Treasurer at any time); or
- (2) some other suitable persons (who may be employed upon such reasonable terms, including terms as to notice, as the Committee thinks fit).

MEETINGS OF COMMITTEE

16. Ordinary meetings

- (1) The Committee must hold at least 2 ordinary meetings in each year.
- (2) Ordinary meetings require at least 10 days notice.
- (3) The Chairman, or any two members, may call an ordinary meeting at any time.

17. Special meetings

- (1) The Chairman, or any two members, may call a special meeting at any time.
- (2) Special meetings require at least 7 days notice. [*except that meetings to consider the appointment of a Co-opted member require at least 21 days notice.*]
- (3) The notice calling a special meeting must include details of the business to be transacted at the meeting.
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

18. Quorum

- (1) Subject to sub-clause (2) below, no business may be transacted at a meeting unless there are present at least one-third of the total number of members.
- (2) If there are fewer than one third of the total number of members in office, the Committee may take such action as is required for the purpose of filling vacancies in its number, but it may not do any other business.

19. Voting

- (1) Every matter must be decided by majority decision of the members present and voting at a duly convened meeting of the Committee.
- (2) The Chairman of the meeting may cast a second or casting vote only if there is a tied vote.

20. Recording of Meetings

The Committee must keep a proper record of its meetings. The record must be retained by:

- (1) the Secretary; or
- (2) another suitable person appointed by the Committee to do so who must allow the members to access it.

21. Members to act jointly

The members must exercise their powers jointly, at properly convened meetings.

ANNUAL GENERAL MEETING

22. Annual General Meeting

- (1) There must be an Annual General Meeting of the Charity in May of each year, or as soon as possible thereafter.
- (2) All inhabitants of the area of benefit of 18 years and upward must be allowed to attend and vote at the meeting.
- (3) The first Annual General Meeting after the date of this Scheme must be called by the first Trustees within 12 months of that date. Every other meeting must be called by the Committee.
- (4) Public notice of the meeting must be given in the area of benefit at least 14 days before the meeting.
- (5) *The Chairman of the first Trustees will chair the first meeting. The Chairman of the Committee will chair subsequent meetings. The persons present must elect one of their number to chair the meeting if the Chairman and Vice Chairman are not present.*
- (6) At the meeting the Committee must present the Report and Accounts for the last financial year. The first Trustees will present the Report and Accounts to the first meeting.
- (7) Every matter must be decided by majority decision of those present and voting. The Chairman of the meeting may cast a second or casting vote only if there is a tied vote.

REVIEW OF ACCOUNTS

23. Review of Trustee's Report and Accounts

The Trustee's Report and Accounts shall be reviewed in accordance with the current Charities Legislation.

CHARITY PROPERTY

24. Custodian Trustee

Rudby Parish Council will be the Custodian Trustee of the Charity.

25. Transfer of Property

- (1) The title to the land numbered 1 in part 2 of the Schedule to this Scheme remains vested in the Custodian Trustee in trust for the Charity.
- (2) The title to the land numbered 2 in part 2 of the Schedule to this Scheme is transferred by this Scheme to the Custodian Trustee in trust for the Charity.

26. Use of Income and Capital

- (1) The Committee must first apply:
 - (a) the Charity's income; and
 - (b) if the Committee think fit, expendable endowment; and
 - (c) when the expenditure can properly be charged to it, its permanent 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 Committee must apply the remaining income in furthering the object of the Charity.
- (3) The Committee 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.

27. Sale of Land

- (1) Subject to the provisions of this clause, the Committee may sell the land identified in part 2 of the Schedule. (The Committee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act).
- (2) The Committee may only sell the land if:
 - (a) the Committee decide that the land is no longer required for use as a Village Hall or Recreation Ground; and
 - (b) the decision to sell is confirmed by a Resolution passed at a meeting of the inhabitants of the area of benefit of 18 years and upward. At least 14 days notice of the Meeting, setting out the Terms of the Resolution, must be given.
- (3) The Committee must invest the proceeds of any such sale in trust for the Charity.
- (4) The Committee may apply the income and expendable endowment in furthering the object of the Charity.

AMENDMENT OF SCHEME

28. Amendment of Scheme

- (1) Subject to the provisions of this clause, the provisions of this Scheme may be amended.
- (2) The Committee may resolve to add the names of other organisations operating in the area of benefit to the list in part 3 of the Schedule to this Scheme. The Resolution must be passed at an Ordinary Meeting of the Committee by not less than two thirds of the members of the Committee.
- (3) Any other amendment must be made by a resolution passed at the Annual General Meeting. The Notice of the Meeting must include Notice of the Resolution, setting out the terms of the amendment proposed.
- (4) The Committee must not make any amendment which would:
 - (a) vary this clause;
 - (b) vary the definitions clause and clauses 4 (objects clause) and 26 (power to dispose of property);
 - (c) confer a power to dissolve the Charity;

- (5) The prior written approval of the Commissioners must be obtained to any amendment which would:
- (a) vary clause 12 of this Scheme (Members not to have a personal interest);
 - (b) change the name of the Charity;
- (6) The Committee must;
- (a) promptly send the Commissioners a copy of any amendment made under sub-clause 3 of this clause; and
 - (b) keep a copy of any such amendment with this Scheme.

GENERAL PROVISIONS

29. Questions relating to the Scheme

The Commissioners may decide any question put to them concerning:

- (1) the interpretation of this Scheme; or
- (2) the proprietary or validity of anything done or intended to be done under it.

EXAMINATION of TRUSTEES REPORT and ACCOUNTS

30. Examination of Trustees Report and Accounts:

The Trustees Report and Accounts shall be examined in accordance with the current Charities Legislation.

SCHEDULE

PART 1

First Trustees

Name	Address
Simon Bateson	
Keith Beckton	
Robin Hepburn	
Terry Fawcett	
Denise Robertson	
Richard Hodgson	

PART 2

1. Land situate at Hutton Rudby in the county of North Yorkshire containing 1,280 square metres or thereabouts with the building thereon known as Hutton Rudby Village Hall. The land is described in a Conveyance dated 1st November 1928 and made between Winifred Rachel Blair of the one part and The Parish Council of Hutton Rudby of the other part.

2. Land situate at Hutton Rudby in the county of North Yorkshire containing 5,460 square metres or thereabouts and bounded in part on the north side by the land numbered 1 above. The land is described in a Conveyance dated 18th December 1948 and made between Winifred Rachel Blair of the one part and the said Winifred Rachel Blair and four others of the other part.

PART 3

Hutton Rudby Bowls Club

Hutton Rudby Tennis Club

Hutton Rudby Bridge Club

Hutton Rudby Badminton Club

Rudby Parish Council

Hutton Rudby Village Hall Choral and Dramatic Society

3RD Hutton Rudby Brownies

Hutton Rudby Guides

Hutton Rudby Babies and Toddlers Group