

Wing Open Meeting 17th Jan 2018

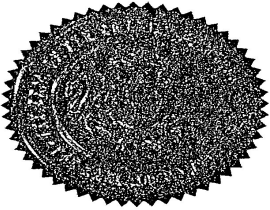
Wing Parish Council, as Trustee, wishes to propose a change to the Charity Commissioners Scheme governing the charity known as Wing Community Centre, now usually referred to as Wing Village Hall.


The Scheme - page 1

<p>THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES</p> <p>Under the power given in the Charities Act 1993</p> <p>Order that from today, the</p> <p>14TH OCTOBER 1997</p> <p>the following</p> <p>SCHEME</p> <p>will govern the charity</p> <p>known as</p> <p>WING COMMUNITY CENTRE (512002)</p> <p>at</p> <p>Wing, Rutland</p>

This Scheme has been adjudged as not liable to stamp duty.

Commissioners' References:
Sealing: N 174(S)
97
Case No: 81308





ASSISTANT COMMISSIONER

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1. Definitions

In this scheme:

"the area of benefit" mean the parish of Wing and the surrounding neighbourhood.

"the charity" means the charity identified at the beginning of this scheme.

"the trustee" means the Wing Parish Council the trustee of the charity.

ADMINISTRATION

2. Administration

The charity is to be administered by the trustee in accordance with this scheme. This scheme replaces the former trusts of the charity.

3. Name of the charity

The name of the charity is Wing Community Centre.

OBJECTS

4. Object of the charity

- (1) The object of the charity is the provision and maintenance of a community centre 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 belonging to the charity must be retained by the trustee for use for the object of the charity.

POWERS OF THE TRUSTEE

5. Powers of the trustee

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

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- (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 and pay them reasonable remuneration, including pension provision for them and their dependants.
- (3) Power to insure against public liability and, if appropriate, employers' liability; and to insure the buildings of the charity 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 trustee must not undertake any permanent trading activity.)
- (5) Power to co-operate with other charities, voluntary bodies and statutory authorities. The trustee 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 delegate the performance of any act, including the exercise of any power or discretion, to a committee including any two or more members of Wing Parish Council. The trustee may appoint such other members of the committee as it thinks fit. (The trustee must exercise reasonable supervision over the committee and the committee must promptly report their acts and proceedings to the trustee.)

TRUSTEE

6. Trustee

Wing Parish Council is the trustee of the charity.

7. Trustee not to have a personal interest

Except with the prior written approval of the Commissioners the trustee may not:

- (1) receive any benefit in money or in 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).

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ANNUAL GENERAL MEETING

8. Annual general meeting

- (1) There must be an annual general meeting of the charity in March 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. The trustee may allow inhabitants who are under 18 to attend (but not vote at) the meeting.
- (3) The annual general meeting must be called by the trustee.
- (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 trustee will chair the first meeting.
- (6) At the meeting the trustee must present the report and accounts for the last financial year.
- (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.

CHARITY PROPERTY

9. Discharge of Official Custodian

The Official Custodian for Charities is discharged from his trusteeship of the charity.

10. Transfer of property

The title to the land described in part 1 of the schedule to this scheme is transferred by this scheme to the trustee in trust for the charity.

11. Use of income and capital

- (1) The trustee must firstly apply:
 - (a) the charity's income; and
 - (b) if the trustee thinks fit, expendable endowment; and
 - (c) when the expenditure can properly be charged to it, its permanent endowment

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

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- (2) After payment of these costs, the trustee must apply the remaining income in furthering the object of the charity.
 - (3) The trustee may also apply for the objects 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.

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12. Sale of land

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- (1) Subject to the provisions of this clause, the trustee may sell the land belonging to the charity. (The trustee 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 trustee may only sell the land if:
 - (a) the trustee decides that the land is no longer required for use as a village hall; 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 trustee must invest the proceeds of any such sale in trust for the charity.
 - (4) The trustee may apply the income and expendable endowment in furthering the object of the charity and for general charitable purposes for the benefit of the inhabitants of the area of benefit.

AMENDMENT OF SCHEME

13. Amendment of scheme

- (1) Subject to the provisions of this clause, the provisions of this scheme may be amended.
- (2) Any 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.
- (3) The trustee must not make any amendment which would:

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- (a) vary this clause;
 - (b) vary clauses 4 (objects clause) and 12 (power to dispose of property);
 - (c) confer a power to dissolve the charity;
 - (d) enable permanent endowment of the charity to be spent.
- (4) The prior written approval of the Commissioners must be obtained to any amendment which would:
 - (a) change the name of the charity;
 - (b) vary the powers of investment exercisable by the trustee.
- (5) The trustee 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

14. Questions relating to the Scheme

The Commissioners may decide any question put to them concerning:

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

SCHEDULE

PART I

The following adjoining property in Morcott Road, Wing, Rutland:

Wing Community Centre described in a conveyance and trust deed of 13 February 1980 which was made between the Venerable Basil Marsh of the first part and John Thompson and two others of the second part;

Land containing 789.14 square metres or thereabouts described in a conveyance of 14 February 1980 which was made between The Peterborough Diocesan Board of Finance of the first part, and John Thomson and two others of the second part.

Note: The land was vested in the Official Custodian for Charities by an order of 13th May 1982.

Key Definitions

OBJECTS

4. Object of the charity

- (1) The object of the charity is the provision and maintenance of a community centre 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 belonging to the charity must be retained by the trustee for use for the object of the charity.

Key Definitions

5. Powers of the trustee

- (7) Power to delegate the performance of any act, including the exercise of any power or discretion, to a committee including any two members of Wing Parish Council. The trustee may appoint such other members of the committee as it thinks fit. (The trustee must exercise reasonable supervision over the committee and the committee must promptly report their acts and proceedings to the trustee.)

Key Definitions

7. Trustee not to have a personal interest

Except with the prior written approval of the Commissioners the trustee may not:

- (1) receive any benefit in money or in 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).

Key Definitions

CHARITY PROPERTY

11. Use of income and capital

- (1) The trustee must first apply:
 - (a) The charity's income in meeting the proper costs of administering the charity and of managing its property (including the repair and insurance of its buildings).
- (2) After payment of these costs, the trustee must apply the remaining income in furthering the object of the charity.

The Trustee's proposal

Wing Parish Council, as Trustee of the charity 'Wing Community Centre' (Wing Village Hall), wishes to seek the approval of Wing's community to extend the Scheme governing the charity. This would enable the Village Hall Management Committee to spend income raised in the future, in excess of that ring-fenced to maintain and develop the Village Hall, on activities of wider benefit to the community.

Wing Village Hall 5-Year Plan

The Village Hall Management Committee has initiated a rolling 5 - Year plan to identify the cost of maintaining and potentially developing/improving the Village Hall. This is to be reviewed and up-dated annually.

Income to meet these costs is to be ring-fenced in the future.

The Trustee recommends that income, over and above the ring-fenced amount (Surplus Funds) then be used at the discretion of the Village Hall Management Committee, for other activities/projects of benefit to Wing' s community.

Variations to the Scheme

Addition of new clauses (draft)

The following shall be added to the Scheme as new clauses:

1. Definitions

Surplus Funds means funds raised by the charity which are agreed by the trustee and the Village Hall Management Committee to be in excess of those required for the maintenance and improvement of the charity Wing Community Centre. Surplus funds must be mutually agreed by both the trustee and the Village Hall Management Committee.

Variations to the Scheme

Addition of new clauses (draft contd.)

- 4 (3) The object of the charity shall include the application of Surplus Funds for the general enjoyment, improvement and entertainment of the life for the inhabitants of the area of benefit whether or not within Wing Community Centre or within the area of benefit as a whole.
- 11 (4) Surplus Funds may only be used when these have been raised with full disclosure that the Surplus Funds may be applied to general improvement and enjoyment of the area of benefit outside of the Wing Community Centre.

Fund raising in general

Are there other ways to raise funds for projects and activities of benefit to the community?

Person to person appeal – as used to cover the shortfall in the lottery funding for the Village Hall.

‘Crowd funding’ as used to purchase the original playing field equipment.

Special events to raise monies for specific projects/activities.

The precept – of very limited use – requires a long term savings plan. Good examples are the SID and bus shelter on Morcott Road.

Fund raising in general

It is important to note that Wing Parish Council is only legally able to obtain funding from Rutland County Council (The Precept) or by way of grants and repayable loans. The Parish Council cannot, by law, raise funds in any other way.

Wing Parish Council is advised to maintain a bank balance of approximately half its precept to cover unexpected or emergency uses. The precept is in the public domain and will be available for all to examine when published on the soon to be implemented Parish Council web site – otherwise copies can be obtained beforehand by contacting the Parish Council clerk.

Misinformation

An example of misinformation appears in the January 2018 issue of the Parish Magazine thus:

‘The Parish Council, as Trustee of the Hall, is seeking to change the trust document to enable it to use monies raised by the Village Hall Management Committee on items other than the Village Hall. Money spent would be on items judged by the Parish Council to benefit Wing residents. At present, the trust document restricts how monies raised can be spent.’