

# **BRINDLE COMMUNITY HALL**

www.brindlecommunityhall.co.uk

## **THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act, 1993

order that from today, the 24<sup>th</sup> April 2001

the following

### **SCHEME**

will govern the charity

duly named

### **BRINDLE PARISH INSTITUTE (502733)**

(Land Registry Number LAN195833)

and known as

### **‘Brindle Community Hall’**

at Brindle, Chorley, Lancashire

This scheme was amended at an Annual General Meeting on the 16<sup>th</sup> November 2009  
and subsequently amended at an Annual General Meeting on the 28<sup>th</sup> November 2018

## DEFINITIONS

### 1. Definitions

In this scheme:

“the area of benefit” means the Parish of Brindle and the surrounding neighbourhood.

“the charity” means the charity identified at the beginning of this scheme.

“the committee” means the committee of management of the charity

“the existing trustee” means Brindle Parish Council

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

(2) The charity will be administered by the existing trustee until the end of the first annual general meeting held under this scheme. It must administer the charity in accordance with the provisions of this scheme.

### 3. Name of the charity

The name of the charity is Brindle Parish Institute known as Brindle Community Hall.

## 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,

and with the object of improving the conditions of life for 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.

## POWERS OF THE COMMITTEE

### 5. Powers of the committee

In addition to any 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 and, if appropriate, employer's 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 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 delegate the performance of any act, including the exercise of any power or discretion, to a sub-committee or committees consisting of any two or more of the members, such sub-committees may co-opt further people to serve on any sub-committee provided that the number does not exceed that of members. All proceedings of such sub-committees shall be reported to the committee at its next meeting. (The committee must exercise reasonable supervision over the sub-committee and the sub-committee must promptly report its acts and proceedings to the committee).
- (7). Power to make rules and regulations consistent with this scheme for the management of the charity.

## **6. Committee of management**

- (1). Subject as provided in clauses 7 and 8, there should be: 6  
  
(six) elected members; and  
  
one appointed member for each of the organisations listed in part 2 of the schedule to this scheme and two members appointed by Brindle Parish Council.
- (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 end of 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 appointment body.
- (2). An appointment must not be made more than two 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.

## **9. Co-opted members**

The committee may appoint no more than 3 (three) co-opted members. The appointment must be made at a special meeting of the committee. The appointment will be effective from the end of the meeting until the end of the following annual general 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 began.
- (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 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).

## **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 section 72 of the Charities Act 1993; or
- (2). is absent without permission of the members from all their meetings held within a period of 6 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**

- (1) At their first meeting in each year after the Annual General Meeting the members must elect one of their number to be Chair of their meetings.

- (2). Should the Chair not be present at any meeting the Vice-Chair shall take the chair. Should neither the Chair or Vice-Chair be present, members shall elect a Chair for the meeting from among their number.

## **15. Officers**

- (1) The Vice Chair shall be elected at the first meeting following the Annual General Meeting.
- (2) The Secretary, and Treasurer will be appointed by the committee. The offices may be held by:
  - (a) members ( who must not receive any reward for acting and who may be dismissed as secretary or treasurer at any time); or
  - (b). Some other suitable persons (who may be employed upon such reasonable terms, including terms to notice, as the committee think fit)
  - (c). The Secretary and Treasurer will make a report at each meeting of the committee.
- (3) Additional officers may be appointed by the committee, but need not be committee members for example:
  - Assistant Treasurer
  - Premises Supervisor
  - Minutes Secretary
  - Licensed Premises Supervisor.

The additional officers will make a report at each meeting of the committee.

## **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). Subject to the power contained in clause 5 (6) of this scheme, 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 October 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 existing trustee 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 existing trustee 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 is not present.
- (6). At the meeting the committee must present the report and accounts for the last financial year. The existing trustee 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.

## **CHARITY PROPERTY**

### **23. Transfer of property**

- (1). The title to the land described in part 1 of the schedule to this scheme remains vested in the Official Custodian for Charities in trust for the charity.
- (2). It can be noted that the grounds of the Brindle Parish Institute, known as Brindle Community Hall, are registered with the Land Registry under Title Number LAN 195833, further,
- (3) the grounds have Centenary Fields status under the auspices of the Fields in Trust, and a Deed of Dedication is attached to the Title Deeds.

## **24. 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.

## **25. Sale of land**

- (1). Subject to the provisions of this clause, the committee may sell the land identified in part 1 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 requirements of the deed of Dedication are complied with (Section 23 above), and
  - (b) the committee decide that the land is no longer required for use as a village hall; and
  - (c). 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**

### **26. 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 2 of the schedule of 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 25 (power to dispose of property);
  - (c). confer power to dissolve the charity;
  - (d). enable permanent endowment of the charity to be spent.
- (5). The prior written approval of the Commissioners must be obtained to any amendment which would:
- (a). vary the composition of the committee or the terms on which the members hold office (other than amendments made under sub-clause (2) of this clause);
  - (b). vary clause 12 of this scheme (members must not have a personal interest);
  - (c). change the name of the charity;
  - (d). vary the powers of investment exercisable by the committee.
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**

### **27. 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 1**

1. Land containing 0.202 hectares or thereabouts having frontage on the south-west to Water Street being the land comprised in a conveyance dated 18th August 1923 and made between the Right Honorable John Compton Baron Chesham of the one part and William Sharples and two others of the other part.
2. Land containing 0.405 hectares or thereabouts situate on the north-east side of the land numbered 1 (one) above.
3. Land containing a further .202 hectares to the north-east of the land numbered 2 and bounded on its south side by the United Utilities sewage works. This transfer was made by deed dated 13th March 2002 from Honor Ruth Alastair Aspinall to the Trustees of Brindle Parish Institute.
- 4 All land is registered at the Land Registry (Number LAN 195833)

### **PART 2**

1. A User Group is defined as follows: regular users are those groups and societies who hire the Hall on a regular basis (that is, daily, weekly or monthly) and have a strong link with the community and any individual does not benefit from the hire.

2. User Groups:

Brindle Women's Institute  
Brindle Mothers Union  
Brindle Scouts and Cubs  
Brindle St. James' Church  
Brindle Over Fifty Fives Group (BOFFS)  
Brindle Art Group  
Brindle Historical Society  
Brindle Parish Council  
Brindle Bookworms  
Brindle Gardening Club  
Brindle St James Church  
Brindle Quilters

### **DOCUMENT HISTORY**

1. Version 2001, Version 1. Dated 24/01/01.

2. Version 2009, Dated 16th November 2009.

3. This version, Version 2018, Version 1, Author: Andrew Lewis.

Reasons for Change:

General update , including typographical errors.

Recording of the Deed of Dedication specifying Centenary Fields status, and Land Registry numbers (Clause 23).

Reverting to the 2001 constitution with respect to appointment of the Chair of the committee at the first committee meeting following the AGM (Clause 14)

Removing the requirement for additional officers to be trustees of the charity (Clause 15).

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