

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

9 November 2010

this

SCHEME

will govern the charity

known as

VILLAGE HALL OF FARDALE

and now to be known as

FARDALE VILLAGE HALL (1131786)

at

Farndale, North Yorkshire



Authorised Officer

1. Definitions

In this scheme:

“the trusts” means the provisions which at any given time regulate the purposes and administration of the charity.

“the governing document” means the document or documents setting out the trusts.

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

“the area of benefit” means Farndale and its neighbourhood.

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

“the existing 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.

“the village hall” means the building provided by the charity in accordance with clause 4 of the scheme.

“the Commission” means the Charity Commission for England and Wales.

ADMINISTRATION

2. Administration

- (1) Subject to sub-clause (2) of this clause, the charity must be administered by the committee in accordance with this scheme. This scheme replaces the former trusts of the charity.
- (2) The charity must be administered by the existing 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 Farndale Village Hall.

OBJECT

4. Object of the charity

- (1) The object of the charity is the provision and maintenance, for the benefit of the public, of a village hall 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 object of the charity:

- (1) Power to provide and maintain furniture and equipment for use in the village hall.
- (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, 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 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.

COMMITTEE

6. Committee of management

- (1) Subject as provided in clause 9 - *co-opted members*, there shall be:

6 elected members; and

one appointed member for each of the organisations listed in part 3 of the schedule to this scheme.
- (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) The members of the committee are the managing trustees of the charity.

- (4) 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) Each of the organisations listed in part 3 of the schedule to this scheme must appoint 1 appointed member:
- (2) Any appointment must be made according to the ordinary practice of the appointing body.
- (3) An appointment must not be made more than 2 months before the annual general meeting.
- (4) 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.
- (5) 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.

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. Payments to members

- (1) All members may use the village hall as inhabitants of the area of benefit in accordance with the object of the charity.
- (2) A member may receive from the charity reasonable expenses properly incurred, or to be incurred, by him or her when acting on behalf of the charity.
- (3) No member may:
 - (a) buy or receive goods or services from the charity on terms preferential to those applicable to other members of the public; or
 - (b) receive any payment or other financial benefit from the charity; or
 - (c) acquire or hold any interest in property of the charity (except in order to hold it as a trustee of the charity);

unless the payment or transaction is:

- (d) permitted in accordance with, and subject to the conditions in, section 73A or 73F of the Charities Act 1993 [*services including goods supplied in connection with the service provided by a charity trustee to a charity; trustee indemnity insurance*]; or
 - (e) permitted in accordance with, and subject to the conditions in, sub-clause 4 of this clause; or
 - (f) previously and expressly authorised in writing by the Commission.
- (4) A member may receive payment for goods supplied to the charity, provided that:
 - (a) the sums paid to the member do not exceed an amount that is reasonable in all the circumstances; and
 - (b) the member is absent from the part of any meeting at which there is discussion of the proposal to enter into a contract or arrangement with him or her with regard to the supply of goods to the charity; and
 - (c) the other members are satisfied that it is in the interests of the charity to contract with that member, rather than with someone who is not a member (in reaching that decision, the members must balance the advantages and disadvantages of contracting with a member); and
 - (d) the reason for their decision is recorded by the members; and
 - (e) the number of members in receipt of any payments authorised by this clause is a minority of the members then in office.

- (5) In this clause:
- (a) “charity” includes any company in which the charity:
- holds more than 50% of the shares; or
 - controls more than 50% of the voting rights attached to the shares; or
 - has the right to appoint one or more directors to the Board of the company;
- (b) “member” includes any child, parent, grandchild, grandparent, brother, sister, spouse or civil partner of the member or any person living with the member as his or her partner.

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 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

- (1) A chairman must be appointed at the annual general meeting. The chairman must be a member of the committee.
- (2) The members present at a meeting of the committee must elect one of their number to chair the meeting if the chairman is not present or the office of chairman is vacant.

15. Secretary and treasurer

A secretary and treasurer may be appointed at the annual general meeting. 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 think 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 must 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 access to 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 January 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 committee may allow inhabitants who are under 18 to attend (but not vote at) the meeting.
- (3) The first annual general meeting after the date of this scheme must be called by the existing 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 existing trustees shall chair the first meeting. The chairman of the committee shall 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 trustees must 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

The title to the land described in part 2 of the schedule to this scheme is transferred by this scheme to the Farndale East Parish Council in trust for the charity.

24. Use of income and capital

- (1) The committee must firstly 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.

- (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:
 - (i) where it is permitted in accordance with, and subject to the conditions in, section 75, section 75A or section 75B of the Charities Act 1993 (*power of unincorporated charities to spend capital*); or
 - (ii) on such terms, including for the replacement of the amount spent, as the Commission may approve by order in advance.

GENERAL PROVISIONS

25. Questions relating to the Scheme

The Commission may decide any question put to it 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

Existing trustees

James Thurtell

Richard Potter

Mike Sly

Gill Aconley

Andy Fawbert

Mike Sunley

Arthur Carter

John Castle

Mark Ellis

Richard Murray

Ann Potter
Norman Tinsley
Ken Wilson
Dennis Wilson

PART 2

Land

Land known as Farndale Village Hall. The land is described in a deed of gift dated 24 September 1953 which was made between the Right Honourable Charles William Slingsby Duncombe Earl of Feversham D.S.O. of the first part (“the Grantor”), the Grantor and another of the second part and the Parish Council of Farndale East Side of the third part.

PART 3

Appointing organisations

High Farndale Chapel
St Mary’s Church
Farndale Entertainments Society
High Farndale Cricket Club
Womens Institute
Farndale Hunt
Farndale East Parish Council
Farndale Agricultural, Horticultural and Industrial Society.