

## SCHEME

1. The Charity's name is Tarvin Community Centre (and in this document it is called the Charity)
2. Administration of Charity – The above-mentioned Charity and all the property (if any) of the Charity 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

## OBJECT

### 3. Object of Charity

(1) The object of the Charity shall be the provision and maintenance of a community centre for the use of the inhabitants of the Parish of Tarvin (hereinafter called "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

(2) The said land and building shall be held upon trust for the purposes of a community centre as aforesaid (*NB this clause is now superfluous and has been acknowledged as such by the Charity Commission*)

## COMMITTEE OF MANAGEMENT

### 4. Constitution

(1) The Committee of Management (hereinafter referred to as the Committee) shall comprise the Officers and other members elected as set out below. The Officers and other members of the Committee shall be the Trustees of the Charity and in this Constitution are together called the Trustees

(2) The Charity shall have the following Officers

- a Chair
- a Secretary
- a Treasurer

(3) A Trustee must be an inhabitant of the Parish of Tarvin or the nominated representative of an organisation in the area of benefit or an adjoining parish which is a user of the Community Centre

(4) The number of Trustees shall be not less than three but (unless otherwise determined by a resolution of the Charity in general meeting) shall not be subject to any maximum

(5) The Parish Council of Tarvin shall be entitled to nominate a representative to serve as a Trustee

(6) Not more than one month before the annual general meeting the Secretary of the Committee shall invite every organisation in the area of benefit or an adjoining parish

which is a user of the Community Centre to nominate a representative to serve as a Trustee

(7) The Charity in general meeting shall elect the Officers and the other Trustees, including confirmation of the names of the nominated representatives. Trustees shall hold office from the end of the annual general meeting at which they are appointed

(8) The Trustees may appoint any person who is willing to act as a Trustee, and may appoint Trustees to act as Officers. Each such appointment shall be made at a meeting of the Committee to take effect from the date of that meeting

8. Termination of membership

(1) A Trustee shall cease to hold office if he or she

- a) is disqualified for acting as a Trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision);
- b) becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;
- c) 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)

(2) All the Members shall retire from office together at the end of the annual general meeting next after the date on which they came into office but they may be re-elected or re-appointed

9. Alteration of Constitution of Committee – the Constitution of the Committee as hereinbefore provided may on the application of the Committee be altered from time to time by Order of the Charity Commissioners

10. Failure to appoint – If an organisation invited to nominate a representative to the Committee fails to do so within the period of one month before the annual general meeting, the nomination may be made as soon as practicable after the annual general meeting, and shall be confirmed at a meeting of the Committee to take effect from the date of that meeting. The Trustees may at any time resolve to invite a qualifying organisation to nominate a representative to the Committee (including a replacement where the previous representative has ceased to hold office). The proceedings of the Committee shall not be invalidated by any vacancy among its Members or by any failure to appoint or any defect in the appointment or qualification of a Member

11. Declaration by Members – No person shall be entitled to act as a Member whether on a first or on any subsequent entry into office until after signing in the minute book of the Committee a declaration of acceptance and of willingness to act in the trusts of this Scheme

12. Members not to be personally interested – Except in special circumstances with the approval in writing of the Commissioners no Member shall take or hold any interest in any property belonging to the Charity otherwise than as a trustee for the purposes thereof, or receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charity

## MEETINGS AND PROCEEDINGS OF THE COMMITTEE

13. Meetings of the Committee – The Committee shall hold at least two ordinary

meetings in each year. A special meeting may be summoned at any time by the Chair or by any two Members upon seven clear days' notice being given to all the other Members of the matters to be discussed

14. Chair

(1) At the first meeting in each year after the annual general meeting the Committee shall elect one of their number to be chair of their meetings until the commencement of the first meeting after the annual general meeting in the following year and may also elect one of their number to be vice-chair. The chair and vice-chair shall always be eligible for re-election

(2) If the chair and vice-chair (if any) are absent from any meeting of the Committee the Members shall choose one of their number to be chair of the meeting before any other business is transacted

15. Voting – Every matter shall be determined by the majority of votes of the Members present and voting on the question. In case of equality of votes the chair of the meeting shall have a second or casting vote

16. Minutes and accounts – A minute book and books of account shall be provided and kept by the Committee

17. Rules – Within the limits prescribed by this Scheme the Committee may from time to time make and alter rules for the conduct of their business and for the summoning and conduct of their meetings and in particular with reference to:

(1) the terms and conditions upon which the said community centre may be used for the purposes specified in this Scheme by persons or bodies other than the Committee and the sum (if any) to be paid for such use;

(2) the appointment of an auditor and such other unpaid officers as the Committee may consider necessary and the fixing of their respective terms of office;

(3) the engagement and dismissal of such paid officers and servants as the Committee may consider necessary; and

(4) the number of Members who shall form a quorum at meetings of the Committee, provided that the number of Members who shall form a quorum shall not be less than three, or one-third of the total number of Members for the time being, whichever is the greater

## POWER OF DELEGATION

18. Power of delegation – The Committee may appoint any of their members to serve as members of any joint Management Committee which may be constituted for the purpose of managing the community centre and may delegate to such members such of their powers and functions as may be necessary for that purpose

## APPLICATION OF INCOME

19. Receipts and expenditure

(1) The income of the Charity including all payments for the use of the said community centre and all donations for the benefit thereof shall be paid into a trust account at such bank as the Committee shall from time to time prescribe

(2) The moneys standing to the credit of the said account shall be applied as the Committee shall decide in maintaining, improving, repairing and sufficiently insuring the said community centre and the furniture and effects therein and in paying all rent (if any), rates, taxes, salaries or paid officers and servants and other outgoings and in otherwise furthering the object of the Charity

20. Surplus cash – Sums of cash at any time belonging to the Charity and not needed for immediate working purposes shall be invested in the name of the said Official Custodian unless the Commissioners otherwise direct

## ANNUAL GENERAL MEETING

21. Annual general meeting

(1) There shall be an annual general meeting in connexion with the Charity which shall be held in the month of May in each year or as soon as practicable thereafter

(2) All inhabitants of the area of benefit of eighteen years of age and upward shall be entitled to attend and vote at the annual general meeting

(3) The annual general meeting shall be convened by the Committee

(4) Public notice of every annual general meeting shall be given in the area of benefit at least fourteen days before the date thereof

(5) The chair of the annual general meeting shall be the Chair for the time being of the Committee, but if he is not present, before any other business is transacted, the persons present shall appoint a chair of the meeting

(6) The Committee shall present to each annual general meeting the report and accounts of the Charity for the preceding year

## GENERAL PROVISIONS

22. Donations – The Committee may accept any donations or property for the general purposes of the Charity and they may also accept donations or property for any special objects connected with the Charity not inconsistent with the provisions of this Scheme. Where funds are received by donation, grant, gift, bequest or otherwise for specifically defined purposes, such funds shall be held as restricted funds and shall be used only for the purposes defined by the donor(s). They shall be reported in the accounts as restricted funds. If such moneys cannot be spent in accordance with the conditions of their donation, any unspent balance shall be returned to the donors or to their trustees, or otherwise used only as the donors or trustees require or permit. In the absence of such requirement or permission, after reasonable notice to the donor(s) or trustee(s), the Committee shall apply such funds to purposes as near as possible to those for which they were granted

23. Questions under Scheme – Any question as to the construction of this Scheme or as to the regularity or validity of any acts done or about to be done under this Scheme shall be determined

by the Commissioners upon such application made to them for the purpose as they think sufficient