

CYNGOR SIR POWYS COUNTY COUNCIL.

**CABINET EXECUTIVE
10th December 2024**

**REPORT AUTHOR: County Councillor Jake Berriman
Cabinet Member for a Connected Powys**

**REPORT TITLE: Presteigne Memorial Hall – Amendment of the existing
Charity Scheme, the appointment of individuals as
Trustees of the Charity and the resignation of Powys
County Council as Charity Trustee**

REPORT FOR: Decision / Discussion / Information

1. Purpose

1.1 On 30th July 2024 Cabinet approved the following recommendations:

- a) to transfer the Trusteeship of Presteigne Memorial Hall from Powys County Council to a committee who will be able to manage and maintain the building for the local community.
- b) The approval to commission the services of an external legal specialist in Charity Law to guide and support the transfer.

1.2 The purpose of this report is for Cabinet, acting in its capacity as Trustee of the Charity known as Presteigne and District War Memorial Hall (“the Charity”) registered under Charity number 524469, to approve and to pass the Resolution (Appendix A) which formalises:

- a) The amendment of the administrative provisions of the Charity’s existing Scheme dated 30th November 1983 and included at Appendix 2 so that the amended Scheme is compatible with having individuals as trustees of the Charity;
- b) The appointment of four individuals as the Trustees of the Charity;
- c) The vesting of the land known as Presteigne and District War Memorial Hall, Station Road, Presteigne, Powys, LD8 2UG (“the Property”) in the Official Custodian for Charities; and
- d) The resignation of Powys County Council as trustee of the Charity.

2. Background

2.1 In 1953, a Declaration of Trust was created for the Presteigne Memorial Hall and within the document it states that the site was

bought by local representatives within the community for the use and benefit of the residents within the local community.

- 2.2 Powys County Council's predecessor, Radnor District Council became the Trustee of the Charity in November 1983 by way of a Charity Commission sealed Order (included in Appendix 2) and the Charity remains governed by this Scheme to date. Powys County Council do not own the Property but rather is the Trustee of the Charity.
- 2.3 The hall is a popular building in the local community and was run by a committee who had been undertaking and funding the day to day running, maintenance and the majority of the statutory inspections and remedials in the building.
- 2.4 At the beginning of 2023, the building transferred from the Regeneration Portfolio into the Strategic Property Portfolio of Powys County Council under Corporate Landlord responsibility.
- 2.5 In March 2023, Strategic Property were asked to visit the Property to undertake a building inspection. Unfortunately, the inspection identified that the Property was not compliant in a number of safety areas and had to be closed with immediate effect.
- 2.6 Since the closure of the building, Powys County Council has been working with individuals who were previously on the hall committee which had since disbanded, to carry out works to the building to ensure it is safe to re-open. These works have included the installation of a new fire alarm system and emergency lighting throughout the building, which has been funded by Powys County Council.
- 2.7 Further investigation of the legal documents revealed that Powys County Council as Trustee of the Charity is responsible and liable for all activities that take place in the hall and is not able to delegate its responsibilities to others, such as a hall committee.
- 2.8 Powys County Council is not able to manage the hall on a daily basis as this would involve a number of dedicated officers to ensure that the hall was managed effectively, efficiently and safe for visitors. Strategic Property do not have the resources to carry out this task.
- 2.9 When the building was closed in April 2023, it was discussed with the individuals who were members of the former hall committee that the trusteeship of the Charity should be transferred from Powys County Council to a new trustee or trustees who will take full financial control, responsibility and liability for the management of the hall on the basis that Powys County Council does not have the resources to effectively manage the building and ensure it is available for the public.
- 2.10 This option was considered, and the former hall committee held a public meeting on 16th January 2024 in the Youth Centre, Presteigne to

consult the public and obtain support from local groups, organisations and individuals for the transfer of the trusteeship from Powys County Council to a new Trustee or Trustees.

- 2.11 The public meeting was successful, and much support was received from local individuals, locally elected representatives and many groups and organisations, such as the Young Farmers Club, local market, Pantomime group and other organisations who have links with local churches, schools and sports clubs. Four individuals who have a knowledge of the building having been on the former hall committee requested to take over the trusteeship of the Charity from Powys County Council and these four individuals already meet once a month to discuss the management of the Property which includes future maintenance, policy, finance, marketing/social media, events, health and safety as well as other relevant matters.
- 2.12 On July 30th 2024, Cabinet approved the following recommendations:
- a) to transfer the Trusteeship of Presteigne Memorial Hall from Powys County Council to a committee who will be able to manage and maintain the building for the local community; and
 - b) The approval to commission the services of an external legal specialist in Charity Commission Law to guide and support the transfer.
- 2.13 The documents required to action the transfer from Powys County Council to the four individuals are in Appendix A. The passing of the Resolution and amended Scheme will transfer the Trusteeship in the Charity from Powys County Council to the four individuals who will manage and maintain the Hall for community use.
- 2.14 The actions/ resolutions required to effect the transfer are as follows:-
- a) The current Scheme governing the Charity dated 30th November 1983 (Appendix 2) does not contain certain administrative provisions which make it compatible with having individuals as trustees rather than a sole corporate trustee. It also requires modernising to make it more user friendly and clear. Charity Commission guidance states that governing documents should be regularly reviewed and updated. As the current Scheme does not contain a power to amend, the Trustees will be passing a resolution using the statutory power conferred by section 280A Charities Act. Cabinet as Trustees are asked to consider the revised Scheme (Appendix 1) and if satisfied, will exercise their power under section 280A of the Charities Act 2011 to resolve that the amended Scheme (Appendix 1) be adopted as the governing document of the Charity and replace the current Scheme dated 30th November 1983 (Appendix 2).

- b) A resolution to appoint the proposed trustees named below and set out in paragraph 5.2 of the minutes in Appendix A as Trustees of the Charity for the terms set out next to their names to take effect from the close of the Cabinet meeting;

Sarah Jane Chilman for 2 years
Samantha Haden for 2 years
Geraldine Anne Fletcher for 2 years
Lynne Patricia Owens for 2 years

- c) To note that as the Charity is unincorporated, it cannot hold property in its own name and as a result, the Property should become vested in the Official Custodian for Charities to avoid the need to update the holding trustees each time the trustees of the Charity change, reducing financial and administrative burdens on the Charity. The Property is unregistered and so an application for first registration to HM Land Registry will be submitted; and
- d) To resolve that Powys County Council should resign as Trustee with immediate effect.

3. Advice

- 3.1 The building is not owned by Powys County Council, however as Powys County Council is the Charity Trustee, it is responsible and liable for all activities that take place in the Hall as Trustee, and is not able to delegate responsibilities to others under the current Scheme.
- 3.2 To re-open the building and manage the Hall would involve a number of dedicated Powys County Council Officers to ensure the Hall is managed effectively, efficiently and is safe for visitors. Strategic Property do not have the resources to carry out this task.
- 3.3 The four individuals who wish to take over the trusteeship of the Charity are committed to the management of the building (stated in 2.11 and 2.14 above) and are willing to become the Trustees of the Charity to ensure the Hall can re-open and can be used by the local community. Paragraph 2.1 of the amended scheme (Appendix 1) stipulates that the Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme (as amended) by not less than three and not more than nine individuals who shall be the trustees of the Charity. This means that if the four individuals named in paragraph 2.14 (b) above take over the Trusteeship by Cabinet passing the required Resolution, they have the power to appoint further individuals to become trustees increasing the number from four up to a maximum of nine Trustees. The Trustees are solely responsible for the management of the Charity and building and there is no separate management committee appointed. Whilst the public can help with day-to-day tasks as volunteers under the strict supervision of the Trustees, under the amended Scheme, volunteers

would have no decision-making powers and should not be given any delegated powers or managerial responsibilities as this will rest with the appointed individual Trustees.

- 3.4 If the Charity Trusteeship is transferred from Powys County Council to the four named individual trustees and Powys County Council resigns as Charity Trustee, Powys County Council will not have any future liability or involvement with the Hall or the Charity and the Hall can be run by individuals from the local community for the benefit of the local community.

4. Resource Implications

- 4.1 There are currently staff resource implications within Strategic Property and the Legal department who are associating a large amount of time to this project. These are existing staff, but when the Trusteeship is transferred these resources can be relocated to other projects.
- 4.2 This project does not involve any digital resources.
- 4.3 Powys County Council is the Trustee of the Charity, we do not own the Property, therefore there are no physical resources involved that are in Powys County Council ownership. The transfer of the Charity Trusteeship will remove any future financial liability for the Council.
- 4.4 The Finance team have confirmed that there are no budgets associated with the running or capital costs for the building.
- 4.5 The Head of Finance notes that the report will remove any obligation for the Council to provide ongoing resources, and there are no identified budget savings that will be made from the proposal, but freeing up of internal staff time. The recommendation in the report is supported.

5. Legal implications

- 5.1 Bethan Jarman, Property Lawyer (Mid) has commented as follows:

As stated in this report, the Hall does not belong to Powys County Council and rather, the Council is the Trustee of the Charity. Any decision making of a local authority in the capacity of Charity Trustee is an executive function to be taken by Cabinet, unless Cabinet has delegated the function to a sub-committee. The legal department is not aware of any such delegation. Cabinet will need to pass the Resolutions set out in paragraph 2.14 and in the minutes at Appendix A to amend the Charity's governing Scheme in order to appoint the four individuals as Trustees of the Charity and to formalise the resignation of Powys County Council as Trustee of the Charity.

Powys County Council is obtaining specialist charity law advice on this matter from an external solicitor who is assisting the Council with the process, a decision which Cabinet made in July 2024. It is noted the external charity law solicitor acts on behalf of the Council as Charity Trustee and will not provide advice to the four individuals who are proposing to take over the Trusteeship from the Council as this would amount to a conflict. It has been made clear to the individuals that they have the option of seeking independent legal advice on the implications of the transfer of the trusteeship to them.

If Cabinet pass the required Resolutions, the Council's resignation as Trustee, the appointment of the four individuals as Trustees of the Charity and the adoption of the new Scheme as the governing document of the Charity will take place as soon as the Cabinet meeting ends in which the Resolutions are passed. The handover of control of the Charity takes place at the end of Cabinet's meeting if the Resolutions are passed. The Charity Commission does not need to approve the appointment of the new individual trustees, or the amended Scheme as the Object of the Charity is not being amended. There are administrative steps of updating the Charity Commission page for the Charity which can be dealt with after the Cabinet meeting by Strategic Property.

Appointing the four individuals as Trustees of the Charity and the Council resigning as Charity Trustee will pass legal responsibility for the Charity's management and administration to the four individual Trustees.

Advice from the external solicitor has been clear that if the Resolutions are passed and the trusteeship transfers from the Council to the four individuals, the trustees of the Charity are solely responsible for the management of the Charity and Hall and no separate management committee should be appointed. This has been made clear in written correspondence to the individuals. More individual trustees can be appointed up to a maximum of nine after the trusteeship transfers. Individual trustees should not delegate their authority or managerial responsibilities to volunteers or a committee however, volunteers can assist with non-managerial tasks provided they do not have decision making powers.

As the Charity is unincorporated, it cannot hold property in its own name. On that basis, the property should in future be vested in the Official Custodian for Charities. The Property is not currently registered, and an application has been submitted to HM Land Registry for first registration of the Property to be registered in the name of the Official Custodian for Charities on trust for the Charity.

- 5.2 The Head of Legal Services and the Monitoring Officer has commented as follows: "I note the legal comment and support the recommendations."

6. Climate Change & Nature Implications

- 6.1 Strategic Property have been successful in obtaining funding from the Shared Prosperity Fund Community Hall Decarbonisation Improvement Scheme, to upgrade the lighting in the building to LED and to upgrade the hot water boiler.
- 6.2 Any future service delivery and resilience for the local community will be the responsibility of the new trustees of the Charity.

7. Data Protection

- 7.1 We are not aware that any process will involve the processing of personal data.

8. Comment from local member(s)

- 8.1 Cllr Beverly Baynham has commented as below:
- 8.2 As the local member for the Presteigne Ward I would like to support the transfer of The Memorial Hall to the new Trustees. I am extremely grateful to the new committee that has been formed and for all the work they have done to date to prepare for the transfer and the re-opening of the hall. It is an excellent example of community work that I am sure will be very successful and ensure the future of the hall.

9. Impact Assessment

- 9.1 An Impact Assessment is not required as the services being made available, the way in which they are delivered are not being altered by Powys County Council.

10. Recommendation

- 10.1 **Cabinet acting as Trustees of the Charity resolve as follows:**
- a) To exercise the power under section 280A of the Charities Act 2011 to modify the Charity Scheme as set out in Appendix 1 to become the governing document of the Charity with immediate effect;**
 - b) To appoint the four individuals named in paragraph 2.14 as Trustees of the Charity for the terms set out next to their names, with immediate effect; and**
 - c) Powys County Council resign as Trustee of the Charity with immediate effect.**

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CABINET REPORT NEW TEMPLATE

Appendix A

Charity number: 524469

PRESTEIGNE AND DISTRICT WAR MEMORIAL HALL (the “Charity”)

Minutes of a meeting of trustee of the Charity (“Trustee”) held at [] on [] 2024 at [:]am/pm

Present: [NAMES]

In attendance:

1. INTRODUCTION AND QUORUM

1.1 [] was appointed Chair of the meeting and chaired the meeting throughout.

1.2 The Chair reported that notice of the meeting had been provided to the Trustee. The Chair confirmed that a quorum was present and that the meeting could accordingly proceed to business

2. CONFLICTS OF INTEREST

2.1 No declarations of interest in any matters proposed for discussion were or had been received from any of the Trustees.

OR [delete as appropriate]

2.2 The following Councillors declared the nature and extent of their interests in the proposed transaction with the Charity as follows:

Name	Nature and Extent of Interest

3. **BUSINESS OF THE MEETING**

3.1 It was noted that the Charity is governed by a Scheme dated 30 November 1983 (“the Scheme”).

3.2 The Chair reported that the business of the meeting was to consider and, if thought fit:

3.2.1 to appoint individuals as the Trustees of the Charity;

3.2.2 to amend the administrative provisions of the Scheme to be compatible with having individuals as trustees of the Charity;

3.2.3 to vest the land known as Presteigne and District War Memorial Hall, Station Road, Presteigne, Powys LD8 2UG (“the Property”) in the Official Custodian for Charities;

3.2.4 that Powys County Council resign as trustee of the Charity.

4. **MODIFICATIONS TO ADMINISTRATIVE POWERS AND PROCEDURES OF THE CHARITY**

4.1 The Trustee noted that the Scheme currently names Radnor District Council, which has become Powys County Council, as the Trustee of the Charity.

4.2 The Trustees noted that certain administrative provisions in the Scheme would need to be amended to make it compatible with having individuals as trustees rather than a sole corporate trustee.

4.3 As the Scheme does not contain a power to amendment, the Trustee will be passing the resolutions using the statutory power conferred by section 280A Charities Act 2011.

4.4 The Trustee considered the revised Scheme prepared by the Charity’s solicitors, set out at Appendix 1, which would replace the current Scheme set out in Appendix 2.

4.5 In exercise of their power under section 280A of the Charities Act 2011, IT WAS RESOLVED that the administrative powers and procedures be simultaneously modified in the Scheme such that the Scheme set out in Appendix 1 be adopted as the governing document of the Charity.

5. **APPOINTMENT OF TRUSTEES**

5.1 The Trustee noted that four individuals from the community had agreed to become Trustees of the Charity.

5.2 The following individuals have expressed their willingness to become the new trustees of the Charity and so are proposed to be appointed as trustees for the initial terms set out next to their names:

Sarah Jane Chilman	for 2 years
Samantha Haden	for 2 years
Geraldine Anne Fletcher	for 2 years
Lynne Patricia Owens	for 2 years

5.3 IT WAS RESOLVED that the proposed trustees set out in paragraph 5.2 be appointed as trustees of the Charity for the terms set out next to their names, to take effect immediately.

6. **PROPERTY**

6.1 The Trustee noted that the Property was held by Powys County Council as trustee of the Charity. To avoid confusion in future, the Trustee has vested the Property in the Official Custodian for Charities. It was noted that an application has been submitted to HM Land Registry for first registration of the Property to be registered in the name of the Official Custodian for Charities on trust for the Charity.

7. **RESIGNATION OF TRUSTEE**

7.1 The Trustee noted that as a result of the amendments to the Scheme, Powys County Council was no longer named as the trustee of the Charity. It was agreed that Powys County Council should resign as trustee of the Charity so that it can be managed by individuals.

7.2 IT WAS RESOLVED that Powys County Council resign as trustee with immediate effect.

8. **FILING**

8.1 IT WAS RESOLVED that the [secretary]/[Charity's solicitor] be instructed to arrange for the filing with the Charity Commission of this resolution and the updated Scheme.

9. **MEETING CLOSE**

9.1 There being no further business the meeting then ended.

.....

Chair

Date:

APPENDIX 1

SCHEME DATED 30 NOVEMBER 1983 AS AMENDED [] 2024

PRESTEIGNE AND DISTRICT WAR MEMORIAL HALL (Charity number: 524469) (“the Charity”)

1. OBJECTS

- 1.1 The object of the Charity shall be the provision and maintenance of a village hall for the use of the inhabitants of the area of benefit and the neighbourhood thereof 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.
- 1.2 The said land with the buildings thereon shall be held upon trust for the purpose of a village hall as aforesaid.
- 1.3 In this Scheme the expression “area of benefit” shall mean the area comprising the Communities of Presteigne and Whitton, both in the County of Powys and the Parishes of Byton, Combe, Kinsham, Knill, Stapleton and Rodd, Nash and Little Brampton all in the County of Hereford and Worcester.

2. ADMINISTRATION OF THE CHARITY

- 2.1 The Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme (as amended) by not less than three and not more than nine individuals who shall be the trustees of the Charity.

2.2 Appointment of trustees

2.2.1 Every trustee shall be appointed by a resolution at a properly convened meeting of the Charity and shall serve for a term of two years.

2.2.2 In selecting individuals for appointment as trustees, the trustees must have regard to the skills, knowledge and experience needed for the effective administration of the charity.

2.2.3 The trustees must keep a record of the name and address and the dates of appointment, re-appointment and retirement of each trustee.

2.2.4 The trustees must make available to each new trustee, on his or her first appointment:

- (i) a copy of this Scheme and any amendments made to it;
- (ii) a copy of the charity's latest report and statement of accounts.

2.3 Eligibility for trusteeship

2.3.1 No one shall be appointed as a trustee:

- (a) if he or she is under the age of 18 years; or
- (b) if he or she would at once be disqualified from office under the provisions of clause 2.4 of this Scheme.

2.3.2 No one shall be entitled to act as a trustee whether on appointment or on any re-appointment as trustee until he or she has expressly acknowledged, in whatever way the trustees decide, his or her acceptance of the office of trustee of the charity

2.4 Termination of Trusteeship

A trustee shall cease to hold office if he or she:

2.4.1 is disqualified for acting as a trustee by virtue of sections 178 and 179 of the Charities Act 2011 or any statutory re-enactment or modification of that provision;

2.4.2 in the written opinion, given to the charity, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a trustee and may remain so for more than three months;

2.4.3 is absent without the permission of the trustees from all their meetings held within a period of six months and the trustees resolve that his or her office be vacated; or

2.4.4 notifies to the trustees a wish to resign (but only if enough trustees will remain in office when the notice of resignation takes effect to form a quorum for meetings).

2.5 Vacancies

If a vacancy occurs the trustees must note the fact in the minutes of their next meeting. Any eligible trustee may be re-appointed. If the number of trustees falls below the quorum in Clause 5.5, none of the powers or discretions conferred by this Scheme or by law on the trustees shall be exercisable by the remaining trustees except the power to appoint new trustees.

3. POWERS

In addition to any other powers they have, the trustees may exercise any of the following powers in order to further the objects (but not for any other purpose):

3.1.1 to raise funds. In exercising this power, the trustees must not undertake any taxable permanent trading activity and must comply with any relevant statutory regulations;

3.1.2 to buy, take on lease or in exchange, hire or otherwise acquire property and to maintain and equip it for use;

3.1.3 to sell, lease or otherwise dispose of all or any part of the property belonging to the charity. In exercising this power, the trustees must comply as appropriate with sections 117 - 122 of the Charities Act 2011;

3.1.4 to borrow money and to charge the whole or any part of the property belonging to the charity as security for repayment of the money borrowed. The trustees must comply as appropriate with sections 124 - 126 of the Charities Act 2011 if they wish to mortgage land owned by the charity;

3.1.5 to co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them;

3.1.6 to establish or support any charitable trusts, associations or institutions formed for any of the charitable purposes included in the objects;

3.1.7 to acquire, merge with or enter into any partnership or joint venture arrangement with any other charity formed for any of the objects;

3.1.8 to create such advisory committees as the trustees think fit;

3.1.9 to employ and remunerate such staff as are necessary for carrying out the work of the charity;

3.1.10 to do any other lawful thing that is necessary or desirable for the achievement of the objects.

3.2 Nothing in this Scheme restricts or excludes the exercise by the trustees of the powers given by the Trustee Act 2000 as regards investment, the acquisition or disposal of land and the employment of agents, nominees and custodians.

4. VESTING

Any land or property held by the Charity may be vested in the trustees or in the Official Custodian for Charities for all the estate and interest therein belonging to or held in trust for the Charity.

5. MEETINGS OF THE TRUSTEES

5.1 Ordinary meetings

The trustees must hold at least two ordinary meetings each year. One such meeting in each year must involve the physical presence of those trustees who attend the meeting. Other meetings may take such form, including videoconferencing, as the trustees decide provided that the form chosen enables the trustees both to see and to hear each other.

5.2 Calling meetings

The trustees must arrange at each of their meetings the date, time and place of their next meeting, unless such arrangements have already been made. Ordinary meetings may also be called at any time by the person

elected to chair meetings of the trustees or by any two trustees. In that case not less than ten days' clear notice must be given to the other trustees.

5.3 Special meeting

A special meeting may be called at any time by the person elected to chair meetings of the trustees or by any two trustees. Not less than four days' clear notice must be given to the other trustees of the matters to be discussed at the meeting. However, if those matters include the appointment of a trustee or a proposal to amend any of the trusts of this Scheme, not less than 21 days' notice must be given. A special meeting may be called to take place immediately after or before an ordinary meeting.

5.4 Chairing of meetings

5.4.1 The trustees at their first ordinary meeting in each year must elect one of their number to chair their meetings. The person elected shall always be eligible for re-election. If that person is not present within ten minutes after the time appointed for holding a meeting, or if no one has been elected, or if the person elected has ceased to be a trustee, the trustees present must choose one of their number to chair the meeting.

5.4.2 The person elected to chair meetings of the trustees shall have no other additional functions or powers except those conferred by this Scheme or delegated to him or her by the trustees.

5.5 Quorum

5.5.1 Subject to the following provision of this clause, no business shall be conducted at a meeting of the trustees unless at least one-third of the total number of trustees at the time, or two trustees (whichever is the greater) are present throughout the meeting.

5.5.2 The trustees may make regulations specifying different quorums for meetings dealing with different types of business.

5.6 Voting

At meetings, decisions must be made by a majority of the trustees present and voting on the question. In the case of an equality of votes, the person who chairs the meeting shall have a casting vote.

6. CONFLICTS OF INTERESTS AND CONFLICTS OF LOYALTIES

6.1 A charity trustee must:

6.1.1 declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the charity or in any transaction or arrangement entered into by the charity which has not been previously declared; and

6.1.2 absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest).

6.2 Any charity trustee absenting himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the charity trustees on the matter.

7. SAVING PROVISIONS

7.1 Subject to sub-clause (2) of this clause, all decisions of the charity trustees, or of a committee of the charity trustees, shall be valid notwithstanding the participation in any vote of a charity trustee:

- (a) who is disqualified from holding office;
- (b) who had previously retired or who had been obliged by this Scheme to vacate office;
- (c) who was not entitled to vote on the matter, whether by reason of a conflict of interests or otherwise

if without the vote of that charity trustee and that charity trustee being counted in the quorum, the decision has been made by a majority of the charity trustees at a quorate meeting.

7.2 Sub-clause (1) of this clause does not permit a charity trustee to keep any benefit that may be conferred upon him or her by a resolution of the charity

trustees or of a committee of charity trustees if, but for sub-clause (1), the resolution would have been void, or if the charity trustee has not complied with clause 6 (Conflicts of interests and conflicts of loyalties).

8. **MINUTES**

The trustees must keep minutes, in books kept for the purpose or by such other means as the trustees decide, of the proceedings at their meetings. In the minutes the trustees must record their decisions and, where appropriate, the reasons for those decisions. The trustees must approve the minutes in accordance with the procedures, laid down in regulations made under clause 9 of this Scheme.

9. **REGULATIONS**

9.1 Within the limits prescribed by this Scheme, the trustees may from time to time make and alter regulations for the management of the said village hall including rules setting out the terms and conditions upon which the same may be used and the sum (if any) to be paid for such use.

9.2 The trustees may from time to time make regulations for the management of the charity and for the conduct of their business, including

- (a) the calling of meetings;
- (b) methods of making decisions in order to deal with cases or urgency when a meeting is impractical;
- (c) the deposit of money at a bank;
- (d) the custody of documents; and
- (e) the keeping and authenticating of records. (If regulations made under this clause permit records of the charity to be kept in electronic form and requires a trustee to sign the record, the regulations must specify a method of recording the signature that enables it to be properly authenticated.)

9.3 The trustees must not make regulations which are inconsistent with anything in this Scheme.

10. **INSURANCE**

The trustees shall insure the said building and the furniture and effects therein to the full value thereof against fire and other usual risks and shall suitably insure against risks arising out of the ownership of property and employment of persons.

11. **APPLICATION OF INCOME**

11.1 The trustees must apply the income and, at their discretion all or part of the capital, of the charity in furthering the objects.

11.2 A trustee is entitled to be reimbursed out of the property of the charity or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the charity.

11.3 A trustee may benefit from trustee indemnity insurance cover purchased at the charity's expense in accordance with, and subject to the conditions in, section 189 of the Charities Act 2011.

12. **ACCOUNTS, ANNUAL REPORT AND ANNUAL RETURN**

12.1 The trustees must comply with their obligations under the Charities Act 2011 with regard to:

- (a) the keeping of accounting records for the charity;
- (b) the preparation of annual statements of account for the charity;
- (c) the auditing or independent examination of the statements of account of the charity;
- (d) the transmission of the statements of account of the charity to the Commission;
- (e) the preparation of an Annual Report and its transmission to the Commission;
- (f) the preparation of an Annual Return and its transmission to the Commission.

13. **SALE**

If the said land and buildings or any part thereof shall no longer be required for use in furthering the object of the Charity the trustee may sell the same or any such part as aforesaid subject nevertheless to the authority of any further Order or Orders of the Charity Commission.

14. **PROCEEDS OF SALE**

The trustees shall apply the clear proceeds of any such sale as aforesaid either in the purchase of other land and buildings to be held upon the trusts of the Scheme or for such other charitable purposes for the benefit of the inhabitants of the area of benefit as the Commissioners may approve.

15. **AMENDMENT OF SCHEME**

15.1 The trustees may amend the provisions of this Scheme, provided that:

- (a) no amendment may be made to clause 1 (Objects) or this clause without the prior consent in writing of the Commission; and
- (b) no amendment may be made that would have the effect of making the Charity cease to be a charity at law.
- (c) no amendment may be made to alter the objects if the change would undermine or work against the previous objects of the charity.

15.2 Any amendment of this Scheme must be made by a decision of the trustees made at a special meeting.

15.3 The trustees must send to the Commission a copy of the Scheme effecting any amendment made under this clause within three months of it being made.

APPENDIX 2

Sealed 30th November 1983.

N332(S).
83.

County - Powys.
Place - Presteigne.
Charity - Presteigne and
District War
Memorial Hall.



L3.
524,469/1.

Stamp 50p

Scheme including appointment of
Trustee and vesting.

CHARITY COMMISSION.

In the matter of the Charity known as the Presteigne
and District War Memorial Hall, at
Presteigne, in the County of Powys, regulated
by a declaration of trust dated the 1st
September 1953; and
In the matter of the Charities Act, 1960.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES
HEREBY ORDER that the following Scheme be approved and
established as the Scheme for the regulation of the above-
mentioned Charity:-

S C H E M E.

1. Administration of Charity. - The above-mentioned
Charity and the property thereof specified in the schedule
hereto and all other the property (if any) of the Charity
shall be administered and managed subject to and in
conformity with the provisions of this Scheme by the
Radnor District Council who shall be the Trustee of the
Charity.

2. Vesting. - The land specified in the said schedule
is hereby vested in the Trustee for all the estate and
interest therein belonging to or held in trust for the
Charity and the Official Custodian for Charities is
hereby discharged from his trusteeship with respect to
the said land.

N956 7.9.83CHx(1)

3. Area of benefit. - In this Scheme the expression "area of benefit" shall mean the area comprising the Communities of Presteigne and Whitton, both in the County of Powys and the Parishes of Byton, Combe, Kinsham, Knill, Stapleton and Rodd, Nash and Little Brampton all in the County of Hereford and Worcester.

4. Object. - (1) The object of the Charity shall be the provision and maintenance of a village hall for the use of the inhabitants of the area of benefit and the neighbourhood thereof 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 with the buildings thereon shall be held upon trust for the purposes of a village hall as aforesaid.

5. Regulations. - Within the limits prescribed by this Scheme the Trustee may from time to time make and alter regulations for the management of the said village hall including rules setting out the terms and conditions upon which the same may be used and the sum (if any) to be paid for such use.

6. Insurance. - The Trustee shall insure the said building and the furniture and effects therein to the full value thereof against fire and other usual risks and shall suitably insure against risks arising out of ownership of property and employment of persons.

7. Application of income. - The Trustee shall apply the clear income of the Charity in furthering the said object.

8. Sale. - If the said land and buildings or any part thereof shall no longer be required for use in furthering the object of the Charity the Trustee may sell the same or any such part as aforesaid subject nevertheless to the authority of any further Order or Orders of the Charity Commissioners.

9. Proceeds of sale. - The Trustee shall apply the clear proceeds of any such sale as aforesaid either in the purchase of other land and buildings to be held upon the trusts of this Scheme or for such other charitable purposes for the benefit of the inhabitants of the area of benefit as the Commissioners may approve.

10. Questions under Scheme. - Any question as to the construction of this Scheme or as to the regularity or the 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.

S C H E D U L E.

The following adjoining land situate at Presteigne in the County of Powys being the land comprised in a conveyance dated the 4th December 1952 and made between the Presteigne Produce Company Limited of the first part John Gilbert Owens of the second part and Ralph James Walker and Norman Frederick Reay of the third part with the building since erected thereon known as Presteigne and District War Memorial Hall:

1. Land containing 1 rood and 4 perches or thereabouts being part of the land numbered 87 on the Ordnance Survey map (1928 edition).
2. Land containing 320 square yards or thereabouts being part of the land numbered 86 on the said edition of the said map.

£605 cash on deposit account at the Presteigne branch of Lloyds Bank plc being accumulations of income.

Note. - The above-mentioned land is vested in the Official Custodian for Charities by virtue of an Order of the Charity Commissioners of the 11th May 1954 as affected by the provisions of the Charities Act, 1960.

Sealed by Order of the Commissioners this 30th day
of November 1983.



Neil M. Makengy

ASSISTANT COMMISSIONER

N956 CHx(1)