

**THE CHARITY COMMISSION FOR ENGLAND AND WALES**

Under the power given in the Charities Act 2011 and the Commons Act 1899

Orders that from today, the

**7 October 2015**

this

**SCHEME**

will govern the charity formerly known as

**ALLOTMENTS FOR LABOURING POOR (248607)**

and now to be known as

**THE HUGHENDEN COMMUNITY SUPPORT TRUST (248607)**

Jane Grenfell

**A member of staff of the Charity Commission authorised to act on behalf of the  
Charity Commission**

## **1. Definitions**

In this Scheme:

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

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

“the trustees” means the trustees of the charity acting under this Scheme and  
“trustee” means one of the trustees.

“the former trusts” means the Inclosure Awards dated 27 March 1855 and 4 August 1862.

“the area of benefit” means the Parish of Hughenden as constituted at the date of this Scheme.

## **ADMINISTRATION**

### **2. Administration**

The charity is to be administered 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 The Hughenden Community Support Trust.

## **OBJECTS**

### **4. Object of the charity**

- (1) The object of the charity is the relief of persons resident in the area of benefit who are in need, hardship or distress.
- (2) The trustees may relieve persons in need by:
  - (a) making grants of money to them; or
  - (b) providing or paying for goods, services or facilities for them; or
  - (c) making grants of money to other persons or bodies who provide goods, services or facilities to those in need.

## **POWERS OF THE TRUSTEES**

### **5. Powers of the trustees**

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

- (1) Power to make reasonable regulations consistent with this Scheme.

- (2) Power to insure against public liability and, if appropriate, employers' liability; and to insure any property of the charity against fire and all other usual risks.
- (3) Power to buy, take on lease or in exchange, hire or otherwise acquire property and to maintain and equip it for use.
- (4) Power to employ and remunerate such staff as are necessary for carrying out the work of the charity.
- (5) To do any other lawful thing that is necessary or desirable for the achievement of the objects.

## **TRUSTEES**

### **6. Trustees**

- (1) There must be not less than four and not more than six trustees.
- (2) The trustees must be persons who:
  - (a) through residence, occupation, employment or otherwise have special knowledge of the parish of Hughenden; or
  - (b) are otherwise able by virtue of their personal or professional qualifications to make a contribution to the effective administration of the charity.
- (3) Apart from the first trustees, every trustee must be appointed for a term of three years by a resolution of the trustees passed at a special meeting of the trustees.

### **7. First trustees**

- (1) In this clause, the term "the existing trustees" means the persons identified in part 1 of the schedule to this Scheme, being the persons holding office as trustees of the charity at the date of this Scheme.
- (2) The existing trustees will continue to hold office.

### **8. New trustees**

The trustees must give to each new trustee, 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.

## 9. Register of trustees

The trustees must keep a register of the name and address of every trustee and the dates on which their terms of office begin and end. Every trustee must sign the register before acting as a trustee, whether on their first appointment or on any later re-appointment.

## 10. Payments to charity trustees

(1) A trustee may receive from the charity reasonable expenses properly incurred, or to be incurred, by him or her when acting on behalf of the charity.

(2) No trustee 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 185 or 189 of the Charities Act 2011 (*remuneration of charity trustees providing services to charity; trustee indemnity insurance*); or
  - (e) permitted in accordance with, and subject to the conditions in, sub-clause 3 of this clause; or
  - (f) previously and expressly authorised in writing by the Commission.
- (3) A trustee may receive payment for goods supplied to the charity, provided that:
- (a) the sums paid to the trustee do not exceed an amount that is reasonable in all the circumstances; and
  - (b) the trustee 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 trustees are satisfied that it is in the interests of the charity to contract with that trustee, rather than with someone who is not a trustee (in reaching that decision, the trustees must balance the advantages and disadvantages of contracting with a trustee); and
  - (d) the reason for their decision is recorded by the trustees; and
  - (e) the number of trustees in receipt of any payments authorised by this clause is a minority of the trustees then in office.

(4) 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) "trustee" includes any child, parent, grandchild, grandparent, brother, sister, spouse or civil partner of the trustee or any person living with the trustee as his or her partner.

## **11. Termination of trusteeship**

A trustee will cease to be a trustee if he or she:

- (1) is disqualified from acting as a trustee by section 178 of the Charities Act 2011; or
- (2) is absent without the permission of the trustees from all their meetings held within a period of 6 months and the trustees resolve that his or her office be vacated; or
- (3) gives not less than 1 month's notice in writing of his or her intention to resign (but only if at least 3 trustees will remain in office when the notice of resignation is to take effect).

## **OFFICERS**

### **12. Chairman**

- (1) At their first ordinary meeting in each year the trustees must elect one of their number to be chairman of their meetings.
- (2) The trustees present at a meeting must elect one of their number to chair the meeting if the chairman is not present or the office of chairman is vacant.

## **MEETINGS OF TRUSTEES**

### **13. Ordinary meetings**

- (1) The first meeting after the date of this Scheme must be called by Mr Trevor Dean or, if he does not do so within 3 months from that date, by any 2 trustees.
- (2) The trustees must hold at least 2 ordinary meetings in each 12 month period beginning with the first complete calendar year after this Scheme comes into effect.
- (3) Ordinary meetings require at least 10 days' notice.
- (4) The chairman, or any 2 trustees, may call an ordinary meeting at any time.

#### **14. Special meetings**

- (1) The chairman, or any 2 trustees, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except that meetings to consider the appointment of a co-opted trustee 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.

### **ANNUAL GENERAL MEETING**

#### **15. Annual general meeting**

- (1) The trustees must hold the First Annual General Meeting (the First Meeting) of the charity within 18 months of the date of this Scheme. The First Meeting must be called by the trustees.
- (2) The trustees may hold subsequent annual general meetings in any year they see fit, but they are not obliged to do so.
- (3) Inhabitants of the parish of Hughenden are entitled to attend and speak at any meeting called under this clause.
- (4) The notice of the First Meeting (and any subsequent annual general meeting) must state the business to be discussed.
- (5) The chairman of the meeting will be the chairman of the trustees.
- (6) At the annual general meeting the trustees must present the report and accounts for the last financial year.

#### **16. Quorum**

No business may be transacted at a meeting unless at least 3 trustees are present.

#### **17. Voting**

- (1) Every matter must be decided by majority decision of the trustees present and voting at a duly convened meeting of the trustees.
- (2) The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

#### **18. Recording of meetings**

The trustees must keep a proper record of their meetings.

**19. Trustees to act jointly**

The trustees must exercise their powers jointly, at properly convened meetings.

**CHARITY PROPERTY**

**20. Use of income and capital**

- (1) The trustees must firstly apply:
- (a) the charity's income; and
  - (b) if the trustees 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 any buildings).

- (2) After making these payments, the trustees must apply the remaining income in furthering the objects of the charity.
- (3) The trustees may also apply for the objects 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) the Charities Act 2011; or
    - (ii) on such terms (including for the replacement of the amount spent) as the Commission may approve in advance.

**21. Sale of Property**

- (1) The trustees may sell or otherwise dispose of the property identified in the schedule to this Scheme. They must comply with the restrictions on disposal imposed by section 117 of the Charities Act 2011, unless the sale is excepted from these restrictions by sections 119 to 121 and section 127 of that Act.
- (2) The proceeds of any such disposal must be invested in trust for the charity.

**22. 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 Official Custodian for Charities in trust for the charity.

## GENERAL PROVISIONS

### 23. 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

#### First trustees

Name	Term of office ends
Mr Trevor William Ridgley Dean	September 2016
Dr William Stanley Jones	March 2018
Mr John Moorby	September 2016
Mr John W. Russell	September 2016

### Part 2

1. Windmill Lane Allotments. All the freehold property being the land on the north west side of Windmill Lane, Widmer End, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM352857.
2. Walter's Ash allotment but excluding the pond being part of the freehold property being land on the south west side of Main Road, Walter's Ash, High Wycombe, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM358088.
3. Naphill Allotments. All the freehold property being land on the east side of Louches Lane, Naphill, High Wycombe, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM358090.
4. North Dean Allotments. All the freehold property being land lying on the west of Speen Road, North Dean, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM352511.
5. Common Road and Recreation Ground Allotments. All the freehold property being land at Common Road, Great Kingshill, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM9455.