



## Slinfold Village Hall

The Street, Slinfold, West Sussex RH13 0RP  
Registered Charity: 305256 - The Child Memorial Village Hall  
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website: [www.slinfoldvillagehall.co.uk](http://www.slinfoldvillagehall.co.uk)

Trustees Chairman: Neil.Peachey. 'Amberley', Hayes Lane, Slinfold, West Sussex RH13 0SQ  
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### About Village Hall Trustees & their Responsibilities

**Slinfold Village Hall** (formal name: **The Child Memorial Village Hall**) is an unincorporated registered Charity, No. 305256.

As such, it has a **Governing Document** which sets out the charity's purposes and how it is to be administered. Our **Governing Document** is a **Scheme** set up by the **Charity Commission** in 1996.

That **Scheme** sets out, amongst other things:

- The **Objects** of the charity
- The **Custodian Trustee**
- The number and method of appointment of the **Charity Trustees**
- How the charity should be run

#### Object

The primary **Object** of the charity is defined as follows:

"The object of the Charity shall be the provision and maintenance of a village hall for the use of the inhabitants of the Parish of Slinfold (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."

#### Charity Trustees

The **Charity Trustees** are the **Managing Trustees** of the charity and are referred to in the **Scheme** as the **Committee of Management**. As **Charity Trustees**, all members of that **Committee** have legal responsibility for the running of the charity. (See under **Trustee Responsibilities** below.)

When complete, the **Committee of Management** consists of:

- four **Elected Trustees**, and
- ten **Representative Trustees**.

Each **Representative Trustee** is appointed by a group or organisation that regularly uses the Village Hall. The appointment should normally occur within the month prior to the Village Hall's AGM (normally held on the third Monday of June in each year), and becomes effective at the end of that AGM.

"A **representative trustee** (sometimes known as a nominated trustee) is a person appointed to a trustee body by some other body or person. They have exactly the same duties and responsibilities as other charity trustees and must act independently of the body which appointed them."

Each **Elected Trustee** is elected by those present and eligible to vote (all Slinfold residents over the age of 18 years) at the AGM.

The appointment of all trustees (**Representative** and **Elected**) becomes effective at the end of the respective AGM and runs until the end of the following AGM, but the person can be reappointed.

## **Custodian Trustee**

The **Custodian Trustee** is **Slinfold Parish Council**.

“A **custodian trustee** is a corporation appointed to have the custody, as distinct from the management, of trust property. ...Where a custodian trustee is appointed to hold property of a charity, the administration of the charity is left in the hands of the charity trustees.

Because **The Child Memorial Village Hall** is an unincorporated charity, it cannot hold land and property in its own name. The property is therefore held in the name of the **Parish Council** as **Custodian Trustee** on behalf of the **Charity Trustees**, but the **Custodian Trustee** has no involvement in the running or management of the charity.

“... custodian trustees do not have any involvement in the management of the charity – this is the role of the **managing trustees**. They must follow the managing trustees’ instructions when dealing with the charity’s assets, unless the managing trustees tell them to do something that isn’t allowed by the charity’s governing document or by charity law.

## **Trustee Eligibility**

As with any charity, trustees are legally obliged to meet certain eligibility criteria, such as being free from unspent bankruptcy and unspent convictions for fraud, fare evasion, etc. (For further information, see page 3.) It is a trustee’s responsibility to declare any ineligibility.

On appointment, all trustees (whether newly appointed or re-appointed, and whether a **Representative** or **Elected Trustee**) are required to sign the **Declarations** set out in **Appendix A**:

- a **Declaration of Eligibility**
- a **Declaration of Acceptance** and of willingness to act in the trusts of the **Scheme**

## **Trustee Responsibilities**

Trustees are tasked with ensuring that, to the best of their judgement, the Village Hall is being best run in furtherance of the charity’s stated objectives and aims, with due regard to;

- the charity’s financial ‘well-being’
- the rules of the Charity Commission
- any applicable legal requirements (e.g. Disability, Health and Safety, Licensing)\*

Representative Trustees (as opposed to Elected Trustees) are further tasked with

- representing the views of their group or organisation to the Management Committee, and
- representing the Management Committee’s views and decisions back to their group or organisation.

All Trustees are required to act in the best interests of the charity, to act with integrity, and avoid any personal conflicts of interest.

All trustees shall endeavour to attend the AGM and as many of the ordinary meetings (of which there are normally six per year) as possible.

\*Note that voluntary organisations are not so strictly bound by the Disability and Health and Safety acts as commercial organisations. Voluntary organisations are instead required to act with all best endeavours – that is to have carried out relevant assessments and to have prioritised and actioned with regard to risk, impact and cost.

*[The following information is extracted from Charity Commission publications.]*

## **Trustee duties at a glance**

This section summarises the main duties and responsibilities of charity trustees. ... it is not a legal document, but sets out the legal principles in everyday language. ...

### **Trustees and their responsibilities**

Charity trustees are the people who serve on the governing body of a charity. They may be known as trustees, directors, board members, governors or committee members. The principles and main duties are the same in all cases.

(1) Trustees have and must accept ultimate responsibility for directing the affairs of a charity, and ensuring that it is solvent, well-run, and delivering the charitable outcomes for the benefit of the public for which it has been set up.

### **Compliance - Trustees must:**

(2) Ensure that the charity complies with charity law, and with the requirements of the Charity Commission as regulator; in particular ensure that the charity prepares reports on what it has achieved and Annual Returns and accounts as required by law.

(3) Ensure that the charity does not breach any of the requirements or rules set out in its governing document and that it remains true to the charitable purpose and objects set out there.

(4) Comply with the requirements of other legislation and other regulators (if any) which govern the activities of the charity.

(5) Act with integrity, and avoid any personal conflicts of interest or misuse of charity funds or assets.

### **Duty of prudence - Trustees must:**

(6) Ensure that the charity is and will remain solvent.

(7) Use charitable funds and assets reasonably, and only in furtherance of the charity's objects.

(8) Avoid undertaking activities that might place the charity's endowment, funds, assets or reputation at undue risk.

(9) Take special care when investing the funds of the charity, or borrowing funds for the charity to use.

### **Duty of care - Trustees must:**

(10) Use reasonable care and skill in their work as trustees, using their personal skills and experience as needed to ensure that the charity is well-run and efficient.

(11) Consider getting external professional advice on all matters where there may be material risk to the charity, or where the trustees may be in breach of their duties.

[Extracted from Charity Commission publication *CC3 - The Essential Trustee: What you need to know*, Section D, February 2008]

## **Trustee Eligibility**

Anyone over 18 years of age, but excluding anyone described in section 72(1) of the Charities Act 1993, which includes:

- anyone who has an unspent conviction for an offence involving deception or dishonesty;
- anyone who is an undischarged bankrupt;
- anyone who has been removed from trusteeship of a charity by the Court or the Commissioners for misconduct or mismanagement; and
- anyone under a disqualification order under the Company Directors Disqualification Act 1986.

[Extracted from Charity Commission publication *CC30 - Finding new trustees - What charities need to know*, Section E, 2007]

## Appendix A

### THE CHILD MEMORIAL VILLAGE HALL REGISTERED CHARITY No. 305256

#### Declarations by newly appointed trustees

##### Declaration of eligibility:

I declare that I am not disqualified from acting as a charity trustee and that:

- I am aged 18 years or over at the date of this election or appointment;
- I am capable of managing and administering my own affairs;
- I do not have an unspent conviction relating to any offence involving deception or dishonesty;
- I am not an undischarged bankrupt nor have I made a composition or arrangement with, or granted a trust deed for, my creditors (*ignore if discharged from such an arrangement*);
- I am not subject to a disqualification order under the Company Directors Disqualification Act 1986 or to an Order made under section 429(b) of the Insolvency Act 1986;
- I have not been removed from the office of charity trustee or trustee for a charity by an Order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement nor am I subject to an Order under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, preventing me from being concerned in the management or control of any relevant organisation or body.

##### Declaration of acceptance

I declare that:

- I accept election or appointment as a Trustee and Member of the Committee of Management of the Charity known as The Child Memorial Village Hall; and
- I am willing to act in that capacity in accordance with the Charity's governing document, namely the Scheme of the Charity Commissioners dated 22nd October 1996.

##### Signed by:

\* DELETE as appropriate

Full Name (CAPITALS).....

\*Representing (Club/Organisation) ..... OR \*Elected

Signed ..... Date .....

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