3/8/2020

High Halstow Village Hall

Constitution This document was approved by the High Halstow Village Hall Trustees on 8th March 2020 to be used as a modern working document in conjunction with the original Conveyance Deed dated 28th April 1961.

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10. **CONVEYANCE AND TRUST BACKGROUND**
    1. A conveyance dated 24th January 1945 transferred a parcel of land for use as a recreation ground from the owner to the High Halstow Parish Council in its capacity as Trustee of the recreation ground. The land transfer is recorded as a gift and is subject to it continuing to be used as a recreation ground for the benefit of High Halstow residents.
    2. A further deed of conveyance dated 28th April 1961 records agreement that a village hall would be built on part of the recreation ground and this hall would be held in trust as outlined by the clauses in the deed of conveyance.
    3. The name of the property held in trust is High Halstow Village Hall (“the trust property”).
    4. High Halstow Village Hall is registered as a charity with the Charity Commission. Charity number 1060866.
11. **TRUSTEES**
    1. The village hall has two sets of trustees. These are defined as Administering or Managing Trustees and Holding or Custodian Trustees.
    2. Administering or Managing Trustees are the people who manage the village hall on a day to day basis. This is the elected members of the management committee.
    3. The original conveyance states that the hall shall be administered in conformity with the deed of conveyance provisions under the title “High Halstow Village Hall” by a committee of management who are the administering or managing trustees.[[1]](#footnote-1)
    4. The sole function of the Holding or Custodian Trustees is to hold the title of the land and/or property. High Halstow Parish Council is stated in the conveyance documents as the Custodian Trustee of the Village Hall and is only liable to hold the “Trust property” asset and carry out any instructions of the managing trustees in so far as such instructions are not in breach of the original governing document. They are not normally involved in the day to day running of the hall.[[2]](#footnote-2)
12. **USE OF THE VILLAGE HALL**
    1. The High Halstow Village Hall is held in trust for the use of the inhabitants of High Halstow and the neighbourhood[[3]](#footnote-3) (hereinafter called the “area of benefit”) for the purposes of meetings, lectures, classes and for other forms of recreation and leisure-time occupation, with the object of improving the conditions of life for residents in the area of benefit.
    2. The village hall is available to hire at all times to persons regardless of race, nationality, ethnic or national origin, faith, disability or distinction of gender, political or other opinions; but this ultimately is at the discretion of the management committee.
    3. Users of the village hall must comply with the rules and conditions as stated on the hiring agreement and standard conditions of hire as they apply.
13. **MANAGEMENT COMMITTEE**
    1. Trustees
       1. The management committee of the village hall is comprised of representatives of the hall user groups plus elected members (or post holders). When a representative of a user group becomes a member of the management committee they do not become a trustee of the village hall unless they are a resident of High Halstow and are also an elected member.
       2. Elected membership to the management committee is open to all adult residents (defined as being over age 18) living within the boundaries of High Halstow.
       3. In the event of a death or resignation of an elected member of the management committee (e.g. Chairperson etc.), the vacancy may be filled by another committee member or by appointment by way of a casual vacancy until the next Annual General Meeting (AGM). No more than two members shall be co-opted into management committee posts in these circumstances.
       4. Up to five members of the management committee will be elected annually after the Annual General Meeting (AGM) for a term of twelve months. This twelve month period ends at the next AGM and post holders will consist of the Chairperson, Treasurer, Minute Secretary, Booking Secretary, Maintenance Officer and up to two other co-opted officers as decided by the management committee.
       5. In addition, the Parish Council has the power[[4]](#footnote-4) to appoint two representative members to the management committee.
       6. Up to six representative members shall be appointed by local organisations who regularly[[5]](#footnote-5) using the hall facilities. Each organisation may only appoint one member and should there be occasions where there are more than six user representatives wishing to stand, a vote will need to be taken to determine who should be included.
       7. All members shall have one vote with the exception of the chairperson who shall, in addition, have a casting vote.
       8. In the event of additional applications from existing or newly formed organisations hiring the village hall, they will be advised to put themselves forward for consideration at the next AGM.
       9. The trustees and committee members are expected to abide by the Licence of Use as issued by Medway Council Licencing Authority.
    2. Powers
       1. The management committee (as managing trustees) may exercise such powers it sees fit in lawful furtherance of the objectives in Section 3 above, subject to any provisions set out in this document and the original conveyance document.
    3. Responsibilities
       1. The committee is responsible for managing the repair and maintenance of the village hall and compliance with any Health & Safety, Fire Safety Rules and other Regulations statutory or otherwise that may apply.
14. **COMMITTEE PROCEEDURES**
    1. The AGM
       1. The AGM shall be held annually on a date agreed by the management committee. At the AGM all trustees and management committee members stand down and trustee nominations for the next year are noted. Trustees may stay on the committee for subsequent years.
       2. Immediately following the AGM, a meeting of the newly elected committee will be held.
    2. Election of Officers
       1. During the first meeting of the new committee, the election of Officers takes place i.e. Chairperson, Minute Secretary, Treasurer, Maintenance Officer, Bookings Officer etc.
       2. In the event of more than one nomination for each position being received a vote will take place amongst those attending.
    3. Meetings
       1. Meetings will be held monthly unless the Chairperson decides that there is insufficient business, although meetings should be held at least four times a year. Visitors are welcome to attend meetings and are invited to speak but will not be able to vote.
       2. All meetings are minuted by the Secretary who will subsequently circulate a draft copy to members before the next meeting.
       3. All management committee members have one vote although the Chairperson has a second vote in case of a drawn result.
       4. Extra-ordinary meetings may be called at any time by the Chairperson or at the request of at least three management committee members.
       5. An AGM shall be held within four calendar months of the end of the financial year and usually by 31st July each year. At the AGM, the Chairperson will present the Annual Report and the Independently Examined annual accounts as well as conducting business for the election of the management committee members.

5.4 Quorum

5.4.1 The quorum for meetings shall be two-thirds of the management committee members.

1. **FINANCE**
   1. The Village Hall financial year ends on 31st March.
   2. The funds of the management committee shall be applied solely for the promotion and furtherance of its aims and objectives[[6]](#footnote-6). No payments whatsoever shall be made directly or indirectly to any member of the management committee except in the remuneration of monies spent on behalf of the committee on the production of a receipt.
   3. The Treasurer shall keep account of all income and expenditure and shall prepare accounts that shall be submitted for examination to a competent person and report thereon obtained.
   4. The management committee should ensure that adequate and reasonable financial controls are in place to manage financial risks.
   5. The Treasurer will open accounts with appropriate financial institutions which will be managed jointly by the management committee members. Three signatories will be nominated with two authorised signatories being required to sign cheques, one of whom shall normally be the Treasurer.
   6. Income and expenditure reports will be notified at each meeting.
   7. Accounts should be presented for Independent Examination shortly after the end of the financial year and when completed signed off at a full committee meeting by the Chairperson and one other management committee member in advance of the AGM.
   8. After payment of administration expenses, any net surplus will be used by the Management Committee in the maintenance, upkeep and insurance of the Village Hall property and the payment of rates and taxes in connection with its use and purpose as specified in the original deed of conveyance; and otherwise furthering the hall’s original purpose[[7]](#footnote-7)
2. **ALTERATIONS TO THE CONSTITUTION**
   1. The trustees may amend the provisions of the High Halstow Village Hall Constitution providing it supports effective day to day management by the committee of the village hall and does not alter the original purpose or intent for the Village Hall as set out in the original conveyance document.[[8]](#footnote-8)
   2. Notice of any proposed future alterations or amendments must be circulated to all managing trustees and sufficient time allowed for a full discussion of any proposed changes and implications.
   3. Alterations to the Constitution as outlined in Para. 7.1 above, shall be made by a resolution of members, passed by a majority of at least two thirds of the elected committee members present and voting there at.
   4. Should significant changes be proposed that might potentially alter the purpose and intent of the original deed of conveyance, then legal advice should be obtained. Following advice, proposals should be discussed in conjunction with the Custodian Trustees and residents of High Halstow (area of benefit) prior to any decision being taken.
3. **LIQUIDATION**
   1. In the event of the Committee deciding at any time on the grounds of expense or other reason it is necessary to discontinue the use of the Village Hall in whole or part for the purposes originally stated,[[9]](#footnote-9) it shall call a meeting of the inhabitants (in accordance with original deed document) to consider options for selling or letting the Village Hall or any part thereof.
   2. In accordance with Clause 21 of the original deed of conveyance, any monies from such a sale or letting shall be applied either in the purchase of another property approved by the Committee or to invest the capital sum to accumulate and/or provide an income for other charitable purpose or objects for the benefit of High Halstow (area of benefit) resident.
4. **DECLARATION**
   1. This is to certify that this is a true copy of the Constitution codicil adopted by the High Halstow Village Hall Committee on …………………… (Date)

Signed by the Chairs of the managing and custodial trustees

Name: …………………………………………………………………………………

Signature: …………………………………………………………………………….

Position: ………………………………………………………………………………

Date: …………………………………………………………………………………

Name: ………………………………………………………………………………….

Signature: ……………………………………………………………………………..

Position: ……………………………………………………………………………….

Date: …………………………………………………………………………………

1. First Schedule, Clause 1, Para 2 [↑](#footnote-ref-1)
2. First Schedule, Clause2, Para 3 [↑](#footnote-ref-2)
3. First Schedule, Clause 1, Para 1 [↑](#footnote-ref-3)
4. Clause 4, Additional members, First Schedule of conveyance document. [↑](#footnote-ref-4)
5. Defined as having a constant or definite pattern of hiring. [↑](#footnote-ref-5)
6. Clause 14, Application of Income, original deed document. [↑](#footnote-ref-6)
7. Clause 14, Application of Income, original deed document. [↑](#footnote-ref-7)
8. Clause 22, Rules and Regulations. [↑](#footnote-ref-8)
9. Clause 21, Liquidation, original deed document. [↑](#footnote-ref-9)