

Royal County – Berkshire
Ancient Tithings – Hungerford and Sanden Fee
– Town and Manor Charity

LT
238,379A/4

Scheme including appointment of Trustees

CHARITY COMMISSION

In the matter of the Town and Manor Charity, in the Ancient Town Tithing of Hungerford and the Ancient Tithing of Sandon Fee, in the Royal County of Berkshire, regulated by a Scheme of the Charity Commissioners of the 11th February 1908;
and

In the matter of the Charities Act 1960;
and

In the matter of the amendments to clause 5 and clause 25 of the scheme sealed 9th May 1990 (the Scheme) as authorized by the Charity Commission on 30th May 2012 and approved by resolution of the Trustees on 9th September 2015
and

In the matter of the amendments to Clause 25 of the Scheme approved by resolution of the Trustees on the 20th November 2018
and

In the matter of the amendments to Clauses 5, 6, 25(2), 25(6) and the addition of Clauses 9.1, 9.2 & 9.3 and 25(8) approved by resolution of the Trustees on the 18th June 2024

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:-

SCHEME

1. Administration of Charity. The above-mentioned Charity and the property thereof, shall be administered and managed subject to and in accordance with the provisions of this Scheme, under the title of The Town and Manor of Hungerford Charity, by the body of Trustees hereinafter constituted: Provided that until the day after the first Election to be held as hereinafter provided after the date of this Scheme the Charity shall be administered by the existing Trustees of the Charity, in accordance with the provisions of this Scheme.
2. Investment of cash. All sums of cash now or at any time belonging to the Charity, other than sums of cash needed for immediate working purposes, shall be invested in trust for the Charity.

3. Area of benefit. In this Scheme, the expression “area of benefit” shall mean the Ancient Town Tithing of Hungerford and the Ancient Tithing of Sanden Fee, as shown on the map, deposited in the office of the Charity Commissioners and identified by the official seal and the number 63.

OBJECT

4. Object of charity. (1) The object of the Charity shall be to promote such charitable purposes for the benefit of the inhabitants of the area of benefit, as the Trustees shall from time to time decide.

(2) The land, together with the buildings thereon specified in the schedule hereto, shall be held upon trust for use for the object of the Charity: Provided that if and in so far as the said land and buildings are not required for use for the object of the Charity, the Trustees may let, and otherwise manage the same, in accordance with the provisions of clauses 20 and 21 of this Scheme.

TRUSTEES

5. Trustees. The body of trustees shall consist when complete of a minimum of twelve and a maximum of fourteen competent persons being two Ex-Officio Trustees, Eight Elected Trustees and up to Four Co-Opted Trustees.

6. Ex Officio Trustees. The Ex Officio Trustees shall be

The Constable for the time being of Hungerford.

The Deputy Constable for the time being of Hungerford.

7. Elected Trustees. Subject as hereinafter provided for casual vacancies, the Elected Trustees shall be appointed at the Election to be held and conducted as hereinafter provided, and shall hold office from the day after the Election at which they are appointed until the day after the next following Election.
8. Declaration by Trustees. No person shall be entitled to act as a Trustee, whether on a first or on any subsequent entry into office, until they have signed in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of the Charity.

9. Determination of trusteeship.

(1) Any elected Trustee who

- (i) who is absent for six meetings in any twelve months; or
- (ii) who becomes related to any employee; or
- (iii) who becomes related to any other Trustee; or
- (iv) who brings the Charity into disrepute by word or action; or
- (v) does not observe and comply with all agreed policies and procedures of the Charity
- (vi) or who communicates in writing to the Trustees a wish to resign

shall cease thereupon to be a Trustee

2. That clause 9(ii) as set out above be adopted where 'related' is defined as
 - a) connected by kinship i.e.
 - i) the mother, father, sister, brother, daughter, son, granddaughter, grandson, aunt, uncle or first cousin of an employee must not be a Trustee
 - ii) the **step** mother, father, sister, brother, daughter or son of an employee must not be a Trusteeor
 - b) connected by marriage, civil partnership or co-habitation of the parties concerned
3. That clause 9c be adopted where 'related' is defined as.
 - a) connected by kinship i.e.
 - i) the mother, father, sister, brother, daughter, son, granddaughter, grandson, aunt, uncle or first cousin of an employee must not be a Trustee
 - ii) the **step** mother, father, sister, brother, daughter or son of an employee must not be a Trusteeor
 - b) connected by marriage, civil partnership or co-habitation of the parties concerned

10. Casual Vacancies. Upon the occurrence of a casual vacancy in the office of an Elected Trustee the Trustees shall cause a note thereof to be entered in their minute book at their next meeting and may fill such vacancy by a resolution of the Trustees passed at a special meeting of which not less than 21 days' notice has been given. Any person appointed to fill any such casual vacancy shall hold office from the date of his or her appointment until the day after the Election next following his or her appointment.

MEETINGS AND PROCEEDINGS OF TRUSTEES

11. Ordinary meetings. The Trustees shall hold at least four ordinary meetings in each year.

12. First meeting. The first meeting of the Trustees shall be summoned by the said Constable or, if he fails for three calendar months after the date of this Scheme to summon a meeting, by any two of the Trustees.
13. Chairman and Deputy Chairman. The Constable shall be the Chairman of all meetings of the Trustees at which he is present. The Trustees at their first ordinary meeting in each year shall elect one of their number to be Deputy Chairman of their meetings until the commencement of the first ordinary meeting in the following year. If at any meeting the Chairman is not present within ten minutes after the time appointed for holding the same, the Deputy Chairman shall be Chairman of the meeting.
14. Special meetings. A special meeting may be summoned at any time by the Chairman or any two Trustees upon not less than four days' notice being given to the other Trustees of the matters to be discussed but, if the matters include an appointment of an Elected Trustee to fill a casual vacancy, then upon not less than 21 days' notice being so given. A special meeting may be summoned to take place immediately after an ordinary meeting.
15. Quorum. There shall be a quorum when four Trustees are present at any meeting.
16. Voting. Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the Chairman of the meeting shall have a casting vote, whether he or she has or has not voted previously on the same question, but no Trustee in any circumstances shall give more than one vote.
17. Minutes and accounts. A minute book and books of account shall be provided and kept by the Trustees. Statements of account in relation to the Charity shall be prepared and transmitted to the Commissioners in accordance with the provisions of the Charities Act 1960, except if and in so far as the Charity is excepted by the order or regulations.
18. General power to make regulations. Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the management of the Charity and for the conduct of their business including the summoning of meetings, the deposit of money at a proper bank and the custody of documents.
19. Clerk. The Trustees may appoint as clerk one of their number without remuneration who shall be dismissible at their pleasure or some other fit person at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

MANAGEMENT OF LANDS

20. Management and lettings of lands. The Trustees shall let and otherwise manage all the land belonging to the Charity not required for use for the object thereof. The Trustees shall not, without the sanction of the Commissioners or a competent court, create any tenancy wholly or partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.
21. Leases. The Trustees shall provide that on the grant by them of any lease, the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent, the proper cultivation of the land and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.
22. Repair and insurance. The Trustees shall keep in repair and insure to the full value thereof against fire and other usual risks, all the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof, and shall suitably insure in respect of public liability.

APPLICATION OF INCOME

23. Expenses of management. The Trustees shall first defray out of the income of the Charity the cost of maintaining the property of the Charity, including the repair and insurance of any buildings thereon, and all other charges and outgoings payable in respect thereof, and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.
24. Application of income. Subject to payment of the expenses aforesaid, the Trustees shall apply the income of the Charity for the object of the Charity.

ELECTION

25. Election.
- (1) There shall be an Election in connection with the Charity which shall be called every three years or as near as practical for the purpose of electing the Elected Trustees of the Charity.
- (2) At the next Election after the date of this Scheme, four Trustees shall be appointed for a term of six years. At each subsequent election:
- (i) Four Elected Trustees shall be elected to replace those Elected Trustees whose term comes to an end; and
 - (ii) Each new Elected Trustee shall be appointed for a term of six years.

- (3) Each Elected Trustee shall be eligible to stand for reappointment in accordance with the provisions of sub-clause (6) below.
- (4) All persons who are inhabitants of the area of benefit whose names appear on the Electoral Roll and who are 18 years of age and upwards shall be entitled, on the date thereof, to vote in the Election between the hours of 9.00am and 7.00pm. Each person shall be entitled to one vote for each of the number of vacancies but so that:
 - (i) No person standing for appointment as an Elected Trustee, nor any serving Ex-Officio or Co-Opted Trustee, nor any Elected Trustee whose term has not come to an end, shall be entitled to vote;
 - (ii) No person shall give more than one vote to any person standing for appointment.
- (5) Every Election shall be held and conducted by the Trustees who shall give public notice of the Election at least 28 clear days before the date thereof.
- (6) Every person standing for appointment as an Elected Trustee shall complete the Charity's Trustee Declaration and be proposed and seconded by persons entitled to vote, and their names submitted to the Clerk to the Trustees at least 14 days before the date of the Election.
- (7) Voting at the Election shall be by secret ballot.
- (8) The Trustees may invite prospective candidates to an informal meeting to ascertain that the individuals have some knowledge of the Charity and an understanding of what is expected of them
- (9) Within the limits prescribed by this Scheme, the Trustees shall have full power from time to time to make regulations for the conduct of the Election.

GENERAL PROVISIONS

- 26. Appropriation of benefits. The appropriation of the benefits of the Charity shall be made by the Trustees at meetings of their body and not separately by any individual Trustee or Trustees: Provided that the Trustees from time to time may appoint two or more members of their body to be a committee for dealing with any cases of emergency but all acts and proceedings of committees shall be reported in due course to the Trustees.
- 27. Trustees not to be personally interested. No Trustee shall take or hold any interest in property belonging to the Charity otherwise than as a Trustee for the purposes thereof and no Trustee shall receive remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

28. Charity not to relieve public funds. The Trustees shall not apply income of the Charity directly in relief of rates, taxes or other public funds but may apply income in supplementing relief or assistance provided out of public funds.
29. 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.

SCHEDULE

Land situate at Hungerford in the Royal County of Berkshire together with the buildings thereon known as the Town Hall and Corn Exchange.

Note – the above-mentioned land is vested in the Official Custodian for Charities by virtue of the above-mentioned Scheme of the Commissioners of the 11th February 1908 as affected by the provisions of the Charities Act 1960.