WILLIAM BLAKE MEMORIAL HALL – SCHEME OF REGULATION
UPDATED 2ND DECEMBER 2022

This document is an updated version of the 1992 Scheme of Regulation. It incorporates two minor changes (full details of which are in Annex A) regarding representative members which were agreed by the Charity Commission on 30th June 2022 and 28th November 2022, respectively.

Sealed 5th November 1992

T136(S)
92

County - Somerset
Place - South Petherton
Charity - William Blake Memorial Hall

CD(T1)
304,631/1

Adjudged not chargeable with stamp duty

Scheme including appointment of Trustees

CHARITY COMMISSION

In the matter of the Charity known as the William Blake Memorial Hall, at South Petherton, in the County of Somerset, regulated by declaration of trust dated the 15th June 1965; 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:-

SCHEME

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

TRUSTEES

2. Trustees and vesting. (1) South Petherton Parish Council shall be the Custodian Trustee of the Charity.

(2) The Official Custodian for Charities, in whom the land with the buildings thereon specified in the said schedule is vested in trust for the Charity, is hereby discharged from his trusteeship as respects the said land.

(3) The said land with the buildings are hereby vested in the said council for all

the estate and interest therein belonging to or held in trust for the Charity.

(4) Until the end of the first annual general meeting to be held as hereinafter provided the existing Management Committee of the Charity at the date of this Scheme shall be the Managing Trustees of the Charity as the charity trustees thereof within the meaning of section 46 of the Charities Act 1960, but from and after the end of that meeting the Committee of Management hereinafter constituted shall be the Managing Trustees of the Charity as the charity trustees thereof as aforesaid.

OBJECT

3. Object of Charity. (1) The object of the Charity shall be the provision and maintenance of a village hall for the use of the inhabitants of South Petherton and the neighbourhood thereof (hereinafter called "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.

(2) The said land and buildings shall be held upon trust for the purposes of a village hall as aforesaid.

COMMITTEE OF MANAGEMENT

4. Constitution. Subject as hereinafter provided, the Committee of Management (hereinafter referred to as the Committee) shall consist when complete of eleven persons (hereinafter referred to as Members) being

Five Elected Members and Six Representative Members.

5. Elected Members. Subject as hereinafter provided for casual vacancies, the Elected Members shall be appointed at the annual general meeting to be held as hereinafter provided and shall hold office from the end of the annual general meeting at which they are appointed.

6. Representative Members. (1) Six Representative Members shall be appointed by organisations that are regular users of the Charity. These organisations will be determined from time to time by the Committee in accordance with the procedure in clause 9, and will always include South Petherton Parish Council.

(2) Each organisation shall notify the name of the person appointed by it to the secretary of the Committee.

(3) The appointment of a Representative Member may be made up to a month before the annual general meeting and the term of office of a Representative Member so appointed shall commence at the end of that meeting.

(4) If an organisation entitled to appoint a Representative Member fails to do so within the said period of one month before the annual general meeting the appointment shall be made as soon as practicable after that meeting. The term of office of a Representative Member so appointed and of a Representative Member appointed to fill a casual vacancy shall commence on

the day on which notification is received by the said secretary.

7. Co-opted Members. The Committee may appoint if they think fit not more than two Co-opted Members. Each appointment of a Co-opted Member shall be made at a meeting of the Committee to take effect from the date of that meeting.

8. Termination of membership. (1) Any Member who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Committee a wish to resign shall thereupon cease to be a Member.

(2) All the Members shall retire from office together at the end of the annual general meeting next after the date on which they came into office but they may be re-elected or re-appointed.

9. Changes in Representative Members. The Committee shall have power by a resolution passed at a duly constituted meeting by the votes of not less than two-thirds of the Members for the time being to allow, in accordance with clause 6, the appointment of an additional Representative Member by any other organisation in the area of benefit not already determined by the Committee, and the removal of a Representative Member in the event that their organisation ceases to be a regular user.

10. Alteration to constitution of Committee. The constitution of the Committee as hereinbefore provided may on the application of the Committee be altered from time to time by Order of the Charity Commissioners.

11. Casual vacancies. (1) Upon the occurrence of a casual vacancy the Committee shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of Representative Member shall cause notice thereof to be given as soon as possible to the organisation entitled to fill the vacancy.

(2) A casual vacancy in the office of Elected Member may be filled at a meeting of the Committee to take effect from the date of that meeting.

12. Failure to appoint. The proceedings of the Committee shall not be invalidated by any vacancy among its Members or by any failure to appoint or any defect in the appointment or qualification of a Member.

13. Declaration by Members. No person shall be entitled to act as a Member whether on a first or on any subsequent entry into office until after signing in the minute book of the Committee a declaration of acceptance and of willingness to act in the trusts of this Scheme.

14. Members not to be personally interested. Except in special circumstances with the approval in writing of the Commissioners no Member shall take or hold any interest in any property belonging to the Charity otherwise than as a trustee for the purposes thereof, or receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

MEETINGS AND PROCEEDINGS OF THE COMMITTEE

15. Meetings of the Committee. The Committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by the chairman or by any two Members upon seven clear days' notice being given to all the other Members of the matters to be discussed.

16. Chairman. (1) At the first meeting in each year after the annual general meeting the Committee shall elect one of their number to be chairman of their meetings until the commencement of the first meeting after the annual general meeting in the following year and may also elect one of their number to be vice-chairman. The chairman and vice-chairman shall always be eligible for re-election.

(2) If the chairman and vice-chairman (if any) are absent from any meeting of the Committee the Members present shall choose one of their number to be chairman of the meeting before any other business is transacted.

17. Voting. Except as hereinbefore provided every matter shall be determined by the majority of votes of the Members present and voting on the question but in the case of equality of votes the chairman of the meeting shall have a second or casting vote.

18. Minutes and accounts. A minute book and books of account shall be provided and kept by the Committee.

19. Rules. Within the limits prescribed by this Scheme the Committee may from time to time make and alter rules for the conduct of their business and for the summoning and conduct of their meetings and in particular with reference to –

(1) The terms and conditions upon which the said buildings may be used for the purposes specified in the Scheme by persons or bodies other than the Committee and the sum (if any) to be paid for such use;

(2) the appointment of an auditor, treasurer and such other unpaid officers as the Committee may consider necessary and the fixing of their respective terms of office.

(3) the engagement and dismissal of such paid officers and servants as the Committee may consider necessary; and

(4) the number of Members who shall form a quorum at meetings of the Committee, provided that the number of Members who shall form a quorum shall not be less than one-third of the total number of Members for the time being.

INSURANCE

20. Insurance. The Committee shall insure the said buildings and the furniture and effects therein to the full value thereof against fire and other usual risks arising out of the ownership of property and the employment of persons.

APPLICATION OF INCOME

21. Receipts and expenditure. (1) The income of the Charity including all payments for the use of the said buildings and all donations for the benefit thereof shall be paid into a trust account at such bank as the Committee shall from time to time prescribe.

(2) The moneys standing to the credit of the said account shall be applied as the Committee shall decide in insuring as aforesaid, in maintaining and repairing the said building and the furniture and effects therein and in paying all rent (if any), rates taxes, salaries of paid officers and servants and other outgoings and in otherwise furthering the object of the Charity.

22. Surplus cash. Sums of cash at any time belonging to the Charity not needed for immediate working purposes shall be invested in trust for the Charity.

ANNUAL GENERAL MEETING

23. Annual general meeting. (1) There shall be an annual general meeting in connection with the Charity which shall be held in the month of April in each year or as soon as practicable thereafter.

(2) All inhabitants of the area of benefit of 18 years of age and upward shall be entitled to attend and vote at the annual general meeting.

(3) The first annual general meeting shall be convened by the existing Management Committee of the Charity every subsequent annual general meeting shall be convened by the Committee.

(4) Public notice of every annual general meeting shall be given in the area of benefit at least 14 days before the date thereof.

(5) Before any other business is transacted at the first annual general meeting after the date of this Scheme, the persons present thereat shall appoint a chairman of the meeting. The chairman of subsequent annual general meetings shall be the chairman for the time being of the Committee, but if he or she is not present, before any other business is transacted, the persons present shall appoint a chairman of the meeting.

(6) The Committee shall present to each annual general meeting the report and accounts of the Charity for the preceding year.

LETTING AND SALE

24. Letting. Subject to the condition that the use of the remainder of the said land and building for the object of the Charity shall not be unduly interfered with, the Committee may let any part thereof not for the time being required for use for the said object but the Committee shall not without the sanction of the Charity 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.

25. Sale. If at any time the Committee decide that on the grounds of expense or otherwise it is necessary or advisable to discontinue the use of the whole or part of the said land and building for the purposes of a village hall, and that decision is confirmed by a resolution passed by a majority of the inhabitants of the area of benefit of 18 years of age and upward attending and voting at a meeting of which public notice has been given in the area of benefit at least 14 days before the date thereof, the Committee may subject to the authority of a further Order or Orders of the Charity Commissioners sell the said land and buildings or any part thereof and may do and execute all proper acts and assurances for carrying any such sale into effect.

26. Proceeds of sale. (1) Unless the Commissioners otherwise direct the clear proceeds of any such sale as aforesaid shall be invested in trust for the Charity.

(2) Thereafter, the Committee shall apply the clear income and subject to the approval of the Commissioners the property of the Charity in furthering the object of the Charity or for such other charitable purposes for the general benefit of the inhabitants of the area of benefit as the Committee think fit.

GENERAL PROVISIONS

27. Donations. The Committee may accept any donations or property for the general purposes of the Charity and they may also accept donations or property for any special objects connected with the Charity not inconsistent with the provisions of this Scheme.

28. 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 South Petherton, in the County of Somerset, having a frontage to the Market Place with the buildings thereon known as the William Blake Memorial Hall being the land comprised in the above-mentioned declaration of trust dated the 15th June 1965 and made by Robert Blake and six others.

Note. The above-mentioned land and buildings vested in the Official Custodian for Charities by an Order of the Charity Commissioners of the 26th September 1966.

Sealed by Order of the Commissioners this 5th day of November 1992.

The original document was signed and sealed by Ceriwen Kingets, Assistant Commissioner

ANNEX A
DOCUMENTATION RELATING TO UPDATE OF THE PARAGRAPHS REGARDING REPRESENTATIVE MEMBERS IN THE SCHEME OF REGULATION

UPDATE 1

Extract from Minutes of the William Blake Memorial Hall Committee Meeting held 26th April 2022

2.2 **Representative Members**
Para 6 of the Scheme of Regulation lays out the requirements for representative members. There is also additional provision for representative members under Para 9. Para 6 stipulates that there should be six representative members comprising two each from the South Petherton Over 60s Club and the WI, and one each from South Petherton Parish Council and the Royal Antideluvian Order of Buffaloes. This wording was no longer fit for purpose as the Over 60s had moved venue and the Buffaloes were long defunct. **It was proposed that permission to amend the wording should be sought from the Charity Commission** (as allowed under Paragraph 10 of the Scheme). **The Committee agreed that the new wording should be "future-proofed"** allowing for changes in regular users but should specify the Parish Council which were custodian trustees of the building.

2.3 Francis suggested the new wording might say something along the lines of *"Representative members shall be appointed by organisations that are regular users of the Charity, such organisations to be determined by the Committee from time to time in accordance with the procedure in Para 6, and such organisations always to include South Petherton Parish* **Council***"*. It was noted that Para 9 regarding additional representative members would also need a minor amendment.
Action 1: Jo Tudor to send draft new wording for Paras 6 and 9 of the Scheme of Regulation, relating to representative members, to Committee Members for comment and approval prior to seeking permission from the Charity Commission to make the changes.

New wording suggested to and agreed by the Committee in subsequent email correspondence (14th June 2022) and submitted to the Charities Commission on 29th June 2022

6. Representative Members. (1) Six Representative members shall be appointed by organisations that are regular users of the Charity. These organisations will be determined from time to time by the Management Committee and will always include South Petherton Parish Council.

(2) Each organisation shall notify the name of the person appointed by it to the secretary of the Committee.

(3) The appointment of a Representative Member may be made up to a month before the annual general meeting and the term of office of a Representative Member so appointed shall commence at the end of that meeting.

(4) If an organisation entitled to appoint a Representative Member fails to do so within the said period of one month before the annual general meeting the appointment shall be made as soon as practicable after that meeting. The term of office of a Representative Member so appointed and of a Representative Member appointed to fill a casual vacancy shall commence on the day on which notification is received by the said secretary.

9. Additional Representative Members. The Committee shall have the power by a resolution passed at a duly constituted meeting by the votes of not less than two-thirds of the Members for the time being to allow the appointment of an additional Representative Member by any other organisation in the area of benefit not already represented on the Committee.

Copy of Email of 30th June 2022 from the Charity Commission

From: digitalservices1 <digitalservices1@charitycommission.gov.uk>
Sent: 30 June 2022 08:27
To: jo.tudor@talktalk.net; jo.tudor@talktalk.net
Subject: THE WILLIAM BLAKE MEMORIAL HALL - Ref. 304631 Administrative change approved CRM:0049216

Dear Joanna Mary Tudor
THE WILLIAM BLAKE MEMORIAL HALL - 304631
Thank you for your request to make changes to your charity's governing document. The changes are acceptable.

Next Steps :

To complete the process return to the digital service on our website and you will then be prompted to upload a pdf copy of the resolution.
Yours sincerely
Charity Commission

UPDATE 2

Extract from Minutes of the William Blake Memorial Hall Committee Meeting held 13th September 2022. New wording submitted to the Charity Commission on 13th October 2022

2.2 Scheme of Regulation

The Scheme of Regulation regarding the appointment of representative members had been updated with the Charity Commission in accordance with the discussion at the previous meeting. The Chairman now recommended a further update to allow for the removal of representative members that no longer used the hall. **The Committee agreed the proposed wording.** Proposed – Ann Clifford. Seconded – Beryl Male. Agreed unanimously by the Committee. The new wording for Paragraphs 6 and 9 would now read:

6. Representative Members. (1) Six Representative Members shall be appointed by organisations that are regular users of the Charity. These organisations will be determined from time to time by the Committee in accordance with the procedure in clause 9, and will always include South Petherton Parish Council.
(2) Each organisation shall notify the name of the person appointed by it to the secretary of the Committee.
(3) The appointment of a Representative Member may be made up to a month before the annual general meeting and the term of office of a Representative Member so appointed shall commence at the end of that meeting.
(4) If an organisation entitled to appoint a Representative Member fails to do so within the said period of one month before the annual general meeting the appointment shall be made as soon as practicable after that meeting. The term of office of a Representative Member so appointed and of a Representative Member appointed to fill a casual vacancy shall commence on the day on which notification is received by the said secretary.

9. Changes in Representative Members. The Committee shall have power by a resolution passed at a duly constituted meeting by the votes of not less than two-thirds of the Members for the time being to allow, in accordance with clause 6, the appointment of an additional Representative Member by any other organisation in the area of benefit not already determined by the Committee, and the removal of a Representative Member in the event that their organisation ceases to be a regular user.

Action 2: Jo Tudor to obtain approval from the Charity Commission to make changes to Scheme of Regulation regarding representative members and circulate updated Scheme of Regulation to the Committee.

Copy of Email of 28th November 2022 from the Charity Commission

digitalservices1<digitalservices1@charitycommission.gov.uk>
28/11/2022 13:59
To jo.tudor@talktalk.net

Dear Joanna Mary Tudor

THE WILLIAM BLAKE MEMORIAL HALL - 304631

Thank you for your request to make changes to your charity's governing document. The changes are acceptable.

Next Steps :

To complete the process return to the digital service on our website and you will then be prompted to upload a pdf copy of the resolution.

Yours sincerely
Charity Commission