

DATED

1987

J S SAVIGE, T W SADLER, P D SHIPMAN
G W FURMIDGE, D SHERWIN, H S COY,
T MABBOTT

TO

THE CLAWSON HOSE AND HARBY PARISH COUNCIL

CONVEYANCE AND TRUST DEED

Relating to:-

Land at Harby
Leicestershire

T H I S C O N V E Y A N C E and T R U S T D E E - D is made the

day of

One thousand nine hundred and eighty-eight

B E T W E E N JOHN SYDNEY SAVIGE of New Rectory Harby in the County of Leicester

THOMAS WILLIAM SADLER of "Brockenhurst" Dickmans Lane Harby aforesaid PEGGY

DUNSMORE SHIPMAN of Colston Lane Harby aforesaid GEOFFREY WILLIAM FURMIDGE

of Field View Langar Lane Harby aforesaid DEREK SHERWIN of South Lea

Stathern Lane Harby aforesaid HENRY STOKES COY of Stathern Lane Harby aforesaid

and TONY MABBOTT of 10 Burton Close Harby aforesaid (hereinafter called "the

Grantors") of the one part and THE CLAWSON HOSE AND HARBY PARISH COUNCIL in the

County of Leicester (hereinafter called "the Council" which expression shall

where the context so admits include the Councils successors in title) of

the other part

W H E R E A S the Grantors are seised in fee simple in possession free from

incumbrances of the property hereinafter described and are desirous of

conveying the same freely and voluntarily to the Council upon the trusts

hereinafter appearing

N O W T H I S D E E D W I T N E S S E T H as follows :-

1. THE Council is the Trustee of the Harby Village Hall (hereinafter called "the Charity")

2. IN CONSIDERATION of the premises the Grantors as settlors hereby convey unto the Council ALL THAT piece of land situate at Harby aforesaid containing an area of four hundred and sixty yards or thereabouts together with the building erected thereon TO HOLD the same unto the Council in fee simple upon the trusts and subject to the powers and provisions set out in the Schedule hereto

IN WITNESS whereof the Grantors have hereunto set their hands and seals and

JOHN BYRON RHODES and TERENCE KEITH BAILEY two members of the Council have pursuant to a resolution of the Council passed on the Third day of February One thousand nine hundred and eighty-six hereunto set their hands and seals the day and year first before written

SCHEDULE

VILLAGE HALL TRUSTS

1.(1) The property hereby conveyed (hereinafter called "the trust property") shall be held upon trust for the purposes of a village hall for the use of the inhabitants of the Parish of Harby in the County of Leicester (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 to improving the conditions of life of the said inhabitants

(2) The Charity shall be administered in conformity with the provisions of this Deed by the Committee of Management hereinafter constituted (and hereinafter called "the Committee") who shall be the charity trustees of the Charity within the meaning of Section 46 of the Charities Act 1960. Provided that until the end of the First Annual General Meeting to be held after the date of this Deed the Charity shall be administered in accordance with the provisions of this Deed by the following persons :

Peter Wilford	Greenacres, Stathern Lane
Christopher Garner	Twin Gables, Boyers Orchard
Ann Judge	Oakleigh, Blacksmith Lane, Stathern
Judith Neale	The Myrtles, Pinfold Lane
Michael Neale	The Myrtles, Pinfold Lane
Elaine Broughton	Brownston House, School Lane
Clifford Broughton	Brownston House, School Lane
Pam Betterley	Willow House, Nether Street
Valerie Rees	Elder House, Boyers Orchard
Richard Rees	Elder House, Boyers Orchard
Colin Newel	The Maples, Watsons Lane
Tony Mabbott	10 Burton Close
Kathleen Walker	18 Boyers Orchard
Ann Dames	Meadowsweet, Green Lane
David Foster	Ashthorpe, Watsons Lane
Shirley Cains	Meadowfield, Stathern Lane
Judith Scott	Blackbush, Stathern Lane

CUSTODIAN TRUSTEE

2. The Parish Council of Clawson, Hose and Harby shall be custodian trustee for the Charity and the provisions of Sub Section (2) of Section 4 of the Public Trustee Act 1906 shall apply to the said Council and to the Committee respectively in the like manner as they apply to the Public Trustee and managing trustees

COMMITTEE OF MANAGEMENT

3.(1) Except as hereinafter in this paragraph provided the committee

shall consist of not less than four (4) and not more than ten

(10) elected members and ten (10) representative members and may

include not more than six (6) co-opted members

(2) The elected members (other than those appointed under sub

paragraph (8) of this paragraph to fill casual vacancies) shall

be elected at the annual general meeting to be held as in this

deed provided

(3) One representative member shall be appointed by each of

the following organisations Playgroup, Harby Sports and Social

Club, W.I. P.C.C. Chapel, School, Youth Club, Guides/Brownies,

and the Parish Council of Clawson Hose and Harby.
British Legion/ A representative member shall ordinarily be

appointed not more than one month before the annual general meeting:

provided that an organisation which fails to appoint a representative

member before such a meeting shall make the appointment as soon

as practicable thereafter. Each organisation shall notify to

the secretary of the committee the name of its representative

(4) Co-opted members shall be appointed at a duly constituted

meeting of the committee

(5) Subject to the provisions of sub-paragraphs (6) and (8)

of this paragraph the period of office of members shall commence:

(a) In the usual case of elected members, at the end of the annual

general meeting at which they were elected

(b) In the case of representative members appointed before the annual

general meeting in any year, at the end of that meeting, or in the case

of a representative member appointed after such annual general meeting, or

to fill a casual vacancy, on the day on which notification of his appointment

is received by the secretary

(c) In the case of co-opted members, from the date of their co-option.

(6) All members of the committee 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

(7) In the event of any application for representation on the committee being received from any existing or newly-formed organisation operating in the area of benefit the committee may, upon a resolution supported at a duly constituted meeting of the committee by the votes of a majority of not less than two-thirds of all the members of the committee, allow such organisation to appoint a representative member of the committee in the same manner as if such organisation had been named in sub-paragraph (3) of this paragraph. A minute of the relevant resolution authenticated by the chairman and the secretary, should be (a) placed with the title deeds and (b) kept with the committee's working papers

(8) 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, if in the office or representative member, it shall be notified as soon as possible to the proper appointed organisation. A casual vacancy in the office of elected member may be filled by the committee and the period of office of an elected member elected to fill a casual vacancy shall commence at the end of the meeting of the committee at which he was so elected

(9) 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

FAILURE TO APPOINT

4. The proceedings of the committee shall not be invalidated by any failure to appoint or any defect in the appointment election or qualification or any member

DECLARATION OF MEMBERS

5. No person shall be entitled to act as a member of the committee, 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 trusts of this deed

MEMBERS NOT TO BE PERSONALLY INTERESTED IN THE CHARITY

6. Except in special circumstances, with the approval in writing of the Charity Commissioners, no member of the committee 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

DETERMINATION OF MEMBERSHIP

7. Any member who is adjudged bankrupt, or who makes a composition or arrangement with his 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

MEETINGS OF THE COMMITTEE

8. 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 any two members upon seven clear days' notice being given to all the other members of the matter to be discussed

CHAIRMAN AND VICE-CHAIRMAN OF THE COMMITTEE

9. The committee, at their first meeting in each year after the annual general meeting, shall elect one of their number to be chairman of their meetings and elect one of their number to be vice-chairman. The chairman and vice-chairman shall continue in office until their respective successors are elected. If the chairman is absent from any meeting, the vice-chairman (if elected) shall preside; otherwise the members present shall, before any other business transacted, choose one of their number to preside at that meeting

VOTING IN COMMITTEE

10. Every matter shall (except as in this deed provided) be determined by the majority of the members of the committee present and voting on the question. In case of equality of votes the chairman of the meeting shall have a second or casting vote

ANNUAL GENERAL MEETING

11. (1) There shall be an annual general meeting in connection with the

soon as practicable thereafter

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

(3) The first annual general meeting after the date of this deed shall be convened by the persons named in paragraph 1(2) hereof and subsequent annual general meeting by the committee. Public notice of every annual general meeting shall be given in the area of benefit at least fourteen days before the date thereof by affixing a notice to some conspicuous part of the trust property or other conspicuous place in the area of benefit and by such other means as the conveners think fit

(4) The persons who are present at the first annual general meeting after the date of this deed shall, before any other business is transacted, appoint a chairman of the meeting. The chairman of subsequent annual general meetings shall be the chairman for the time being of the committee. In his absence the vice-chairman (if any) shall take the chair, but if neither is present, the persons present shall, before any other business is transacted, appoint a chairman of the meeting. In case of equality of votes the chairman of the meeting shall have a second or casting vote

(5) The committee shall present to each annual general meeting the report and accounts of the charity for the preceding year

REPAIRS AND INSURANCE

12. The committee shall cause all the buildings and other property of the charity at all times to be kept in repair and sufficiently insured against all insurable risks including fire, theft and public liability and shall whenever necessary procure (and act upon) a professional valuation for insurance purposes of the said buildings and property of the charity

APPLICATION OF INCOME

13. After satisfying its obligations under paragraph 12 hereof the committee shall as and when it thinks fit apply the net yearly income for the purposes of the charity

SURPLUS CASH

14. Any sum of cash at any time belonging to the charity and not needed as a

balance for working purposes shall (unless otherwise directed by the Charity Commissioners) be invested

FURTHER ENDOWMENTS

15. The committee may receive any additional donations or endowments for the general purposes of the charity and it may also accept donations or endowments for any special objects connected with the charity not inconsistent with the provisor of this deed

MINUTES AND ACCOUNTS

16. The committee shall provide and keep a minute book and books of account. All proper statement of account in relating to the charity shall in each year be prepared as prescribed by section 32 of the Charities Act 1960 and copies thereof shall be sent to the Parish Council of Clawson, Hose and Harby

MORTGAGES AND CHARGES

17. The committee may with the consent of the Charity Commissioners from time to time by mortgage or otherwise obtain such advances on the security of the trust property or any part thereof as may be required for maintaining extending or improving the same or any part thereof or erecting any building thereon or for the work carried on therein and may continue or may repay in whole or in part and from time to time any existing mortgage or charge on the trust property

LETTING OR SALE

18. If the committee decides at any time that on the ground of expenses or otherwise it is necessary or advisable to discontinue the use of the trust property in whole or in part for the purposes stated in paragraph 1 it shall call a meeting of the inhabitants of the age of eighteen years and upwards of the area of benefit of which meeting not less then fourteen days' notice (stating the terms of the resolution that will be proposed thereat) shall be posted in a conspicuous place or places on the trust property and advertised in a newspaper circulating in the area of benefit and if such decision shall be confirmed by three-quarters of such inhabitants present and voting at such meeting the committee may with the consent of the Charity Commissioners let or sell the trust property or any part thereof. All moneys arising from such letting or sale (after satisfaction of any

liabilities properly payable therout) shall with such consent as aforesaid be applied either in the purchase of other property approved by the committee and to be held upon the trusts for the purposes and subject to the provisions hereinbefore set forth(including this power) or as near thereto as circumstances shall permit or towards such other charitable purposes or objects for the benefit of the inhabitants of the area of benefit as may be approved by the Charity Commissioners and meanwhile such monies shall be invested and any income arising therefrom shall either be accumulated (for such time as may be allowed by law) by investing the same and the resulting income thereof in like manner as an addition to and to be applied as the capital of such investments or shall be used in furthering the purposes specified in this deed

RULES

19. Within the limits prescribed in this deed the committee may from time to time make and alter rules for management of the charity and in particular with reference to :

(a) The terms and conditions upon which the trust property may be used by persons or bodies other than by the committee for the purposes specified in this deed and the sum (if any) to be paid for such use;

(b) The deposit of money at proper bank and safe custody of documents;

(c) The appointment of an auditor;

(d) The engagement and dismissal of such officers servants and agents as the committee may consider necessary and the payment of such persons (not being members of the committee);

(e) The summoning and conduct of meetings including the number of members who shall form a quorum thereat; Provided that at meetings of the committee the quorum shall not be less than one-third of the total number of the members for the time being.