

*in Maidstone
Borough*

Bredhurst

PARISH COUNCIL

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RECEIVED

29 OCT 2009

15 October 2009

Dear Paul

RE: APPLICATION FOR DISPENSATIONS - BREDHURST WOODLAND ACTION GROUP

I am writing in response to your letter, dated 9 September, asking for clarification of the above matter.

All Bredhurst Parish Councillors are BWAG members and are requesting dispensations as a precautionary measure to allow BWAG issues to be discussed, should the need arise. Although BPC has no involvement in the day to day running of the site, Cllrs feel it is important to keep close ties with the group. It also demonstrates to residents that both BPC & BWAG are working closely together on this major village project, with some residents finding the monthly updates given to BPC a reason to attend parish meetings - something we are always trying to encourage.

Before I answer your specific questions, it may be helpful for the Standards Committee to have some background information about BWAG.

BWAG was formed in 2005 by residents concerned about the neglect and deterioration of 600 acres of ancient woodland. The area encompasses Bredhurst, Boxley and Detling Parishes and was being destroyed by the illegal use of off-road vehicles, fly tipping on a huge commercial scale, and many other illegal activities. The area was virtually out of bounds for legitimate use. Residents approached the Parish Council for assistance, only to learn that Cllr Jones, then Vice-Chairman of BPC, had already begun to tackle this problem. With the backing of Mr Khanna, then Chairman of BPC, and the unanimous support of the council, an Advisory Committee to BPC was formed. Cllr Jones chaired this committee which was made up of Cllrs and residents who reported monthly to BPC.

Initially BWAG lobbied residents, Borough and County Councillors, local conservation and wildlife groups and our MP. This resulted in strong support for the restoration of the area and a management plan was compiled by Kent Wildlife Trust. The main obstacle faced by BWAG was the multiply ownership of the land which consists of 139 separate plots. To date, about half of the owners have been traced, with the majority granting BWAG management rights allowing the removal of rubbish and various improvements to benefit the wildlife habitat. Fund raising began to allow the work recommended by KWT to take place. Nearly all funding bodies asked

for evidence showing that the community wanted this area restored. For this reason the BWAG membership scheme was launched in 2006 and there are now over 350 members. To date, approximately £85,000 has been secured for the area which has all come from outside bodies with no financial support from BPC. Much of this funding has been spent on improvements to the public rights of way at the site.

When Cllr Jones became Chairman of BPC in 2007, she and I attended a meeting with you to take advice on improving various aspects of council business. One of your recommendations being that BWAG should seek charitable status as it had outgrown its status of an Advisory Committee. In 2009 charitable status was granted.

In response to the particular questions you have raised:

- It was only after the Standards Committee meeting on 2 September that I was alerted to the fact that you had received only 6 applications for dispensations. I know Cllr Jones emailed you on 20 July in response to your letter dated 15 July to inform you to expect 7 dispensation requests, but it appears that, for some reason, the letter sent by Cllr Gough did not reach you. I attach a copy and ask this to be considered along with the six requests you have already received.
- Cllr Jones is the only member of BPC who is a Trustee of BWAG and therefore she has management responsibilities. She is both chairman of BPC & BWAG
- The remaining 6 councillors are subscription members of BWAG
- Parish Councillors are not automatically Trustees. When BWAG was an Advisory Committee to BPC, appointments to BWAG were sanctioned by BPC. Now BWAG is a registered charity, Trustees are elected by BWAG Members.
- There are 10 Trustees:

Cllr Jones	Chairman
Mrs P Newman	Vice Chairman
Mr R Attwood	
Mr J Chalmers	
Cllr Wendy Hinder	Boxley Representative
Mr R Grimble	Detling Representative
Mrs D Foulds	
Mr D Olver	
Mrs A Callen	Membership Secretary
Mrs M Fooks	Treasurer
- There are 355 subscription members
- BWAG does not own any land but has been granted management rights by owners (nearly 100% are absentee) allowing access to remove fly tipping and to carry out environmental/habitat improvements.
- Please find attached a copy of the BWAG Trust Deed and a map of the area, as requested.

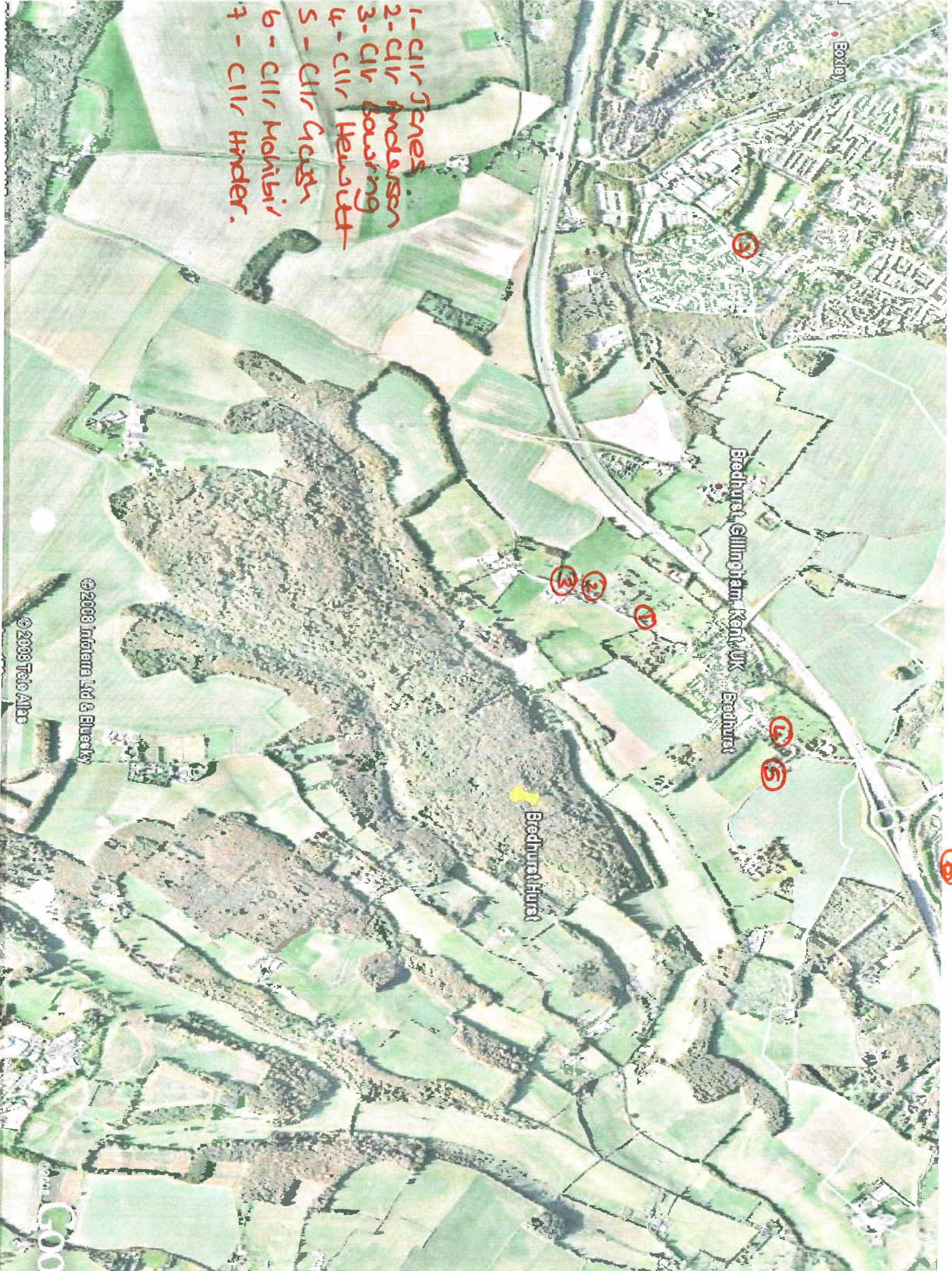
I hope that I have provided sufficient information to allow the Standards Committee to reach a decision and to grant the dispensations.

Should you require additional information BPC would be happy to attend a Standards Committee meeting to answer questions? Further information regarding BWAG can be found at www.bwag.org.uk

Yours sincerely

Mrs M Fooks
Clerk to Bredhurst Parish Council

- 1- Cllr Jones
- 2- Cllr Anderson
- 3- Cllr Bowring
- 4- Cllr Hewitt
- 5 - Cllr Gresh
- 6 - Cllr Mahibi
- 7 - Cllr Hinder.



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CONSTITUTION
of
**BREDHURST WOODLAND
ACTION GROUP**

A charitable unincorporated association

Registered with the
Charity Commission for England and Wales
Registered Number 1129178

Adopted 1st April 2008

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Words in **bold** on their first appearance are defined in the Interpretation

BREDHURST WOODLAND ACTION GROUP
A Charitable Unincorporated Association

CONSTITUTION

1. Name

The name of the **Charity** is

BREDHURST WOODLAND ACTION GROUP

2. Objects

The **Objects** are:

- 2.1 To conserve the environment, and in particular Bredhurst Woodland in the County of Kent, for the benefit of the public.
- 2.2 To educate the public in the principles and practice of conservation.

3. Powers

The Charity has the following powers, which may be exercised only in promoting the **Objects**:

- 3.1 To promote or carry out research.
- 3.2 To provide advice.
- 3.3 To publish or distribute information.
- 3.4 To co-operate with other bodies.
- 3.5 To support, administer or set up other charities.
- 3.6 To raise funds (but not by means of **taxable trading**).
- 3.7 To borrow money and give security for loans (but only in accordance with the restrictions imposed by the **Charities Act**).
- 3.8 To acquire or hire property of any kind.
- 3.9 To let or dispose of property of any kind (but only in accordance with the restrictions imposed by the **Charities Act**).
- 3.10 To make grants or loans of money and to give guarantees.

- 3.11 To set aside funds for special purposes or as reserves against future expenditure.
- 3.12 To deposit or invest in funds in any manner (but to invest only after obtaining such advice from a **financial expert** as the Board of **Trustees** consider necessary and having regard to the suitability of investments and the need for diversification).
- 3.13 To delegate the management of investments to a financial expert, but only on terms that:
- (1) The investment policy is recorded **in writing** for the financial expert by the Board of Trustees.
 - (2) Every transaction is reported promptly to the Board of Trustees.
 - (3) The performance of the investments is reviewed regularly with the Board of Trustees.
 - (4) The Board of Trustees are entitled to cancel the delegation arrangement at any time.
 - (5) The investment policy and the delegation arrangement are reviewed at least once a **year**.
 - (6) All payments due to the financial expert are on a scale or at a level which is agreed in advance and are reported promptly to the Board of Trustees on receipt.
 - (7) The financial expert must not do anything outside the powers of the Board of Trustees.
- 3.14 To insure the property of the Charity against any foreseeable risk and take out other insurance policies to protect the Charity when required.
- 3.15 To pay for **indemnity insurance** for the Trustees.
- 3.16 Subject to sub-clause 9.3, to employ paid or unpaid agents, staff or advisers.
- 3.17 To enter into **contracts to provide services** to or on behalf of other bodies.
- 3.18 To establish or acquire subsidiary companies to assist or act as agents for the Charity.
- 3.19 To pay the costs of **forming the Charity**.
- 3.20 To do anything else within the law which promotes or helps to promote the Objects.

4. Membership

- 4.1 **Membership** is open to any individual or organisation interested in promoting the Objects.
- 4.2 The Board of Trustees may establish different classes of membership prescribe their respective privileges and duties and set the amounts of any subscriptions.
- 4.3 The Board of Trustees must keep a register of **members**.
- 4.4 A member whose subscription is three months in arrears ceases to be a member but may be reinstated on payment of the amount due.
- 4.5 A member may resign by **written** notice to the Charity.
- 4.6 The Board of Trustees may refuse membership to any person if in their reasonable opinion that person being a member would be harmful to the Charity.
- 4.7 The Board of Trustees may by resolution terminate the membership of any member on the ground that in their reasonable opinion the member's continued membership would be harmful to the Charity. The Board of Trustees may only pass such a resolution after notifying the member in writing and considering the matter in the light of any written representations which the member puts forward within **14 clear days** after receiving notice. The Board shall offer the member the opportunity to meet with the Board or such person or persons it may appoint for this purpose. At such a meeting the member shall be entitled to be accompanied and assisted by a friend. Such a member is not entitled to a refund of any subscription.
- 4.8 Membership of the Charity is not transferable.

5. General Meetings

- 5.1 Members are entitled to attend general meetings of the Charity either in person or (in the case of a member organisation) through an **authorised representative**. General meetings are called on at least fourteen clear days' written notice to the members specifying the business to be transacted.
- 5.2 There is a quorum at a general meeting if the number of members or authorised representatives personally present is at least three. Should no quorum be present within half an hour from the time appointed for the meeting then the meeting will be reconvened on seven clear days notice and held within twenty eight days of the date originally fixed. If at such a reconvened meeting no quorum is present within half an

hour from the time appointed for the holding of the meeting, then the members present shall be a quorum.

- 5.4 The **Chairman** or (if the Chairman is unable or unwilling to do so) the **Deputy Chairman** or (if the Deputy Chairman is unable or unwilling to do so) some other member appointed by the trustees who are present or failing that elected by those present, presides at a general meeting.
- 5.5 Except where otherwise provided by this Constitution, every issue at a general meeting is determined by a simple majority of votes cast by the members present in person or (in the case of a member organisation) through an authorised representative.
- 5.6 Except where otherwise provided by this Constitution, voting is by a show of hands, but the chairman of the meeting or not less than five members present in person or (in the case of a member organisation) through an authorised representative may require, before or after a show of hands, a poll vote.
- 5.7 Members may not appoint a proxy unless the Board of Trustees invites members to appoint a proxy when they shall issue proxy forms to all members with the notice of the meeting.
- 5.8 Except for the chairman of the meeting, who has a second or casting vote, every member present in person or (in the case of a member organisation) through an authorised representative is entitled to one vote on every issue.
- 5.9 An **AGM** must be held in every year.
- 5.10 At an AGM the members:
- (1) Approve the minutes of the previous AGM and any intervening **EGMs**.
 - (2) Receive the report of the Board of Trustees on the Charity's activities since the previous AGM.
 - (3) Receive the accounts of the Charity for the previous **financial year**.
 - (4) Appoint an auditor or **independent examiner** for the Charity where required or delegate such appointment to the Board of Trustees.
 - (5) Accept the retirement of those **elected Trustees** who wish to retire or are retiring by rotation.
 - (6) Elect elected Trustees to fill the vacancies arising, through an election process determined by the Trustees which includes members being invited to nominate candidates and all

candidates names being supplied to members with the notice of the meeting; and

- (7) Discuss and determine any issues of policy or deal with any other business put before them by the Board of Trustees.

5.11 Any general meeting which is not an AGM is an EGM.

5.12 An EGM may be called at any time by the Board of Trustees and must be called within fourteen clear days after a written request to the Board of Trustees from at least ten members unless a majority of the requesting members agree to a longer period.

5.13 A members' request for an EGM is subject to the following:

- (1) A members' request shall state the business of the meeting and the resolution or resolutions to be put to the meeting.
- (2) A members' request shall be accompanied by the name, address and signature of each member making the request. The request shall be in writing and may be on more than one piece of paper but each page which carries a member's signature shall state the resolution or resolutions.
- (3) A members' request may be accompanied by a statement which, without the agreement of the Board of Trustees, shall not exceed one thousand words and this statement shall be sent to all members with the notice of the meeting.
- (4) Any person directly affected by the resolution shall be supplied by the Trustees with a copy of the resolution and member's statement and be invited by the Board of Trustees to submit a statement which, without the agreement of the Trustees, shall not exceed one thousand words, and this statement shall be sent to all members with the notice of the meeting.
- (5) The Board of Trustees may circulate one or more statements to accompany the notice of the meeting or otherwise.
- (6) The Board of Trustees are not obliged to call a meeting or circulate a resolution or statement which they reasonably consider is vexatious, frivolous or unlawful but shall explain their reasons to those members who have requested a meeting and invite them to amend such resolution or statement.

6. The Trustees

6.1 The Trustees as **charity trustees** have control of the Charity and its property and funds.

- 6.2 The Board of Trustees when complete consists of ten individuals, all of whom must be members or authorised representatives.
- 6.3 The Board of Trustees consists of:
- (1) Eight elected Trustees;
 - (2) Two **selected Trustees**.
- 6.4 One third (or the number nearest one third) of the total places for elected Trustees must be vacated at each AGM, those trustees longest in office since their last election retiring first and the choice between any of equal service being made by drawing lots.
- 6.5 No elected Trustee shall stand for re-election at an AGM if he or she has served six consecutive periods between one AGM and the next without subsequently not being a trustee for the period between one AGM and the next. Such a retiring Trustee shall be eligible for co-optation as a selected Trustee but shall not be eligible to stand for election as an elected Trustee until he or she has not been a Trustee for the period between one AGM and the next.
- 6.6 The Board of Trustees may co-opt as a Trustee any member to fill a casual vacancy amongst the elected Trustees.
- 6.7 Selected Trustees are appointed by resolution of the Board of Trustees to hold office until the end of the next AGM.
- 6.8 Every Trustee after appointment or reappointment must sign a declaration of willingness to act as a charity trustee of the Charity before he or she may vote at any meeting of the Board of Trustees.
- 6.9 A Trustee's term of office automatically terminates if he or she:
- (1) Is disqualified under the Charities Act from acting as a charity trustee.
 - (2) Is incapable, whether mentally or physically, of managing his or her own affairs.
 - (3) Is absent from three consecutive meetings of the Board of Trustees.
 - (4) Ceases to be a member of the Charity (but such a person, on resuming membership of the Charity, may be reinstated by resolution of the other Trustees before the next AGM).
 - (7) Resigns by written notice to the Board of Trustees (but only if at least two Trustees will remain in office).

- (8) Is removed by a resolution passed by all the other Trustees after they have invited the views of the Trustee concerned and considered the matter in the light of any such views. The Board shall offer the Trustee the opportunity to meet with the Board and at such a meeting the Trustee shall be entitled to be accompanied and assisted by a friend.
- 6.10 A retiring Trustee is entitled on written request to an indemnity from the continuing Trustees at the expense of the Charity in respect of any liabilities properly incurred while he or she held office.
- 6.11 A technical defect in the appointment of a Trustee of which the Board of Trustees are unaware at the time does not invalidate decisions taken at a meeting.

7. Board of Trustees' Proceedings

- 7.1 The Trustees must hold at least two meetings each year.
- 7.2 A quorum at a meeting of the Board of Trustees is three Trustees, but if the total number of trustees is below three then the remaining trustees may act but only to co-opt additional trustees.
- 7.3 A Board meeting of the Trustees may be held either in person or by suitable electronic means agreed by the Trustees in which all participants may communicate with all other participants.
- 7.4 The Chairman or (if the Chairman is unable or unwilling to do so) the Deputy Chairman or (if the Deputy Chairman is unable or unwilling to do so) some other member of the Trustees chosen by the Trustees present presides at each meeting of the Board of Trustees.
- 7.5 Every issue may be determined by a simple majority of the votes cast at a meeting of the Board of Trustees but a resolution which is in writing and signed by all the Trustees is as valid as a resolution passed at a meeting and for this purpose the resolution may be contained in more than one document and will be treated as passed on the date of the last signature.
- 7.6 Except for the chairman of the meeting, who has a second or casting vote, every Trustee has one vote on each issue.
- 7.7 A procedural defect of which the Board of Trustees are unaware at the time does not invalidate decisions taken at a meeting of the Board of Trustees.

8. Trustees' Powers

The Trustees have the following powers in the administration of the Charity:

- 8.1 To appoint and remove a Chairman, a Deputy Chairman and other officers from among their number on such terms as the Board of Trustees from time to time decide.
- 8.2 To appoint any individual (with his or her consent) and on such terms as the Board of trustees from time to time decide, with such honorary titles as Patron, President or Vice-President of the Charity.
- 8.3 To delegate any of the Board's functions to committees consisting of two or more individuals appointed by them (but at least one member of every committee must be a Trustee and all proceedings of committees must be reported promptly to the Board of Trustees).
- 8.4 To make standing orders consistent with this Constitution to govern proceedings at general meetings.
- 8.5 To make rules consistent with this Constitution to govern their proceedings and proceedings of committees.
- 8.6 To make regulations consistent with this Constitution to govern the administration of the Charity (including the operation of bank accounts and the commitment of funds).
- 8.7 To resolve, or establish procedures to assist the resolution of, disputes within the Charity.
- 8.8 To exercise any powers of the Charity which are not reserved to a general meeting.

9. Benefits to Members and Trustees

- 9.1 The property and funds of the Charity must be used only for promoting the Objects and do not belong to the members or the Trustees.
- 9.2 No Trustee may receive any payment of money or other **material benefit** (whether direct or indirect) from the Charity except:
 - (1) Under sub-clauses 3.15 (indemnity insurance) and 9.3 (contractual payments).
 - (2) Reimbursement of reasonable out-of-pocket expenses (including hotel and travel costs) actually incurred in the administration of the Charity.
 - (3) Interest at a reasonable rate on money lent to the Charity.
 - (4) A reasonable rent or hiring fee for property let or hired to the Charity.

- (5) An indemnity in respect of any liabilities properly incurred in running the Charity (including the costs of a successful defence to criminal proceedings).
- (6) Payment to a company in which the Trustee has no more than a one per cent shareholding.
- (7) Charitable benefits in his or her capacity as a **beneficiary** ; and
- (8) In exceptional cases, other payments or material benefits (but only with the prior written approval of the Commission).

9.3 A Trustee may not be an employee of the Charity, but a Trustee or **connected person** may enter into a contract with the Charity to supply goods or services in return for a payment or other material benefit, but only if:

- (1) The goods or services are actually required by the Charity.
- (2) The nature and level of the benefit is no more than reasonable in relation to the value of the goods or services and is set at a meeting of the Trustees in accordance with the procedure in sub-clause 9.4 and.
- (3) Not more than half of the Trustees are interested in any such contract in any one financial year.

9.4 Whenever a Trustee has a personal interest in a matter to be discussed at a meeting of the Trustees or a committee, he or she must:

- (1) Declare an interest before the meeting or at the meeting before discussion begins on the matter.
- (2) Be absent from that part of the meeting unless expressly invited to remain in order to provide information.
- (3) Not be counted in the quorum for that part of the meeting.
- (4) Be absent during the vote and have no vote on the matter.

10. Property and Funds

10.1 Funds which are not required for immediate use (including those which will be required for use at a future date) must be placed on deposit or invested in accordance with clause 3.12 until needed.

10.2 Investments and other property of the Charity may be held:

- (1) In the names of the Trustees for the time being (or in the corporate name of the Trustees if incorporated under the Charities Act).
 - (2) In the name of a **nominee company** acting under the control of the Board of Trustees or of a financial expert acting on their instructions.
 - (3) In the name of at least two and up to four holding trustees for the Charity who may be appointed (and removed) by resolution of the Trustees.
 - (4) In the name of a **trust corporation** as a holding trustee for the Charity, which must be appointed (and may be removed) by deed executed by the Board of Trustees.
- 10.3 Documents and physical assets may be deposited with any company registered or having a place of business in England and Wales as **custodian**.
- 10.4 Any nominee company acting under sub-clause 10.2(2), any trust corporation appointed under sub-clause 10.2(4) and any custodian appointed under sub-clause 10.3 may be paid reasonable fees.

11. Records and Accounts

- 11.1 The Board of Trustees must comply with the requirements of the Charities Act as to the keeping of financial records, the audit or independent examination of accounts and the preparation and transmission to the Commission of:
- (1) Annual returns;
 - (2) Annual reports; and
 - (3) Annual statements of account.
- 11.2 The Board of Trustees must keep proper records of:
- (1) All proceedings at general meetings;
 - (2) All proceedings at meetings of Trustees;
 - (3) All reports of committees; and
 - (4) All professional advice obtained.
- 11.3 Accounting records relating to the Charity must be made available for inspection by any Trustee at any time during normal office hours and

may be made available for inspection by members if the Board of Trustees so decide.

- 11.4 A copy of the Charity's latest available statement of account must be supplied on request to any Trustee or member. A copy must also be supplied, within two **months**, to any other person who makes a written request and pays the Charity's reasonable costs.

12. Notices

- 12.1 Notices under this Constitution may be sent by hand, by post or by suitable electronic means or with or within any journal distributed by the Charity.
- 12.2 The address at which a member is entitled to receive notices is the address noted in the register of members (or, if none, the last known address).
- 12.3 Any notice given in accordance with this Constitution is to be treated for all purposes as having been received:
- (1) 24 hours after being sent by electronic means or delivered by hand to the relevant address,
 - (2) Three clear days after being sent by first class post to that address,
 - (3) Four clear days after being sent by second class post or overseas post to that address,
 - (4) On being handed to the member or its authorised representative personally or, if earlier,
 - (5) As soon as the member acknowledges actual receipt.
- 12.4 A technical defect in the giving of notice of which the members or the Board of Trustees are unaware at the time does not invalidate decisions taken at a meeting.
- 12.5 The accidental failure to deliver a member's notice on time or at all does not invalidate decisions taken at a meeting.

13. Amendments

This Constitution may be amended at a general meeting by a two-thirds majority of the votes cast, but:

- 13.1 The members must be given twenty one clear days' notice of the proposed amendments.

- 13.2 No amendment is valid if it would make a **fundamental change** to the Objects or to this clause or destroy the charitable status of the Charity.
- 13.3 Clause 9 may not be amended without the prior written consent of the Commission.

14. Incorporation

- 14.1 The Board of Trustees may apply to the Commission under the Charities Act for a certificate of incorporation relating to the Trustees but only after consulting the members at a general meeting.
- 14.2 The members at a general meeting may authorise the Board of Trustees to transfer the assets and liabilities of the Charity to a limited company established for exclusively charitable purposes within, the same as or similar to the Objects and of which the members of the Charity will be entitled to be members.
- 14.3 On a transfer under clause 14.2 the Board of Trustees must ensure that all necessary steps are taken as to:
- (1) The transfer of land and other property;
 - (2) The novation of contracts of employment and transfer of pension rights; and
 - (3) The trusteeship of any property held for special purposes.

15. Dissolution

- 15.1 If at any time members at a general meeting decide to dissolve the Charity, the Trustees will remain in office as charity trustees and will be responsible for the orderly winding up of the Charity's affairs.
- 15.2 After making provision for all outstanding liabilities of the Charity, the Board of Trustees must apply the remaining property and funds in one or more of the following ways:
- (1) By transfer to one or more other bodies established for exclusively charitable purposes within, the same as or similar to the Objects;
 - (2) Directly for the Objects or charitable purposes within or similar to the Objects; or
 - (3) In such other manner consistent with charitable status as the Commission approve in writing in advance.

15.3 A final report and statement of account relating to the Charity must be sent to the Commission.

16. **Interpretation**

In this Constitution:

16.1 'AGM' means an annual general meeting of the Charity;

'Authorised representative' means an individual who is authorised by a member organisation to act on its behalf at meetings of the Charity;

'The Board' means the trustees collectively acting as the governing body of the Charity;

'Beneficiary' means the general public;

'The Chairman' means the chairman of the Charity appointed by the Board of trustees;

'The Charity' means the charity comprised in this Constitution;

'Charity trustees' has the meaning prescribed by section 97(1) of the Charities Act;

'The Charities Act' means the Charities Act 1993;

'Clear day' means 24 hours from midnight following the relevant event;

'The Commission' means the Charity Commission for England and Wales;

'connected person' means any spouse, partner, parent, child, brother, sister, grandparent or grandchild of a Trustee, any **firm** of which a Trustee is a member, or employee or a company of which a Trustee is a director, employee or shareholder being beneficially entitled to more than one per cent of the share capital;

'Custodian' has the meaning prescribed by section 17(2) of the Trustee Act 2000;

'Deputy chairman' means the deputy chairman of the charity appointed by the Board of trustees;

'EGM' means a general meeting of the members of the Charity which is not an AGM;

'Elected Trustees' means those Trustees who are elected at the AGM;

‘Financial expert’ means an individual, company or firm who is authorised to give investment advice under the Financial Services and Markets Act 2000;

‘Financial year’ means the Charity’s financial year;

‘Firm’ includes a limited liability partnership;

‘Fundamental change’ means such a change as would not have been within the reasonable contemplation of a person making a donation to the Charity;

‘holding trustee’ means an individual or corporate body responsible for holding the title to property but not authorised to make any decisions relating to its use, investment or disposal;

‘indemnity insurance’ means insurance against personal liability incurred by any Trustee for an act or omission which is or is alleged to be a breach of trust or breach of duty, unless the Trustee concerned knew that, or was reckless whether, the act or omission was a breach of trust or breach of duty;

‘Independent examiner’ has the meaning prescribed by section 43(3)(a) of the Charities Act;

‘Material benefit’ means a benefit which may not be financial but has a monetary value;

‘Member’ and ‘membership’ refer to membership of the Charity;

‘Months’ means calendar months;

‘The Objects’ means the charitable objects of the Charity set out in clause 2;

‘Selected Trustees’ means those Trustees who are selected by the elected Trustees and co-opted as Trustees.

‘Taxable trading’ means carrying on a trade or business on a continuing basis for the principal purpose of raising funds and not for the purpose of actually carrying out the Objects;

‘Trust corporation’ has the meaning prescribed by section 205(1)(cxxxviii) of the Law of Property Act 1925 (but does not include the Public Trustee);

‘The Trustee’ means a member of the governing body of the Charity and ‘Trustees’ the members of the governing body;

‘Written’ or ‘in writing’ refers to a legible document on paper including a fax message;

'Year' means calendar year.

- 16.2 References to an Act of Parliament are references to that Act as amended or re-enacted from time to time and to any subordinate legislation made under it.

ADOPTED at a meeting held at the Village Hall, Hurstwood Road, Bredhurst, Kent
on 1st April 2008

SIGNED BY THE CHAIRMAN OF THE MEETING

Name

Signature

WITNESSED

Name

Address

.....

Occupation

Signature