

The Constitution of

Barton Fields Trust

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1. Name of the Charity

The name of the charity is Barton Fields.

OBJECTS

2. Object of the Charity

- (1) The object of the charity is, in the interests of social welfare, to improve the conditions of the life for the inhabitants in the vicinity of East Bristol, without distinction of political, religious or other opinions by the provision and maintenance of a playing field., having regard to existing use.
- (2) The land identified in part 2 of the schedule must be retained by the committee for use for the object of the charity.

POWERS OF THE COMMITTEE

3. Powers of the committee

In addition to any other powers that they have, the committee may exercise the following power in furtherance of the objects of the charity.

Power to make rules and regulations consistent with this constitution for the management of the charity. The rules may include the terms and conditions upon which the playing field may be used by persons or bodies other than the committee and the sum (if any) to be paid for such use. The rules shall include the levels of maintenance necessary to keep the field suitable for the recreation of the users.

CUSTODIAN TRUSTEE

4. Custodian Trustee

The National Playing Fields Association will be the custodian trustee of the charity, holding the freehold land.

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COMMITTEE

5. Committee of Management

(1) Subject as provided in clause 4, there shall be:

One elected member or one appointed member for each organisation, representing community, business, users and organisations as listed in clause 7.

(2) The members of the committee are the managing trustees of the charity .

(3) The term of office of all members will end at the end of the annual general meeting following the date on which they came into office. They may re- elected or re-appointed.

6. Elected members

(1) The elected members must be appointed at the annual general meeting.

(2) The appointment will be effective from the end of the annual general meeting at which the appointment is made.

7; Appointed Members

(1) One appointed member must be appointed by each of the following organisations.

- a) Barton Hill Rugby Club Juniors
- b) Barton Hill Rugby Club Playing
- c) Barton Hill Rugby Club Finance
- d) Bristol Brunel Academy
- e) Local Commerce
- f) Barton Hill Community Social Chub
- g) Local Ward Councillor
- h) Local Resident

(2) Any appointment must be made according to the ordinary practice of the nominating body.

(3) An appointment must not be made more than two months before the annual general meeting

(4) The appointment will be effective from the later of:

- (a) The end of the annual general meeting: and

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(b) The date on which the committee or their secretary or clerk are informed of the appointment.

(5) The person appointed need not be a member of the nominating body.

8. Co-opted members

The committee may appoint not more than 2- co-opted members. The appointment must be made at an ordinary meeting of the committee. The appointment will be effective from the end of that meeting until the end of the annual general meeting.

9. New Members

The committee must give each new member on their first appointment:

- (1) A copy of this governing instrument and any amendments made to it;
- (2) A copy of the charity's latest report and statement of accounts.

10. Register of members

- (1) The committee must keep a register of the name and address of every member and the dates on which their terms of office begin and end.
- (2) Before acting as a member, members must (whether on their first appointment or any later re-appointment) sign in the register a declaration of acceptance and willingness to act in the trusts of this charity.

11. Members not to have a personal interest

Except with the prior written approval of the Charity Commissioners no member may:

- (1) Receive any benefit in money or in kind from the charity; or
- (2) Have a financial interest in the supply of goods or services to the charity; or
- (3) Acquire or hold any interest in the property of the charity (except on order to hold as a trustee of the charity).

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12. Termination of Membership

A member will cease to be a member if he or she:

- (1) Is disqualified from acting as a trustee by section 72 of the Charities Act 1993:

or

- (2) Is absent without the permission of the members from all their meetings held within a period of 6 months and the members resolve that his or her office is vacated;
- or
- (3) Gives not less than one months notice writing of his or hers intention to resign (but only if at least one third of the members will remain in office when the notice of resignation is to take effect)

OFFICERS

13. Chairman

- (1) At their first meeting in each year after the annual general meeting the members must elect one of their number to be chair of their meetings.
- (2) The members present at a meeting must elect one of their number to chair the meeting if the chair is not present or the office of chair is vacant.

14. Secretary and Treasurer

The Committee may appoint a secretary and treasurer. The offices maybe held by:

- (I) Members (who must not receive any reward for acting and who may be dismissed as secretary or treasurer at any time);
- or
- (2) Some other suitable persons (who may be employed upon such reasonable terms, including terms as to notice, as the committee thinks fit).

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MEETINGS OF COMMITTEE

15. Ordinary Meetings

- (1) The committee must hold at least two ordinary meetings in each year.
- (2) Ordinary meetings require at least 10 days notice.
- (3) The Chair or any two members, may call an ordinary meeting at any

time.

16. Special meetings

- (1) The Chair, or any 3 members may call a special meeting at any time
- (2) Special meetings require at least 7 days notice, except meetings to consider the appointment of a co-opted member require at least 21 days notice.
- (3) The notice calling a special meeting must include details of the business to be transacted at the meeting
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

17. Quorum

- (t) Subject to sub-clause (2) below, no business may be transacted at the meeting unless there are present at least one half of the total number of members.
- (2) If there are fewer than one half of the total number of members in office, the committee may take such action as is required for the purpose of filling vacancies in its number. But it may not do any other business.

18. Voting

- (t) Every matter must be decided by a majority decision of the members present and voting at a duly convened meeting of the committee.
- (2) The Chair of the meeting may cast a second vote or casting vote only if there is a tied vote.

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19. Recording of Meeting

The Committee must keep a proper record of its meeting. The record must be retained by:

- (1) The Secretary;

Or

- (2) Another suitable person appointed by the committee who must allow the members access to it.

20. Members to act jointly

The members must exercise their powers jointly, at properly convened meetings.

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ANNUAL GENERAL MEETING

21. Annual General Meeting

- (1) There must be an annual general meeting of the charity in June of each year or as soon as possible thereafter.
- (2) All inhabitants of the area of benefit of 18 years and upward must be allowed to attend the meeting. The committee may allow inhabitants who are under 18 to attend the meeting.
- (3) Public notice of the meeting must be given in the area of benefit at least 14 days before the meeting.
- (4) The chair of the existing trustees will chair the first meeting. The chair of the committee will chair subsequent meetings, The persons present must elect one of their number to chair the meeting if the chair is not present.
- (5) At the meeting the committee must present the report and accounts for the last financial year. The existing trustees will present the report and accounts to the first meeting.
- (6) Every matter must be decided by majority decision of those present and voting. The chair of the meeting may cast a second or casting vote only if there is a tied vote.

CHARITY PROPERTY

22. Property

The title of the land described in part 2 of this schedule is held (free hold) by the national playing fields association. The permanent and expendable endowment is held upon trust for the charity by the N.P.F.A.

23. Use of Income and Capital

- (1) The committee must firstly apply:
 - (a) The charity's income; and
 - (b) If the committee think fit, expendable endowment; and
 - (c) When the expenditure can properly be charged to it, its permanent endowment in meeting its proper costs .of administering the charity and of managing_its property (including the repair and insurance of its buildings).

- (2) After payment of these costs, the committee must apply the remaining income in furthering the object of the charity.
- (3) The committee may also apply for the object(s) of the charity:
 - (a) Expendable endowment; and
 - (b) Permanent endowment, but only on such terms for the replacement of the amount spent as the Commission and the N.P.F.A may approve in advance.

24. Disposal of Land

- (1) Subject to the provisions of this clause, the committee may dispose of all or part of the land identified in part 2 of the schedule. (The committee must comply with the restrictions on disposal imposed by Section 36 of the Charities Act 1993, unless the disposal is exempted from these restrictions by Section 36 (9)(b) or (c) or Section 36(10) of that Act).
- (2) The committee may only dispose of the land if:
 - (a) The committee decides that the land is no longer required for use as a playing field; and
 - (b) The National Playing Fields Association agrees that the land is no longer required for use as a playing field.
- (3) The committee must invest the proceeds of any such disposal in trust for the charity.
- (4) The committee may only apply the income and expendable endowment in furthering the object of the charity.

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AMENDMENT TO CONSTITUTION

25. Amendments

- (1) Subject to the provisions of this clause, the provisions of this Constitution may be amended.
- (2) The committee may resolve to add or remove the names of organisations operating in the area of bene fit to the list in clause 7. of this constitution. The resolution must be passed at an ordinary meeting of the

committee when more than one half of the members of the committee are present.

- (4) Any other amendment must be made by a resolution passed at the Annual General Meeting. The notice of the meeting must include notice of the resolution, setting out the terms of the amendment proposed. The National Playing Fields Association must be notified of the proposed amendments.
- (5) The committee must not take any amendment, which would:
 - (a) Vary this clause;
 - (b) Vary clauses 2 (object clause), 4 and 22 (Property), 23 (Use of income and capital) and 24 (Power to dispose of Property) of this constitution;
 - (c) Confirm a power to dissolve the charity;
 - (d) Enable permanent endowment of the charity to be spent.
- (6) The prior written approval of the -commissioners and the National Playing Fields Association must be obtained to any amendment which would:
 - (a) Change the name of the charity;
 - (b) Vary the powers of investment exercisable by the committee.
- (7) The Committee must:
 - (a) Promptly send the commissioners and the National Playing Fields Association a copy of any amendment made under sub clause 3 of this clause;
 - (b) Keep a copy of any such amendment with the governing document.
- (8) No decision which effect changes to the use of the field may be made without the endorsement of a special meeting held no earlier than 2 months following the previous meeting.