

<b>The Recreation Ground Trust, Bath</b>	
Meeting:	<b>Recreation Ground Trustees</b>
Date:	<b>18 July 2013</b>
Title:	<b>Governing Document</b>
Status:	<b>An open public item</b>
Appendices:	<b>1. Draft Governing Document</b>

## **1. Purpose of report**

1.1 To present a draft governing document to the trustees for consideration and adoption.

## **2. What is a governing document?**

2.1 A governing document is a legal document which represents the rule book for the way in which a charity operates. It should contain information about;

- what the charity is set up to do (objects),
- how the charity will do those things (powers),
- who will run it (charity trustees),
- what happens if changes to the administrative provisions need to be made (amendment provision), and
- what happens if the charity wishes to wind up (dissolution provision).

2.2 It should also contain administrative provisions covering;

- how the charity trustees will run it, and
- internal arrangements such as for meetings, voting and looking after money.

2.3 There are various types of governing document. For charitable trusts, the relevant form is the trust deed.

### **3. A governing document for the Recreation Ground, Bath**

- 3.1 A governing document for the use of the new trustee body has to be built from three sources.
- 3.2 The first is the existing trusts. These were contained in the conveyance of the Recreation Ground to the Council dated 1 February 1956. The trusts are given in the section starting; "... the Corporation forever hereafter shall manage let or allow the use ..." and ending; "... any particular person club body or organisation ..."
- 3.3 The second source is the Scheme confirmed by the Charity Commission on 12 June 2013. This makes provision for;
  - the administration of the charity (clause 2)
  - powers (clause 4)
  - the custodian trustee (clause 5).
  - trustees (clauses 6, 7 and 8) and
  - quorum (clause 9).
- 3.4 The existing trusts and the provisions of the Scheme do not provide for all of the elements that a comprehensive governing document should contain. Section 280 of the Charities Act 2011 allows charity trustees to pass a resolution altering the powers and procedures of the trustees (but not the objects of the charity). It is therefore proposed that the relevant sections of the Charity Commission's Model Trust Deed should be adopted in order to provide suitable administrative detail to enable the charity to be conducted effectively.
- 3.5 If the trustees pass that resolution, the effect will be as shown in the resulting draft governing document given at appendix 1. The source of the various sections is shown by the colour of the text.

### **4 Financial implications**

- 4.1 There are no financial implications to the adoption of the governing document.

### **5 Advice sought**

- 5.1 The Trust's legal advisor has reviewed this report and her comments upon it have been incorporated.

## **6 Recommendation**

6.1 It is recommended that the trustees pass a resolution in the following terms:

- (1) That the trustees adopt pursuant to the power conferred on them by s 280 of the Charities Act 2011 as part of their powers and procedures as charity trustees those provisions in the document which is set out in appendix 1 to the Report dated 18 July 2013 entitled "Governing Document" which are not already comprised in the Conveyance dated 1 February 1956 or the Scheme made by the Charity Commission on 12 June 2013.
- (2) That the terms of this resolution and of the said document are sent to the Charity Commission with details of the date and place at which it was passed.
- (3) That the new Governing Document be posted on the charity's website.

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