



Claxton Parish Pit Charity (Pits Trust) Charity No 243172

GOVERNING DOCUMENT



Charity name and background

The Claxton Parish Pit Charity has existed for a considerable time but was registered as a charity in 1989 with charity number 243172.

The Trust receives income from two assets which it owns; Ducan's Marsh, a Site of Special Scientific Interest and 3 The Warren, a semi-detached house in the village. In addition it receives 60% of the Feed-In Tariff from Claxton Village Hall in recognition of its funding the installation of solar panels in 2013, and also leases the allotments which it administers on behalf of the Parish Council. The Pit which is incorporated in the name reflects the historical origin associated with the Enclosure Act which vested the gravel pit used for road maintenance in the Parish. The Pit has long since disappeared and the associated land was sold and subsequently built upon. 3 The Warren was acquired by the Trust as an investment. Ducan's Marsh is owned by the Trust and managed as a SSSI. It is private land for which grant money is received from Natural England, along with a separate annual grazing rent.

Power to change name

The Charity Trustees may change the name at any time with a minimum of a two-thirds majority of those attending the relevant meeting.

Objects

By agreement with the Charity Commission the Trustees shall apply the income of the Charity for charitable purposes for the general benefit of the inhabitants of the Parish of Claxton.

The Trustees have further been advised by the Charity Commission that the following guiding principles should be followed:

- That the funds be targeted rather than shared generally, which led to the practice of providing winter fuel payments to selected villagers being stopped after 2005;
- That the funds are applied in support of existing statutory benefits such as social security to avoid loss of benefits;
- That the funds be used where other funds are not available.

The Trust has specifically made up to £2,000 pa available annually as a bursary for educational purposes, up to £500 per case for assistance to the elderly or anyone incapacitated to help with maintenance of properties excluding any capital works, and up to £100 per annum towards the cost of hospital visits to family. In addition any other requests will be considered by the Trustees, who will hold the information in confidence.

Beneficiaries

Only those who are listed on the Electoral Roll for Claxton, ie who are residents of the village, and any family living with them in the village, may benefit from the Charity's funds.

Powers

- to raise funds. In exercising this power, the Trustees must not undertake any substantial permanent trading activity and must comply with any relevant statutory regulations;
- to buy, take on, lease or exchange, hire or otherwise acquire, property, and to maintain and equip it for use;
- to sell, lease, or otherwise dispose of, all or any part of the property belonging to the Charity. In exercising this power the Trustees must comply as appropriate with sections

117-123 of the Charities Act 2011;

- to borrow money and to charge the whole or any part of the property belonging to the Charity, as security for repayment of the money borrowed. The Trustees must comply as appropriate with sections 124-126 of the Charities Act 2011 if they wish to mortgage land owned by the Charity.

Charity Trustees

At any given time there should be no less than 6 Trustees, and no more than 10.

Formally Claxton Parish Council is the Trustee of the Charity, and all 5 serving Parish Councillors for Claxton are therefore automatically also Trustees. Given that elections for Parish Councils take place every four years there is likely to be some change in the make-up of the body of Trustees at the same time.

Previous Trustees have agreed to appoint an independent Chairman. The current Chairman took over in 2017, and should serve for a four-year period before being reappointed or replaced. There is no limit to the time the Chairman can remain in office, though it is also important to bring in some new blood on an ongoing basis.

Given that the current Charity was formed from the merger of two previous Charities, one of which was run by the Church, there is also a Trustee position for the Parochial Church Council, who may appoint whomever they please, though preferably a Claxton resident.

In 2013 the Trustees saw benefit in a further two Trustees being co-opted with the approval of Claxton Parish Council. One of these represents the interests of the South Yare Wildlife Group and the other sits as an independent Trustee. Each has now been reappointed for a further period of four years, ie until 2021.

The role of Trust Treasurer has since mid-2014 been undertaken by one of the Trustees, and no payment is made for this service. End-year accounting and auditing fees for services provided by an independent auditor continue to be met by the Trust.

Meetings and Proceedings of the Charity Trustees

For any Trustee meeting, a minimum of three Trustees is required to achieve a quorum. The Trust should meet formally at least 4 times each year. Traditionally the Trust has delivered its Annual Report during the Annual Parish Meeting, usually in May, which thus serves as the Trust's Annual General Meeting (AGM).

All meetings should be chaired by the Trust Chairman, if present, otherwise the Chair (or Vice-Chair) of the Parish Council should chair the proceedings. A Secretary should be appointed from within the Trustees, to record discussions and produce the formal record.

The AGM should be open to residents of Claxton to attend, and an opportunity should be given to all residents to raise issues with the Trustees. A record of discussions at the AGM should be minuted and placed on the village website and elsewhere as appropriate.

All other regular meetings of the Trust should be considered closed meetings. Discussions and conclusions, including decisions of a financial nature, should be clearly recorded in the minutes, which should be provided to all Trustees, in draft, as soon after the meeting as possible. In the case of a vote becoming necessary, the Chair shall have a casting vote (in addition to his/her own) should the voting be equal.

Finance

Accounts

Charity Trustees shall comply with the accounting requirements of the Charities Act 2011, relevant to the income/expenditure level of their Charity, with regard to:

- the keeping of accounting records for the Charity;
- the preparation of regular as well as annual statements of account for the Charity;
- the auditing or independent examination of the statements of account of the Charity;
- the preparation of an Annual Report and the sending of it together with the statements of account to the Charity Commission; and
- the preparation of an Annual Return and its transmission to the Commission.

Bank Accounts

The Trust operates three bank accounts (a current account and two savings accounts) with Barclays plc in the name of Claxton Parish Pit Charity. Any cheques raised against these accounts require the signatures of any two of those Trustees whose details have been notified to the bank (currently Chairman, Secretary and Treasurer).

Charity Trustees not to have a personal interest

Except with the prior written approval of the Charity Commission no Trustee may:

- receive any benefit in money or in kind from the Charity; or
- have a financial interest in the supply of goods or services to the Charity; or
- acquire or hold any interest in property of the Charity (except in order to hold it as Trustee of the Charity).

Holding of land and investments

The Trust owns one residential property (3 The Warren, Claxton) and has stewardship over Ducan's Marsh, a Site of Special Scientific Interest, also in Claxton. No individual Trustee has rights over either property, both of which belong to the Trust as a whole.

Power of Amendment

There may be times when some form of amendment is required to this Governing Document. To achieve this will require the agreement of at least of two-thirds of the number of Trustees at any meeting. That means 2 out of 3 Trustees, 3 out of 4, 4 out of 5 or 6, 5 out of 7, 6 out of 8 or 9 and 7 out of 10 Trustees.

Power of Dissolution

If the Charity Trustees decide that it is necessary or advisable to dissolve the Charity, they shall realise any assets held by or on behalf of the Charity. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred by the Charity Trustees to such other charitable institution or institutions having objects similar to the objects of the Charity as the Charity Trustees may decide, or, failing that, shall be applied by the Charity Trustees for some other charitable purpose.

Date approved: 20 November 2013

First revision: 14 May 2014

Second revision: 14 January 2015

Third revision: 15 March 2017

CURRENT TRUSTEES (MARCH 2019) AND LENGTH OF APPOINTMENT

Paul Carter (2005)	PCC Representative, open-ended
Patricia Clare (2011)	Parish Councillor to 2019
Mary Button (2011)	Parish Councillor to 2019
David Hamblin (2012)	Parish Councillor to 2019
Mike Balmer (2013)	Independent, re-appointed in 2017 to 2021
Kevin Parker (2013)	Independent, re-appointed in 2017 to 2021
Jason Cantrill (2015)	Parish Councillor to 2019
Sarah Kennedy (2016)	Parish Councillor to 2019
David Bissonnet (2017)	Independent Chair, appointed in 2017 to 2021