

**To:**  
**All members of the**  
**Council**

*Please reply to:*  
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Date: 20 February 2023

### Supplementary Agenda

### **Council - Thursday, 23 February 2023**

Dear Councillor

I enclose the following items which were marked 'to follow' on the agenda for the Council meeting to be held on Thursday, 23 February 2023:

**8. Appointment of Representative Trustees for Laleham Charities 3 - 24**  
**Village Hall and Recreation Grounds - Call-in**

The decision taken by the Administrative Committee on 19 January 2023 to appointment three Trustees for the Laleham Charities, for a four year period ending December 2026, is subject to a call-in, in line with the Council's call-in procedure rules.

Council are asked to review the decision made by the Administrative Committee and to make a final decision as to the appointment of the Trustees.

Report to follow.

Yours sincerely

Karen Wyeth  
Committee Services

To the members of the Council  
**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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C.F. Barnard  
C.L. Barratt  
R.O. Barratt  
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I.J. Beardsmore  
M. Beecher  
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S. Buttar  
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**Referral made under the Council's Call-in Scrutiny Procedure Rules**  
**Decision of the Administrative Committee 19<sup>th</sup> January 2023**  
**Appointment of Representative Trustees – Laleham Charities**

The Council's Call-In Scrutiny Procedure Rules provides a mechanism for councillors to refer decisions to the Administrative Committee (or Council where the decision being subject to Call-In is a decision of the Administrative Committee) for determination. Referrals must be made in writing, shortly after the notice of committees' decisions have been published.

Details of the referred decisions are stated later in this paper.

**Report Author – Farida Hussain, Monitoring Officer**

Recommendation

**The Council is requested to agree one of the following resolutions:**

- **Uphold the decision of the Administrative Committee (i.e. the decision stands)**
- **Withdraw the decision of the Administrative Committee (i.e. the decision is not taken) and appoint the nominees listed in Appendix 2 as Representative Trustees to Laleham Charities Village Hall and Recreation Grounds**

In order to provide a structured approach to considering the referred decisions, the following process applies:

1. A representative of the councillors who have referred the decisions to speak on the reasons for their referral. New reasons may not be introduced. Time limit of five minutes.
2. Chair of the committee/sub-committee that made the decisions to respond to the reasons for the referral. Time limit of five minutes.
3. Views from councillors, made in accordance with the rules of debate.
4. A representative of the councillors who have referred the decisions to make closing remarks on the referral. Time limit of five minutes.
5. Closing remarks from the chair of the committee/sub-committee. Time limit of five minutes.
6. Votes on the options listed above. Separate votes for each of the referred decisions will be held.

Details of the decision

**Meeting:** Administrative Committee, 19<sup>th</sup> January 2023

**Items:** Appointment of Representative Trustees – Laleham Charities Village Hall and Recreation Grounds

**Resolution**

The Committee resolved to appoint Bob Parry, Ken Williams and Kevin Rowell as representative trustees to Laleham Charities.

### **Reasons for referrals**

Councillors O Rybinski, H Harvey and K Howkins have provided the following reasons for referring the decisions of the Administrative Committee:

Article 11.3 (c) Transparency – the decision-making process should be open and transparent to members and the public.

The Decision of the Administrative Committee was not transparent in that the reasons were not clear why the unsuccessful nominees were not selected.

### **Background**

Laleham Village Hall (Charity no 305063) and Recreation Ground (Charity no 305069) are individual registered charities collectively referred to as the 'Laleham Charities'. Membership of the Laleham Charities are made up of six 'competent' persons for a term of 4 years by the Council. The term of the appointment of half of the Trustees are staggered therefore in accordance with the rules, appointments should be made every two years.

### **Key issues**

There are currently no procedural rules in place regarding the appointment of the Trustees to the Laleham Charities.

The nominees who were appointed by the Administrative Committee on 19<sup>th</sup> January 2023 to act as Trustees have since withdrawn their nominations and no longer wish to be considered for the role. Three alternative nominations have been put forward by Colin Squire OBE, Chair of the Laleham Parish Lands Charity as shown in Appendix 2 together with a summary of their suitability for the role.

The appointment of the Trustees resolved by the Administrative Committee has caused some concerns amongst residents and subsequently officers have been made aware that a petition regarding this decision has reached over 650 signatures.

### **Decision**

Council is asked to review the decision of the Administrative Committee and consider the nominations put forward by Colin Squire OBE. In making this decision, Council should consider if the nominees are 'competent' to act as Trustees to the Laleham Charities.

### **Attachments:**

Appendix 1 - List of nominations considered by the Administrative Committee

Appendix 2 – Nominees of the Trustees of Laleham Charities

Appendix 3 - Charity Commission Order dated 26 August 1930

Appendix 4 - Guidelines for the Body of Trustees appointed for the Administration of the Laleham Charities dated 29 January 1999

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## **Appendix 1**

### **Nominations to Laleham Charities – Village Hall and Recreation Grounds**

The following individuals have been nominated to Laleham Charities – Village Hall and Recreation Grounds for a four-year period ending December 2026:

**Richard Stokes – Nominated by C Squire (Chair of Laleham Parish Lands Charity)**

**Mavis Duncan – Nominated by C Squire (Chair of Laleham Parish Lands Charity)**

**Geoff Want – Nominated by C Squire (Chair of Laleham Parish Lands Charity)**

**Bob Parry – Nominated by Cllr Bateson**

**Kevin Rowell – Nominated by Cllr Bateson**

**Ken Williams – Nominated by Cllr Bateson**

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## **Appendix 2**

### **Nominees for Trustees of the Laleham Charities**

#### **Richard Stokes**

Richard has lived in Laleham for 15 years. Prior to this Richard lived in Staines since 1974. He has been a Trustee for 8 years and has served as the chairman of the Laleham Recreation Committee for 6 years.

When Richard assumed responsibility for the Pavillion it was in great trouble with large debts, many unpaid bills and a very run-down social room and bar. The recreation ground suffered from the dumping unwanted rubbish. Richard, almost single handed, cleared the rubbish. He then transformed the finances of the Pavillion so that it is now stable. The bar and recreation area has been totally refurbished and is now a clean and pleasant social space with clean working showers and toilets also available to users. The recreation ground and pavilion are now a financial and community success story due to Richard's hard work and support.

Richard has done a magnificent job at the Pavillion and recreation ground and on this basis we strongly recommend him to continue his role as both a Trustee and the Chairman of the Laleham Recreation Ground Committee.

#### **Mavis Duncan**

Mavis Duncan has been a Laleham resident for over 40 years and has been Chairman of the village hall since the 1990s. The village hall is very well run, kept in excellent condition and used by groups, societies etc most days of the year. This success is due to the total commitment and hard work of Mavis and her committee and the all is a great asset to the village.

We Strongly recommend Mavis to continue her role as a Trustee.

#### **Geoff Want**

Geoff has lived in Spelthorne for forty years, with the last twenty at The Broadway, Laleham. He has been active in the village community including supporting events such as Open Gardens and the village pantomime, as well as being long term members of the Laleham Residents.

He is currently the Independent Chair of the Health, Safety and the Security Sub-Committee for the Board of Merlin Entertainments PLC, a Trustee of Brooklands Museum, and a Governor of Staines Preparatory School.

This experience of a wide range of recreational operations, charities, governance and safety compliance, along with being a resident and active member of the Laleham Village community, means he is highly suitable for the role of Representative Trustee for Laleham Village Charities. Geoff will take the place of Keith Vigurs who is retiring.

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Stamps { 10s.  
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County—MIDDLESEX.

Parish—LALEHAM.

Charity—RECREATION GROUND.

A.  
102,186.

*Scheme, including  
Appointment of Trustees, and  
Vesting in Official Trustee of  
Charity Lands.*

## CHARITY COMMISSION.

In the Matter of the Charity known as the RECREATION GROUND, in the Parish of LALEHAM, in the County of MIDDLESEX, founded by Indenture dated 10th March 1923 ; and

In the Matter of “ The Charitable Trusts Acts, 1853 to 1925.”

**The Board of Charity Commissioners for England and Wales,** upon an application made to them by the Parish Council of Laleham on the 22nd March 1930, in writing, under the hands of

The Right Honourable GEORGE CHARLES, EARL OF LUCAN, the Chairman of the said Council ; and

JAMES WATSON SLACK, and

ALBERT WILLIAM BOLDEN, Members of the said Council :

**And** it appearing that the said Council were the Trustees of the above-mentioned Charity at the date of the said application :

**And** that there are now no Trustees or persons acting in the administration of the Charity :

**And** after due notice of the intention to make this Order published according to the direction of the Board by being affixed to or near a principal outer door of the Parish Church and the Village Hall, Laleham, on the 4th June 1930 (being more than one calendar month before the date hereof) :

**And** having received no notice of any objection to the proposed Order or suggestion for the variation thereof :

**Do hereby Order** as follows :—

The subjoined Scheme is approved and established.



## SCHEME.

1. *Administration of Charity.*—The above-mentioned Charity and the endowments thereof specified in the Schedule hereto, and all other the endowments (if any) of the said Charity, shall be administered and managed by the body of Trustees hereinafter constituted, subject to and in conformity with the provisions of this Scheme, under the title of the Recreation Ground.

2. *Vesting.*—Any lands and <sup>Property that can be inherited</sup> hereditaments comprised in this Scheme are hereby vested in "The Official Trustee of Charity Lands" for all the estate and interest therein belonging to or held in trust for the Charity.

## TRUSTEES.

3. *Trustees.*—The body of Trustees shall, when complete, consist of six competent persons, who shall, subject as hereinafter provided with respect to the first Trustees, be appointed by the Urban District Council of Staines on the nomination of the Councillors for the time being representing the Laleham Ward of the said Urban District. Each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the Council. The Chairman of the meeting shall forthwith cause the name of each person appointed to be notified to the Trustees or their Clerk. The person appointed may be, but need not be, a member of the Council.

4. *First Trustees.*—The following persons shall be the first Trustees, and shall be entitled, subject to the provisions hereinafter contained with respect to determination of Trusteeship, to hold office for four years from the date of this Scheme :—

The Right Honourable GEORGE CHARLES, EARL OF LUCAN ; and  
JAMES WATSON SLACK, of The Tiny House, Chairman of the London  
Iron and Steel Exchange ;

ALBERT WILLIAM BOLDEN, of White Gates, Chairman of a Railway  
Company ;

HENRY ROBERT CHANNON, of Glenard, of no occupation ;

REUBEN HONNOR, of Old Farm, Farmer ; and

SIDNEY HERBERT ROGERS, of Red Cottage, Foreign Banker ; all in  
Laleham.

Provided that if at the end of two years from the date of this Scheme more than three of the said persons remain Trustees one-half of them as nearly as may be, to be determined by lot if necessary, shall go out of office, but shall be eligible for re-appointment.

5. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee, whether on a first or on any subsequent entry into office, until after signing in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of this Scheme.

6. *Determination of Trusteeship.*—Any Trustee who is absent from all meetings of the Trustees during a period of one year, or who is adjudged bankrupt or makes a composition or arrangement with his creditors, or who is incapacitated from acting, or who communicates in writing to the Trustees a wish to resign, shall thereupon cease to be a Trustee.

7. *Vacancies.*—Upon the occurrence of a vacancy the Trustees shall, at their next meeting, cause a note thereof to be entered in their minute book, and shall cause notice thereof to be given as soon as possible to the said Council. Any competent Trustee may be re-appointed.

## MEETINGS AND PROCEEDINGS OF TRUSTEES.

8. *Ordinary Meetings.*—The Trustees shall hold at least two ordinary meetings in each year.



9. *First Meeting*.—The first meeting of the Trustees shall be summoned by the said Earl of Lucan, or, if he fails for two calendar months after the date of this Scheme to summon a meeting, by any two of the Trustees.

10. *Chairman*.—The Trustees shall at their first ordinary meeting in each year elect one of their number to be Chairman of their meetings until the commencement of the first ordinary meeting in the following year. The Chairman shall always be eligible for re-election. If at any meeting the Chairman is not present within ten minutes after the time appointed for holding the same, or there is no Chairman, the Trustees present shall choose one of their number to be Chairman of the meeting.

11. *Special Meetings*.—A special meeting may at any time be summoned by the Chairman or any two Trustees upon four days' notice being given to all the other Trustees of the matters to be discussed.

12. *Quorum*.—There shall be a quorum when three Trustees are present at a meeting.

13. *Voting*.—Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the Chairman of the meeting shall have a casting vote, whether he has or has not previously voted on the same question, but no Trustee shall in any other circumstances give more than one vote.

14. *Minutes and Accounts*.—A minute book and books of accounts shall be provided and kept by the Trustees. All proper accounts in relation to the Charity shall in each year be made out and certified in such manner as the Charity Commissioners require, and copies thereof shall be transmitted to the said Commissioners, and published in conformity with the provisions of the Charitable Trusts Acts.

15. *General Power to make Regulations*.—Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the conduct of their business, including the summoning of meetings, the deposit of money at a proper bank, and the custody of documents.

16. *Clerk*.—The Trustees may appoint some fit person to be their Clerk and to hold office during their pleasure, and may pay to him (not being a Trustee) such reasonable salary as they think fit.

#### GENERAL PROVISIONS.

17. *Allotments Extension Act, 1882*.—The Trustees may set apart and let in allotments in the manner prescribed by and subject to the provisions of the Allotments Extension Act, 1882, any portion of the land belonging to the Charity other than buildings and the appurtenances of buildings.

18. *Upkeep of Ground*.—The income of the sum of Stock specified in the Schedule hereto or the investments representing the same shall be applied by the Trustees towards the upkeep of the Recreation Ground belonging to the Charity.

19. *Questions under Scheme*.—Any question as to the construction of this Scheme, or as to the regularity or the validity of any acts done or about to be done under this Scheme, shall be determined conclusively by the Charity Commissioners, upon such application made to them for the purpose as they think sufficient.



A piece of land situate in the Village of Eatenham, containing 4a. 0r. 13p. 6r. thereabouts and known as the Recreation Ground, being the hereditaments coloured pink on the plan drawn on the above-mentioned Indenture dated 10th March 1923 with the exception of a piece of land containing 530 square yards or thereabouts now forming part of the Churchyard.

£54 9s. 5d. 2 $\frac{1}{2}$  per cent. Consolidated Stock held by "The Official Trustees of Charitable Funds."

Sealed by Order of the Board this 26th day of August 1930.



*H. D. Shuckley*

SECRETARY.

Printed under the authority of HIS MAJESTY'S STATIONERY OFFICE  
By HARRISON AND SONS, LTD., 44-47, St. Martin's Lane, London, W.C.2.  
Printers in Ordinary to His Majesty.

(B 306/3610)T Wt. 117 20 0/30 H & S Ltd. Gp. 306



GUIDELINES FOR THE BODY OF TRUSTEES APPOINTED  
FOR THE ADMINISTRATION OF THE LALEHAM CHARITIES

29 January 1999

*Draft* Issue 2

**1. AUTHORITY & PURPOSE**

The purpose of this document is to provide working guidelines to the appointed Body of Trustees, herein after known as the "Trustees", for the administration of the two Charities, known collectively as the Laleham Charities. The main provisions of the document are drawn directly from the establishing and variation Charity Commission Schemes, which retain precedence in all matters relating to the administration of the Charities.

All responsibilities, duties and procedures declared in this document, other than those expressly attributed to the "management committees", relate to the Trustees.

**2. BACKGROUND**

The Laleham Charities, comprising the VILLAGE HALL and the RECREATION GROUND, were founded by Indentures, dated 10 March 1923, enrolled in the Books of the Charity Commissioners on 5 June 1923, and subsequently incorporated and established into separate Schemes under the jurisdiction of the Board of Charity Commissioners on 26 August 1930. The respective Charity Registration Numbers are: 305063 and 305069.

Under the terms of the Schemes, a Body of Trustees is charged with the administration and management of each Charity, in conformity with the provisions of the respective Schemes. The same first trustees were appointed to administer both Charities, and their successors have continued to do so. However, this is a matter of convenience rather than a stipulated requirement.

Under the terms of the two Schemes, all land and buildings associated with the respective charities, are vested in "The Official Trustee of Charity Lands".

**3. AIMS**

The purpose of the Charities and their founding Deeds of Gift, is for the Trustees to administer and manage the Village Hall and the Recreation Ground and any buildings erected thereon, for the recreation, entertainment, enjoyment and benefit of the inhabitants of the Parish of Laleham.

**4. MANAGEMENT RESPONSIBILITIES**

4.1 The day to day management of the facilities and their use, shall, at the discretion of the Trustees, be undertaken by separate management committees, which consist in part of appointed and elected members. The election and/or appointment of members shall take place at annual general meetings of the respective Charities.

Note: This has traditionally been the modus operandi since 1908 for the Village Hall, and 1920 for the Recreation Ground.

The arrangements for the election and appointment of the committees shall be defined in the management documents described in clause 4.2.



4.2 The Trustees shall provide guidelines to the management committees, for their administrative duties, by issuing and maintaining appropriate 'Management Constitutions'.

4.3 The Trustees shall ensure that the operation of the various management tasks undertaken by the committees, are satisfactorily performed, and shall require relevant supporting documentary evidence, as may from time to time, be deemed desirable.

4.4 The management committees shall at all times, support the Trustees in the fulfilment of their own legal and statutory obligations, with respect to the operation of the Charities.

4.5 The Trustees shall be ex officio members of both management committees.

## **5. MEMBERSHIP**

5.1 The Body of Trustees shall number six 'competent' persons, and be appointed, each for a term of four years, by Spelthorne Borough Council, or its successor. The term of appointment of half of the Trustees as nearly maybe, shall be staggered by two years.

5.2 Upon a vacancy occurring, either by completion of term, resignation, death or some other reason, the Trustees shall give notice to the said Council of that vacancy. Accompanying the notice of vacancy, the Trustees may recommend an acceptable person as a suitable replacement, provided that person shall through residence, occupation or employment, or otherwise have special knowledge of the area of the Parish of Laleham.

5.3 Any competent Trustee may recommended for re-appointment, at the expiry of their preceding term of office, by formal notification to the Council.

5.4 Additional to the Body of Trustees, the Trustees may appoint a clerk or secretary to hold office during their pleasure. The person appointed shall not have any voting rights, but neither shall that person have any legal responsibility for any actions or decisions of the Trustees.

## **6. OFFICERS**

6.1 The Officers shall comprise a Chairman, a Deputy Chairman, if considered desirable by the Trustees, and a Treasurer.

6.2 The Trustees shall elect one of their number to be Chairman, at the first ordinary meeting in each year. The Chairman shall always be eligible for re-election.

6.3 The Deputy Chairman, if any, and the Treasurer shall similarly be elected, and remain eligible for re-election.

## **7. MEETINGS OF THE TRUSTEES**

7.1 The Trustees shall hold at least two ordinary meetings in each year. Notice of the date, time and venue of the next meeting shall normally be agreed at the conclusion of each meeting.

7.2 The Chairman, either on his or her own behalf, or at the prompting of two or more Trustees, may summon special meetings upon four day's notice being given to all other Trustees, to deal with any emergency or special matters.



7.3 If at any meeting the Chairman and Deputy Chairman are unable to attend, then the Trustees present shall choose one of their number to act as chairman for that meeting.

7.4 A record of the proceedings of each meeting shall be made and approved by the assembled Trustees at the start of the subsequent meeting.

## 8. QUORUM AND VOTING

8.1 There shall be a Quorum when three Trustees are present at a meeting.

8.2 Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In the case of equality of votes the chairman of the meeting shall have a casting vote, whether he/she has or has not previously voted on the same question.

## 9. FINANCE

9.1 The Body of Trustees may at their discretion, maintain reasonable funds, separate from those managed by the respective management committees.

9.2 Such funds shall normally be to cover small administrative expenses associated with the operation of the Board of Trustees, a contingency against any initial enquiry or legal cost which may be associated with a change to the extent or provision of either Charity, the provision of small tokens of respect to the families of past Trustees or members of management committees, or the means whereby the Trustees are enabled to make small grants to either management committee, to meet special needs. The expenditure of such funds shall be with the knowledge and agreement of a majority of the Trustees.

9.3 The funds may, at the discretion of the Trustees, comprise petty cash, cash held in current or deposit accounts and/or revenue producing investments. Withdrawals from Trustee accounts shall require the signature of any two Trustees.

9.4 The Financial Year shall commence on the first day of January in each year and conclude on the thirty-first day of the following December.

9.5 The financial affairs of the Trustees shall be under the stewardship of the elected Trustee Treasurer, who shall be responsible for presenting a simple set of accounts, at the conclusion of each financial year, to the Trustees for their approval.

9.6 The year-end accounts shall be subjected to an audit, employing the services of some suitable person.

Authorised on behalf of the Trustees

Ian Allan, Chairman

Date:

