

**THE CHARITY COMMISSION FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Orders that from today, the

**8 May 2008**

this

**SCHEME**

will govern the charities identified in part 1 of the schedule to this scheme and now to be known as

**ALMSHOUSE CHARITY (HULL UNITED CHARITIES) (226291-1)**

at

Kingston upon Hull

## **SCHEME**

### **1. Definitions**

In this scheme:

“charities” means the charities identified in part 1 of the schedule to this scheme.

“charity” means the Almshouse Charity (Hull United Charities).

"trusts" means the provisions which at any given time regulate the purposes and administration of the charity.

“beneficiaries” means people who are in need, hardship or distress by reason of age, ill-health, accident or infirmity and who live in the area of benefit.

“area of benefit” means the City of Kingston upon Hull.

“trustees” means the trustees of the charities acting under this scheme and “trustee” means one of the trustees.

“existing residents” means the residents living in the homes at the date of this scheme.

“home” means one of the homes and “homes” means the almshouses of the charity.

“residents” means those beneficiaries of the charity who live in the homes and “resident” means one of the residents.

“reserve funds” means the funds identified in clause 12 of this scheme.

"Commission" means the Charity Commission for England and Wales.

## **ADMINISTRATION**

### **2. Administration**

The charities are to be administered as one charity in accordance with this scheme. This scheme replaces the former trusts of the charities.

### **3. Name of the charity**

The name of the charity will be Almshouse Charity (Hull United Charities).

## **OBJECTS**

### **4. Objects of the charity**

(1) The objects of the charity are:

- (a) the provision of housing accommodation for beneficiaries (except as provided in sub-clause (2) below); and

2

Commission References:

Sealing: N187(S)/08

Case No: 663291

- (b) such charitable purposes for the benefit of the residents as the trustees decide.
- (2) This sub-clause applies to the almshouses known as Lister's Almshouse. The trustees may appoint a resident who lives outside the area of benefit but is otherwise qualified.
- (3) The land identified in part 2 of the schedule to this scheme must be retained by the trustees for use for the objects of the charity.

## **POWERS OF THE TRUSTEES**

### **5. Powers of the trustees**

In addition to any other powers which they have, the trustees may exercise the following powers in furtherance of the objects of the charity:

- (1) Power to appropriate and use the properties identified in part 2 of the first schedule to this scheme for the objects of the charity.
- (2) Power to sell, lease or otherwise dispose of all or any part of the charity's property which is not required by clause 4(3) above to be retained for use for the objects of the charity. (The trustees must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale, lease or disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)
- (3) Power to make reasonable regulations consistent with this scheme for the management of the almshouses and the welfare of the residents.
- (4) Power to insure against public liability and, if appropriate, employers' liability; and to insure the homes to their full value against fire and all other usual risks.
- (5) Power to borrow money and to charge the property of the charity as security for any loan. (The trustees must comply with the restrictions on mortgaging imposed by section 38 of the Charities Act 1993.)
- (6) Power to appoint a warden and other staff (who must not be trustees) and pay them reasonable remuneration, including pension provision for them and their dependants, and to provide a residence for the [warden] in the homes or elsewhere.

## **TRUSTEES**

### **6. Trustees**

- (1) There should be:  
  
3 nominated trustees and  
12 co-opted trustees  
  
appointed in accordance with clauses 7 and 8.

- (2) The first nominated and co-opted trustees are the persons listed in part 3 of the schedule to this scheme. Subject to clause 12 (termination of trusteeship) they will hold office for the periods shown in the schedule.

## **7. Nominated trustees**

- (1) The nominated trustees must be appointed by Kingston upon Hull City Council.
- (2) Any appointment must be made at a meeting held according to the ordinary practice of the Council.
- (3) Each appointment must be made for:
  - (a) 1 year; or
  - (b) if the appointment is being made to fill a casual vacancy, the unexpired term of the appointee's predecessor.
- (4) The appointment will be effective from the later of:
  - (a) the date of the vacancy; and
  - (b) the date on which the trustees or their secretary or clerk are informed of the appointment.
- (5) The person appointed need not be a member of the Council.

## **8. Co-opted trustees**

- (1) The appointment of a co-opted trustee must be made by the trustees at a special meeting called under clause 16.
- (2) An appointment may, but need not, be made before the date on which the term of office of an existing co-opted trustee comes to an end, to take effect on that date. In these circumstances:
  - (a) the appointment may not be made more than 3 months before the date on which the existing co-opted trustee's term of office is due to end; and
  - (b) any co-opted trustee whose term of office is about to come to an end must not vote in favour of their own re-appointment.
- (3) Each appointment must be for a term of 3 years.

## **9. New trustees**

The trustees must give to each new trustee, on their first appointment:

- (1) a copy of this scheme and any amendments made to it;

- (2) a copy of the charity's latest report and statement of accounts.

#### **10. Register of trustees**

- (1) The trustees must keep a register of the name and address of every trustee and the dates on which their terms of office begin and end. Every trustee must sign the register before acting as a trustee, whether on their first appointment or on any later re-appointment.
- (2) The trustees must promptly report any vacancy in the office of nominated trustee to the Council.

#### **11. Trustees not to have a personal interest**

Except with the prior written approval of the Commission no trustee 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 property of the charity (except in order to hold it as a trustee of the charity).

#### **12. Termination of trusteeship**

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

- (1) is disqualified from acting as a trustee by section 72 of the Charities Act 1993; or
- (2) is not an ex officio trustee and is absent without the permission of the trustees from all their meetings held within a period of 9 months and the trustees resolve that his or her office be vacated; or
- (3) gives not less than 1 month's notice in writing of his or her intention to resign (but only if at least 5 trustees will remain in office when the notice of resignation is to take effect).

### **OFFICERS**

#### **13. Chairman**

- (1) At their first ordinary meeting in each year the trustees must elect one of their number to be chairman of their meetings.
- (2) At the same meeting, the Chairman should nominate another trustee to be Deputy Chairman. The other trustees must accept or reject this nomination as they see fit.
- (3) The trustees present at a meeting must elect one of their number to chair the meeting if the chairman is not present or the office of chairman is vacant.

#### **14. Trust Manager**

The trustees may appoint a Trust Manager or clerk. The office may be held by:

- (1) a trustee (who must not receive any reward for acting and who may be dismissed as Trust Manager or clerk at any time); or
- (2) some other suitable person (who may be employed upon such reasonable terms, including terms as to notice, as the trustees think fit).

### **MEETINGS OF TRUSTEES**

#### **15. Ordinary meetings**

- (1) The first meeting after the date of this scheme must be called by or, if they do not do so within 3 months from that date, by any 2 trustees.
- (2) The trustees must hold at least 4 ordinary meetings in each 12 month period.
- (3) Ordinary meetings require at least 7 days' notice.
- (4) The chairman, or any 2 trustees, may call an ordinary meeting at any time.

#### **16. Special meetings**

- (1) The chairman, or any 2 trustees, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except that meetings to consider:
  - (a) the appointment of a co-opted trustee, or
  - (b) the amendment of this scheme under clause 29,require at least 21 days' notice.
- (3) The notice calling a special meeting must include details of:
  - (a) the business to be transacted at the meeting; and
  - (b) any amendment to be made to this scheme (under clause 29).
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

#### **17. Quorum**

No business may be transacted at a meeting unless at least 5 trustees are present.

**18. Voting**

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

**19. Recording of meetings**

The trustees must keep a proper record of their meetings.

**20. Trustees to act jointly**

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

**ALMSHOUSES AND RESIDENTS**

**21. Existing residents**

The terms on which the existing residents occupy the homes are not affected by the making of this scheme.

**22. Contributions**

The trustees may make it a condition of appointing a resident that the resident must:

- (1) contribute a weekly sum (which must not cause the resident hardship) towards the cost of maintaining the homes and essential services in them;
- (2) contribute towards the cost of lighting and heating the homes and providing hot water in them.

**23. Applications for appointment**

- (1) The trustees must give public notice of a vacancy in the homes, unless:
  - (a) the person to be appointed has been a resident; or
  - (b) notice has been given in the last 12 months.
- (2) Before making an appointment the trustees must:
  - (a) decide how applications are to be made to them;
  - (b) consider the suitability of each applicant;
  - (c) arrange for at least one of the trustees, or an officer of the charity, to meet the person to be appointed, unless they consider that special circumstances make this unnecessary.

- (3) The trustees may, in exceptional circumstances, appoint a resident who lives outside the area of benefit but is otherwise qualified. The trustees must record in the record of their meetings the nature of the exceptional circumstances justifying the appointment.

#### **24. Records**

The trustees must keep records of:

- (1) the date of each vacancy and the reason for it;
- (2) the names of persons who have applied for appointment;
- (3) the name and age of every resident and the date of their appointment.

#### **25. Occupation of homes**

- (1) The trustees must set out in writing the terms on which a resident occupies their home. A copy of the document recording the terms of occupation (which may take the form of a letter of appointment) must be signed by the resident as evidence of their acceptance.
- (2) The terms must include:
  - (a) a requirement that neither the resident nor any relation or guest of theirs will be a tenant of the charity or have any legal interest in the home;
  - (b) a requirement that the resident must live in the home and not be absent from it, without the trustees' permission, for more than 28 days in any year;
  - (c) a requirement that, without the trustees' permission, the resident must not:
    - (i) allow anyone to share the home with them; or
    - (ii) give up possession of it,  
in whole or in part;
  - (d) a power for the trustees to require the resident to move, temporarily or permanently, to another home;
  - (e) a power for the trustees to end the resident's appointment at any time for the reasons mentioned in clause 26 of this scheme; and
  - (f) such other provisions as the trustees think necessary for the effective running of the homes for the benefit of the residents generally.

## **26. Termination of appointments**

The trustees may terminate the appointment of any resident who:

- (1) was appointed without the necessary qualifications or no longer has the necessary qualifications; or
- (2) persistently breaches the regulations referred to in clause 10 of this scheme; or
- (3) is no longer suited to be a resident by reason of illness or disability.

## **CHARITY PROPERTY**

## **27. Reserve Funds**

- (1) The trustees must establish and continue to maintain the following reserve funds:
  - (a) an Extraordinary Repair Fund to be used by them for the extraordinary repair, improvement or rebuilding of the homes;
  - (b) a Cyclical Maintenance Fund to be used by them for ordinary repair and maintenance of the homes.
- (2) They must use the charity's income to do so and they must invest the funds in trust for the charity.
- (3) The trustees must keep the size of the funds under review in the light of the demands which may be made upon the funds.

## **28. Use of income and capital**

- (1) The trustees must firstly:
  - (a) apply:
    - (i) the charity's income; and
    - (ii) if the trustees think fit, expendable endowment; and
    - (iii) when the property can properly be charged to it, its permanent endowment

in meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its buildings);
  - (b) make such annual payments to the reserve funds as they consider necessary.

- (2) After making these payments, the trustees must apply the remaining income in furthering the objects of the charity.
- (3) The trustees may also apply for the objects 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 may approve by order in advance.

## **POWER OF AMENDMENT**

### **29. Power of amendment**

- (1) For each of the charities the trustees (subject to the provisions of this clause) may from time to time amend the trusts if they are satisfied that it is expedient in the interests of the charity to do so.
- (2) The trustees must not make any amendment which would have the effect directly or indirectly of:
  - (a) altering or extending the purposes of the charity;
  - (b) authorising the trustees to do anything which is expressly prohibited by the trusts of the charity;
  - (c) causing the charity to cease to be a charity at law;
  - (d) altering or extending the power of amendment that is conferred by this clause.
- (3) The trustees must obtain the prior written approval of the Commission before making any amendment which would have the effect directly or indirectly of:
  - (a) enabling them to spend permanent endowment or capitalise income of the charity;
  - (b) conferring a benefit of any kind on all or any of the current trustees or their successors;
  - (c) restricting the existing right of any person (other than the trustees) to appoint or remove a charity trustee, or trustee for the charity, or to intervene in the administration of the charity, without the consent of that person;
  - (d) varying the name of the charity.
- (4) An amendment may be made only by a resolution passed at a meeting of the trustees of which not less than 21 days notice has been given. The notice must set out the terms of the proposed amendment.

- (5) The trustees must:
- (a) prepare a written memorandum of each amendment that it makes, which must be signed at the meeting at which the amendment is made by the person chairing the meeting;
  - (b) send to the Commission a certified copy of the memorandum within three months of the date of the meeting; and
  - (c) retain the memorandum as part of the governing document.

## **GENERAL PROVISIONS**

### **30. Questions relating to the Scheme**

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

## **SCHEDULE**

<b>PART 1</b>
---------------

Sir John Lister's Almshouse, Weaver's Almshouse, John Gregg's Almshouse, William Gee's Almshouse, Harrison's Almshouse, Mary Fox's Almshouse, Alderman John Crowle's Almshouse, Joseph Ellis' Almshouse, Bishop Watson's Almshouse, The Preacher's House Almshouse, Toft's Charity, Thomas Ferries for Poor (Howden) and Thomas Ferries for Poor (Hull), known together as Hull Municipal Hospital (Almshouse Charities).

<b>PART 2</b>
---------------

Northumberland Court, Northumberland Avenue, Hull, HU2 0LR.

**PART 3**

**Nominated trustees**

Name	Term of office
Councillor Kenneth Branson	1 year
Vacancy	
Vacancy	

**Co-opted trustees**

Name	Term of office
Mr John Broughton	5 years
Mr Gordon Caselton	5 years
Mr A Chaikin	3 years
Mr Michael Charles Craughan	4 years
Dr Jim Dunlop	6 years
Mr David Greendale	5 years
Mr Rob High	2 years
Mrs Jean Moore	4 years
Ms L Slater	3 years
Mr R Walker	6 years
Mr David Whellan	5 years
Vacancy	