

Walberswick Common Lands Charity

Founded 1901 - Registered Charity No. 206095

PO Box 73, Halesworth IP19 1AU

Clerk: Matthew Wetmore. email: clerkwclc@gmail.com tel: 07760 382 628

PARISH MEETING

7:15 pm Tuesday 5 March 2019

BACKGROUND READING

CONTENTS

1. Annual Report year ending 31 December 2017
2. WCLC – Charitable Objects – Policies and Interpretations
3. Charity Commission guidance CC3 ‘The Essential Trustee’
Chapter 2 – *Trustees’ duties at a glance*
4. Charity Commission guidance CC29 ‘Conflicts of interest’
Chapter 2 – *Conflicts of interest: at a glance summary*
Chapter 3 – *Identifying conflicts of interest*
5. Charity Commission guidance CC28 ‘Sales leases, transfers or mortgages’
Chapter 3 – *Simple short term disposals*
Chapter 4 – *Sales, longer leases and other disposals*
6. WCLC – 2009 Scheme (governing document)

Notes:

- a) Item 2 presented to Annual Parish Meeting 13 April 2017 (25 PowerPoint slides)
- b) Charity Commission guidance obtainable in full on Gov.UK web site or put ‘Charity Commission publications’ into a search engine

REPORT OF THE TRUSTEES AND
UNAUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED
31 DECEMBER 2017
FOR
WALBERSWICK COMMON LANDS CHARITY

van Dijk Accountants Limited
Georgian House
34 Thoroughfare
Halesworth
Suffolk
IP19 8AP

WALBERSWICK COMMON LANDS CHARITY

CONTENTS OF THE FINANCIAL STATEMENTS
for the Year Ended 31 December 2017

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WALBERSWICK COMMON LANDS CHARITY

CHAIRMAN'S REPORT **for the Year Ended 31 December 2017**

As with the past few years, the work of the Trustees in 2017 continued to be a combination of serving the community of which we are proud to be a part, which is always a pleasure, alongside the more challenging task of resolving some long-standing legacy issues.

Financial statements

For the year ending 31 December 2017 the Charity has moved from cash to accrual accounting. We have done so because we believe accrual accounting provides our stakeholders with a better understanding of the Charity's financial position. This has meant two significant changes to the way our finances have traditionally been portrayed. Firstly, we have obtained a professional valuation of the Charity's land and buildings, which show a combined value of £1.2 million. Secondly, the covenant we receive from Walberswick Car Parks Limited (WCPL) is now recognised when it is declared by the Directors, rather than when the cash is received. Finally, in providing a comparison with the previous year, some assumptions had to be made when re-casting the 2016 numbers on an accruals basis. This means that like-for-like comparisons between the two years are less reliable than will be the case in future years.

As far as unrestricted funds are concerned, the Charity generated a surplus of £28,697 before charitable grants. This is a lower amount than previous years in large part because of the reduced covenant from WCPL, as a result of its investment in Pay & Display technology. As a result, the Trustees drew £13,547 from reserves to fund its charitable grants.

Our long-standing Independent Examiner, Mr Tony Kohn, has decided to retire from his position. We are extremely grateful for the support and wise counsel that Tony has given us over many years. A new Independent Examiner has been appointed, the firm of van Dijk Accountants Limited which is based in Halesworth.

Serious Incident report

Charities are required to report any serious incidents, these are defined as an adverse event which results in a loss of a charity's assets or damage to a charity's property. Regrettably there is one such incident to report. The incident occurred in connection with the Charity's role as a property owner and landlord and involved multiple, unlawful property transactions. These transactions commenced in the late 1990's and were concluded in the early 2000's. The effect of the transactions was to create virtual freehold interests in land. At the request of the Charity Commission, the loss of value suffered by the Charity at the time has been valued at £1.1 million. In addition, the Charity has incurred professional fees in investigating this incident, which at the time of writing are circa £20,000. These costs would increase if matters proceed to litigation.

The current Trustees and their legal advisors have undertaken a detailed review of the circumstances which led to this incident. That review has shown that the then Trustees acted outside their delegations, however it has also shown that they received unequivocal legal advice that all was in order. We are currently working with the parties concerned and the Charity Commission to rectify the situation, which will take time.

As with all such instances the most important consideration is what lessons have been learned. Those can best be summarised as; (i) Trustees understanding their delegations; (ii) the Trustee skill mix including people who understand the legal and regulatory framework, as well as property fundamentals; (iii) obtaining the best possible professional advice and (iv) seeking the assistance of the Charity Commission when faced with difficult situations.

The investigation of this incident has caused the Trustees to undertake a review of all policies, procedures and property agreements. As far as the Charity's role as a property owner and landlord is concerned, the aim is to put in place new agreements that, while being fair to all parties, represent best-practice and are clear when it comes to the risk and any liabilities being borne by the Charity. In some areas this is proving challenging because it is different to the more laid-back ways of the past. However, the Trustees would like to thank the large majority of people we deal with who have been supportive of our approach and recognise that there can no longer be undocumented or poorly documented use of the Charity's land and property.

WALBERSWICK COMMON LANDS CHARITY

CHAIRMAN'S REPORT (Continued) **For the Year Ended 31 December 2017**

Environmental Stewardship

Moving to one of the most satisfying areas of the Charity's work we continue to make excellent progress with the transformation of Walberswick Common. At the end of 2017 we were inspected by Natural England, who provide us with funding under a stewardship agreement. They gave very positive feedback on what has been achieved. Likewise, we continue to receive positive feedback from our local community, people now recognising that the initial 'scorched earth' clearance eventually makes way for attractive, open heathland with lovely vistas across the Blyth valley. The Trustees would like to acknowledge the excellent contribution made by our two principal contractors, Mr Paul Denny and Mr Robert Mortlake.

Charitable Support

2017 was a record year in terms of charitable grants. Over £58,000 was awarded through a combination of grants to individuals and groups, plus amounts set aside for charitable projects in 2018. The Trustees are delighted to put so much back into the community.

Our largest beneficiary is again the excellent Sole Bay Care Fund (SBCF). In 2017 the Charity funded the entire cost of support provided by SBCF to Walberswick inhabitants. This included end of life care at home to four residents, three care home respite stays and support for five acute episodes of care requiring additional home visits. The Trustees strongly support the provision of healthcare at home and will be monitoring changes to the way this service is provided by the NHS to ensure that SBCF is able to fill any reduction in provision wherever possible.

Other charitable support provided in 2017 includes; grants totalling £5,000 to schools attended by Village children; the Village bus service; grants to individuals in need totalling £4,943 and co-funding the new 20 mph speed limit on the grounds of public safety.

In addition, the Charity has jointly funded the erection of a bird hide as part of its environmental and educational objectives. Plus, it continues to support the initiative to bring the former Heritage Hut on the Village Green back into community use.

Transparency

While the policies adopted by the Trustees are made public, the details of individual transactions, whether grants to beneficiaries or private property agreements, must remain confidential. This means that the Charity's meetings are conducted in private and the minutes of those meetings are not published. However, every April the Trustees put a huge amount of work into their presentation to the Annual Parish Meeting. If you like to learn more about the work of the Charity, the Trustees urge you take advantage of this opportunity.

Looking forward

In 2018 our stewardship agreement with Natural England comes to an end and one of our key objectives for the year will be to secure a renewal. In addition, we will continue to support the Heritage Hut project, the Village Traffic and Parking review, plus our usual environmental and flood protection works. The Trustees are always delighted to provide charitable support to community projects and would welcome any suggestions. Likewise, we are always ready to provide charitable support to individuals in need and have a well-established process to support beneficiaries sensitively and discreetly.

James Darkins
Chairman of Trustees

6 September 2018

WALBERSWICK COMMON LANDS CHARITY

REPORT OF THE TRUSTEES **for the Year Ended 31 December 2017**

The trustees present their report with the financial statements of the charity for the year ended 31 December 2017. The trustees have adopted the provisions of Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2015).

OBJECTIVES AND ACTIVITIES

Objectives and aims

The Charity is the largest landowner in and around the village of Walberswick in Suffolk. It receives income from rental of its property and from car parking. Its primary responsibility is the environmental stewardship of its lands. In addition, surplus income may be deployed for the relief of need of Walberswick inhabitants and to support charitable objectives in the Parish of Walberswick.

Social investments

Annual and ad-hoc grants are made to groups, organisations and charities that either directly support charitable objectives in Walberswick or have the potential to provide such support when needed. Examples include supporting; schools where village children are educated, local outreach agencies caring for the sick and elderly, the village hall, the local minibus service, road safety schemes, flood defences, churchyard maintenance and children's sport and recreational activities. Individual grants are also made to support Walberswick inhabitants who are judged to be in need.

FINANCIAL REVIEW

Reserves policy

It is the Charity's and Trustees policy to maintain reserves at a level it considers necessary to; (a) provide a contingency for the repair of flood damage and (b) meet cash flow requirements. Funds in the Rent Deposit account are held as security for commercial leases.

STRUCTURE, GOVERNANCE AND MANAGEMENT

Governing document

The Charity is governed by its Scheme dated 7 September 2009 and constitutes an unincorporated Charity. The Charity was first registered on 4 February 1901.

Recruitment and appointment of trustees

The body of seven Trustees is made of one Ex-officio Trustee, four Nominative Trustees and two co-Optative Trustees. The latter two categories are elected for a period of four years. The Ex-officio Trustee is normally the Vicar with pastoral responsibility for the Parish of Walberswick. Nominative Trustees are elected by Walberswick Parish Council.

Risk management

The Trustees have a duty to identify and review the risks to which the Charity is exposed and to ensure appropriate controls are in place to provide reasonable assurance against fraud and error

REFERENCE AND ADMINISTRATIVE DETAILS

Registered Charity number

206095

Principal address

PO Box 73
Halesworth
Suffolk
IP19 1AU

WALBERSWICK COMMON LANDS CHARITY

REPORT OF THE TRUSTEES (Continued)
for the Year Ended 31 December 2017

REFERENCE AND ADMINISTRATIVE DETAILS (Continued)

Trustees

Mr J N B Darkins
Ms A Erlenbach
Reverend B R Fisher
Mrs K Goodchild
Mr J S R Solnick
Mrs H J Sutton
Mrs R M Woodcraft

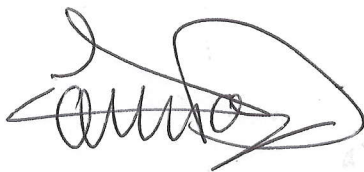
Independent examiner

van Dijk Accountants Limited
Georgian House
34 Thoroughfare
Halesworth
Suffolk
IP19 8AP

BANKERS

Barclays Bank PLC

Approved by order of the board of trustees on 6 September 2018 and signed on its behalf by:

A handwritten signature in black ink, appearing to be 'J N B Darkins', written over a horizontal line.

J N B Darkins - Trustee

INDEPENDENT EXAMINER'S REPORT TO THE TRUSTEES OF
WALBERSWICK COMMON LANDS CHARITY

Independent examiner's report to the trustees of Walberswick Common Lands Charity

I report to the charity trustees on my examination of the accounts of the Walberswick Common Lands Charity (the Trust) for the year ended 31 December 2017.

Responsibilities and basis of report

As the charity trustees of the Trust you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the Trust's accounts carried out under section 145 of the Act and in carrying out my examination I have followed all applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

- 1 accounting records were not kept in respect of the Trust as required by section 130 of the Act; or
- .
- 2 the accounts do not accord with those records; or
- .
- 3 the accounts do not comply with the applicable requirements concerning the form and content of
- .
- accounts set out in the Charities (Accounts and Reports) Regulations 2008 other than any requirement
- that the accounts give a true and fair view which is not a matter considered as part of an independent
- examination.

I confirm that there are no other matters to which your attention should be drawn to enable a proper understanding of the accounts to be reached.

P N van Dijk FMAAT
van Dijk Accountants Limited
Georgian House
34 Thoroughfare
Halesworth
Suffolk
IP19 8AP

6 September 2018

WALBERSWICK COMMON LANDS CHARITY

STATEMENT OF FINANCIAL ACTIVITIES
for the Year Ended 31 December 2017

		Unrestricted fund	Restricted fund	31.12.17 Total funds	31.12.16 Total funds
	Notes	£	£	£	£
INCOME AND ENDOWMENTS FROM					
General Income	2	<u>54,832</u>	<u>20,602</u>	<u>75,434</u>	<u>109,719</u>
Total		54,832	20,602	75,434	109,719
EXPENDITURE ON					
Costs		<u>68,379</u>	<u>36,050</u>	<u>104,429</u>	<u>102,891</u>
NET INCOME/(EXPENDITURE)		(13,547)	(15,448)	(28,995)	6,828
RECONCILIATION OF FUNDS					
Total funds brought forward		<u>1,447,527</u>	<u>143,751</u>	<u>1,591,278</u>	<u>1,584,450</u>
TOTAL FUNDS CARRIED FORWARD		<u><u>1,433,980</u></u>	<u><u>128,303</u></u>	<u><u>1,562,283</u></u>	<u><u>1,591,278</u></u>

CONTINUING OPERATIONS

All income and expenditure has arisen from continuing activities.

The notes form part of these financial statements

WALBERSWICK COMMON LANDS CHARITY

STATEMENT OF FINANCIAL POSITION

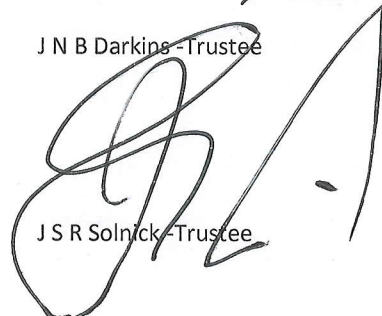
At 31 December 2017

		Unrestricted fund	Restricted fund	31.12.17 Total funds	31.12.16 Total funds
	Notes	£	£	£	£
FIXED ASSETS					
Tangible assets	5	775,000	-	775,000	775,000
Investment property	6	<u>515,000</u>	<u>-</u>	<u>515,000</u>	<u>515,000</u>
		1,290,000	-	1,290,000	1,290,000
CURRENT ASSETS					
Debtors	7	45,513	-	45,513	38,500
Investments	8	105,387	128,303	233,690	251,474
Cash at bank and in hand	9	<u>15,059</u>	<u>-</u>	<u>15,059</u>	<u>19,304</u>
		165,959	128,303	294,262	309,278
CREDITORS					
Amounts falling due within one year	10	<u>(21,979)</u>	<u>-</u>	<u>(21,979)</u>	<u>(8,000)</u>
NET CURRENT ASSETS		<u>143,980</u>	<u>128,303</u>	<u>272,283</u>	<u>301,278</u>
TOTAL ASSETS LESS CURRENT LIABILITIES		<u>1,433,980</u>	<u>128,303</u>	<u>1,562,283</u>	<u>1,591,278</u>
NET ASSETS		<u><u>1,433,980</u></u>	<u><u>128,303</u></u>	<u><u>1,562,283</u></u>	<u><u>1,591,278</u></u>
FUNDS	12				
Unrestricted funds				1,433,980	1,447,527
Restricted funds				<u>128,303</u>	<u>143,751</u>
TOTAL FUNDS				<u><u>1,562,283</u></u>	<u><u>1,591,278</u></u>

The financial statements were approved by the Board of Trustees on 6 September 2018 and were signed on its behalf by:



J N B Darkins - Trustee



J S R Solnick - Trustee

WALBERSWICK COMMON LANDS CHARITY

NOTES TO THE FINANCIAL STATEMENTS **for the Year Ended 31 December 2017**

1. ACCOUNTING POLICIES

Basis of preparing the financial statements

The financial statements of the charity, which is a public benefit entity under FRS 102, have been prepared in accordance with the Charities SORP (FRS 102) 'Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2015)', Financial Reporting Standard 102 'The Financial Reporting Standard applicable in the UK and Republic of Ireland' and the Charities Act 2011. The financial statements have been prepared under the historical cost convention.

Income

All income is recognised in the Statement of Financial Activities once the charity has entitlement to the funds, it is probable that the income will be received, and the amount can be measured reliably.

Expenditure

Liabilities are recognised as expenditure as soon as there is a legal or constructive obligation committing the charity to that expenditure, it is probable that a transfer of economic benefits will be required in settlement and the amount of the obligation can be measured reliably. Expenditure is accounted for on an accruals basis and has been classified under headings that aggregate all cost related to the category. Where costs cannot be directly attributed to particular headings they have been allocated to activities on a basis consistent with the use of resources.

Tangible fixed assets

Freehold land is shown at the most recent valuation. Accounts for previous years have been prepared on a cash basis and the cost or fair value of freehold land was not disclosed as an asset. It has therefore been professionally valued and the unrestricted fund has been restated as at 01 January 2016. Any aggregate surplus or deficit arising from changes in market value will in future be transferred to an unrestricted fund revaluation reserve.

Investment property

Investment property is shown at the most recent valuation. Accounts for previous years have been prepared on a cash basis and the cost or fair value of investment property was not disclosed as an asset. It has therefore been professionally valued and the unrestricted fund has been restated as at 01 January 2016. Any aggregate surplus or deficit arising from changes in market value will in future be transferred to an unrestricted fund revaluation reserve.

Taxation

The charity is exempt from tax on its charitable activities.

Fund accounting

Unrestricted funds can be used in accordance with the charitable objectives at the discretion of the trustees.

Restricted funds can only be used for particular restricted purposes within the objects of the charity. Restrictions arise when specified by the donor or when funds are raised for particular restricted purposes.

Further explanation of the nature and purpose of each fund is included in the notes to the financial statements.

WALBERSWICK COMMON LANDS CHARITY

NOTES TO THE FINANCIAL STATEMENTS - CONTINUED
for the Year Ended 31 December 2017

2. GENERAL INCOME

	Unrestricted	Restricted	31.12.17	31.12.16
	funds	funds	Total	Total
	£	£	£	£
Access licences	1,025	-	1,025	593
Property rent	26,415	-	26,415	37,486
Agricultural agreements	2,057	-	2,057	1,638
Investment income	1,002	-	1,002	1,255
Investment restricted income	-	165	165	305
Covenant from W.C.P. Ltd	6,500	-	6,500	26,500
Track & manor fields	-	2,687	2,687	4,520
Environmental stewardship	-	17,700	17,700	19,223
Donations	-	50	50	2,000
Increase in value of investments	3,745	-	3,745	3,877
Annual licences	<u>14,088</u>	<u>-</u>	<u>14,088</u>	<u>12,322</u>
	<u>54,832</u>	<u>20,602</u>	<u>75,434</u>	<u>109,719</u>

3. TRUSTEES' REMUNERATION AND BENEFITS

There were no trustees' remuneration or other benefits for the year ended 31 December 2017 nor for the year ended 31 December 2016.

Trustees' expenses

There were no trustees' expenses paid for the year ended 31 December 2017 nor for the year ended 31 December 2016.

4. COMPARATIVES FOR THE STATEMENT OF FINANCIAL ACTIVITIES

	Unrestricted	Restricted	Total funds
	fund	fund	
	£	£	£
INCOME AND ENDOWMENTS FROM			
General Income	<u>83,671</u>	<u>26,048</u>	<u>109,719</u>
Total	83,671	26,048	109,719
EXPENDITURE ON			
Costs	<u>72,798</u>	<u>30,093</u>	<u>102,891</u>
Total	72,798	30,093	102,891
NET INCOME/(EXPENDITURE)	10,873	(4,045)	6,828
RECONCILIATION OF FUNDS			
Total funds brought forward	<u>1,436,654</u>	<u>147,796</u>	<u>1,584,450</u>
TOTAL FUNDS CARRIED FORWARD	<u>1,447,527</u>	<u>143,751</u>	<u>1,591,278</u>

WALBERSWICK COMMON LANDS CHARITY

NOTES TO THE FINANCIAL STATEMENTS - CONTINUED
for the Year Ended 31 December 2017

5. TANGIBLE FIXED ASSETS

Freehold
land
£

VALUATION

At 1 January 2017 and 31 December 2017

775,000

NET BOOK VALUE

At 31 December 2017

775,000

At 31 December 2016

775,000

6. INVESTMENT PROPERTY

Walberswick Common Lands Charity has title to freehold land and property within the Walberswick area, it has been valued professionally at £515,000.

7. DEBTORS: AMOUNTS FALLING DUE AFTER MORE THAN ONE YEAR

	31.12.17 £	31.12.16 £
Trade debtors	<u>45,513</u>	<u>38,500</u>

8. CURRENT ASSET INVESTMENTS

	31.12.17 £	31.12.16 £
COIF accumulation shares	18,607	16,545
COIF income shares	21,102	19,418
COIF deposit accounts 1 & 2	123,856	143,551
COIF sea defence deposit account	11,543	11,516
COIF Track & manor fields deposit account	<u>58,582</u>	<u>60,444</u>
	<u>233,690</u>	<u>251,474</u>

WALBERSWICK COMMON LANDS CHARITY

NOTES TO THE FINANCIAL STATEMENTS - CONTINUED
for the Year Ended 31 December 2017

9. CASH AT BANK AND IN HAND

	General fund	31.12.17 Total funds	31.12.16 Total funds
	£	£	£
Cash in hand	5	5	-
Bank account no. 1	-	-	6,473
Bank account no. 2	4,946	4,946	7,388
Rent deposit account	9,758	9,758	1,280
Track & manor fields account	350	350	4,163
	<u>15,059</u>	<u>15,059</u>	<u>19,304</u>
Total	<u>15,059</u>	<u>15,059</u>	<u>19,304</u>

10. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR

	31.12.17 £	31.12.16 £
Bank loans and overdrafts (see note 11)	1,535	-
Trade creditors	1,200	-
Other creditors	<u>19,244</u>	<u>8,000</u>
	<u>21,979</u>	<u>8,000</u>

11. LOANS

An analysis of the maturity of loans is given below:

	31.12.17 £	31.12.16 £
Amounts falling due within one year on demand:		
Bank overdraft	<u>1,535</u>	<u>-</u>

12. MOVEMENT IN FUNDS

	At 1.1.17 £	Net movement in funds £	At 31.12.17 £
Unrestricted funds			
General fund	1,447,527	(13,547)	1,433,980
Restricted funds			
Restricted	143,751	(15,448)	128,303
	<u>1,591,278</u>	<u>(28,995)</u>	<u>1,562,283</u>
TOTAL FUNDS	<u>1,591,278</u>	<u>(28,995)</u>	<u>1,562,283</u>

WALBERSWICK COMMON LANDS CHARITY

NOTES TO THE FINANCIAL STATEMENTS - CONTINUED
for the Year Ended 31 December 2017

12. MOVEMENT IN FUNDS - continued

Net movement in funds, included in the above are as follows:

	Incoming resources £	Resources expended £	Movement in funds £
Unrestricted funds			
General fund	54,832	(68,379)	(13,547)
Restricted funds			
Restricted	20,602	(36,050)	(15,448)
	<hr/>	<hr/>	<hr/>
TOTAL FUNDS	<u>75,434</u>	<u>(104,429)</u>	<u>(28,995)</u>

Comparatives for movement in funds

	At 1.1.16 £	Net movement in funds £	At 31.12.16 £
Unrestricted Funds			
General fund	1,436,654	10,873	1,447,527
Restricted Funds			
Restricted	147,796	(4,045)	143,751
	<hr/>	<hr/>	<hr/>
TOTAL FUNDS	<u>1,584,450</u>	<u>6,828</u>	<u>1,591,278</u>

Comparative net movement in funds, included in the above are as follows:

	Incoming resources £	Resources expended £	Movement in funds £
Unrestricted funds			
General fund	83,671	(72,798)	10,873
Restricted funds			
Restricted	26,048	(30,093)	(4,045)
	<hr/>	<hr/>	<hr/>
TOTAL FUNDS	<u>109,719</u>	<u>(102,891)</u>	<u>6,828</u>

13. RELATED PARTY DISCLOSURES

Trustees Mrs K Goodchild and Mr J N Darkins hold on behalf of Walberswick Common Lands Charity one share each in Walberswick Car Parks Limited. Mrs K Goodchild and Mrs R M Woodcraft are also directors of that company. During the year Walberswick Car Parks Limited covenanted £6,500 (2016 £26,500) to Walberswick Common Lands Charity.

WALBERSWICK COMMON LANDS CHARITY

DETAILED STATEMENT OF FINANCIAL ACTIVITIES
for the Year Ended 31 December 2017

	Unrestricted funds £	Restricted funds £	31.12.17 Total funds £	31.12.16 Total funds £
INCOME AND ENDOWMENTS				
General Income				
Access licences	1,025	-	1,025	593
Property rent	26,415	-	26,415	37,486
Agricultural agreements	2,057	-	2,057	1,638
Investment income	1,002	-	1,002	1,255
Investment restricted income	-	165	165	305
Covenant from W.C.P. Ltd	6,500	-	6,500	26,500
Track & manor fields	-	2,687	2,687	4,520
Environmental stewardship	-	17,700	17,700	19,223
Donations	-	50	50	2,000
Increase in value of investments	3,745	-	3,745	3,877
Annual licences	<u>14,088</u>	<u>-</u>	<u>14,088</u>	<u>12,322</u>
	<u>54,832</u>	<u>20,602</u>	<u>75,434</u>	<u>109,719</u>
Total incoming resources	54,832	20,602	75,434	109,719
EXPENDITURE				
Costs				
Administration	9,362	-	9,362	11,021
Property maintenance	2,657	-	2,657	5,001
Professional fees	14,703	-	14,703	16,046
Rates	102	-	102	183
Insurance	1,873	-	1,873	1,843
Sundries	-	-	-	253
Individual charitable grants	4,858	-	4,858	3,747
Charitable grants	34,824	-	34,824	34,704
Track & manor fields	-	11,500	11,500	11,500
Environmental stewardship	-	20,447	20,447	18,593
Bird hide	-	3,323	3,323	-
Flood defences	<u>-</u>	<u>780</u>	<u>780</u>	<u>-</u>
	<u>68,379</u>	<u>36,050</u>	<u>104,429</u>	<u>102,891</u>
Total resources expended	68,379	36,050	104,429	102,891
Net (expenditure)/income	<u>(13,547)</u>	<u>(15,448)</u>	<u>(28,995)</u>	<u>6,828</u>

This page does not form part of the statutory financial statements

WALBERSWICK COMMON LANDS CHARITY

CHARITABLE OBJECTS – POLICIES AND INTERPRETATIONS

1. Distinction between 'Inhabitants' and 'Residents' when providing charitable benefits

- 1.1. Inhabitants are defined as those people who pay Council Tax or Business Rates in Walberswick and whose permanent and principal home is within the Village. For the avoidance of doubt it includes tenants who are responsible for Council Tax whether in local authority, housing association or privately rented housing.
- 1.2. Residents are defined as those people who pay Council Tax or Business Rates for residential property in Walberswick and thereby includes those people who own second homes or holiday homes available for rent.

2. Charitable benefits and grants provided to individuals

- 2.1. Charitable benefits or grants to individuals will only be provided to qualifying inhabitants and their spouses, partners or immediate family living permanently with them.
- 2.2. Residents will not be eligible to receive individual charitable benefits or grants.
- 2.3. Charitable benefits or grants to inhabitants must be properly assessed on the basis of need and hardship. The rationale for such awards must be recorded in the minutes.
- 2.4. For the avoidance of doubt the granting of rights to an individual over the Charity's land, such as an access or beach hut licence, is not a charitable benefit.

3. Charitable benefits and grants provided to charities, institutions and groups ("groups")

- 3.1. Only those groups that provide a benefit to residents of Walberswick, or have the potential to provide such benefit, are eligible for benefits or grants from the Charity.
- 3.2. Charitable benefits or grants must fall within the approved charitable purposes defined by the Charity Commission and listed in Appendix A.
- 3.3. The rationale for grants to groups must be recorded in the minutes including reference to the appropriate charitable purpose.

4. Support for community projects and events

- 4.1. The wording '*for the general benefit of the inhabitants of Walberswick*' in the 2009 Scheme shall be interpreted as meaning both inhabitants and residents.
- 4.2. Support for community projects and events must fall within the approved charitable purposes defined by the Charity Commission and listed in Appendix A or have specific consent from the Commission.
- 4.3. The rationale for supporting community projects and events must be recorded in the minutes including reference to the appropriate charitable purpose.

5. Disposal of Walberswick Common

- 5.1. The area of land known as Walberswick Common must be retained for the purposes defined in the 2009 Scheme.

6. Disposal of other land and property

- 6.1. Any sales, disposals or grants of permanent rights over other land or property, including rights of way and easements, must be in accordance with the 2009 Scheme, Charities Act and comply with Charity Commission guidance cc28.
- 6.2. Professional advice from a qualified surveyor and where appropriate legal advice from an independent solicitor must be sought in every instance.
- 6.3. The rationale for the disposal or grant must be recorded in the minutes, including any deviation from the advice provided by the qualified surveyor.

7. Granting of permanent easements for access across the Charity's land

- 7.1. The provisions of paragraph 6 above shall apply to the grant of permanent easements with the following clarifications and additions:
 - 7.1.1. Easements will be valued on a commercial, open market basis.
 - 7.1.2. Wherever possible, proceeds from the sale of an easement will be used for a community project that provides charitable benefit for a wide section of residents.
 - 7.1.3. Subject to agreement of the party acquiring the easement, the source of funding for the community project will be communicated and credit given wherever possible.

8. Granting of leases and licences

- 8.1. Any leases or licences (including beach hut, fishing hut, access and parking licences) must be granted in accordance with the 2009 Scheme, Charities Act and comply with the Charity Commission guidance cc28.
- 8.2. For licences with a duration of one year or less, the Trustees may exercise their discretion in determining the licence fee. The Trustees should consider market evidence when setting licence fees where available. The Trustees should ensure that the licence fee at a minimum covers administrative and legal expenses.
- 8.3. For all leases and licences of greater than one year:
 - 8.3.1. No lease may be granted for a term of longer than 21 years.
 - 8.3.2. Professional advice must be sought from a qualified surveyor as required under Charity Commission guidance cc28.
 - 8.3.3. The terms of the lease or licence must be approved by an independent solicitor.

8.3.4. The rationale for granting the lease or licence must be recorded in the minutes, including any deviation from the advice provided by the qualified surveyor.

9. Beach and Fishing Hut licence fees – distinction between residents and non-residents

- 9.1. Resident licensees will have their annual licence fee set at the standard rate. In determining the standard rate Trustees will consider; (i) market evidence, (ii) the amenities available in Walberswick (such as beach access, toilets and water supply) when compared to other locations and (iii) other factors the Trustees may consider appropriate.
- 9.2. Non-residents will have their annual licence fee set at a premium rate. Typically 50% higher than the standard rate.

10. Granting of Access Licences (formerly known as wayleaves)

- 10.1. The provisions of paragraph 8 above shall apply to access licences with the following clarifications and additions:
- 10.1.1. The access licence fee shall be set at a level that recovers the Charity's administrative and legal costs. It is not the intention of the Trustees to make a profit from the access licences.
- 10.1.2. The licensees should be responsible for a fair proportion of the maintenance cost of the access.
- 10.1.3. The Charity should not be liable for any loss, injury, damage etc. arising from the granting of the access licence.

APPENDIX A - CHARITIES ACT 2011 – APPROVED CHARITABLE PURPOSES AS AT 6 APRIL 2017

1. The prevention or relief of poverty
2. The advancement of education
3. The advancement of religion
4. The advancement of health or the saving of lives
5. The advancement of citizenship or community development
6. The advancement of the arts, culture, heritage or science
7. The advancement of amateur sport
8. The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
9. The advancement of environmental protection or improvement
10. The relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
11. The advancement of animal welfare
12. The promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services
13. Other charitable purposes:
 - a. the provision of facilities for recreation and other leisure-time occupation in the interests of social welfare with the object of improving the conditions of life for the persons for whom they are intended
 - b. the provision of public works and services and the provision of public amenities (such as the repair of bridges, ports, havens, causeways and highways, the provision of water and lighting, a cemetery or crematorium, as well as the provision of public facilities such as libraries, reading rooms and public conveniences)
 - c. the promotion of certain patriotic purposes, such as war memorials
 - d. the social relief, resettlement and rehabilitation of persons under a disability or deprivation (including disaster funds)
 - e. the promotion of industry and commerce
 - f. the promotion of agriculture and horticulture
 - g. gifts for the benefit of a particular locality (such as trusts for the general benefit of the inhabitants of a particular place); the beautification of a town; civic societies
 - h. the promotion of mental or moral improvement
 - i. the promotion of the moral or spiritual welfare or improvement of the community
 - j. the promotion of ethical standards of conduct and compliance with the law in the public and private sectors
 - k. the rehabilitation of ex-offenders and the prevention of crime

Note: Charitable purposes to be kept updated in line with Charity Commission guidance.



CHARITY COMMISSION
FOR ENGLAND AND WALES

GUIDANCE

The essential trustee: what you need to know, what you need to do



MAY 2018

2. Trustees' duties at a glance

This is a summary of trustees' main legal responsibilities, which are explained in detail in the rest of this guidance. You should read this section as a minimum, and ensure you fully understand your responsibilities by referring to the rest of the guidance as necessary.

Before you start - make sure you are eligible to be a charity trustee

You must be at least 16 years old to be a trustee of a charity that is a company or a charitable incorporated organisation (CIO), or at least 18 to be a trustee of any other charity.

You must be properly appointed following the procedures and any restrictions in the charity's governing document.

You must not act as a trustee if you are disqualified, unless authorised to do so by a waiver from the Commission. Until 31 July 2018, the reasons for disqualification include:

- having an unspent conviction for an offence involving dishonesty or deception (such as fraud)
- being bankrupt, or entering into a formal arrangement (eg an individual voluntary arrangement) with a creditor
- removal as a company director or charity trustee because of wrongdoing

New reasons for disqualification were added on 1 August 2018: our **guidance** explains the changes in more detail.

There are further restrictions for charities that work with children or adults at risk.

See section 3 for more information.

Ensure your charity is carrying out its purposes for the public benefit

You and your co-trustees must make sure that the charity is carrying out the purposes for which it is set up, and no other purpose. This means you should:

- ensure you understand the charity's purposes as set out in its governing document
- plan what your charity will do, and what you want it to achieve
- be able to explain how all of the charity's activities are intended to further or support its purposes
- understand how the charity benefits the public by carrying out its purposes

Spending charity funds on the wrong purposes is a very serious matter; in some cases trustees may have to reimburse the charity personally.

See section 4 for more information.

Comply with your charity's governing document and the law

You and your co-trustees must:

- make sure that the charity complies with its governing document
- comply with charity law requirements and other laws that apply to your charity

You should take reasonable steps to find out about legal requirements, for example by reading relevant guidance or taking appropriate advice when you need to.

See section 5 for more information.

Act in your charity's best interests

You must:

- do what you and your co-trustees (and no one else) decide will best enable the charity to carry out its purposes
- with your co-trustees, make balanced and adequately informed decisions, thinking about the long term as well as the short term
- avoid putting yourself in a position where your duty to your charity conflicts with your personal interests or loyalty to any other person or body
- not receive any benefit from the charity unless it is properly authorised and is clearly in the charity's interests; this also includes anyone who is financially connected to you, such as a partner, dependent child or business partner

See section 6 for more information.

Manage your charity's resources responsibly

You must act responsibly, reasonably and honestly. This is sometimes called the duty of prudence. Prudence is about exercising sound judgement. You and your co-trustees must:

- make sure the charity's assets are only used to support or carry out its purposes
- avoid exposing the charity's assets, beneficiaries or reputation to undue risk
- not over-commit the charity
- take special care when investing or borrowing
- comply with any restrictions on spending funds or selling land

You and your co-trustees should put appropriate procedures and safeguards in place and take reasonable steps to ensure that these are followed. Otherwise you risk making the charity vulnerable to fraud or theft, or other kinds of abuse, and being in breach of your duty.

See section 7 for more information.

Act with reasonable care and skill

As someone responsible for governing a charity, you:

- must use reasonable care and skill, making use of your skills and experience and taking appropriate advice when necessary
- should give enough time, thought and energy to your role, for example by preparing for, attending and actively participating in all trustees' meetings

See section 8 for more information.

Ensure your charity is accountable

You and your co-trustees must comply with statutory accounting and reporting requirements. You should also:

- be able to demonstrate that your charity is complying with the law, well run and effective
- ensure appropriate accountability to members, if your charity has a membership separate from the trustees
- ensure accountability within the charity, particularly where you delegate responsibility for particular tasks or decisions to staff or volunteers

See section 9 for more information.



CHARITY COMMISSION
FOR ENGLAND AND WALES

GUIDANCE

Conflicts of interest: a guide for charity trustees



MAY 2014

New format February 2017

2. Conflicts of interest: at a glance summary (legal requirement)

Trustees have a legal duty to act only in the best interests of their charity. They must not put themselves in any position where their duties as trustee may conflict with any personal interest they may have.

This means that they should handle conflicts of interest using the following steps:

2.1 IDENTIFY conflicts of interest

Trustees:

- each have an individual personal responsibility to declare conflicts of interest which affect them
- should have strong systems in place so that they are able to identify conflicts of interest

Section 3 explains how to identify a conflict of interest.

2.2 PREVENT the conflict of interest from affecting the decision

Trustees must make their decisions only in the best interests of the charity. This means that they must consider the issue of the conflict of interest so that any potential effect on decision making is eliminated. How they do this will depend on the circumstances. In cases of serious conflicts of interest it may mean the trustees deciding to remove the conflict by:

- not pursuing a course of action
- proceeding with the issue in a different way so that a conflict of interest does not arise
- not appointing a particular trustee or securing a trustee resignation

Where trustees have decided against removal of the conflict of interest they must prevent it from affecting their decision in a different way. They:

- must follow any specific requirements in the law or the charity's governing document which deal with conflicts of interest and how they should be managed (legal requirement)
- should, where there are no specific governing document or legal provisions:
 - require conflicted trustees to declare their interest at an early stage and, in most cases, withdraw from relevant meetings, discussions, decision making and votes
 - consider updating their governing document to include provisions for dealing with conflicts of interest
- may, exceptionally, need to seek the authority of the Commission where the conflict of interest is so acute or extensive that following these options will not allow the trustees to demonstrate that they have acted in the best interests of the charity

Conflicts of interest often arise because a decision involves a potential trustee benefit. Where this is the case:

- the trustee benefit must be properly authorised and (legal requirement)
- the trustees must follow any conditions attached to the authority which say how the conflict of interest should be handled (legal requirement)

Section 3 and Annex 1 explain how to ensure that a proper authority is in place before any decision to confer trustee benefit is made.

2.3 RECORD conflicts of interest

Trustees:

- should formally record any conflicts of interest and how they were handled
- must, if they prepare accruals accounts, disclose any trustee benefits in the charity's accounts

Section 4 explains the steps that trustees can take to prevent the conflict of interest from affecting decision making and ensure that their decision is made only in the interests of their charity.

Trustees can use this **checklist** to help them address a conflict of interest.

3. Identifying conflicts of interest (legal requirement)

The commission expects individual trustees and trustee bodies to be able to identify any conflicts of interest at an early stage. The law says that each individual trustee must avoid putting themselves in a position where their duty to act only in the best interests of the charity could conflict with any personal interest they may have. In practice this means that:

- individual trustees who fail to identify and declare any conflicts of interest will fail to comply with their personal legal responsibility to avoid conflicts of interest and act only in the best interests of the charity
- the trustee body must ensure that any conflicts of interest do not prevent them from making a decision only in the best interests of the charity

The early identification of conflicts of interest is key to ensuring that trustees act only in the best interests of the charity. This section describes what a conflict of interest is, the written policies and procedures trustees should have in place, and the common situations where conflicts of interest arise.

3.1 What is a conflict of interest? (legal requirement)

A conflict of interest is any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent the trustee from making a decision only in the best interests of the charity.

Key points about identifying conflicts of interest

A conflict of interest exists even where there is the possibility that a trustee's personal or wider interests could influence the trustee's decision making.

Even the perception that there is a conflict of interest can damage the charity. Where the perception is not accurate because there is no conflict of interest, the trustees should always be able to respond appropriately to the situation by managing the risks to the charity and being prepared to explain how they have made their decisions only in the best interests of the charity. The Commission's guidance **It's your decision: charity trustees and decision making (CC27)** explains the principles that trustees should apply when making decisions affecting their charity.

Conflicts of interest relate to a trustee's personal interests and the interests of those connected to them. This means that there is a conflict of interest where there is a proposed transaction between the charity and a connected person. Similarly, there is a conflict of interest where there is a benefit or a potential benefit to a connected person.

Being prepared to respond to conflicts of interest

It is good practice for a charity's governing document to include provisions to deal with conflict of interest situations and if a governing document does not include such provisions, trustees should consider amending it.

It is also good practice to have a written conflicts of interest policy and register of interests as these can help individual trustees and the trustee body to identify conflicts of interest promptly. Annex 4 outlines some suggested content for inclusion in a conflicts of interest policy.

The Commission encourages trustees to make the operation of the charity as transparent as possible. With this in mind the trustees may decide to make their policy on conflicts of interest available to the public and to make some or all of their register of interests publicly available.

The trustee body should consider conflicts of interest as a pre-appointment issue. Prospective trustees should be asked about potential conflicts of interest, and these should be declared to those who will decide on the appointment. Where prospective trustees are likely to be subject to serious or frequent conflicts of interest, the trustees should seriously consider whether that trustee should be appointed.

3.2 Where and how do conflicts of interest arise?

Conflicts of interest usually arise where either:

- there is a potential financial or measurable benefit directly to a trustee, or indirectly through a connected person
- a trustee's duty to the charity may compete with a duty or loyalty they owe to another organisation or person

The following 2 sections cover these in more detail.

Benefits to trustees

Trustees can only benefit from their charity where there is an explicit authority in place before any decision conferring trustee benefit is made.

Examples of benefits to trustees are where the trustees decide to:

- sell, loan or lease charity assets to a charity trustee
- acquire, borrow or lease assets from a trustee for the charity
- pay a trustee for carrying out their trustee role
- pay a trustee for carrying out a separate paid post within the charity, even if that trustee has recently resigned as a trustee
- pay a trustee for carrying out a separate paid post as a director or employee of the charity's subsidiary trading company
- pay a trustee, or a person or company closely connected to a trustee, for providing a service to the charity - this covers anything that would be regarded as a service and includes legal, accountancy or consultancy services through to painting or decorating the charity's premises, or any other maintenance work
- employ a trustee's spouse or other close relative at the charity (or at the charity's subsidiary trading company)
- make a grant to a service user trustee, or a service user who is a close relative of a trustee
- allow a service user trustee to influence service provision to their exclusive advantage

Example 1: identifying trustee benefits

A charity has some empty office space and its trustees are considering letting it to a company owned by one of the trustees.

This would be a trustee benefit: it would involve a transaction with a business owned by a trustee. The trustees can only proceed with the transaction once they have a proper authority for the trustee benefit: in cases which involve a property transaction with a connected person, the trustees must get authorisation from the Commission and comply with the conditions in the Charities Act 2011 before proceeding.

Annex 1 gives more detail about trustee benefit and the legal rules that trustees need to be aware of.

Conflicts of loyalty

These conflicts of interest arise because, although the affected trustee does not stand to gain any benefit, the trustee's decision making at the charity could be influenced by his or her other interests.

For example, a trustee's loyalty to the charity could conflict with his or her loyalty to

- the body that appointed them to the charity
- the membership or section of the charity that appointed them to trusteeship
- another organisation, such as their employer
- another charity of which they are a trustee
- a member of their family
- another connected person or organisation

The test is always that there is a conflict of interest if the trustee's other interest could, or could be seen to, interfere with the trustee's ability to decide the issue only in the best interests of the charity.

Some conflicts of loyalty arise because a trustee has a competing legal obligation or duty to another organisation or person. Others result from conflicting loyalties which trustees owe or may feel towards family, friends or other people or organisations who are part of the trustee's network. A conflict of loyalty could also arise where the religious, political or personal views of a trustee could interfere with the ability of the trustee to decide the issue only in the best interests of the charity.

Example 2: identifying conflicts of loyalty

An individual is a trustee for 2 charities planning to bid for the same service provision contract.

This conflict of interest is a loyalty conflict. It doesn't involve benefit to the trustee, but her decision at either charity could be influenced by her knowledge of and duty to the other charity. This means that she cannot fulfil her duty to either charity to make decisions only in its best interests.

Example 5 in section 4 shows how this conflict should be dealt with.

Trustees' other interests and loyalties can generate conflicts of interest from time to time, some of which pose a minor risk to the charity and some of which are more serious. The trustees may decide that where a conflict of loyalty poses no risk or a low risk to decision making in the best interests of the charity, the affected trustee, having declared their other interest, can participate in decision making.

Legal requirement: the directors of charitable companies taking this approach, must have authority in the governing document which allows the unconflicted directors to decide that the trustee affected by the conflict of loyalty can participate. The trustees of other types of charity should consider updating their governing document to include this type of authority. Even where trustees are relying on a governing document authority, they should ensure that they can demonstrate that they have taken their decision only in the best interests of the charity.

Identifying low risk conflicts of loyalty

Deciding that a conflict of interest is low risk, and that the affected trustee can participate in the decision, is a judgement for the trustees. It is not possible to give a definitive view of when this is appropriate. It depends on the particular decision and relevant circumstances. The trustees must take all relevant factors into account and be ready to explain their approach if asked. The following examples illustrate some common situations and the considerations that may be involved.

Example 3: membership of another organisation

An educational charity is making a decision about delivering a programme of work at regional arts centres, including one where one of its trustees is a member.

This conflict is a conflict of loyalty because the trustee has a connection with the arts centre through her membership. However, the trustees may conclude that this is a low risk conflict of loyalty which, once declared, does not need to prevent the trustee from participating because:

- the trustee's connection to the arts centre is through membership only
- the trustee's membership is likely to have no bearing on her approach to the decision
- any benefits to arts centre members which result from the decision will only affect the trustee in the same way as other members

Example 6 in section 4 shows how this conflict can be dealt with.

Example 4: appointments to closely linked organisations

Where a trustee is appointed by:

- a local branch to the charity's national trustee body
- by a religious foundation to one of its schools
- it is usually acceptable for the trustee to simply declare a conflict of loyalty and then participate in decisions.

Although there may be a decision at the charity that also affects the appointing body, the similarity of charitable purpose between the 2 organisations means that conflicts of loyalty which do crop up often present only low risks to the charity. However, the trustees should decide in each case how the conflict of loyalty should be handled and should ensure they can demonstrate that that any decision was taken only in the best interests of the charity.

Appointed trustees

Where a trustee is elected, or appointed, by a connected organisation or other third party, he or she must act only in the best interests of the charity in carrying out their trustee role.

It is a good idea to ensure that when elected or appointed, the trustees are fully trained in their responsibilities as trustees and that the appointing body is also made aware of these responsibilities.

There is more information for trustees who are **school governors** or appointed by **local authorities** or by a **corporate foundation**.



CHARITY COMMISSION
FOR ENGLAND AND WALES

GUIDANCE

Sales leases transfers or mortgages: what trustees need to know about disposing of charity land



MARCH 2012

New format February 2017

3. Simple, short term disposals

This section covers disposals by way of a lease for seven years or less where no fine or premium is paid to the charity. The requirements are less demanding and you should complete this type of disposal without an order unless it involves a connected person - see section 5.

If the lease contains an option for the lessee to renew the lease for a further term and the sum of the terms exceeds seven years, the more demanding requirements set out in section 4 will apply. This will also be the case on the assignment of an existing lease even if it was originally granted for seven years or less or has seven years or less to run.

3.1 What are the requirements for simple disposals?

Short answer (legal requirement)

As these transactions are relatively low risk and for a relatively short time, the requirements are less demanding than for other disposals. Nevertheless, you must still consider the advice you are given and the terms of the disposal carefully to ensure they are the best that can reasonably be obtained in the circumstances of the disposal. Timing of obtaining your advice is important - see section 3.2.

In more detail

If you are granting a lease of charity property for seven years or less without requiring a fine or premium to be paid, you must:

- obtain and consider a report from someone who has the ability and experience to advise you competently
- decide you are satisfied that the terms proposed for the disposal are the best that can reasonably be obtained

You will only need to obtain an order before proceeding if the disposal is to a connected person or if you have entered an agreement for the disposal before complying with the requirements.

3.2 When must you comply with the requirements for simple disposals?

Short answer (legal requirement)

To be able to complete the transaction without an order you must comply with the requirements before entering into an agreement to dispose.

In more detail

If you do enter a contract without complying with these self-certification requirements then, to be able to complete the transaction and make the disposal validly, you will need an order before completion. This will inevitably extend the time needed for the disposal.

3.3 Who should act as adviser for these types of disposals?

Short answer

It is a matter for you as trustees to satisfy yourselves that the person you select has the ability and expertise to provide you with reliable advice on the disposal. There is no objection to one of the trustees or even a suitably qualified employee of the charity acting as the adviser.

In more detail

Although there is no legal requirement for your adviser to possess professional qualifications in this type of disposal, it is recommended you use a qualified person who is a member of some professional body such as the:

- Royal Institution of Chartered Surveyors (RICS)
- Architects' and Surveyors' Institute (ASI)
- Institute of Revenues, Rating and Valuation (IRRV)

However, as trustees you will need to make your own choice of adviser and be prepared to justify your decision if you are challenged about it. If one of the trustees is asked to give the advice you could not pay them unless there is a power such as a professional charging clause in the governing document or you follow the terms of the power to pay a trustee for services (section 185 of the Charities Act).

In these cases there is also no legal requirement for the advice to be given in writing but it is recommended you do not rely on oral advice; this might be misinterpreted and there would be no evidence to produce if you are called upon to justify your decisions in connection with the disposal. It is recommended you take legal advice also to ensure the terms of the lease do not grant more to the lessee than you intended, such as security of tenure, and that you will be able to take possession at the end of the term.

3.4 What statements and certificates are needed?

The answer (legal requirement)

Legislation requires you to include certain statements and certificates in the disposal documents. For more information on this see section 6.

3.5 Can you dispose of designated land?

The answer

If you are disposing of designated land and the disposal of this type of land is by means of a lease for two years or less with no fine or premium, you can proceed, complying with the requirements set out in section 3.

If your land is designated land and the above does not apply, there are additional requirements with which you must comply and it is likely you will need a scheme - see section 5.9.

4. Sales, longer leases and other disposals

This section covers disposals by way of:

- a sale, transfer or conveyance of freehold land
- a lease for more than seven years
- a grant or release of a right, easement or restrictive covenant
- a lease for seven years or less where a premium or other fine is paid to the charity
- any other type of disposal of an interest in land that is not a mortgage or charge against land eg a surrender of a long lease

You should complete this type of disposal without an order unless it involves a connected person - see section 5.

4.1 What are the requirements for sales, longer leases and other disposals of an interest in land?

Short answer (legal requirement)

If you are carrying out one of these types of disposals you must:

- obtain and consider a written report from a qualified surveyor
- advertise the disposal following advice from your surveyor
- decide you are satisfied that the proposed terms are the best that can reasonably be obtained in the circumstances of the disposal

In more detail

For disposals involving a sale, longer lease or other disposal of an interest in land not covered by section 3, there are more demanding procedures you must follow. The law requires your surveyor to be qualified (see section 4.3) and you must follow his or her advice on how to market the disposal (or not, if that is the advice). You must receive a written report that complies with the Charities (Qualified Surveyors' Reports) Regulations 1992 - a properly qualified surveyor will know about these regulations and you can find a copy of the regulations in Appendix 10.2.

Generally speaking the surveyor should be engaged to work exclusively for the trustees on a particular disposal. Timing of obtaining your advice is important - see section 4.2.

4.2 When must you comply with these requirements?

Short answer (legal requirement)

To be able to complete the transaction without an order from the commission you must comply with the requirements before entering into an agreement to dispose.

In more detail

If you do enter a contract without complying with these self-certification requirements then, to be able to complete the transaction and make the disposal validly, you must apply to the commission for an order before completion. This will inevitably extend the time needed for the disposal.

4.3 What qualifications must your surveyor have?

Short answer (legal requirement)

This must be a person who:

- is professionally qualified; for example, a Member or Fellow of the Royal Institution of Chartered Surveyors (RICS)
- the trustees reasonably believe to have the ability in, and experience of, valuing land of the particular kind and in the particular area in question

In more detail

The definition of a qualified surveyor relies on professional qualifications together with practical ability and experience. Your surveyor will have letters MRICS or FRICS after his or her name. To satisfy the second requirement the surveyor must:

- have considerable experience of the property market in the town or district where the land is situated
- be familiar with the factors which affect the value of the type of land (eg agricultural, freehold or leasehold residential, light industrial, etc) within the market
- know which methods of marketing and disposal are most likely to succeed in the market of that type of land

4.4 What statements and certificates are needed?

The answer (legal requirement)

Legislation requires you to include certain statements and certificates in the disposal documents. For more information on this see section 6.

4.5 What if you want to sell your land at auction?

Short answer

You can do this if you think it will be in the best interests of the charity. It can be helpful to obtain professional advice.

In more detail

Auctions can be a useful way of getting a quick sale but you should put a reserve on the lot in order to achieve at least the value recommended by your surveyor. However, to be able to complete the disposal by auction without an order you must have complied with the requirements before entering the property for the sale. If you have not done so, you must obtain an order before the sale can be completed.

You should write into the conditions of sale that the transaction will be subject to obtaining an order if it turns out the purchaser is a connected person.

4.6 Can you dispose of designated land?

The answer (legal requirement)

See section 5.9.

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

7 September 2009

this

SCHEME

will govern the charity known as

WALBERSWICK COMMON LANDS (206095)

Commission References:

Sealing:

Case No: C-275545-TZTA

A handwritten signature in blue ink, followed by the date "7/9/2009." written in blue ink.

Case No: C-275545-TZTA
Version: 1.1

In the matter of the Charity called the Walberswick Common Lands, in the Parish of Walberswick, in the County of Suffolk, regulated by a Scheme of the Charity Commission dated 22 May 1925 as varied by Schemes of the Charity Commission dated 18 September 1963, 4 July 1985, 2 December 1986 and by an Order dated 27 March 2003.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER

that the following Scheme be approved and established as the Scheme for the regulation of the above mentioned charity:-

SCHEME

1. Administration of Charity

The above mentioned Charity and all of the Charity shall be administered and managed in accordance with the provisions of this Scheme by the Trustees as set out below.

2. Vesting

The land held by the Charity may be vested in the Official Custodian for Charities or be held in trust for the Charity.

3. Investments and cash

- (1) The Trustees may arrange for any investments belonging to the Charity to be held in the name of a nominee (being a corporate body registered or having an established place of business in England and Wales) acting under the control of the Trustees or under the control of an individual, company or firm authorised to give investment advice under the Financial Services and Markets Act 2000 or any statutory modification or re-enactment ("Financial Expert") acting under the Trustees' instructions and to pay any reasonable fee required;
- (2) The Trustees may open and operate bank accounts and other facilities for banking and to draw, accept, endorse, issue or execute promissory notes, bills of exchange, cheques and other instruments.

4. Trustees

The body of Trustees shall consist when complete of seven competent persons being:

One Ex-officio Trustee;

Four Nominative Trustees; and

Two Co-optative Trustees

The Trustees of the Charity on the date this Scheme is sealed are listed in Schedule 1 together with the date on which their term in office expires.

5. Ex-officio Trustee

The Ex-officio Trustee shall be the Vicar for the time being of the Sole Bay Team Ministry who has pastoral responsibility for the Parish of Walberswick. In the event of the Vicar being unable or unwilling to take up the position of trustee it shall be filled with an additional Co-optative Trustee, providing that such Co-optative Trustee shall retire if the Vicar wished to take up the position of Trustee.

6. Nominative Trustees

Future Nominative Trustees shall be appointed by the Walberswick Parish Council. 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 cause the name of each person appointed to be notified forthwith to the Trustees or their clerk. The person appointed may be but need not be a member of the council. The parish Council shall endeavour to find Nominative Trustees that fit into the skills matrix adopted by the Trustees from time to time following consultation with the Parish Council.

7. Co-optative Trustees

The future Co-optative Trustees shall be persons who through residence, occupation or employment, or otherwise have special knowledge of Walberswick.

Every future Co-optative Trustee shall be appointed for a term of four years by a resolution of the Trustees passed at a special meeting of which not less than 21 days' notice has been given and may be so appointed not more than one month before the term of an existing Co-optative Trustee expires with effect from the date of expiry but so that the latter shall not vote on the matter. In appointing Co-optative Trustees, the Trustees shall endeavour to find Trustees that fit the skills matrix adopted by the Trustees in consultation with the Parish Council.

8. 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.

9. Determination of trusteeship

A Trustee shall cease to hold office if he or she:

- (1) is disqualified under the Act from acting as a Trustee;
- (2) becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;

- (3) resigns by written notice to the Trustees (but only if at least two Trustees will remain in office when the notice of resignation is to take effect); or
 - (4) fails to attend three consecutive meetings of the Trustees and the Trustees resolve that he or she be removed for this reason; or
 - (5) is removed by a resolution passed at a meeting of the Trustees at which at least four other Trustees are present. Such a resolution shall not be passed unless the Trustee has been given at least 21 days' notice in writing that the resolution is to be proposed, specifying the circumstances alleged to justify removal from office, and has been afforded a reasonable opportunity of being heard by or of making written representations of the Trustees.
- 10.** If a Trustee ceases to hold office pursuant to clause 9 the Trustees may by resolution passed at a Trustees' meeting discharge such person from the trusts of the Charity..
- 11.** A Trustee ceasing to hold office is entitled on written request to an indemnity from the continuing Trustees at the expense of the Charity in respect of any liabilities properly incurred during his or her trusteeship.
- 12. Vacancies**
- If a nominative or Co-optative Trustee ceases to hold office before the end of his or her term a replacement trustee may be appointed by the Parish Council (in the case of a Nominative Trustee) and by the Trustees (in the case of a Co-optative Trustee), provided that the replacement will only hold office until the end of their predecessors' original term. Any competent trustee may be re-appointed.
- A technical defect in the appointment of a Trustee of which the Trustees are unaware at the time does not invalidate decisions made by the Trustees.

MEETINGS AND PROCEEDINGS OF TRUSTEES

13. Meetings

The Trustees shall hold at least three meetings in each year.

14. Meetings shall be called as follows:

- (1) Meetings may be arranged by the Trustees at their meetings.
- (2) The chair of the Trustees or any two Trustees may call a meeting at any time upon not less than 10 days' notice being given to the other Trustees save that a meeting to appoint a Co-optative Trustee or removal of a Trustee.

Meetings of the Trustees shall be held either in person or by telephone, televisual or other electronic or virtual means agreed by the Trustees in which all participants may communicate simultaneously with all other participants. Minutes must be kept of all meetings regardless of how they are held.

15. Chairman

The Trustees shall annually appoint one of their number to be the chair of Trustees at the first Trustees meeting in each calendar year and may at any time remove him or her from that office. The chair, if any, of the Trustees or in his or her absence another Trustee nominated by the Trustees present shall preside as chair of each meeting.

16. Quorum

There shall be a quorum when four Trustees are present at a meeting.

17. 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 or she has not voted previously on the same question but no Trustee in any other circumstances shall give more than one vote.

18. Procedural Defects

A procedural defect of which the Trustees are unaware at time does not invalidate decisions taken at a meeting of the Trustees.

19. Written Resolutions

A written resolution signed by all the Trustees shall be as valid and effectual as if it had been passed at a meeting of the Trustees duly convened and held. A written resolution may be contained in more than one document and will be treated as passed on the date of the last signature.

20. Minutes

The Trustees shall keep minutes, in books kept for the purpose, of the proceedings at their meetings.

21. Records and Accounts

The Trustees shall comply with their statutory obligations with regard to keeping financial records, the audit or examination of accounts and the preparation and transmission to the Charity Commission of:

- (1) annual reports;
- (2) annual returns;
- (3) annual statements of account.

22. 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 management of the Charity and for the conduct of their business including the summoning of meetings, the appointment of a clerk, the deposit of money at a proper bank and the custody of documents.

23. Power to Delegate

The Trustees may delegate any of their powers or functions to committees consisting of two or more persons appointed by them but at least one member of every committee must be a Trustee and all proceedings of committees must be reported promptly to the Trustees. The Trustees also may delegate day to day management of the affairs of the Charity to any person.

24. The Trustees may delegate the management of investments to a Financial Expert provided that:

- (1) the investment policy is set down in writing for the Financial Expert by the Trustees;
- (2) every transaction is reported promptly to the Trustees;
- (3) the performance of the investments is reviewed regularly by the Trustees;
- (4) the Trustees are entitled to cancel the delegation arrangement at any time;
- (5) the investment policy and the delegation arrangements are reviewed at least once a year;
- (6) all payments due to the Financial Expert are on a scale or at a level which is agreed in advance and are notified promptly to the Trustees on receipt; and
- (7) the Financial Expert may not do anything outside the powers of the Trustees.

PROPERTY

25. Use of property

- (1) Rights of pasturage (if any) over the property of the Charity or any part thereof, which existed prior to 4 February 1901, shall not be prejudicially affected by this Scheme, and nothing shall be done or permitted by the Trustees by which any part of the land known as Walberswick Common and described in Schedule 2 shall be or become enclosed, or cease to be an open space accessible to the inhabitants of Walberswick to the same extent as it was prior to 4 February 1901.
- (2) For the avoidance of doubt the Trustees may:
 - (i) use the Charity's land to provide facilities for the benefit of local inhabitants such as sports or recreational facilities and
 - (ii) may temporarily enclose parts of the Charity's land to maintain or conserve the environment in accordance with a reasonable land management plan provided that no more than 25% of Walberswick Common is subject to such temporary enclosure and the period of enclosure does not exceed 12 months.

26. Disposal of Property

Subject to the consents required by law (including those set out in S38 of the Charities Act 1993 as amended or updated from time to time) and the provisions of clause 26, the Trustees may dispose of or deal with all or any part of the Property of the Charity with or without payment and subject to such conditions as the Trustees think fit, provided that no lease may be granted for term of more than 22 years.

APPLICATION OF INCOME

27. Expenses of management

The Trustees shall first use the income of the Charity to meet the expenses described below and in the order of priority in which they are listed:

- (1) pay the proper costs, charges and expenses of and incidental to the administration and management of the Charity;
- (2) take out appropriate insurance policies to insure the property of the Charity and take out other insurance policies as are considered necessary by the Trustees to protect the Charity;
- (3) carry out routine maintenance and repair to the property of the Charity;
- (4) pay for extraordinary repairs and improvements to the Charity's property; and
- (5) build up a reserve fund to meet the future needs of the Charity.

28. Application of income

Subject to the payments set out paragraph 27 the Trustees shall apply the income of the Charity for relief of need and for the benefit of the inhabitants of Walberswick in accordance with the provisions set out below.

29. Relief of need

- (1) The Trustees shall apply such part of the residual income of the Charity as they think fit in each year in relieving either generally or individually persons resident in Walberswick who are in conditions of need, hardship or distress by making grants of money or providing or paying for items, services or facilities calculated to reduce the need, hardship or distress of such persons.
- (2) The Trustees may pay for such items, services or facilities by way of donations or subscriptions to institutions or organisations which provide or which undertake in return to provide such items, services or facilities for such persons.
- (3) In exceptional cases the Trustees may grant relief to persons otherwise eligible therefore who are resident outside Walberswick but in the opinion of the Trustees ought nevertheless for sufficient reason to be treated as if resident therein or who are located for the time being within Walberswick.

30. Benefit of inhabitants

The Trustees shall apply the residue of the income of the Charity in any year for such charitable purposes for the general benefit of the inhabitants of Walberswick as the trustees think fit.

31. Charity not to relieve public funds

The Trustees shall not apply the income of the Charity directly in relief of rates, taxes or other public goods but may apply income in supplementing relief or assistance provided out of public funds.

GENERAL PROVISIONS

32. Benefits to Trustees

The property and income of the Charity shall be applied solely towards the promotion of the objects set out above and (except as provided below) no Trustee may receive any remuneration or other benefit in money or money's worth from the Charity. This shall not prevent any payment in good faith by the Charity of:

- (1) any payments made to any Trustee or Connected Person in their capacity as a beneficiary of the Charity;
- (2) interest on money lent by any Trustee or Connected Person at a reasonable and proper rate;
- (3) any reasonable and proper rent for premises let by any Trustee or Connected Person;
- (4) fees, remuneration or other benefits in money or money's worth to a company of which a Trustee or Connected Person holds less than 1% of the capital;
- (5) reasonable and proper out-of-pocket expenses of Trustees;
- (6) reasonable and proper premiums in respect of trustee indemnity insurance effected in accordance with the provision of the Charities Act 2006;
- (7) reasonable and proper remuneration to any person (not being a Trustee) for any goods or services supplied to the Charity (including services performed under a contract of employment) provided that:
 - i) if such person is a Connected Person the procedure described in Clause 33 must be followed by the relevant Trustee in relation to any decisions regarding such Connected Person; and
 - ii) this provision together with clause 32(7) may not apply to more than half of the Trustees in any financial year (and for these purposes such provisions shall be treated as applying to a Trustee if they apply to a person who is a Connected Person in relation to that Trustee);
- (8) reasonable and proper remuneration to any Trustee for any goods or services supplied to the Charity on the instructions of the Trustees (excluding the

service of acting as Trustee and services performed under a contract of employment with the Charity) provided that:

- i) the procedure described in clause 33 must be followed in considering the appointment of the Trustee and in relation to any other decisions regarding the remuneration authorised by this provision; and
- ii) this provision together with clause 32(7) may not apply to more than half of the Trustees in any financial year (and for these purposes such provisions shall be treated as applying to a Trustee if they apply to a person who is a Connected Person in relation to that Trustee).

For the purposes of clause 32 and 33 a Connected Person is any spouse, parent, child, brother, sister, grandparent or grand of Trustee; or (b) any other person in a relationship with a Trustee which may reasonably be regarded as equivalent to such a relationship; or (c) any company or firm of which a Trustee is a paid director, partner or employee, or shareholder holding more than 1% of the capital.

- 33.** Whenever a Trustee has a personal interest themselves or via a Connected Person in a matter to be discussed at a meeting, and whenever a Trustee has an interest in another organisation whose interests are reasonably likely to conflict with those of the Charity in relation to a matter to be discussed at a meeting, he or she must;

- (1) declare an interest before discussion on the matter begins;
- (2) withdraw from that part of the meeting unless expressly invited to remain;
- (3) in the case of personal interests not to be counted in the quorum for that part of the meeting; and
- (4) in the case of personal interests withdraw during the vote and have no vote on the matter.

34. Trustees' indemnity

- (1) Without prejudice to any indemnity to which a Trustee may otherwise be entitled, every Trustee shall be indemnified out of the funds of the Charity in respect of all claims made against them in respect of any liability arising from or in respect of the Charity, provided that the right of a Trustee to an indemnity under this clause shall not extend to any claim arising from wilful fraud or wrongdoing or wrongful omission on his or her part.
- (2) No Trustee shall be liable for any loss to the Charity except in relation to loss caused by his or her wilful and individual fraud, wrongdoing or wrongful omission.

35. Questions under the 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 by the Charity Commission upon such application made to them for the purpose as they think sufficient.

SCHEDULE 1

First Nominative Trustees

Name	Term of office
(1) Mr David Charles Brian Webb	To retire January 2011
(2) Mr Nigel John Hunt	To retire May 2011
(3) Mr James Nicholas Barnard Darkins	To retire December 2010
(4) Mr Keith Graham Webb	To retire October 2009

First Co-optative Trustees

Name	Term of office
(1) Mrs Catherine Mary Goodchild	To retire December 2010
(2) Miss Barbara Ann Priestman	To retire June 2012

SCHEDULE 2

Land containing 82.23 acres or thereabouts known as Walberswick Common being the land numbered 0006 (part) and 8700 on the 1976 map and the land numbered 76, 77 and 122 on the 1904 map together with the land with Church Lane thereon being the land numbered 3874 (part) on the 1976 map and the land numbered 121 on the 1904 map the land with Palmers Lane being further part of the land numbered 0006 and 3874 on the 1976 map and the land numbered 118 on the 1904 map and land with the pathway thereon numbered 4793 (part) on the 1976 map.