

Arthur Nicholson Recreation Trust – ‘The Trust’

Trustee – Terms of Reference

The trustees of the Arthur Nicholson Recreation Trust are responsible under the Trust’s governing document for controlling the management and administration of the Trust premises (‘the Ground’) on behalf of the beneficiaries of the Trust who are the inhabitants of the Parish of Bidborough.

Decisions about the administration and operation of the Trust must be taken solely with a view to furthering its charitable purposes and for no other purpose.

The specific duties on the trustees are:

- Compliance with the Trust’s objects, its governing document and compliance with all relevant legislation and regulation as amended from time to time.
- A duty of care, to ensure that the Trust is well run and that professional advice is sought in order to manage risk.
- A duty of prudence in respect of managing the Trust’s assets.
- To act as guardians of the Trust’s assets so that it is preserved for the enjoyment of current and future beneficiaries.
- To ensure that the constitution and rules that govern the Trust remain fit for purpose and are regularly reviewed.
- To ensure that any risks to the Trust are identified and reviewed and that systems are in place to mitigate or minimise these risks.
- To act reasonably and prudently in all matters relating to the Trust and always in the interests of the Trust.
- To regularly review the condition and use of the land owned by the Trust.
- To ensure the Trust complies with health and safety standards in relation to any users of the Ground.
- To ensure the Trust premises are preserved for the sole provision of recreation, sport and other outdoor entertainments.
- To ensure that the Ground is protected in law against the selling or leasing of the Trust’s property and assets and from this being used for any purposes other than the provision of recreation facilities for the inhabitants of the Parish of Bidborough.

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- To ensure any development of the Ground supports the diversification of sporting and recreational use of the Ground.
- To ensure that any sporting use does not interfere with the Trust’s broader object of providing a recreation Trust for the residents of Bidborough parish and that sporting use does not prevent reasonable public access to all parts of the Ground.
- To ensure all activity supports the Trust objects.

Trustees

- All Bidborough Parish councillors are deemed to be trustees of the Trust.
- A chair and vice chair will be elected from the current parish councillors at the first annual Trust meeting generally held in May each year.
- With their consent, the parish council clerk will fulfil the roles of secretary and treasurer. Any future reference to the clerk in the context to the Trust will mean in their capacity as Trust treasurer or secretary.

Meetings and voting

- Meetings will be held as many times as good governance requires but half yearly as a minimum.
- The meetings will be open to the public.
- The conduct of the meeting (declaration of interests, debate, voting etc) will be operated in accordance with the Council’s Standing Orders – including the right to convene closed meetings.
- The clerk shall attend all meetings and shall be responsible for producing accurate minutes of the meetings.
- Trustees have a responsibility to attend meetings of the trust. When this is not possible, they should submit an apology to the chairman or clerk in advance of the meeting. Trustees are expected to attend for the duration of each meeting.
- A meeting is quorate if 1/3rds + 1 of trustees attend. For the avoidance of doubt, for a 7-person council, a quorate meeting will be 4 trustees.
- If a trustee wants to submit an item for inclusion on the agenda, they should forward their request to the clerk at least 7 days prior to the meeting. Late items of an urgent nature can be added to the list of any other business, at the discretion of the chairman in discussion with the clerk.

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- Decisions relating to amending the trust deed must be by a 2/3rds majority – for avoidance of doubt, for a 7-person council this will be 5 people.
- For other votes, decisions will be decided on a majority vote by a show of hands only. In the event of a tie, the chairman has the casting vote. The clerk is requested to formally record each individual trustee and their vote.

Rights and powers

- The Trust will set an annual budget for the approval of the parish council.
- The trustees may delegate certain responsibilities to facilitate their work however any delegation does not release them of their trustee duties.

Financial arrangements

- All financial arrangements of the Trust though separate from the council will operate in accordance with the provisions of Bidborough Parish Council’s Standing Orders and Financial Regulations.
- Each year the Trust will make a grant application to the council detailing what the funding is for and such application will be around council precept setting time. Any further funding required during that year will need to be made to the council.

Conduct

Trustees must conduct themselves in accordance with the Code of Conduct at all times.