

The Council are the freeholders of the land known as Herongate Village Hall (plan attached). There is a restriction over this land that the Council cannot dispose of the land without the consent of the Charity Commissioners or an order of the registrar.

The land is also restricted by a covenant, contained in a conveyance dated 21 December 1978, made between (1) The Chelmsford Diocesan Board of Finance Ltd, (2) The Parochial Church Council and (3) Cedric Championstevens and other (the Trustees), which states:

“The Trustees covenant with The Chelmsford Diocesan Board of Finance that the Trustees and their successors in title will not redevelop the said land as from the time when the existing building shall be demolished but will add the land hereby conveyed to the land surrounding it which is at present Common land as ground for recreation, amusement, convenience and exercise of the inhabitant.”

The conveyance dated 21 December 1978 lists the then six trustees, the trust being known as the Herongate Village Hall Fund/Trust. The land and building were transferred to the Trust subject to powers and provisions set out in this deed, most of which are summarised as follows:

1. The property transferred to the Trustees shall be held on trust for the purposes of a village hall for use of the inhabitants of Herongate & Ingrave ward without distinction of political, religious or other opinions, including use for meetings, lectures & classes and for other forms of recreation and leisure time, with the object of improving the conditions of life for the said inhabitants;
2. The Trust shall be administered in conformity to this deed by the Committee of Management (the deed lists the original committee members) who shall be the Charity Trustees within the meaning of s46 of the Charities Act 1960;
3. The Trustees shall vest in Brentwood Council, as Custodian Trustee, all land and property belonging to the charity;
4. The Management Committee shall consist of 4 elected members and nine representative members and may include not more than two co-opted members;
5. the elected members shall be elected at the AGM;
6. 1 representative member shall be appointed from Thorndon Women’s Institute; Herongate & Ingrave Village Preservation Society; The Church of England; the Methodist Church; Tuesday playgroup; the Girl Guides; East Horndon Manor; Brentwood Council & Ingrave Tigers Football Club. The names of representative members shall be notified by the organisations to the secretary of the Committee;
7. Co-opted members shall be appointed at a duly constituted meeting of the Committee
8. All members of the Committee shall retire from office at the end of the AGM but may be re-elected/re-appointed;
9. In event of any application for representation on the committee being received from an existing or newly formed organisation operating in the area, the Committee, upon resolution supported at a duly constituted meeting of the Committee by the votes of the majority of not less than 2/3rds of all members, allow organisation to appoint a representative member;

10. occurrence of a casual vacancy, Committee shall note this in their minute book at next meeting
11. The constitution of the Committee may on application of the Committee be altered by order of the Charity Commissioners or Secretary of State for Education and Science;
12. Except in special circumstances with approval of Charity Commissioners or Sec of State, no member of the Committee shall take or hold any interest belonging to the Charity otherwise than as trustee or receive any remuneration or be interested in the supply of work or goods at the cost of the Charity.
13. The Committee shall hold 2 ordinary meetings each year. A special meeting may be summoned at any time by the Chairman or any two members upon 7 clear days' notice being given to all other members of the matters to be discussed.
14. The Committee, after AGM, shall appoint one of their members as Chair and may appoint a Vice Chair
15. AGM to be held in March each year or as soon as practicable
16. All inhabitants of the area of 18 years or older attend and vote at the AGM
17. AGMs shall be convened by Committee Public Notice 14 days before the date of the AGM by affixing a notice to the property or in the area
18. The Committee shall present a report and accounts of the Charity at each AGM for the preceding year
19. The Committee shall cause all the buildings and other property at all times to be kept in repair and sufficiently insured against fire, theft, public liability and other insurable risks
20. After satisfying the repairs and insurance obligations, the Committee apply net income for the purposes of the charity and any surplus cash shall be invested;
21. Committee provide and keep a minute book and books of accounts. Statement of accounts shall be prepared in accordance with s32 of the Charities Act 1960 and copies thereof shall be sent to Brentwood Council;
22. Committee, with consent of Charity Commissioners or SoS, mortgage or otherwise obtain advances on the security of the trust property for maintaining, extending or improving the same or erecting any building thereon or works therein;
23. If the Committee decides on ground of expense or otherwise it is necessary or advisable to discontinue the use of the trust property in whole or part, call a meeting of inhabitants 18 plus in the area – minimum 14 days notice (stating the terms of the resolution) posted property and advertised in newspaper circulating in the area and such decision confirmed by  $\frac{3}{4}$  of inhabitants present and voting at such a meeting, the Committee may LET, ALTER OR DEMOLISH the trust property or any part, subject to further provisions i.e. let money raised purchase other property approved Committee and held upon trust for the same purposes...; if decision demolition the building, grass over the site for use by inhabitants of the area.

The Trustees covenant with the Chelmsford Diocesan Board of Finance Ltd that the trustees and their successors will not redevelop the land as from the time when the existing building shall be demolished but add the land to surrounding land, present was common land, as ground for recreation, amusement, convenience and exercise of the inhabitants.

Deed dated 3 April 1979 between the then Trustees and the Council. This deed is supplemental to the Trust deed and appoints then Council as Custodian Trustee and transfers the land to the Council who act as custodian trustee of the Trust Deed, pursuant to the provisions of the Public Trustee Act 1906.