

THE JOHN UPTON CHARITY

Charity no. **219182**

OPERATING RULES AND FINANCIAL REGULATIONS

“Updated 2021”

REVIEWED AND APPROVED: *DRAFT 1.1*

Signed:

Date:

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Signed:

Date:

Penny Shepherd. Deputy Chair of The Trustee

THE JOHN UPTON CHARITY: OPERATING RULES AND FINANCIAL REGULATIONS

These rules and regulations are made in the furtherance of the object of The Charity and are consistent with The Charity Commission scheme for The Charity.

CHARITY OVERVIEW

1. The Constitution of 'The John Upton Charity' (The Charity) is as defined by The Charity Commission Scheme dated 12 July 2005 and referenced as Charity no. **219182**
2. The Trustee of The Charity is Gawsworth Parish Council. It follows that members of the Parish Council currently holding office are members of The Trustee body (Members). Notwithstanding that any member of the Parish Council may be unwilling or unable to be a Member of the Trustee body for The Charity and this may be accepted by the Parish Council. The Trustee receives no remuneration for their work.
3. The Chair and Vice-Chair of The Charity shall, by default, be the same persons as are the current Chair and Vice-Chair respectively of the Parish Council.
4. UK law, regulations, Charity Commission Guidance and Codes of Good Practice relevant to charities shall apply to "The Charity".
5. The Object of "The Charity", as notified to The Charity Commission, is "To promote such charitable purposes for the general benefit of the inhabitants of the Area of Benefit." The "Area of Benefit" is defined as the "Parish of Gawsworth". This shall be taken to mean the civil parish of Gawsworth as currently defined by applicable local government legislation.
6. The Trustee is obliged to identify areas where The Charity can best achieve its object and to review the use of funds to ensure money is spent most effectively in carrying out the purposes of The Charity.
7. The Trustee shall ensure that the existence and object of The Charity is suitably advertised within Gawsworth.
8. The Trustee shall appoint a suitably qualified Clerk (The Clerk) to carry out the administrative and financial work of The Charity under their direction. This role may be as an employee of The Charity or of The Trustee or as an independent contractor or it may be held by a volunteer. The position may be held by the clerk to the Parish Council or by a different person.
9. The Trustee shall ensure that the records of The Charity are secure and appropriately accessible. Facilities shall be made for adequate back up of all key information including meeting agendas and minutes, financial records.
10. An annual report on the work of The Charity including summary financial records, details of grants awarded and information submitted to The Charity Commission shall be produced by the Chair.
11. The annual reports and these Operating Rules and Financial Regulations should be made publicly available e.g. on a suitable website.
12. The Trustee shall review these Operating Rules and Financial Regulations from time to time and should formally record their continued suitability, as amended if necessary, every 5 years. These rules and regulations may only be amended or varied by resolution of The Trustee.

MEETINGS OF THE CHARITY

13. There shall be an annual meeting of The Charity in April each year, or as soon after as possible and at least one more meeting. At each meeting the agenda will include
 - Apologies for absence
 - Minutes of the previous meeting

- Any declarations of interest
 - Finance update to include position of all accounts, receipts and payments
 - Details of grant requests for consideration and decision by The Trustee.
 - Such other business as requested by Members or the Clerk
 - In addition, the Annual Meeting shall receive the annual report and receive a statement of the accounts for the year ended the previous 31st March.
14. The Clerk shall give all members at least 7 days' notice of a meeting.
 15. The Chair shall preside at each meeting. If the Chair is absent the Vice-Chair shall preside. If both are absent the meeting shall appoint a Chair before it proceeds to any other business.
 16. The meeting shall only proceed if there is a quorum, which is three Members.
 17. Meetings shall be held in private except where the Trustee decides in advance that the public should be invited to observe the proceedings or invited to comment on a particular item. The Trustee may decide in advance to invite expert(s) to attend to advise on specific matters.
 18. The Clerk shall record the proceedings of the meetings. If the Clerk is absent the person presiding at the meeting may record the proceedings or may appoint another person to do so.
 19. The Clerk shall circulate the draft minutes of the previous meeting in advance of the following meeting. They shall be considered and if correct signed by the person presiding at the meeting. .
 20. Refer to the 'Conflict of Interest Policy' for further details of how to manage actual and potential conflicts of interest.

FINANCIAL REGULATIONS OF THE CHARITY

21. The rules governing the financial transactions of the Trust shall be similar to those adopted by Gawsorth Parish Council and detailed in its Financial Regulations read together with these rules specific to The Charity. UK financial laws, regulations and good accounting practice also apply.

GENERAL

22. The monetary and other assets of The Charity are held as a charitable asset.
23. The monetary assets of The Charity shall be allocated between three 'Funds':
 - The Permanent Endowment Fund (see below)
 - The Reserves Fund (see below)
 - The Grants Fund. (see 'Rules Covering the Payment of Grants' below)

The monies allocated to these funds will be deposited in various building society and bank accounts according to the financial regulations of The Charity.

24. The financial year of the Trust shall run from 1 April to 31 March each year.
25. Proper accounts must be produced annually by the clerk and approved by The Trustee. The Financial situation of The Charity will be reviewed by The Trustee at each meeting of The Charity.

Permanent Endowment Fund

26. The Permanent Endowment must be held to further The Charity's purposes principally by producing an income for The Charity to spend through providing grants.
27. The income received must in the first instance be used to meet the proper costs of administering The Charity and managing its assets (including maintenance, necessary insurance, clerk's salary and expenses etc.) After payment of these, income may be used in furthering the object of The Charity by one or more of the following a) increase the permanent endowment, b) increase the Reserves Fund c) increase the Grants Fund.
28. The Trustee shall, at least once a year, consider the size of the Permanent Endowment, the Reserves Fund and the Grants Fund. The Permanent Endowment may be increased if The Trustee considers this to be in the best interests of The Charity considering interest rates, inflation etc. If The Trustee considers it necessary to spend part or all of the Permanent Endowment in order to better meet the objective of The Charity, permission must be sought from The Charity Commission. Normally any amount so spent will be replaced from future income.

RESERVES FUND

29. Consistent with The Charity Commission definition of 'Reserves', The Reserves Fund is income available to The Charity and which is to be spent at some time and at The Trustee's discretion in furtherance The Charity's objects but which is not yet spent, committed or designated.
30. The Charity's Reserve Fund may therefore be placed in interest bearing accounts with notice periods for withdrawals which are consistent with the anticipated time scales for when the money will be required.
31. The Trustee of The Charity shall maintain adequate reserves to cover the cost of administering The Charity including any professional services, maintenance of assets or other expenditure which may be required.
32. The level of reserves shall be agreed each year as part of the budget process taking into account anticipated expenditure and income. As guidance, Reserves should not normally fall below £5000.00

BUDGETS

33. The annual budget shall form the basis of financial control for the ensuing year.
34. Estimates in respect of revenue, capital costs, receipts and payments for the following financial year shall be prepared by The Clerk, on the advice of The Trustee no later than the end of February each year.
35. The Charity may incur revenue expenditure on any items included in the budget without further approval. Where it appears that the amount of any approved expenditure may be exceeded or the amount of any approved income may not be reached The Trustee shall be informed by the Clerk.
36. Any unspent income in any one year shall be allocated to the "Reserves Fund" and "The Grant Fund" as decided by The Trustee.
37. The Clerk shall regularly, including at every meeting of The Charity, provide The Trustee with a statement of receipts and payments to date under each head of the budget, comparing actual expenditure against that planned.
38. The Clerk may, having informed the Chair, incur expenditure on behalf of The Trustee which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of 5% of the budget. The Clerk shall report the action to The Trustee as soon as practicable thereafter.
39. No capital which forms part of the Permanent Endowment may be spent on any project without resolution by The Trustee and prior approval of The Charity Commission.
40. All capital works shall be administered in accordance applicable law and with the part of these Financial Regulations which relates to contracts.

ACCOUNTING AND AUDIT

41. All accounting procedures and financial records of the Charity shall be overseen by The Trustee and determined by the Clerk in accordance with Charity Commission Guidance^{1 2} on reporting and accounting.
42. The Clerk shall be responsible for completing the annual financial statements, including the accounts of The Charity as soon as practicable after the end of the financial year and shall submit them to The Trustee.
43. The Clerk shall be responsible for assembling and submitting The Charity Commission Annual Return for approval by The Trustee and authorisation for subsequent submission to The Charity Commission as soon as possible after the year end.

¹ [Receipts and payments accounts pack – CC16](#). Charity Commission March 2012

² [Charity reporting and accounting: the essentials](#). Charity Commission 1 January 2013

2021 REVIEW/DRAFT 1.1 PW

44. The accounts of The Charity shall be subject to outside scrutiny by an independent examiner who shall be appointed by The Trustee
 - The Independent Examiner shall carry out the work required by the Clerk, or by The Trustee with a view to satisfactory completion of the Examiner's Report to The Trustee and The Charity Commission. The Independent Examiner, who shall be competent and independent of the operations of The Charity, shall report to The Trustee in writing on a regular basis with a minimum of one annual report in respect of each financial year.
 - The Clerk shall be responsible for ensuring that there is an adequate and effective system of internal control of The Charity's accounting, financial and other operations. Any officer or member of The Trustee body shall, if the Clerk or Independent Examiner requires, make available such documents of The Charity which appear to the Clerk or Independent Examiner to be necessary for the purpose of the examination and shall supply the Clerk or Examiner with such information and explanation as either of these two persons considers necessary for that purpose.
 - The Clerk shall, as soon as practicable, bring to the attention of The Trustee any correspondence or report from the Independent Examiner or External Auditor, unless the correspondence is of a purely administrative matter.
45. The Trustee shall approve the banking arrangements of The Charity and review them from time to time.
46. Electronic banking may be employed providing The Trustee is convinced that an adequate level of security is provided.
47. Any transfers of funds between accounts shall be reported to The Trustee at the next available meeting and shall be recorded in the Minutes. The necessary withdrawal slip shall be signed by two authorised signatories.

INCOME AND EXPENDITURE

48. It is the responsibility of the Clerk to identify and keep a record of all sums due to The Trustee in connection with interest paid, work done, goods supplied, services rendered or any other income due.
49. The Charity receives income mainly from interest on money deposited in savings accounts. It may also receive income from rent due on its property, reimbursement of expenses etc.
50. The Trustee may, at its discretion, accept donations from organisations and individuals in support of The Charity's object.
51. The Trustee will review all fees and charges annually, following a report produced by the Clerk.
52. The collection of all sums due to The Charity shall be the responsibility of and/or under the supervision of the Clerk
 - Invoices and other demands for income shall be issued promptly.
 - In the event that The Trustee, or a member of The Trustee body, receives money on behalf of The Charity it shall be banked in The Charity's account in total and promptly.
 - Money belonging to The Charity must not be held in accounts belonging to "The Trustee", Members of The Trustee body, the Clerk or any other bank account not held by The Charity.
 - The origin of each receipt shall be entered on the paying-in slip.
53. Personal cheques shall not be cashed out of money held on behalf of The Charity.
54. Any sums found to be irrecoverable and any bad debts shall be reported to The Trustee and shall be written off in the financial year in which they occur where known.
55. All amounts received by the Clerk or Member/representative shall immediately be acknowledged by an official receipt, ticket or similar voucher.
56. Details of all income received shall be reported to the next meeting of The Charity.

57. The Clerk shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

INSURANCES

58. The Clerk shall be responsible for ensuring that adequate insurance is maintained in respect of The Charity's business and assets. Insurance levels should be reviewed at least annually.
59. Adequate fidelity guarantee insurance shall be maintained for all appropriate officers of The Charity.
60. Adequate public and employer's liability insurance shall be maintained.
61. Additional insurance may be required for certain projects and circumstances as decided by The Trustee.
62. The trustee shall identify any additional insurances that are prudent to cover risks identified through Risk Management processes

INVENTORY

63. The Clerk shall maintain an inventory/register of all immovable assets including land, buildings, freeholds, leasing agreements etc whether or not they form part of the permanent endowment for The Charity.
64. The Clerk shall maintain an inventory/register of all movable furniture, fittings and equipment (interior and exterior), office machinery, computer hardware, software and similar property belonging to The Charity.
65. All items on the inventory shall be assigned as property of The Charity. No inventory item shall be disposed of without prior approval of The Trustee and, where necessary, The Charity Commission.

INVESTMENTS, PROPERTY AND BORROWING

66. All investment arrangements shall be approved by The Trustee.
67. All investments under The Charity's control shall be made in the name of the Charity.
68. All investment certificates and other related documents shall be retained in the custody of the Clerk.
69. Investments shall only be made with recognised financial organisations and up to a maximum of the amount covered by the Financial Services Compensation Scheme in England. Consideration should be given by The Trustee for small savings to be amalgamated up to the compensation level in order to reduce the number of individual savings accounts held.
70. The period of each investment shall range from three months to 3 years or as shall be determined from time to time by The Trustee.
71. The Chair and Vice-Chair in conjunction with the Clerk shall have authority between meetings to arrange for renewal of investments within these guidelines always ensuring as far as possible that high rates are obtained. Any such action shall be reported in retrospect to the next meeting of the Trust.
72. The Clerk shall make appropriate arrangements for the custody of all legal documents, title deeds of properties etc. owned by the Council. All original documents shall be held by the bank designated by The Trustee with copies of all such documents held by the Clerk, or an independent solicitor as determined by The Trustee.
73. The Clerk shall ensure proper records are maintained of all land, buildings etc ('Properties') owned by The Charity recording the location, extent, plan, purchase details, nature of the interest, tenancies granted and copies of tenancy agreements, rents payable and the purpose for which the property is held.
74. The Clerk shall maintain contact as appropriate with lessees, tenants etc in order to ensure the interests of The Charity are served. This shall include the avoidance of loss of all or part of The Charity's property or freehold through lack of regular reaffirmation of The Charity's rights.

75. No property shall be sold, leased or otherwise disposed of without the authority of The Charity Commission, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £1000.00.
76. The Charity will not borrow any money except under exceptional circumstances where The Trustee decides it is in the best interests of The Charity to do so. Any borrowings shall be in the name of The Charity, shall be approved by The Trustee as to terms and purpose and shall be documented in the minutes of a meeting.

ORDERS FOR WORK, GOODS AND SERVICES

77. Before placing an order it is the Clerk's responsibility to ensure that:-
 - sufficient and appropriate budgetary provision is available.
 - Quotations or tenders have been invited where appropriate.
 - At least three quotations shall normally be obtained where the estimated cost of work or supply of goods or materials exceeds £500.00 in any one year.
78. Where the work recurs over several years, such as routine grounds maintenance, the requirement for three quotations may, at the discretion of The Trustee, be deferred for up to 3 annual renewals.
79. Where the work or materials are of a specialised nature and quotations are not appropriate or prices need to be negotiated, then prior approval of The Trustee shall be obtained.
80. Where the lowest quotation is not accepted, details of the reasons must be recorded in the meeting minutes.
81. An official order shall be issued for all work or supply of goods or materials except for:
 - Supplies of public/private utility services or contracts covering a specific period which form part of a predetermined contract e.g. grass cutting.
 - Any other exceptions as The Trustee may from time to time approve.
82. All such orders shall be signed by the Clerk or in her/his absence, the Chair or Vice-Chair of The Trustee body.

RULES GOVERNING THE PAYMENT OF GRANTS

83. The Trustee shall make grants at its discretion and shall ensure that all grants are consistent with The Charity Commission Scheme for The Charity.
84. The Trustee should strive for fairness and objectivity in their decisions on grant requests. The size and scope of the positive impact on the Gawsworth Community, history of previous grants and resource availability in the light of other current and anticipated applications are likely to be aspects to be considered.
85. All grants must demonstrably support the object of The Charity which is to promote such charitable purposes for the "General Benefit of the Inhabitants of Gawsworth." This object will be taken to be met if the primary beneficiaries are those who live, attend school, work or attend supported events in Gawsworth.
86. The "General Benefit of the Inhabitants of Gawsworth" shall include for example the following:
 - Infrastructure projects for public areas in the civil parish of Gawsworth such as parks and amenities.
 - Projects which support the education and wellbeing of young inhabitants of Gawsworth e.g. at "Gawsworth" School, Scouts and Girls Brigade.
 - Events, clubs and societies etc. that enhance the sense of community in Gawsworth.
 - Community owned enterprises that enhance life in "Gawsworth" e.g. the Gawsworth Community Hub and Community Shop.
87. The "General Benefit of the Inhabitants of Gawsworth" shall not include for example the following:

2021 REVIEW/DRAFT 1.1 PW

- Support for any political or religious activities. This does not however exclude support for publicly accessible infrastructure e.g. churchyard gates or security to allow wider public access to a church.
 - Support for any item or project where full funding can and should be provided from other sources including repair costs which the owner should and could pay for themselves.
 - Ongoing or open-ended commitments such as salaries, utility bills etc
 - Support for projects outside Gawsworth where inhabitants of Gawsworth do not constitute the majority of beneficiaries.
 - Transfers to other Charities to support their general work.
 - Support of for-profit businesses, even if their presence in Gawsworth may benefit the community through providing employment or through their services. This will not however preclude a grant for specific projects that that benefit the community and are partly supported by for-profit businesses.
 - Enhancements of payments made under the state benefits system.
88. Applications for grants may be made at any time and will normally be considered at the next meeting of The Charity providing all required documentation is received at least 14 days prior to that meeting.
89. Grant applications may be made by organisations or, exceptionally, by individuals.
90. Grants will normally be paid to organisations who are responsible for the work or activity but not to contractors who are undertaking the project. It may be necessary to obtain appropriate indemnification against possible claims against the charity. Exceptionally, The Charity may identify and undertake a project under its own auspices and liability. Appropriate indemnity insurance must be in place.
91. Grant applications may normally only be made in advance of commitment to expenditure. Retrospective applications will only be accepted in exceptional circumstances and for amounts under £250. The reasons for not making an application in advance must be documented and accepted as reasonable by The Trustee.
92. Applications may be made based on expected expenditure and, where appropriate, expected income (e.g. from entrance fees or donations). The Charity's grant will be reduced if lesser expenditure, or greater income occurs.
93. Applications may be made conditional on the grant being repaid in full or in part after a certain period or when income from the project reaches a certain stage.
94. Grant applications must be supported by:-
- A completed official John Upton Charity grant application form
 - Full details of the equipment/project to include:
 - ◆ Explanation of how it will meet the objective of The Charity.
 - ◆ The total cost of the project or equipment
 - ◆ The amount of grant applied for
 - ◆ The most recent examined accounts if the application is from an organisation and the grant application exceeds £250.00
 - ◆ A copy of documents to support the application as appropriate. To include three quotations if the grant application is for over £250.00.
 - Any other documentation at the discretion of The Trustee.
95. Exceptionally, The Trustee may agree to consider urgent applications for grants less than £250 in between meetings, providing they are supported by appropriate documentation. The Trustee may decide the grant by means of email exchange. The decision must be verified at the next Trustee meeting.
96. Grants will only be paid on receipt of appropriate evidence of expenditure such as Invoices or receipts for work done or expenses incurred.
97. The Charity will not usually contribute more than 50% of the cost of a project, the remainder coming from the applicant's reserves, fund raising, subscriptions, entrance fees etc. Exceptionally, a greater proportion may be covered e.g. to a new organisation which has no reserves.

98. The Clerk will retain a file of the documentation for all applications and will minute the decision on all applications and the reason for that decision.
99. The clerk will also maintain a summary record of all grant applications to include the name and contact details of the recipient, the value of the grant and the reason why The Trustees decided to award or decline the application. This record shall have the purpose of helping The Trustee to maintain consistency and fairness in awarding future grants.

PAYMENT OF ACCOUNTS

100. The usual method of payment of money due from The Charity shall be by cheque signed by any two authorised signatories of The Charity, BACS authorised by two signatories or other instrument drawn on The Charity's bank account. To indicate agreement of the details shown on the cheque or order for payment with the invoice or similar documentation, the signatories shall initial the cheque stub or their approval recorded as part of the online banking system.
101. Cash payments will not be made except in exceptional justified circumstances and only for amounts under £20.
102. Before passing an account for payment the Clerk shall be satisfied that:-
 - The work, goods or services to which the account relates have been received, carried out, examined and approved in accordance with the order;
 - The prices, trade discounts, other allowances and tax are correct;
 - The relevant expenditure has been properly incurred and is within the relevant estimate provision;
 - The account has not previously been passed for payment and is a proper liability of The Charity.
103. Once an account is passed as above, payment of money due will be prompt and in accordance with the payee's terms of trade. A schedule of the payments due and payments made since the last meeting, shall be prepared by the Clerk and form part of the Agenda for each meeting of The Charity, together with the relevant invoices. Details shall be approved by The Trustee and be reported in the Minutes as such.

CLERK'S EMPLOYMENT

104. The Trustee will prepare a Job Description for the role of Clerk to The Charity. This will be reviewed periodically as necessary and at least every 5 years. Appointments will be made by the Chair, having consulted all members of The Trustee body.
105. The Clerk's employment will be covered by a contract drawn up by The Trustee and will be consistent with applicable employment law. The Trustee will decide the details of the contractual arrangement and whether the arrangement offered is as a variable hours employee of The Charity, or as a self-employed contractor.
106. The role, or additional related work, could be undertaken totally or partially on a voluntary non-contractual basis. This arrangement might be particularly useful should there be a gap between permanent clerks.
107. The Clerk's remuneration shall be paid retrospectively and shall be based on the number of hours worked at a rate to be agreed by The Trustee and set out in a contract of employment. Payments will normally be made following approval at each meeting.
108. The remuneration rate shall be reviewed annually and any amendments to the remuneration shall be approved by The Trustee.
109. The Trustee shall ensure that any compensation provided to the clerk is commensurate with the work involved as described in the job description prepared by them. National Guidelines for

compensation of Local Authority clerks according to their responsibilities may be consulted for guidance.

110. All payments shall be supported by a timesheet presented at least every 3 months.
111. Travelling & subsistence allowances shall be paid in accordance with the rates agreed between the clerk and The Trustee.
112. The Clerk shall hand over to the Trustee all property, documents communications etc relating to the Charity promptly at the termination of their tenure.
113. The Trustee shall ensure that all relevant provisions are made to comply with employment and tax law, holiday pay liabilities etc.

RISK MANAGEMENT

114. The Trustee is responsible for the identification of risks to The Charity and implementing appropriate mitigation for those risks. The Trustee must avoid exposing the Charity to unnecessary or excessive risk.
115. The clerk shall draft a Risk Management Analysis for the attention of The Trustees. This will cover all aspects of the operation of The Charity and will be updated annually.
116. The Trustee should take into account any risks may arise when awarding grants
117. Any new activity of The Charity will be added to the Risk Management Analysis at an appropriate time and no later than at the next annual review.

CONFLICT OF INTEREST POLICY

118. The Trustee of The Charity is Gawsworth Parish Council. Members of the Parish Council, and therefore of The Trustee body, carry out the Parish Council's business on behalf of the Council as The Trustee of The Charity.
119. This policy governs the handling of potential Conflicts of Interest between The Charity and the Parish Council as a body, members of the Parish Council or other individuals and organisations.
120. The Trustee must always act in the best interests of The Charity and must make their decisions solely in the interests of furthering its charitable purposes.
121. The inherent interests and responsibilities of The Charity and the Parish Council are largely complementary but potential conflicts of interest may arise between the Parish Council acting as Trustee for The Charity and its other duties.
122. The Charity Commission issues guidance 3 4 5 on Conflicts of Interest which will be followed as applicable. As in all matters The Charity will also abide by applicable laws and regulations and strive to apply good moral judgement in the exercise of its responsibilities.
123. The business of the The Charity and of the Parish Council will be conducted separately. Separate meetings must be held but this does not preclude sequential meetings. Separation of The Charity's business and the Parish Council's business does not preclude the Clerk to The Charity also holding an appointment for the Parish Council or the proper exchange of information between the bodies.
124. The Trustee will establish a Register of Members' Interests relevant to The Charity, similar to that which exists for its duties as a Parish Council. The Register of interests shall be reviewed annually.
125. The Trustee must, at the beginning of each meeting, declare any interest in any items on the agenda which may benefit it or its affiliates such as the Village Hall, in a pecuniary or non-pecuniary manner. The Trustee must decide on appropriate mitigation, if any, of the potential Conflict of Interest. For example:
 - The Trustee may consider that the best interests of The Charity and The Parish Council coincide on the matter in hand and the potential Conflict of Interest does not prevent

³ [Managing conflicts of interest in a charity](#). Charity Commission 2 November 2020

⁴ [Conflicts of interest: a guide for charity trustees](#) Charity Commission 1 May 2014

⁵ [Local authorities as charity trustees](#) Charity Commission May 2013

- them from making decisions in the best interests of The Charity and no mitigating action is needed.
- The Trustee may consider that the Parish Council will benefit financially or otherwise and that independent scrutiny of the grant is desirable. Such independent scrutiny could be sought from such bodies as the Cheshire Association of Local Councils or an independent suitably qualified expert such as a lawyer or local community leaders such as directors of the Community Shop and Hub or local educational or religious leaders.
126. Members of the Trustee body for The Charity must, at beginning of a meeting, declare all interests in any item on the agenda which may benefit, in a pecuniary or non-pecuniary manner, that member or their spouse, partner, family and close relatives or business partners or other associate or organisation in which they are involved.
- The Trustee and conflicted Member may consider that the nature of potential Conflict of Interest does not prevent them from making objective decisions in the best interests of The Charity and no action is needed other than recording the declaration.
 - The Trustee and conflicted Member may consider that the conflict is potentially material and that the conflicted member should leave the relevant discussions, not take part in the decision and vote and not be counted in the quorum.
 - Should the number of conflicted members withdrawing make the meeting non-quorate (i.e. less than three members) independent scrutiny, as for Trustee Conflicts of Interest, may be considered.
127. The Clerk must, at beginning of a meeting, declare all interests in any item on the agenda which may benefit, in a pecuniary or non-pecuniary manner, that member or their spouse, partner, family and close relatives or business partners or other associate or organisation in which they are involved. The Trustee will decide on appropriate mitigation if any, remembering that the Clerk's role is advisory only in decision making of the Charity.
128. 'Benefits' may include grant payments, awarding of contracts/work for The Charity, use of The Charity's land etc.
129. A record shall be made in the Minutes of the discussions and decisions relating to potential conflicts of interest showing clearly who was potentially conflicted, how the conflict was managed and how The Charity's best interests were served.
130. This Conflict of Interest Policy shall be included in the rules of The Charity and reviewed annually.

GLOSSARY

- **Area of Benefit of The Charity**
The geographical area whose infrastructure or residents benefit exclusively or predominantly from the activities of The Charity.
- **Conflict of interest**
A conflict of interest is any situation in which "The Trustee"s or Member's interests or loyalties could, or could be seen to, prevent them from making a decision only in the best interests of the charity.
- **The Charity**
The John Upton Charity
- **Funds**
The Three Nominal Funds under which the monetary assets of The Charity are Held. The 'Permanent Endowment Fund', the 'General Reserves Fund' and the 'Grants Fund' See definitions of each in this Glossary.
- **Gawsworth**
The Civil Parish of Gawsworth, as currently defined by applicable local government legislation.
- **Grants Fund**
Money which is available for immediate spending on running costs of The Charity and providing grants
- **Member**
Members of "Gawsworth" Parish Council and therefore also of The Trustee body for The Charity
- **Permanent Endowment**
Property of The Charity (i.e. land, buildings, investments or cash (sometimes referred to as capital) which The Trustee may not spend as if it were income.
- **Properties**
Land, buildings etc
- **Reserves Fund**
Income which is available to The Charity to spend at some time in the future.
- **The Trustee**
The Trustee of The Charity is "Gawsworth" Parish Council

APPENDIX A: BRIEF HISTORICAL BACKGROUND OF THE JOHN UPTON CHARITY AND ITS PREDECESSORS

According to excerpts from Parliamentary Reports on “Gawsworth” Charities issued by The Charity Commissioners in 1837, this charity was originally made up of a number of small charities which date back to at least the 18th century. This is the only record held by the Parish Council concerning these charities and it gives the following information

Fitton Gerard’s Charity – The only record of this charity was in a Benefaction Table which records that interest on £15, to which the parish added £5 and as security, is paid to the poor housekeepers resident in the parish of “Gawsworth” each year. This charity and a sum from an unknown donor are thought to be referred to in the Parliamentary Returns 1786-8 by the name of the Earl of Macclesfield. The estate at “Gawsworth” which once belonged to the Earl was, at another period, the property of the Fitton family.

John Swaine and others – After the above entry in the Benefaction Table reference was made to an amount of £23.00 on which interest was again paid to the poor housekeepers of the parish each year. These charities are specified in the Parliamentary Returns 1786 – 8 under the title of John Swaine and others.

The John Upton Charity – In 1738 it is recorded that John Upton bequeathed the equivalent of £50.00 from the residue of his estate to be invested and the interest from this to be paid yearly to the schoolmaster of “Gawsworth” for his trouble in educating eight poor children in the township.

The Upton Education Charity - In 1771 a parcel of land, somewhere between $\frac{3}{4}$ and 1 acre, at Marl Heap was left in Trust by the Earl of Harrington, on a 500 year lease to the Overseers and Wardens of Gawsworth.

It is recorded that in the same year (1771) the churchwardens decided to call in the money from the John Upton Charity (50.00) and together with a further £23.00 already held by the churchwardens and the overseers, being the remains of other donations, decided to build a "poor house", on the land which subsequently became known as Moss Terrace. No records can be found of when this poor house was built and there are no plans available but there is a record of a vestry meeting of the parishioners of “Gawsworth” in that year, when it was agreed that the churchwardens and the overseers should, by mortgage, assign the poor-house and buildings thereon to the rector of “Gawsworth” and his successors.

There is no record of when the so called ‘poor house’ became the 5 cottages which now stand on the site, although on the side of cottage No.1 at the top, the initials E H appear followed by the year 1859, which may indicate when they were built or renovated.

Hall’s Charity – The only reference to this charity was in a Benefaction Table in the parish church where reference was made to the Buxton Turnpike Trust paying interest of £20.00 to the schoolmaster of “Gawsworth” for his work and £20.00 to buy bibles. At the time of the Report (1832) no money had been paid by the Buxton Turnpike Trust since 1819.

Tickell’s Charity – The Rev John Tickell bequeathed £200.00 to the rector and churchwardens of “Gawsworth” to be invested and apply the dividends from this to educate the poor children of Gawsworth. According to the excerpts the money was invested on 31 October 1817 in consolidated loans.

Wade Stubbs' Charity – In 1821 Wade Stubbs bequeathed £500.00 to the acting clergyman and churchwardens of “Gawsworth” to educate the poor children born in the Parish of “Gawsworth”

At the time these trusts were set up parish matters were administered by the Overseers and Churchwardens of Gawsworth and it has not been possible to locate any other records for the period. By an Act of Parliament in 1893 all such Trusts/Charities became the responsibility of the local authorities to be administered by them and the Parish Council as Trustee has therefore administered these charities for some considerable time.

In 1963 only three charities were registered with The Charity Commission under the following titles and it is indicated in the Governing Documents at the time that the other charities were absorbed within these three:-

1. **John Upton's Charity or Poor House Charity (219182)**
2. **The Upton Education Charity (528545)**
3. **The John Swaine Charity (240787)**

The Upton Education Charity and the John Swaine Charity appear to have had no identifiable assets and on the advice of The Charity Commission were wound up in July 2005.

A new Scheme was set up for the remaining charity i.e. The John Upton Charity (reg. No. 219182), on 12 July 2005 and this consisted of the land and five cottages at Moss Terrace, off Penningtons Lane, Gawsworth Macclesfield.

These cottages were sold on 4 December 2005 (in agreement with The Charity Commission) as they were not producing any income and therefore were not meeting the objective of the Trust as referred to in paragraph one above. The resulting capital has been invested and the interest on these investments is available for grant purposes in accordance with the new Scheme. This current scheme is known as 'The John Upton Charity' (Charity no. 219182) and aims to promote such charitable purposes for the general benefit of the inhabitants of the civil parish of Gawsworth by means of grant payments. Gawsworth Parish Council is the sole trustee for The Charity and Parish Councillors are therefore part of that trustee body. 'The John Upton Charity' holds a permanent cash endowment from which interest payments fund grants made in line with the object of The Charity and cover its running expenses. It also retained ownership of a small parcel of land near Moss Terrace and owns some shares in “Gawsworth” Community Shop.

Revised August 2021