

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 2011

Orders that from today, the

13 December 2023

this

SCHEME

will govern the charity

known as

THE LYTHAM INSTITUTE (1186995)

at

Lytham St Annes, Lancashire

Nia Jones

**A member of staff of the Charity Commission authorised to act on behalf of the
Charity Commission**

1. Definitions

In this scheme:

“the charity” means the charity identified at the beginning of this scheme

“the Commission” means the Charity Commission for England and Wales

“the Council” means Fylde Council when acting in its capacity as local authority

“designated land” means land held on trusts which stipulate that it must be used for the purposes of the charity

“the former trusts” mean the Indenture dated 8 October 1917

“the Institute Building” means the property described in the schedule to this scheme

“the trustee” means the trustee of the charity acting under this scheme

2. Administration

The charity is to be administered in accordance with this scheme. This scheme replaces the former trusts of the charity.

3. Trustee

Fylde Council is the trustee of the charity.

4. Object of the charity

(1) The object of the charity is:

To further or benefit the residents of Lytham and the neighbourhood, without distinction of sex, sexual orientation, race or of political, religious, or other opinions by providing facilities in the interests of social welfare for education, recreation and leisure time occupation, including cultural and art exhibitions, with the objective of improving the conditions of life for the residents.

In furtherance of this object but not otherwise, the trustee shall have power to maintain or manage, or to co-operate with any statutory authority in the maintenance and management of, the Institute Building or other appropriate premises for activities promoted by the charity in furtherance of the above object.

(2) Subject to the provisions of clause 5 (Power to dispose of and replace designated land), the Institute Building is designated land and must be used for the object of the charity.

5. Power to dispose of and replace designated land

(1) Part 7 of the Charities Act 2011 must be complied with when disposing of designated land.

- (2) Subject to the provisions of clause 6, the trustee has the power to dispose of all or any part of the charity's designated land.
- (3) The designated land disposed of must be replaced with equivalent land to be used for the object of the charity.

6. Independent Trustees

- (1) This clause 6 applies only if the Council is not exercising its function as trustee by delegating to a committee of the executive comprising a majority of members who are independent of the Council.
- (2) Before any decision is to be taken about:
 - (a) exercising a power to dispose of all or any part of the charity's designated land;
 - (b) exercising a power to amend the object of the charity; and/or
 - (c) the charity ceasing to operatethe trustee:
 - (a) must appoint an additional three trustees who are independent from the Council; and
 - (b) all appointments must be made on the basis that the individual's particular skills and/or knowledge will benefit the charity.
- (3) The trustee and the independent trustees must make rules and regulations consistent with this scheme for the management of the charity which would include making provisions for calling trustee meetings, trustee terms of office and quorum.

7. Conflicts of interests and conflicts of loyalties

- (1) If the trustee is acting as a sole trustee then any conflict between the interests of the charity and the interests of the Council and/or the interests of the individual members of the Council on any committee of the Council or any committee of the Council's executive shall be managed in accordance with a conflicts of interest policy to be adopted by the trustee under this paragraph taking account of guidance issued by the Commission.
- (2) If the trustee is acting jointly with the independent trustees, any trustee must:
 - (a) declare the nature and extent of any interest, direct or indirect, which they have in a proposed transaction or arrangement with the charity or in any transaction or arrangement entered into by the charity which has not been previously declared; and
 - (b) absent themselves from any discussions of the trustees in which it is possible that a conflict will arise between their duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest).

- (3) Any trustee absenting themselves from any discussions in accordance with sub clause 7(2) must not vote or be counted as part of the quorum in any decision of the trustees on the matter.

8. Use of income and capital

- (1) The trustee must first apply:
 - (a) the charity's income; and
 - (b) if the trustee thinks fit, expendable endowmentin meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its buildings).
- (2) After payment of these costs, the trustee must apply the remaining income in furthering the objects of the charity.
- (3) The trustee may also apply expendable endowment for the objects of the charity.

9. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

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

SCHEDULE

Freehold property known as Lytham Institute at 27 Clifton Street, Lytham St Annes,
Lancashire