Frequently Asked Questions

Governance and Trustees

Who governs the Heacham Club Charity?

The Charity is governed by the Trustees acting under the Charity Commission Scheme dated 29 April 1921.

The Trustees are:-

Reverend Veronica Wilson

Neil Fisher

Peter Full

Jay Watkins

Can members of the Central Club appoint Trustees?

No. Trustee appointments are governed by the Scheme and applicable legislation.

Can Central Club members remove Trustees?

No. There is no provision within the Scheme for members of the Central Club to remove Charity Trustees.

Has any specialist charity lawyer concluded that the current Trustees were unlawfully appointed?

The Trustees are aware that reference is frequently made to specialist legal advice obtained in 2023.

The Trustees have not identified any passage within that advice concluding that the appointments of the current Trustees were invalid. The advice states that trustee appointments are presumed valid and notes that there is ambiguity regarding certain governance provisions.

The advice also recognises that the 1921 Scheme may benefit from updating and that any amendment to the Scheme must be undertaken through the Charity Commission.

Does the Charity have members?

The 1921 Scheme refers to subscribing members of the Central Club and subsidiary clubs. The Trustees' understanding is that these provisions relate to membership of those clubs and societies rather than the creation of a constitutional membership body of the Charity itself.

The Charity is administered by Trustees under the 1921 Scheme for the benefit of the wider community.

Did specialist charity advice conclude that the Charity has members?

The Trustees are aware that reference is frequently made to specialist legal advice obtained in 2023.

That advice discusses Club members, Council members and the operation of the Club Rules. The Trustees have not identified any passage in that advice concluding that the Charity itself has a constitutional membership body or that Central Club members possess governance rights over the Charity.

Questions concerning the interpretation of the 1921 Scheme ultimately fall to be determined through the proper legal and regulatory processes, not through public commentary.

Are the people of Heacham beneficiaries of the Charity?

The Charity was established for charitable purposes intended to benefit the inhabitants of Heacham and the local community."

The Trustees' understanding is that the beneficiaries of the Charity extend beyond any particular club, society or subscription group.

While individuals may become members of the Central Club or subsidiary clubs, the Charity's purposes are intended to benefit the wider community and not solely those who hold club memberships.

What is the role of the Central Club?

Membership of the Central Club (usually referred to as the Social Club) provides access to the Club's social facilities and acts as the gateway membership required for participation in the sports clubs and user groups operating from the Charity's premises. Membership subscriptions contribute towards the upkeep and operation of the Charity's facilities.

Central Club members do not have voting rights over the Charity, its Trustees, or the governing document. They do not elect Trustees, amend the Scheme, or determine governance matters. Their role relates to the use of the Charity's facilities and participation in club activities.

The rules governing the Central Club are established by the Trustees and remain subject to review and amendment by the Trustees to ensure they continue to meet the needs of the Charity and its beneficiaries.

What is the difference between a Central Club member and a Charity Trustee?

A Central Club member is a subscriber who participates in the social and recreational activities of the Club.

A Charity Trustee is a person responsible for managing and administering the Charity, protecting its assets, complying with charity law and ensuring that the Charity's purposes are fulfilled.

The rights and responsibilities of Club membership are different from the legal duties and responsibilities of Trusteeship.

What is the role of the Central Management Council?

The 1921 Scheme established a **Central Management Council (CMC)** to assist in the day-to-day administration and management of the Charity's facilities. The Council has formed an important part of the Charity's structure throughout its history and provides a means for users of the facilities to participate in their management and operation.

However, the Council does not exist independently of the Trustees. Under the Scheme:

- Trustees are members of the Council.
- Trustees are responsible for establishing the rules under which the Council operates.
- Trustees determine the powers delegated to the Council.
- Trustees retain overall responsibility for the Charity, its property, assets, finances, and compliance with charity law.
- The Council operates within a framework determined by the Trustees and the governing document.

The Scheme requires Trustees to be represented on the Council and gives Trustees responsibility for establishing the rules under which the Council operates. The Council exists as part of the Charity's governance structure established by the Trustees and does not operate independently of them.

The Council therefore has an important operational role, but it is not the governing body of the Charity and cannot override the authority or legal responsibilities of the Trustees.

The Trustees remain responsible for ensuring that the Charity is managed in accordance with the 1921 Scheme, charity law, and the Charity's charitable purposes.

Who should sit on the Council?

Clause 7

The Trustees (5 persons)

4 persons Nominated by the Chairman of Trustees

Non Official Members

Central Club x 2 persons

Other Subsidiary Clubs x 1 person(per club)

Clause 14

Council officers, maximum 2 persons(Chairman and Secretary) only if not already appointed under Clause 7)

Provided that the Trustees may, if they think fit. From time to time increase or decrease the number of Non-official Members of the Council

Can anyone collect money on behalf of the Charity?

No. Only persons authorised by the lawful Trustees may collect money, subscriptions, levies or other income on behalf of the Charity. If any club, group or individual receives a request for payment and is unsure of its legitimacy, they should contact the Trustees directly before making payment.

The EGM and Interim Trustees

Did the meeting held on 20 September 2026 appoint lawful Trustees?

No. Trustee appointments cannot be made through that meeting.

Are the "Interim Trustees" recognised by the Charity?

No.

The individuals who describe themselves as "Interim Trustees" were not appointed under the 1921 Scheme and are not recognised by the Charity's Trustees.

The Charity is administered by the current Trustee body, details of which have been provided to the Charity Commission.

Are the "Interim Trustees" recognised by the Charity Commission?

The Charity is not aware of any recognition of those appointments.

Can the Interim Trustees act on behalf of the Charity?

No.

The Interim Trustees are not authorised to:

- act for the Charity;
- enter into agreements for the Charity;
- manage Charity assets;
- collect Charity income;
- issue instructions on behalf of the Charity;
- or represent the Charity to third parties.

Should clubs and user groups make payments to the Interim Trustees?

No.

Any payments relating to the use of Charity facilities should only be made in accordance with instructions issued by the lawful Trustees or authorised Charity representatives.

If any club, society or user group receives requests for payment from any other organisation or individual, they should seek clarification from the Trustees before making payment.

Who should sports clubs and user groups contact if they are unsure where payments should be made?

Any club or user group that receives requests for payments, subscriptions, levies or facility charges should contact the Trustees directly before making payment.

The Trustees will be happy to confirm the correct arrangements.

Does the EGM have any legal effect on the Charity?

No.

Can a public meeting amend the 1921 Scheme?

No. Amendments to the Scheme require the proper legal process and Charity Commission approval.

Can anyone create a parallel Trustee body?

No. The 1921 Scheme contains provisions governing how Trustees are appointed. Any person claiming to act as a Charity Trustee must demonstrate a lawful appointment under the governing document or applicable law.

Court Proceedings and Possession

Why did the Trustees take legal action against Heacham Club Ltd?

The Trustees have a legal duty to protect the Charity's assets and ensure that the Charity is managed in accordance with its governing document. Significant concerns arose regarding compliance, financial management and governance. Despite prolonged efforts to resolve these issues through discussion and mediation, agreement could not be reached. The Trustees therefore sought legal remedies through the County Court to protect the Charity's interests and secure compliance with the governing document.

What did the County Court decide?

The County Court granted possession of the Charity's property to the Charity and ordered that possession be given forthwith.

Is the possession order still valid?

Yes, unless varied or overturned by a higher court.

Does the possession order change the Charity's governing document?

No.

Why has the possession order not yet been enforced?

The Directors of Heacham Club Ltd obtained a Stay of Execution pending their request to apply for an appeal against the Judgement. The Charity has applied for the Stay to be set aside, and we await the outcome of the hearing.

The Future of the Charity

Why are the Trustees proposing a new Scheme?

To modernise governance and reflect current charity law and best practice.

What is a Charitable Incorporated Organisation (CIO)?

A CIO is a modern legal structure designed specifically for charities.

Why are the Trustees reviewing the governance arrangements?

The current Scheme dates from 1921 and was drafted for the circumstances that existed at that time.

The Trustees believe that the Charity would benefit from a modern governance structure which provides greater clarity, transparency and certainty for future generations whilst continuing to serve the people of Heacham.

Will residents and users of the Club have a voice in the future?

Yes.

The Trustees support community participation and intend that users of the Charity's facilities, local residents and community organisations will continue to be able to contribute to the management and development of the Charity's activities.

The purpose of governance reform is not to exclude people, but to create a clear, modern and legally robust structure for the future.

Will sporting clubs continue to use the facilities?

Yes. The Trustees support continued community use of the facilities.

What is meant by "Asset Stewardship"?

The Trustees have a legal duty to ensure responsible management, protect and preserve the Charity’s money, property and all other assets, along with ensuring that they only used for the Charity’s purposes

Charity Commission and Regulation

Is the Charity Commission aware of the current situation?

Yes. The Commission has been kept informed throughout significant developments.

Is the Charity Commission aware of the current Trustees?

Yes. Full details of the appointment of all current Trustees were provided to the Charity Commission in June 2026 in response to questions raised by the Commission. The Commission has continued to correspond with the current Trustee body regarding Charity matters.

Is the Charity Commission involved in the court proceedings?

No. The Commission confirmed that the possession proceedings were not charity proceedings.

Has the Charity Commission approved the proposed Replacement Scheme?

Updating the existing Scheme and replacing with an amended unincorporated scheme has been completed and has been with the Charity Commission for some time awaiting approval.

Online Information

Which website is the official website of the Charity?

www.heachamclubcharity.co.uk

Which Facebook page is the official Charity page?

heachamclubcharityofficial

How can I verify information about the Charity?

On our website: www.heachamclubcharity.co.uk

Contact us by email with your question: trustees@heachamclubcharity.co.uk

Telephone and leave a voicemail: 01485 784901

Search the Charity Commission Register for The Heacham Club – Registered Charity No. 253625