

**REGULATIONS OF
LETCHWORTH GARDEN CITY HERITAGE FOUNDATION**

HEMPSONS

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REGULATIONS OF

LETCHWORTH GARDEN CITY HERITAGE FOUNDATION

These Regulations of the Foundation are made by the Board of Trustees on 10th November 2014 as varied by the Board of Trustees on 16 January 2018, 12th March 2019, 25th January 2022 and then on 3rd May 2022, pursuant to the power granted to them by Rule 111 of the Foundation's Rules and may be repealed or varied by the Board of Trustees.

The definitions and interpretation which apply to the Rules of the Foundation apply equally to these Regulations.

1 General Governors – Rule 25

- 1.1 A candidate for General Governor does not have to be a resident of Letchworth Garden City. However, a person cannot apply if their admission as a General Governor would result in more than 6 General Governors who are not residents of Letchworth Garden City.
- 1.2 A retiring General Governor who is eligible, and applies for, re-admission as a General Governor shall be re-admitted if approved by a resolution of the Board of Trustees.
- 1.3 A retiring General Governor applying for re-admission as a General Governor does not have to complete an application form but must submit a signed statement of up to 300 words setting out their relevant skills and experience, and how they meet the Governor role description and their interest in serving as a Governor by the date notified by the Secretary.
- 1.4 (Except where a retiring General Governor is re-admitted in accordance with Regulation 1.2) a vacancy in the General Governors shall be filled in accordance with Regulations 1.5 to 1.9.

Vacancies for General Governors are openly promoted through advertisements in local newspapers, via social media and on the Foundation's website and applications may be invited in such other ways as the Board of Trustees may decide. The Board will decide on appropriate methods for advertising to be used for the recruitment campaign paying particular regard to attracting and/or targeting recruitment of a diverse and representative group of applicants with the appropriate skills.

- 1.5 A candidate for General Governor must complete and sign an application form provided by the Foundation including a statement of up to 300 words of their relevant skills and experience setting out how they meet the Governor role description and their interest in serving as a Governor. The application form will contain a Declaration of Interest, Confidentiality Agreement and an undertaking to follow the principles in the Code of Conduct for

Governors and the Foundation's Diversity, Equality and Inclusion policy. The completed and signed application must be received by the Foundation by the closing date specified in the advertisements or any other invitations issued under Regulation 1.5.

- 1.6 A person shall not be eligible to stand as a General Governor if at the time of application, they have significant rent arrears of 6 months or more owing to the Foundation, or a money judgement for debt in favour of the Foundation is listed on the register of judgements, orders and fines.
- 1.7 All applications will be acknowledged and subsequently reviewed after the closing date for applications by an Interview Panel appointed by the Board of Trustees.
- 1.8 Short-listed candidates identified by the Interview Panel will be called to an interview with the Interview Panel. The purpose of the interview will be for candidates to meet and ask any questions about the Foundation and the role of General Governor. In return, candidates will be asked to expand on aspects of their skills, experience and interests.
- 1.9 The Interview Panel will then present its recommendations to the next meeting of the Board of Trustees, who will decide whether to admit a candidate as a General Governor.
- 1.10 If a vacancy in the General Governors is not filled through the recruitment process in Regulations 1.5 to 1.9, the Board of Trustees may admit a person eligible under Regulation 1.1 as a General Governor to fill that vacancy with immediate effect, subject to the person completing and signing the application form referred to in Regulation 1.6. The recruitment process in Regulations 1.5 to 1.9 shall not apply to the admission of a General Governor in these circumstances.
- 1.11 An Appointed Trustee (Rule 69A) will also be appointed as a General Governor following the same open and transparent recruitment process as set out for General Governors.

2 Nominated Governors - Rules 27 to 31 Nominating

Bodies

- 2.1 The following organisations who have been in existence for at least one year prior to the date of their application to be recognised as a Nominating Body are eligible to be recognised by the Foundation for the purpose of nominating Governors:
 - Clubs
 - Societies
 - Charities
 - Voluntary organisations

- 2.2 An organisation is eligible for recognition as a Nominating Body if:
- 2.2.1 it is a Membership Organisation based within Letchworth Garden City and has at least 15 members who live within the boundary of Letchworth Garden City; or
 - 2.2.2 it is a Membership Organisation based outside Letchworth Garden City and has at least 15 members who live within the boundary of Letchworth Garden City; or
 - 2.2.3 it provides a significant level of support or services to people who live within the boundary of Letchworth Garden City.

A “Membership Organisation” means an organisation which has:

- (i) a board or main governing committee of at least 12 people; or
- (ii) a group of at least 12 voting members who are separate from, and in addition to, such board or main governing committee.

2.3 The following organisations are not eligible for recognition as Nominating Bodies:

- 2.3.1 Trade unions
- 2.3.2 Political parties or organisations affiliated to a political party
- 2.3.3 An organisation whose primary purpose is to promote or oppose any change in the law or in the policy or decisions of central government, local authorities or other public bodies
- 2.3.4 Company, limited liability partnership or other body corporate, or partnership, which carries on a business with the primary purpose of making gains for its members, shareholders or partners
- 2.3.5 Local authorities, NHS Trusts, NHS Foundation Trusts and Clinical Commissioning Groups

2.4 Where there is any question about an organisation’s eligibility to be a Nominating Body, its recognition or not will be determined by the Board of Trustees.

2.5 Organisations may seek recognition by the Foundation in up to two of the following eight nomination categories if they meet the criteria detailed in Regulations 2.1, 2.2 and 2.3 above:

- 2.5.1 The Preservation of Buildings and other items of Historical Interest.
- 2.5.2 The Preservation of the Environment.
- 2.5.3 Artistic and Cultural activities.

- 2.5.4 Sporting Activities.
- 2.5.5 Recreational and Leisure Activities.
- 2.5.6 Social Welfare and the Relief of Poverty.
- 2.5.7 Education.
- 2.5.8 Health.

2.6 An organisation seeking recognition must provide the following information to the Foundation in the manner and form prescribed by the Secretary which shall be retained by the Foundation:

- 2.6.1 the full name of the organisation;
- 2.6.2 a statement of the organisation's objectives and main purposes;
- 2.6.3 where the organisation is based;
- 2.6.4 the number of those in membership;
- 2.6.5 the number of those in membership who are Letchworth Garden City residents;
- 2.6.6 for an organisation which does not fall within Regulations 2.2.1 or 2.2.2, a summary of the support or services provided over the last 12 months to Letchworth Garden City residents and the number of them who have benefited during that period;
- 2.6.7 the date the organisation was formed;
- 2.6.8 the name and contact details of one of the organisation's duly appointed officers including e-mail address (if he has one);
- 2.6.9 the Interest category or categories under which the organisation seeks recognition and how it relates to the organisation's objectives and main purposes.

The Board of Trustees may request further information to verify whether the organisation meets the eligibility criteria in Regulations 2.1, 2.2 or 2.3.

2.7 The Board of Trustees shall decide whether to recognise an organisation as a Nominating Body which satisfies the eligibility criteria in Regulations 2.1, 2.2 and 2.3 and has provided to the Foundation all the information required by Regulation 2.6.

2.8 The names of all those organisations who have been recognised as Nominating Bodies shall be entered into a 'List of Nominating Bodies' to be retained by the Foundation.

2.9 The Secretary may request Nominating Bodies who have been recognised to update their details in Regulation 2.6.

2.10 The Foundation may by written notice to a Nominating Body immediately withdraw recognition of a Nominating Body if:

2.10.1 within 30 days of a second request made pursuant to Regulation 2.9 it fails to provide any of the information requested; or

2.10.2 it fails to continue to comply with any of the eligibility criteria set out in Regulations 2.1, 2.2 or 2.3.

Nomination of Governors

2.11 When a vacancy arises or is due to arise for a Nominated Governor in a particular Interest category each of the recognised Nominating Bodies in that 'Interest' category' will be invited by the Secretary to propose a person who will fulfil and carry out the requirements of a Nominated Governor as set out in the Governor Role description and to represent that Interest in relation to the Foundation's work.

2.12 Each Nominating Body in that Interest category will also be invited by the Secretary to nominate a representative to act as a selector at a selection meeting to be convened with the sole purpose of nominating the Nominated Governor in that Interest category. The Board of Trustees will nominate one person to join the selection meeting and an existing Governor will also be invited to join the selection meeting. Each of these will be a selector. The Trustee will have a casting vote as a selector in instances where there is a draw of votes to appoint a Nominated Governor amongst selectors.

2.13 Each invitation will specify a closing date by which the nomination form must be received by the Secretary.

2.14 All proposals of candidates and nominations of selectors must be made on the form provided by the Foundation including a statement, of up to 300 words, in support of the candidature. The form must be signed by the Nominating Body and the candidate. The form will contain a Declaration of Interest, Confidentiality Agreement and an undertaking to follow the principles in the Code of Conduct for Governors and the Foundation's Diversity, Equality and Inclusion policy and which must be signed by the candidate. A candidate shall be disqualified if the form, Declaration of Interest and Confidentiality Agreement is not completed, signed and received by the Secretary by the closing date.

2.15 A person shall not be eligible to stand as a Nominated Governor if at the time of application, they have significant rent arrears of 6 months or more owing to the Foundation, or a money judgement for debt in favour of the Foundation is listed on the register of judgements, orders and fines.

2.16 If by the closing date for nominations only one eligible candidate is proposed for a vacancy, he

shall be deemed to be nominated for that Interest category. He shall take office from the later of the closing date for receipt of proposals and the date the vacancy arises. If by the closing date for nominations there is more than one eligible candidate, the Nominated Governor shall be nominated in accordance with Regulations 2.17 to 2.21.

2.17 The candidate statements will be circulated to all selectors nominated in accordance with Regulations 2.12, 2.13 and 2.14 not less than 14 days prior to the date of the selection meeting. Where a selector is nominated after a request made under Regulation 2.18 or 2.19.2, the nomination forms will be sent to him as soon as reasonably practicable.

2.18 A representative of the Foundation will host each selection meeting which shall be held on the date and time and at the place specified in the invitation to propose candidates and nominate selectors. The representative cannot participate in the interview of, or decision to nominate, candidates. All candidates must attend the selection meeting for interview. Failure to attend a selection meeting automatically disqualifies the candidate.

2.19 For a selection meeting to take place, at least 2 selectors must be present. If at least 2 selectors are not present:

2.19.1 (when at least 2 selectors have been nominated for the relevant Interest category) the selection meeting shall be adjourned to such day, time and place as the Secretary shall appoint, after checking that all candidates and at least 2 selectors will be able to attend;

2.19.2 (when only one selector has been nominated for the relevant Interest category by the date fixed for the selection meeting), the Secretary shall make a further request for Nominating Bodies in that Interest category to nominate selectors. If and when at least 2 selectors have been nominated for that Interest category, the selection meeting shall be reconvened to such day, time and place as the Secretary shall appoint, after checking that all candidates and at least 2 selectors will be able to attend.

2.20 A selector may not appoint an alternate to attend a selection meeting on their behalf.

2.21 Voting at a selection meeting will be by secret ballot among the selectors present. The candidate for an Interest category who receives the highest number of votes shall be nominated. In the event of an equality of votes, the Trustees present shall decide the appointment by having a casting vote. Candidates will not be present while voting or the counting of votes is in progress. The selectors will announce the name of the successful candidate at the end of the meeting.

The person nominated will take office as a Nominated Governor at the close of the selection meeting at which he was nominated if that meeting occurs after the vacancy has arisen or otherwise from the date of retirement of the Nominated Governor which will give rise to the vacancy.

3 Elected Governors – Rules 32 to 36 Candidates

- 3.1 Candidates must be on the Full Register of Electors for all parishes within Letchworth Garden City maintained by North Hertfordshire Council.
- 3.2 The Foundation shall advertise for applicants for Elected Governors via postcard to all households in Letchworth Garden City, in local newspapers, via social media and on the Foundation’s website, starting within the first 14 days of May.
- 3.3 The Foundation shall advertise for eligible people to register with the Foundation to vote in the election of Elected Governors, via postcard to all households in Letchworth Garden City, in local newspapers, via social media and on the Foundation’s website starting no later than 31st January prior to the election.
- 3.4 “Edited Register of Electors” means for the purposes of Regulation 3 the Edited Register of Electors for all parishes within Letchworth Garden City maintained by North Hertfordshire District Council
- 3.5 A candidate for Elected Governor must complete and sign an application form provided by the Foundation including a statement of up to 300 words in support of their candidature. The application form will contain a Declaration of Interest, Confidentiality Agreement and a signed undertaking to follow the principles in the Code of Conduct for Governors and the Foundation’s Diversity, Equality and Inclusion policy. A person who wishes to register to vote in the election of Elected Governors must notify the Foundation in the manner and form determined by the Secretary.
- 3.6 A person shall not be eligible to stand as an Elected Governor if at the time of application, they have significant rent arrears of 6 months or more owing to the Foundation, or a money judgement for debt in favour of the Foundation is listed on the register of judgements, orders and fines.
- 3.7 Applicants must stand for election in their own right as individuals rather than as representatives of any organisational group or campaign. The Foundation is an apolitical organisation.
- 3.8 The closing date for receipt at the Foundation’s registered office of a candidate’s completed application form signed by the candidate will be 31 July. A candidate who fails to comply

with this Regulation shall be disqualified from standing in the election.

Electorate

- 3.9 The persons eligible to vote in the elections referred to in Regulation 3.9 shall be:
- 3.9.1 all those persons whose names and addresses appear on the Edited Register of Electors; and
- 3.9.2 any other persons whose names and addresses appear on the Full Register of Electors for all parishes within Letchworth Garden City maintained by North Hertfordshire Council and who have given notice to vote in the election which has been received by the Foundation by the closing date of 31 July.

The Ballot

- 3.10 If by the closing date for applications there are more than six eligible candidates for election as Elected Governors the Elected Governors shall be elected in accordance with Regulations 3.9 to 3.16.
- 3.11 The names and addresses of those eligible to participate in the election of Elected Governors shall be supplied by the Foundation not later than two weeks prior to the issue of ballot papers to an independent balloting organisation appointed by the Board of Trustees.
- 3.12 The method of election shall be by postal and/or electronic ballot (as determined by the Board of Trustees) where each elector may vote for up to six candidates.
- 3.13 The ballot will be undertaken by an independent balloting organisation appointed by the Board of Trustees using lists of candidates and voters supplied by the Foundation and the ballot papers will be sent out within the first week of September.
- 3.14 All voters shall receive a ballot form listing the names of all those candidates who have submitted their applications in the prescribed manner by the closing date. All voters shall also receive a booklet containing the supporting statements of the candidates together with instructions how to return their completed ballot form to the independent balloting organisation.
- 3.15 Candidate names shall appear on the ballot form and in the booklet of supporting statements in a random order. This will be determined by a draw of names conducted by the independent balloting organisation.
- 3.16 The closing date for the receipt of ballot papers will be the last working day in September (except if that day falls on a Friday, the closing date will be the immediately preceding Thursday. "Working day" means any day apart from a Saturday, Sunday or statutory bank holiday

in England and Wales.

- 3.17 The six candidates with the highest number of votes shall be elected. In the event of an equality of votes, the election shall be determined by lot, the draw being made by the independent balloting organisation.

4 Election of Trustees – Rule 69

- 4.1 The Secretary shall invite applications for election as a Trustee from the governors (except from Hertfordshire County Council and North Hertfordshire Council) specifying the closing date by which application forms must be returned to the Secretary.
- 4.2 A candidate must complete and sign an application in the form provided by the Secretary. The application form will contain a Declaration of Interest and Confidentiality Agreement and require a statement of up to 300 words of their relevant skills and experience and interest in serving as a Trustee. In addition, in the application form the candidate will agree to abide by the Code of Conduct for Trustees if elected as a Trustee.
- 4.3 A person will be disqualified from standing in the election if their application is not completed and signed in accordance with Regulation 4.2 or 4.4 and is not received by the Secretary by the closing date.
- 4.4 A retiring Trustee seeking re-election does not need to complete an application form but must sign and return to the Secretary by the closing date a statement, on the form provided by the Secretary, of up to 300 words, of their relevant skills and experience and interest in serving as a Trustee.
- 4.5 If by the closing date for applications the Foundation has received from candidates' applications, which have been completed and submitted in accordance with Regulation 4.2 or 4.4, which are equal to or less than the number of vacancies to be filled, those candidates shall be deemed elected as Trustees.
- 4.6 If by the closing date for applications the Foundation has received more applications from candidates, which have been completed and submitted in accordance with Regulation 4.2 or 4.4, than the number of vacancies to be filled, the Trustees shall be elected in accordance with Regulations 4.7 and 4.8.
- 4.7 Following the closing date, the Secretary shall email to all governors a ballot form listing the names of all candidates and the candidates' statements which shall specify the date and time by which the ballot form must be received by the Secretary. Any ballot forms received after that date and time shall be invalid.
- 4.8 The votes shall be counted by the Secretary in the presence of a Trustee. The candidate with the highest number of votes shall be elected. In the event of an equality of votes, the election shall be decided by lot, the draw being made by the Secretary in the presence of a Trustee.
- 4.9 A Trustee takes office from the date specified in the invitation for applications. The Secretary shall inform the governors of the results of the election.

**5 Appointment of County Council Trustees and North Herts Council Trustees
– Rules 70 and 71**

The County Council Trustee and the North Herts Council Trustee shall be appointed by Hertfordshire County Council and North Hertfordshire Council respectively by serving written notice on the Foundation in the form appended which must be signed by the Council and their appointee. The form shall contain a Declaration of Interest and Confidentiality Agreement for the appointee to sign. In addition, the appointee will agree to abide by the Code of Conduct for Trustees, the Diversity, Equality and Inclusion policy and any other policies subsequently approved by the Board.

6 Transitional Regulations for Governors – Rule 43

The governors (excluding North Hertfordshire Council and Hertfordshire County Council) in office immediately after registration of the Rules on 10th November 2014 (“FCA Registration Date”) are listed in Appendix A which specifies when their current term of office shall expire. On the expiry of their term, where a General Governor or Nominated Governor, Appendix A shall also specify whether they shall be eligible for re-admission or re-nomination as a General Governor or Nominated Governor for a second consecutive term.

7. Recruitment of Appointed Trustees – Rule 69A

7.1 Appointed Trustees will be recruited on the basis of an openly advertised recruitment campaign which will set out the skills and experience required of candidates, including meeting the criteria set out in Trustee role description and any requirements of the role that Trustees shall deem as necessary. This will include a Declaration of Interest and Confidentiality Agreement for the appointee to sign. In addition, the appointee must agree to abide by the Code of Conduct for Trustees and any other policies subsequently approved by the Board. The Board will decide on appropriate methods for advertising to be used for the recruitment campaign paying particular regard to attracting and/or targeting a diverse and representative group of applicants with the appropriate skills.

7.2 All applications for Appointed Trustees must be made in writing and include a CV or career summary submitted by the appropriate deadline. Applications received after the stated deadline will not be considered.

7.3 The Board will appoint a recruitment panel made up of the Chairman and Vice Chairman of the Board of Trustees plus one Governor and any other panel members as agreed. The recruitment

panel will shortlist applications and invite shortlisted applicants to attend an interview. Interviews will be conducted objectively asking all candidates the same core questions with individual supplementary questions as required. The panel will score each applicant based on their performance at interview.

7.4 The panel will recommend candidates for appointment to the Board of Trustees for decision to appoint. A simple majority vote of Trustees is required to confirm the appointment. The appointment will duly take effect from the date of the Board meeting.

7.5 Appointed Trustees will also be recruited as General Governors.

Letchworth Garden City Heritage Foundation

Please complete the following details using BLOCK CAPITALS

APPOINTMENT

We nominate

The full name of the person

as the County Council Trustee on the Board of Trustees of Letchworth Garden City Heritage Foundation pursuant to rule 70 of the Heritage Foundation's Rules.

He/she shall take office from the date of appointment below:

Date of appointment

Their full details are as follows:

Home address

Postcode

Telephone

E-mail

Occupation

Signed for and on behalf of

Hertfordshire County Council.....

Name

Position in Hertfordshire County Council.....

Dated.....

ACCEPTANCE

I confirm that I am willing and able to accept the appointment of Hertfordshire County Council as a Trustee of Letchworth Garden City Heritage Foundation.

I confirm that I am not disqualified from holding office as a Trustee of the Heritage Foundation under rule 77.

I agree to abide by the Code of Conduct for Trustees.

Date

Signed

Please return your completed form to the Secretary, Letchworth Garden City Heritage Foundation, One Garden City, Broadway, Letchworth Garden City, Hertfordshire, SG63BF, or by email attaching a PDF of the signed and completed form to [].

Letchworth Garden City Heritage Foundation

Please complete the following details using **BLOCK CAPITALS**

APPOINTMENT

We nominate

The full name of the person

as the North Hertfordshire Council Trustee on the Board of Trustees of Letchworth Garden City Heritage Foundation pursuant to rule 71 of the Heritage Foundation's Rules.

He/she shall take office from the date of appointment below:

Date of appointment

Their/her full details are as follows:

Home address

Postcode

Telephone

E-mail

Occupation

Signed for and on behalf of

North Hertfordshire Council.....

Name.....

Position in North Hertfordshire Council..... Dated.....

ACCEPTANCE

I confirm that I am willing and able to accept the appointment of North Hertfordshire Council as a Trustee of Letchworth Garden City Heritage Foundation.

I confirm that I am not disqualified from holding office as a Trustee of the Heritage Foundation under rule 77.

I agree to abide by the Code of Conduct for Trustees.

Date

Signed

Please return your completed form to the Secretary, Letchworth Garden City Heritage Foundation, One Garden City, Broadway, Letchworth Garden City, Hertfordshire, SG6 3 B F , or by email attaching a PDF of the signed and completed form to [].