

Holding Trustees- Charity 514154- AGM Report 2019

- The Community Centre and assets belong to registered charity 514154 formed in 1982 under a Trust Deed with the requirement to hold annual general meeting such as this, at which village residents have the opportunity to put forward their views and exercise their right to vote, which includes voting in members of the committee who are up for election or appointment each year.
- At the AGM in 2015 exercising these rights the vast majority of villagers attending, voted in effect for greater transparency and involvement in that
 - all Committee meeting minutes should be published, and
 - members of the community be allowed to attend all Committee meetings, which would include an "open forum", agenda item where they could make suggestions for consideration at the following meeting.
- In honouring this vote we as Holding Trustees agreed to replace ourselves as the signatories, in favour of the Chair, Treasurer and Secretary, on the Virgin charity savings account which held circa £90,000 from the sale of the village hall. This was on the understanding agreed that they too would be honouring the vote and also putting in place proper financial planning, budgeting and controls.
- Instead of actioning what had been voted for, the then Committee proceeded to set up an alternative closed shop charity without any consultation or vote from the village. Putting themselves permanently in office, this closed shop (CIO Foundation model) charity excluded residents from meetings, unless invited, and abolished public AGMs and the rights of the village to vote.
- As Holding Trustees of the bona fide charity (514154), we are in post to safeguard the property and assets of the charity and its objectives and requirements. Worryingly we started to receive solicitors' letters which became increasingly threatening, demanding that we sign over the property to this new closed shop charity or face court action.
- Not only did we believe that we were prohibited from doing so as this had not been voted for by village residents, but also the previous charity's solicitor, Chris Downton, had seen fit to add a further layer of protection to the charity, a Collateral Deed, which prohibited in effect what was being demanded of us.
- We amongst others tried to question not only these demands but also why there were now two charities and more specifically why the closed shop one was being operated rather than the original bona fide one, and why this Foundation CIO model had been chosen rather than the alternative Association model CIO. However, this proved difficult as we had been barred from attending committee meetings and there were no longer any public AGMs being held in 2016 or 2017.
- In published minutes we were routinely misquoted and our correspondence to the Chair stating our concerns was ignored. The repeated response given was that the closed shop charity had been set up on the advice of their solicitor. When copies of such advice were not forthcoming, we wrote to the solicitor and he responded in writing that the closed shop Foundation CIO charity was not something he had advised.
- When we also pointed him to the collateral deed, he recognised the conflict of interest he was under in having been instructed to act against the interests of the bona fide Charity and withdrew his services from the closed shop charity.
- Given all of this and our correspondence to the Chair stating our concerns and questioning the actions that had been taken we were astonished to receive letters from a second solicitor continuing to demand that we sign over the property to the closed shop charity.

- As we went onto highlight to all the parties involved, the funds from the bona fide charity were not only being wrongly used in the interests of another charity, now those making such payments were no longer the elected officers entitled to do so and thus seemingly misappropriating Charity monies, or at the very least wasting thousands of pounds on unadvised action in setting up a closed shop charity and stripping away the rights of the village.
- Finally, late last year an AGM for the bona fide charity was held. However, the minutes circulated relating to the previous 2015 AGM failed to properly record the voting that had taken place, or our agreement to transfer access to the account set up with the proceeds from the sale of the Village Hall. Many other comments attributed to and/or regarding ourselves were, as was challenged at the time, wholly incorrect. Consequently, the minutes could not be agreed, all of which is deeply concerning as these are legal documents and false reporting is a serious matter.
- We have now found it necessary to request public apologies and retractions of false statements that have been made regarding us having held charity monies in a personal bank account that we are the ones responsible for the expenditure on solicitors' fees, and other equally libellous slights seemingly aimed at undermining our credibility.
- Of equal concern is a failure to post meeting minutes on the Charity's website since September 2018, despite our requests for this to be rectified. This makes it very difficult for anyone outside of the Committee to know what is taking place or the basis for any of its decision making.
- We were thus surprised some months ago to be sent for comment a document detailing another closed shop style charity which would still remove most of the villagers voting rights. Once again we have become concerned that the interests of the Charity, the rights of village residents and legal compliance and due diligence are at risk of being discounted.
- Hence earlier this month we once again documented our concerns to the Committee, asking what actions will be taken to address the issues raised in order to ensure compliance, reimbursement of funds, and robust reporting.
- A copy of this document is available for anyone who wishes to see it, and we look forward to the new Committee that will be in place following this meeting, addressing these issues.

Rosemary Wallwin and Stewart Horne
Holding Trustees of Charity 514154