

## Honley Village Community Trust Annual General Meeting 2020

As the Trust is unable to hold the 2020 AGM in the Village Hall, due to Coronavirus restrictions, subscribing members are being asked to vote on the Agenda items below. **We would encourage members to vote on these items as they include an important change to the status of the charity and the constitution.**

If you wish to vote please email [mar.rayner@gmail.com](mailto:mar.rayner@gmail.com) or write to HVCT Secretary, Margaret Rayner at 43 Derwent Road, Honley, HD9 6EL.

For your information all reports of agenda items listed appear on this webpage as do the Annual Reports. Details will also appear in the November issue of the Honley Flyer.

The deadline for voting is November 30th 2020. Members need to include their names and address

The proposals are:-

1. To agree the Minutes of the 2019 AGM.
2. To agree the Treasurer's Report and the appointment of D and A Hill as auditors for the next financial year.
3. To agree the Proposed Constitution to a Charitable Incorporated Organisation.
  - a) To approve the application for Honley Village Community Trust to change its Charity status from an Unincorporated Charitable Association to a Charitable Incorporated Organisation.
  - b) To approve the constitution, as published on the Trust website, for the new Charitable Incorporated Organisation for Honley Village Community Trust.
  - c) To resolve that if a) and b) are agreed and the change in charitable status is approved by the Charity Commission the Trustees should dissolve the Unincorporated Charitable Association and transfer the assets to the new Charitable Incorporated Organisation.

**A full copy of the proposed Constitution along with Questions and Answers appears at the end go this Agenda.**

#### 4. Election of Officers for 2020 – 2021.

To agree the appointment of Officers (1 year) and Committee members (2 years.)

There are three vacancies on the Committee if the present officers and committee members are elected.

Chairman - Ian Blagborough

Treasurer - Dennis Roberts

Secretary - Margaret Rayner

Committee Members put forward for election – Carol Roberts, Peter Bonds, Glenn Kirkby

Deputy Chairman - Margaret Wadsworth

Deputy Treasurer - Sylvia Sellen

Deputy Secretary - Steve Hemming

## **Questions and Answers**

### **Proposed Constitution for a Charitable Incorporated Organisation**

**Why does the Trust wish to change the constitution?** HVCT registered as an Unincorporated Charitable Association in 1994 when it adopted its current constitution. In 2013 a new legal form for charities became available called the Charitable Incorporated Organisation (CIO). Most new charities use this new legal form and many existing charities have transferred to this new status.

#### **What are the advantages of being a CIO?**

Currently HVCT Trustees and members (residents who pay a subscription) are legally liable if the Trust becomes insolvent. As a CIO the Trust would have a 'legal personality' and means that the Trustees and its members would have limited liability, so if the Trust became insolvent the liability would be limited or nil.

#### **Who would have control over the land owned by the Trust?**

At present the Trust has four 'Custodial Trustees' who are independent of the Management Committee. They have no input into the running of the Trust except in relation to any changes to property and lease arrangements. They provide a safeguard or check to any changes to the status of the property or leases held by the Trust. It is their names on land registration documents and signed leases.

As a CIO the Trust would not have 'Custodial Trustees' as HVCT would have the ability to enter contracts and hold property in its own name.

#### **If there are no 'Custodial Trustees' what are the safeguards to ensure that the Management Trustees cannot dispose of the assets of the Trust?**

The new constitution requires charity trustees of the CIO to exercise his or her powers and to perform his or her functions as a trustee of the CIO in the way he or she decides in good faith would be most likely to further the purposes of the CIO.

In exercising the power to sell, lease or otherwise dispose of all or any part of the property belonging to the CIO it must comply with sections 117-125 of the Charities Act 2011. They include taking advice from a qualified surveyor and giving public notice of the proposed transaction, inviting representations, and taking any representations into consideration.

### **How will Trustees be appointed?**

Currently Officers of the Trust are elected annually at the AGM. Other management trustees are elected every two years.

Under the new constitution one-third of the trustees retire from office at the AGM. This is done in rotation but trustees may be reappointed at the AGM. The officers of the Trust are elected annually by the Trustees.

### **Why is the proposed constitution much longer?**

The current Constitution is only 4 pages. The proposed constitution is over 20 pages. The Charity Commission now have model constitutions for each type of charity. The proposed constitution is based on the model constitution. It includes more detail on how the Trust should operate and the requirements of trustees. In summary it is a more comprehensive document.