

Change of trustees at the Community Centre

As you are aware, it has been proposed (for some while now) that the Parish Council becomes the Custodian Trustee for the Community Centre, replacing the three Holding Trustees: Howard Rolfe, Julie Redfern and Chris Cole.

The Management Committee (comprised of 5 appointed members and 6 elected members) are the Management Trustees but as an unincorporated body it has no legal identity of its own, except as a collection of individuals. It, therefore, has to appoint either holding trustees or a custodian trustee to act as the legal owner for the property on its behalf. Their function is to hold the property and to act on the lawful directions of the Management Committee in transactions affecting the title of the property. The Custodian Trustee has no legal responsibility for managing the charity.

The long delay in this change was caused by the need to update the original 1954 trust deed. The Management Committee have now provided us with an updated draft, which has been reviewed by Sue Sheppard of the Rural Community Council of Essex (RCCE) and myself and has been sent to solicitors recommended by Sue Sheppard. A copy of this draft is attached to the email.

The timetable for the proposed change is as follows:

The Parish Council to consider whether to 'agree in principle' based on the draft trust deed at the PC meeting on February 23rd.

The proposed change will be on the agenda for the AVM on the 16th March so that residents are aware of the change.

At the Community Centre AGM on the 26th March there will be an agenda item to vote of the change (as long as we agreed in principle on Feb 23rd). This requires a 2/3 vote in favour of those present.

At the PC meeting on the 6th April, there will be an agenda item to vote of the change (assuming no contentious changes have been made to the draft deed).

If things run to plan, a letter will be sent to the holding trustees (by the Management Committee) to inform them of outcome of the AGM vote and to notify them that the change will take effect after the PC meeting on the 6th April. The only issue outstanding with regards to their letter at the moment is whether the holding trustees have to write a letter of resignation or whether the change automatically comes into effect (as was stated by Sue Sheppard) unless they formally.

The format of the draft deed may seem strange but John Burwood was informed by Sue Sheppard that the original deed (the text in italics) had to be at the front of the document with the changes at the end (as opposed to being interleaved with their correct numbering).

If anyone needs any additional information, please email me or phone me on 530903.

Joanna

