

# 19<sup>th</sup> February 2015 Minutes Wrightson Allotments Trustees 7PM – 8:15

## Attendees

Susan Lacey, Larry Whitty, Sue Adams-Lingwood, Margaret Lewis, Tom Staveley

## Absentees

Derek Beer

## Pre-agenda

Sue A-L raised points, which were discussed before the proposed agenda:

1. Sue A-L was elected as a trustee in the March 2014 AGM and Margaret L at the October 2014 general meeting, but neither have had any paperwork. Susan L did not have the relevant paperwork at the meeting, but was surprised that Sue L's had not been processed. She had been waiting for a response from the Charity Commission with respect to Margaret L's election, assuming that Margaret wished to set rents at a rate that failed to cover costs, which would be wrong for a trustee-cum-allotment-holder. However, Margaret L said that was not her intention and that waiting for the CC's response was not necessary.
2. Tom S was elected as a trustee in 2012/2013(?), but no minutes are taken for that meeting. Tom's paperwork was processed and submitted to the Charity Commission, but Tom S and Susan L were unable to recall the date. It is with Tom and Susan to dig up the paperwork with the date, to assure all concerned that Tom is a legitimate trustee.
3. Details at the Charity Commission website have not been updated since 31<sup>st</sup> December 2012, and trustees listed have not been updated since Roger Barnard's tenure. Susan L explained that paperwork has been submitted to the CC, but that she had been unaware of the on-line registration. Tom S / Susan L explained that the site had been maintained by Marco Arico, using a login for an e-mail domain, which no longer exists and that registering Tom's details were therefore going through a slow process, but that the process needed to be completed before the details could be updated.
4. Bearing in mind the state of the on-line details and paperwork, Sue A-L questioned the legality of the trust. Susan L assured her that the trust was legal. Sue A-L also pointed out that Tom S was an "acting treasurer" only, having been passed everything by David Wareham at the end of his tenure, and that there is currently no official secretary. Larry W suggested that we should re-establish the elected trustees at the next AGM, which met with approval. Sue A-L said that we should also officially appoint the secretary and treasurer.

## Trust governance

### Governing document

Tom S raised the point that the WA trust lacks a governing document, and that a governing document, explaining the trust's charitable purposes is a **must have** according to the on-line Charity Commission documentation, last updated in 2012, and that it is also an essential precursor for some of our decision making – e.g. whether the trust's charitable purpose was to benefit the community at large or allotment holders, which would be awkward for allotment-holder-cum-trustees.

Susan L's translation of the conveyance document was distributed at the meeting, and it was agreed that this was insufficient to act as a governing document in itself, but should be used as a basis for the governing document along with the on-line stated purpose of the trust, "Provision of open space for the pursuit of allotment gardening", which Tom also said he understood to be an inadequate basis for a "charitable purpose", because it doesn't clarify the public benefit.

Sue A-L, had the makings of the description of a "charitable purpose", which [*Sue, who was it at the STC office??*] had suggested to her when putting together a proposal for lottery funding:

*To welcome all who live locally to benefit from this community space.*

*To provide opportunities for people to benefit from the fresh air and exercise, home grown produce & to socialise, all contributing towards healthier, more active people.*

Tom suggested that he took some of that wording to form the basis of a governing document, which he'd circulate around the trustees for comment, with a view to setting up a workable governing document, which the trustees could accept.

### Trustee handbook

Tom S also explained that according to the CC site, we all **must be** familiar with "The essential trustee: what you need to know" (CC3), a 46-page document on-line.

All present said that they had Internet access or access via the library to the document and therefore there was no need for printed copies.

Tom S picked out a quote from the document, regarding personal liability when trustees act imprudently siting the decision about tree work on the allotment to underline the importance of familiarity with the document:

*If trustees act imprudently: If the trustees act imprudently, or are otherwise in breach of the law or the governing document, the position is different. Here, trustees may be personally responsible for liabilities incurred by the charity, or for making good any loss to the charity. Since trustees act collectively in running a charity, they will usually be collectively responsible to meet any such liability.*

### Immediate concerns

#### Execution of tree works – do we pay now or leave it to the council?

Sue A-L explained that she has verbal assurance only from Shaftesbury Town Council and the Highways Authority that the council would take responsibility for the oak trees, which require dead-wooding over the public highway. Susan L said that she would chase the relevant authorities for written confirmation that they would take responsibility for the works.

#### Resolving minutes from the October general meeting

Tom S circulated proposed amendments to Sue A-L's original text. It was agreed to leave approval to the AGM, when everyone has time to read through the details.

#### Actual rent for "March 2015" (or later)

Sue A-L has investigated the NSALG benefits, and determined that its only real advantage to us was a 15% reduction in the Shield Insurance premium (currently £114.39), but that was outweighed by the fee. Legal benefits were agreed not to be a good reason to continue with the £2.50 capitation fee.

Other advantages (magazine, seeds) were also agreed not to be a good reason to continue. Insurance for 2015 has already been covered, and it was agreed that we should drop our NSALG membership to save money. Resigning membership also means that we no longer have a need to time the AGM for mid-March to determine capitation before the March 20<sup>th</sup> NSALG deadline.

It was proposed by Larry W that two prices should be prepared for the AGM: one assuming responsibility for tree work and the other assuming no responsibility. In light of this two prices per half allotment were agreed upon for the year starting March/April 2015: £18, assuming responsibility for tree works, or £14, assuming no responsibility. Tom S should inform NSALG that we are resigning our membership and the AGM should be delayed until 16<sup>th</sup> April, giving Susan extra time to resolve whether the council has responsibility for tree works over the highway.

Sue A-L queried whether all allotment holders had been informed that that there would be any increase for 2015. Tom explained that minutes for the AGM meeting in March 2014 had been circulated with a copy being put through Don Houghton's letterbox. Tom will ask Don to confirm that he had received a copy of the minutes, and queried whether Don's failure to receive those minutes would set us back another year. Consensus was that we should be able to proceed with an increase. [Can you confirm, Sue A-L?]

## Summary

The AGM will be held on 16<sup>th</sup> April at Susan's office.

If Susan L can get written confirmation that the council will take responsibility for the required dead-wooding, rents will be set at £14 per ½ allotment. Otherwise, it will be set at £18.

Tom S will persevere with the CC on-line registration process, registering the 2014 details on-line, when access is granted.

Tom S will resign WA from the NSALG with effect from March 20<sup>th</sup> 2015.

Sue A-L will get a formal quotation for insurance for the year starting 2016 and find out what premium we need to pay Shield in light of our NSALG resignation (presumably circa 15% more).

Tom S will draft an initial governing document, drawing from the words proposed by Sue A-L's lottery funding exploration, and distribute this amongst trustees only.

Trustees will be re-established by a vote in the April 16<sup>th</sup> AGM, at which point a secretary and a treasurer will be appointed.

Tom S to confirm that Don Houghton is aware of the impending price increases.