

# FACT SHEET

## **Walsham le Willows Community Council (Registered Charity No.278321)**

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## **Memorial Hall Walsham le Willows (Registered Charity No.304950)**

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1. Both of these registered charities are administered by the Executive Committee of Walsham le Willows Community Council.
2. Following a recent Freedom of Information Request the Charity Commission has confirmed that the prevailing Constitution of Walsham le Willows Community Council is the document last amended in June 2010. A copy of which is attached. A copy of the Trust Deed for Walsham le Willows Memorial Village Hall is also attached in which the appendix dated 18<sup>th</sup> August 1992 clearly sets out the relationship between the two charities.
3. As you will note from clause 7a of the Community Council Constitution “the Annual General Meeting of the Council shall be held not later than the 30<sup>th</sup> of June each year”. Despite numerous protestations from members of the Executive Committee (both past and present) this did not (and has still not) happened with the Chairman, Fred Bloomfield (who was appointed on 6<sup>th</sup> December 2018) repeatedly stating that “he doesn’t want or need to hold one”.
4. In the absence of an AGM being held in June 2019 advice has been obtained from an independent legal source cognisant of charity law which confirms that with effect from the 1<sup>st</sup> July 2019 the Executive Committee of Walsham le Willows Community Council effectively ceased to exist and that any decisions or transactions undertaken since that date in the name of the Community Council are null and void, there being no prevailing authority to bind or enter into contracts on behalf of either charity.
5. Under clause 10e of the Community Council Constitution it states that “The Committee shall authorise in writing the Treasurer, Secretary of the Council and two members of the Committee to sign cheques on behalf on the Council”. As no such Honorary Officers had been appointed by the 30<sup>th</sup> June 2019 those individuals currently appearing on the bank mandate for both charities nolonger carry these titles of office and as indicated above cannot legally bind or enter into contracts on behalf of either charity.
6. As things currently stand HSBC nolonger hold an effective mandate to operate the bank accounts held by them in the name of both charities.
7. Following the resignation on 2<sup>nd</sup> April 2019 of Kevin Nelson, the Honorary Secretary duly appointed on 6<sup>th</sup> December 2018, he was succeeded by the co-option of John Stebbing. The latter subsequently resigned on 26<sup>th</sup> July 2019 when his position became untenable.

8. Caroline Niall, the Treasurer duly appointed on 6th December 2018, also resigned on 2nd April 2019 due to her serious concerns over the financial management of both charities following which the wife of the Chairman assumed responsibility for all financial matters.
9. Cash takings from the operation of the Memorial Hall have not been banked on a regular monthly basis and a regime of cash accounting has been introduced.
10. On 23<sup>rd</sup> July 2019, HSBC returned a cheque drawn on the Memorial Hall's main current account unpaid due to a lack of funds.
11. The monthly direct debit for £273.00 in favour of E'ON for the supply of electricity to the Hall has been switched from the main Memorial Hall current account to the Memorial Hall's Building Fund account with effect from 10<sup>th</sup> September 2019. All funds held on the Memorial Hall's Building Fund account are restricted capital funds set aside from donations and grant monies received for the redevelopment of the fabric of the Memorial Hall and as such should not be expended on running costs.
12. The Trustees of Town Farm Charity have recently demanded the return of their grant monies of £10,000 (previously held on the Memorial Hall's Building Fund account since July 2018) in order to protect these donated restricted funds.
13. As no meaningful management accounts have been produced for either charity in 2019 their current financial positions are uncertain.
14. The current creditor position for each charity is also unknown.
15. Several formal complaints have been lodged with the Charity Commission who are currently maintaining a watching brief on the overall situation.
16. Absolute editorial control has meant that very little, if any, of the above information has been reported in the Walsham Observer. The last set of Executive Committee minutes to be published were those of the meeting held on 2<sup>nd</sup> July 2019 and numerous well intended and informed letters sent to the Chairman and Editor on the subject of the AGM have simply not been published.

In the light of the above a Special General Meeting of Walsham le Willows Community Council has now been convened by the members for Monday 28<sup>th</sup> October 2019 in order to effectively reconstitute the administration of both charities and appoint a duly elected Executive Committee and Honorary Officers to hold office until the next AGM in June 2020.

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7<sup>th</sup> October 2019