

Ettington Parish Council

13 November 2019

Item 4 Appendix 1	Community Centre
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At their meeting held on 5 November 2019 the Community Centre Management Team resolved to adopt the Charitable Incorporated Organisation Foundation Model as their future Trust Model.

The next steps are to seek ratification by the Trustees of the current Trust of which Ettington Parish Council as a body is one and, therefore, the Council are asked to ratify this decision.

Appendix a) is the document upon which their decision was made.

Appendix A

1 Introduction

There have been discussions with regards to the current Trust Document/Structure's suitability /appropriateness and it has been agreed that a replacement structure and document would better serve. A Constitution has been adopted, on a pro tem basis, for the Ettington Community Centre Management Team in order to give clarity on its function as opposed to those of the Trustees.

It has been agreed that a review of the options for replacement of the Trust Deed and the purpose of this paper is to provide a comparison of the model documents approved and recommended by the Charity Commission – these are available at <https://www.gov.uk/guidance/charity-types-how-to-choose-a-structure#how-to-write-your-governing-document> and readers may wish to read these.

2 Comparison

Table 1 lists each of the model documents in the left hand column and key factors for consideration along the top. Explanation of the colour coding is given in the final column.

The purpose of the comparison is to enable the Committee to make an informed decision regarding the preferred model.

Based on the comparisons the author recommends that the Trust and Unincorporated Association be dismissed as suitable based on them both having one or more 'negatives'.

3 Recommendation

The Charity Commission recommend (see link above to relevant document) that the Charitable Incorporated Organisation Foundation Model be used where the original Charity:

- **Is governed by a trust deed**, will, scheme or conveyance
- Is run solely by its trustees
- Doesn't have a voting membership

And, therefore, this is the recommended model and the Committee are asked to consider and make a resolution in respect of this recommendation.

4 Next Steps

If the recommendation is accepted there will be a requirement to seek approval of the Trustees (Steve Kendrick, Liz Lyall and the Parish Council of this decision and, if they are in agreement:

- Commence the process to register a new charity;
- Decide how assets will transfer;
- Ensure all admin and filing of reports are up to date;

Table 1	Employ Paid Staff	Enter into Commercial Contracts	Own Freehold or Leasehold Land or Property	Trustees Not Personally Liable	Can have wider membership with wider voting rights (eg appoint committee)	Have to register with Companies House	Explanation of colour coding
Charitable Incorporated Organisation Foundation	Yes	Yes	Y	Yes	No	No	Not currently applicable but thought may need to be given as to future impact
Charitable Incorporated Organisation Association	Yes	Yes	Y	Yes	Yes	No	Positive
Unincorporated Association	Yes	Yes	Y	Yes	Yes	Yes	Neutral

Table 1	Employ Paid Staff	Enter into Commercial Contracts	Own Freehold or Leasehold Land or Property	Trustees Not Personally Liable	Can have wider membership with wider voting rights (eg appoint committee)	Have to register with Companies House	Explanation of colour coding
Trust	Not clear	No	No (one or more trustees or the charities' land holding service will have to 'hold' any land on the charity's behalf)	No	No	No	Negative