

Minutes of EGM 18 April 2023

73 people attended the EGM, of which the majority were residents – names and addresses of all attendees were recorded.

Trustees welcomed everyone, and explained the context and purpose of the meeting. That it was about property acquisition and disposal, in compliance with clause 18 of our governing document, and that residents had power of veto only. That meant that if they did not vote at least 75% in favour of any given proposal, then trustees would not be at liberty to pursue that action. A vote in favour would not guarantee any action, and would simply give trustees authority to pursue that action if they wished, and if the Charity Commission also subsequently gave consent.

Trustees noted a previous “EGM” organised by MPC on 11 May 1987, which carried a motion to sell the 1976 village hall property, but did not vote on how to spend the proceeds. Neither had there been any votes on any non-VH uses for which third parties might use Charity property (which also count as disposition of Charity Property, so also governed by clause 18)

Following a powerpoint presentation on the history and findings which the charity trustees had discovered, and some commentary by our lawyer on the legalities to which we were working, trustees opened the floor for questions and discussion, clarified points as best as possible, and then asked residents to vote on:

- i) Vesting all the charity’s current interests and assets into a new CIO
- ii) Retrospectively investing the proceeds of the 1989 sale (£80,000) into the current property.
- iii) Using parts of the current property for non-village-hall purposes

All of the proposals received well over the 75% majority required by clause 18 to carry. The votes that received support from residents were as follows:

- (1) **THE CHARITY:** That a brand new Charitable Incorporated Organisation be established with the same objects as Mulbarton Village Hall Charity. Further, that the unincorporated charity, established in 1976, transfer all its assets, liabilities and interests to the CIO – and that the current charity is wound up.
- (2) **THE LAND:** That the CIO receives from MPC retrospective beneficial ownership of the VH property, purchased by MPC in 1985, and in which the MVH Charity invested all its assets in 1989, according to our right under the Laws of Equity and Trust.
- (3) **PHONE MAST:** That the CIO continues to use this part of the property for this purpose, complying with all its legal requirements in regard to contracts.
- (4) **SCOUT LAND:** That the CIO continues to lease the scout HQ and garden to the Scouts
- (5) **BLAKEYS:** That the CIO continues to lease Blakeys bus café.

- (6) **MULTI USE GAMES AREA (MUGA):** That the CIO receive ownership of the MUGA equipment, and manage that for Charity purposes.
- (7) **SKATE PARK/PLAY PARK:** That the CIO would have scope to: lease the skate park at a nominal rate; manage the skate park as a parish amenity; or redevelop the skate park for charity purposes.
- (8) **MPC OFFICE:** That the CIO continues an exclusive occupation tenancy of the office, at the surveyed rate (£44 per week + utilities).

Advertised Agenda Items Not Addressed

We also hoped (and advertised in the agenda) to receive residents' views on the general terms of a financial settlement between VH and MPC; and on the possibility of conveying Mulberry Park and Orchard Park from MPC to the VH Charity. We did not consult on those in the event, because after the meeting with MPC the evening before, trustees felt we needed greater engagement with and clarity from MPC before putting any proposals to residents.

Possible Next Actions to Refer Back to Trustees

- 1) **Report outcome of EGM online and in the Parish News**
- 2) **Report to Charity Commission** with update of situation, set of evidence, and seeking consent for EGM-supported proposals
- 3) **Apply to Register New CIO**
- 4) **Negotiate financial and management settlement with MPC and tenants**, and conduct any necessary legal conveyancing, and preparation of new lease agreements and occupation licenses, or transfer of the same, once legal liberty to do so obtained.