

NEW CONSTITUTION FOR OVER DAY CENTRE

A new Constitution is required for a number of reasons:

1. The current constitution (7 pages) is somewhat outdated and has a number of fundamental omissions. For example it makes no reference to:
 - Trustees
 - The Charities Act 2011
 - What happens if the Charity goes bust (No it's not likely!)
 - Electronic communications
2. The Objectives need refining
3. Our constitution is based on having councillors from the County, South Cambs and Over Parish Council on the Day Centre's Council (Committee). Councillors are often asked to serve on charities but some Councils warn them against doing so if the Councillor could be financially liable if the Charity were to go bust.
4. Limiting Membership to the residents of Over seems unfair when we have clients and volunteers from neighbouring villages.
5. Whilst we get fantastic support from many volunteers we struggle to get the necessary 10 members which are required for our AGM. We had 10 last year. We are therefore proposing reducing this to 6. The Charity Commission notes say *"We suggest that the quorum should be 5% (or three) of the members. You may choose a different figure. If it is set too high, any absences may make it difficult to hold a valid meeting; if it is too low, a small minority may be able to impose their views unreasonably."*

Our first step was to look at the Model Constitutions that The Charity Commission publish. The one that deals best with the financial issue is called a "Charitable Incorporated Organisation" (19 pages) which includes the option for the Associations Members (all of us) to have no financial liability if the worst did happen. Very many charities have now converted to this model.

We then have quite a bit of scope to tailor the Model to our particular requirements.

There are a number of aspects where the result is different to the current Constitution and I will highlight what I believe to be the most significant ones:

OBJECTIVES

The proposed new objectives are to:

- *Maintain and enhance the quality of the lives of those frail and older people living in Over and other Cambridgeshire villages, in order to combat loneliness and provide respite to their carers thus extending the time that they can continue to live happily and safely in their own home or community, by providing:*
 - *affordable Day Care that is both enjoyable and stimulating.*
 - *transport to the Day Centre, where possible, in the Association's own minibus which is adapted to assist those who have mobility problems.*
 - *other support services.*
- *Provide opportunities for local people to volunteer to support the above objects in order to enhance community support and spirit.*

The current objectives are:

To establish a Centre to provide day care for the frail or elderly of OVER and surrounding villages, to promote and maintain the quality of life for them through social contact, recreation and informative activities, to provide a focal resource through which appropriate medical and social services can be provided, to provide relief for carers, to provide a focus through which the people of OVER and surrounding villages can take an active part in care in the community.

MEMBERSHIP

Proposed new Membership is:

Membership of the CIO is open to anyone who is interested in furthering its purposes, and who, by applying for membership, has indicated his, her or its agreement to become a member and acceptance of the duty of members to exercise his or her powers as a member of the CIO in the way he or she decides in good faith would be most likely to further the purposes of the CIO.

Current Membership is:

All residents of the Civil Parish of OVER who are of voting age.

CHARITY TRUSTEES

Proposed

Minimum of 6 and Maximum of 9 to be elected by the AGM or a General Meeting of Members. If vacancies arise then the remaining Trustees can appoint new Trustees until the following AGM. Each year 1/3rd of the Trustees will resign but can be re-appointed.

In addition there will be Trustees representing the County Council, South Cambs and Over Parish Councils.

Current

No reference to Trustees but the AGM or a General Meeting of Members elects 6 Members and the representatives of the County Council, South Cambs and Over Parish Councils to form its Council (Committee). There is no constitutional requirement for these Council members to be Trustees but they have usually taken on the role of Trustee as well.

WHAT HAPPENS NEXT?

If you wish to look at the details, both the existing and proposed constitutions are on the website. I have highlighted in yellow the key parts of the proposed constitution.

Assuming this AGM is supportive of the proposed constitution we will apply to the Charity Commission for a new charity to be set up based on this. It will have the same name as the existing charity i.e. The Over Day Centre Association.

It can take months for this to be approved by the Commission. Once it is established we will be advised by the Commission as to whether we need a Special General Meeting to approve the transfer of the existing charity's assets and liabilities to the new charity.

Steve Couper (Chairman of Trustees)