



Charity Number - 301880
Lymington Community Centre, New Street, Lymington, Hants. SO41 9BQ
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Response from Acting Chairman, Bob Blatchford

I have had many face to face discussions, telephone calls and email exchanges regarding the forthcoming SGM.

There has been a common theme to your questions “Are the Trustees making a power bid to disenfranchise the members and exclude the Town Council from their rights as detailed in the original deed and the current Constitution?”

Within the original deed there is reference to the Council approving sale or disposal of assets. The Council referred to in the deed was a representative body consisting of local clubs, interest groups and Town Council to steer the direction of the Lymington Community Association (LCA). At some point in time this representative group was replaced by the Board of Trustees.

Maintenance of members rights is imperative to us and we have worked hard to ensure these are replicated in the draft CIO Constitution. We have produced a document detailed below outlining these rights and indicating the clauses that enact these rights in the draft CIO Constitution.

If you have any further questions, please feel free to contact me with your queries.

LCA Member’s Rights Under the CIO Constitution and resolutions

The Board of Trustees have been careful to ensure that the new CIO Constitution does not have any material change on the rights of the LCA’s members. It does however include a broad requirement that It is the duty of each member of the CIO to exercise his or her powers in the way he or she decides in good faith would be most likely to further the purposes of the CIO. Therefore, we have extracted members rights from the draft CIO Constitution and presented them in plain English.

Who are our members –People who have joined the LCA and have paid the current year’s subscription.

What powers written into the CIO Constitution do members have:

- to appoint the Trustees
- to propose a Trustee be removed
- to approve changes to the Constitution and related documents
- to prepare a written resolution for consideration by members
- to request the Trustees to call an AGM or SGM
- to approve transactions between CIO and Trustees
- to authorise any sale of land or transfer of significant assets
- to control disposal of remaining assets if the Charity is wound up

These rights are enacted by:	Clause
1. Attendance at a General Meeting	(10.2)
a. Right to vote in person or by proxy on resolutions, major shifts in policy, changes to Constitution or changes to governing deed	(10.4.2)
b. Request a poll if show of hands inconclusive	(11.6.2)
2. Control and influence over trustee selection	
a. Proposal of a new Trustee	
b. Election of the Board of Trustees	
c. Removal of a Trustee (decisions taken in a particular way)	(10.4)
3. Proposal of a resolution to the trustees if supported by 20 members	(10.3.4)
4. Request the trustees to call a general meeting if agreed by not less than 20 members (conditions apply)	(10.3.5)
a. If no general meeting has been held for more than 12 months then only 10 members required	(11.2.2b)
b. Any general meeting called this way must be held within 28 days	(11.2.5)
c. If Trustees fail to call this general meeting, then requesting members may call meeting	(11.2.6)
5. To propose a member's written resolution (to be agreed by simple majority)	(10.3.1)
6. Access to information	
a. All materials presented at a general meeting should be freely available to members at the Community Centre and on the LCA website.	
Including but not limited to:	(11.1.1)
I. Annual Report	
II. Annual Accounts	
III. Minutes of Meeting	
IV. Trustees Annual Report	

7. Authorization of sale of land, transfer or disposal of assets

Covered in resolution 1 which is the amendment to the governing document.

“The Trustees (as defined in the Constitution of the Lymington Community Association dated 18th May 2012) may let or sell any freehold or leasehold property held by or on trust for the Lymington Community Association (charity registered number 301880) provided that any sale is approved by a majority of not less than two thirds of the members of Lymington Community Association present at a general meeting and who are

- (a) entitled to attend and vote on the resolution;
- and
- (b) vote upon the resolution”.