



MEDIA RELEASE

December 2017 Update

Six Monthly Review by Charity Commission of the Order Appointing an Interim Manager

The Trustees of WPCC received a letter from the Charity Commission dated 6th December 2017 (see link: <http://bit.ly/2CVW4ZV>). This notifies Trustees of the Charity Commission's decision following a six-monthly review to extend their Order of 31st May 2017 which appointed the Interim Manager (see link: <http://bit.ly/2AVItQH>)

This matter was considered at the Board meeting on 11th December at which the Trustees noted this development and resolved not to appeal the extension of the Order.

Whilst the Commission's Order therefore remains in place, the Interim Manager's draft report is with the Charity Commission. In due course Trustees will receive a copy of this draft for comment.

The Board has requested a timescale for receipt of the draft Interim Manager's report. The Charity Commission have advised that they are unable to give any indication of timescale.

The Trustees continue to cooperate fully with the Statutory Inquiry and continue to manage the Commons.

Conservators' Triennial Election 2018

Concerns have recently been expressed by a levy payer with the Charity Commission in relation to a statement on the WPCC Nomination Form for the 2018 Triennial Election which stated that *"In the event that I am asked to resign from the Board I will accept the majority decision of the Board in this matter and I will have deemed to have resigned."*

The Charity Commission have been asked for and have provided the Chairman of the Board with their view, which is set out below:

"The Commission notes that the Charity's governing document does not currently provide a way of removing an elected member and that there will be different opinions on the issue of whether it should be possible for a charity to remove an elected member. The right of the elected members to serve as trustees is particularly strong because it is derived from the electoral will of the levy payers. The Commission's view is that the statement goes beyond the provisions within the Charity's governing document and charity trustees have a duty to comply with their charity's governing document.

If a trustee is guilty of misconduct and/or mismanagement and is a risk to the Charity's property then the Commission has power to remove them. This means that the absence of a removal mechanism in the governing document can be overcome following independent and impartial scrutiny by the Commission. This system also ensures that anyone who is removed from office has a right of appeal to First-tier Tribunal."

Given the Commission's clear guidance the Nomination Form within the Nomination Brief and Candidate Pack has been amended to state:

“If a trustee is guilty of misconduct and/or mismanagement and is a risk to the Charity’s property then the Charity Commission has power to remove them.”

The amended Nomination Brief and Candidate Pack can be downloaded from:

<https://www.wpcc.org.uk/about-us/election-of-conservators>

ENDS

NOTES for Editors - Wimbledon and Putney Commons is a charity managed by the Wimbledon and Putney Commons Conservators. It was established under the Wimbledon and Putney Commons Act of 1871. The Commons comprise some 1,140 acres across Wimbledon Common, Putney Heath and Putney Lower Common.

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