

Supplemental Information to support the 2021 Bonfire Night and Fireworks Party in Tyttenhanger Green

From: Steve PARISH, member of the Tyttenhanger Green Parties Committee and Charles Morris Hall Management Committee

To: Colney Heath Parish Council

Sent: 14 September 2021 in advance of the Council's meeting on 23 September 2021

1 Introduction

Documentation to support a request to use the Open Space behind the Charles Morris Hall in connection with the 2021 edition of the Annual Bonfire Night and Fireworks Party in Tyttenhanger Green was sent to Colney Heath Parish Council (Council) in advance the request being considered at the Council's meeting on 22 July 2021.

The text in the box below is an extract from the "*DRAFT Council Minutes – 22 July 2021*" available on the Council's website [Council text; author's formatting]:

Tyttenhanger Open Space – Annual Bonfire Night (item 21/22-38.d)

- Councillors noted the excellent and informative document presented.
- Information remained to be provided and this included the organisation chart and constitution of the Parties Committee.
- Also, the link between Charles Morris Hall Management Committee and the Parties Committee and with regards insurance as no evidence provided.
- There remained a question of requirements of food standards on parish owned land which all required to be confirmed.
- The event was confirmed in principle subject to the documentation that was outstanding being provided to the Clerk by the date of the next Council meeting in September 2021.
- It was duly proposed, seconded, and unanimously **RESOLVED** that subject to the provision of paperwork as outlined the event in November 2021 should be allowed to go ahead for no charge.
- Motion carried.

The following supplemental information is intended to address four areas of outstanding issues regarding the structure and constitution of the Tyttenhanger Green Parties Committee, the link between the Charles Morris Hall Management Committee and the Tyttenhanger Green Parties Committee and further clarification on the Insurance for the Annual Bonfire Night and Fireworks Party.

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2 Legal structure of the Tyttenhanger Green Parties Committee

The Parties Committee operates as an **unincorporated association**.

3 Constitution of the Tyttenhanger Green Parties Committee

3.1 Name

The name of this unincorporated organisation shall be the **Tyttenhanger Green Parties Committee**, hereinafter the **Parties Committee**.

3.2 Aims

The aims of the Parties Committee shall be:

- To plan, organise, promote, and run social and cultural events and activities on behalf of the Charles Morris Hall Management Committee.
- To benefit primarily the inhabitants of all ages in the beneficial area of Tyttenhanger Green* although some social events and activities may provide benefit to the wider community in Colney Heath Parish and beyond.

* the beneficial area of Tyttenhanger Green is as defined by the Trustees of the Charity of Charles Morris for allotments at Tyttenhanger Green (i.e., Colney Heath Parish Council) at their meeting on 20 March 1968. In summary this area covers (i) Tyttenhanger Green up to and including Hill End Farm and (ii) Highfield Lane from the southern edge of Winchfield Wood to the A414 North Orbital trunk road including Highfield Hall and Highfield Manor.

3.3 Powers

In order to achieve the aims the Parties Committee may:

- Raise funds, receive grants and donations.
- Open bank accounts.
- Organise courses and events.
- Co-operate with and support other groups with similar aims.
- Do anything that is lawful which will help it to fulfil its aims.

3.4 Membership

- (a) Membership of the Parties Committee shall be open to any person of 18 years of age or older living in, or otherwise connected to, Tyttenhanger Green and who is

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interested in helping the Parties Committee to achieve its aims and willing to abide by the rules of the Parties Committee provided that at all times a minimum of two-thirds ($\frac{2}{3}$) of the membership of the Parties Committee shall be resident in the beneficial area of Tyttenhanger Green.

- (b) Membership of the Parties Committee shall be available to anyone without regard to gender, race, nationality, disability, sexual preference, religion, or belief.
- (c) At each meeting of the Parties Committee a Membership Register shall be available to allow a person to become a member of the Parties Committee.
- (d) A person becomes a member of the Parties Committee if they attend any meeting of the Parties Committee and adds their name to the Membership Register at said meeting of the Parties Committee.
- (e) A member of the Parties Committee shall be a member of the Parties Committee until the next Annual General Meeting of the Parties Committee or until the member resigns from the Parties Committee, whichever comes first.
- (f) At each Annual General Meeting of the Parties Committee any member of the Parties Committee who wishes to remain a member of the Parties Committee shall do so by re-entering their name in the Membership Register.
- (g) A member of the Parties Committee may resign from the Parties Committee through a written resignation to the Parties Committee at any time before to the next Annual General Meeting.
- (h) Each person who is a member of the Parties Committee shall have one vote at any meeting of the Parties Committee.
- (i) The Parties Committee may by a two-thirds ($\frac{2}{3}$) majority vote and for a good and proper reason revoke the membership of any member of the Parties Committee, provided said member has the right to be heard before a vote is taken.

3.5 Management

- (a) The Parties Committee shall be run without an elected committee. For the avoidance of doubt this means the entire membership of the Parties Committee is the 'Board of the Tyttenhanger Green Parties Committee' and the members of the Parties Committee are collectively responsible for the Parties Committee's affairs.
- (b) To the extent the Parties Committee shall have Officers, there shall be a **Facilitator**, a **Secretary**, and a **Treasurer** of which at least two (2) shall be resident in the beneficial area of Tyttenhanger Green.
- (c) A **Facilitator** and a **Secretary** shall be nominated and agreed separately on a meeting-by-meeting basis for each meeting of the Parties Committee.
- (d) A **Treasurer** shall be nominated and agreed at a meeting (normally the Annual General Meeting) of the Parties Committee and shall serve a continuous term of one (1) year.

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- (e) The Parties Committee shall meet at least one (1) time per calendar year and at other times as necessary to organise, promote and run social and cultural events and activities on behalf of the Charles Morris Hall Management Committee.
- (f) The quorum for meetings of the Parties Committee shall be three (3) members of the Parties Committee of which at least two (2) shall be resident in the beneficial area of Tyttenhanger Green.
- (g) Voting at meetings of the Parties Committee shall be by show of hands. If there is a tied vote the person nominated as **Facilitator** for that meeting shall have a second vote.

3.6 Duties of the Officers

- (a) The duties of the **Facilitator** are to:
 - chair meetings of the Parties Committee
- (b) The duties of the **Secretary** are to:
 - take and keep minutes of meetings
- (c) The duties of the **Treasurer** are to:
 - supervise the financial affairs of the Parties Committee
 - keep proper records of all monies collected and paid out by the Parties Committee

3.7 Finance

- (a) Any money obtained by the Parties Committee shall be used only to help the Parties Committee to achieve its aims.
- (b) Members of the Parties Committee may not receive monies from the Parties Committee except to refund reasonable out of pocket expenses incurred to help the Parties Committee to achieve its aims.
- (c) Any bank account(s) opened for the Parties Committee shall be in the name of the Parties Committee.
- (d) Should the amount of funds raised by the Parties Committee in a calendar year be more than required for the working balance needs of the Parties Committee to carry out its aims in the subsequent calendar year, such funds shall be deemed Surplus Funds.
- (e) At each Annual General Meeting of the Parties Committee a decision shall be taken on the disbursement of Surplus Funds (if any) with the preference of the Parties Committee being to disburse such Surplus Funds to the Charles Morris Hall Management Committee.

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3.8 Annual General Meeting

- (a) An Annual General Meeting of the Parties Committee shall be held in the month of January in each year or as soon as practicable thereafter.
- (b) All members of the Parties Committee shall be entitled to attend and vote at the Annual General Meeting of the Parties Committee.
- (c) Each Annual General Meeting of the Parties Committee shall:
 - Receive from a nominated member of the Parties Committee a report on the Parties Committee's activities over the preceding calendar year.
 - Receive from the Treasurer of the Parties Committee a report on the finances of the Parties Committee.
 - Elect a Treasurer.
 - Consider any other matter as may be decided.

3.9 Special General Meeting

A Special General Meeting of the Parties Committee may be called by any three (3) members of the Parties Committee of which at least two (2) shall be resident in the beneficial area of Tyttenhanger Green to discuss an urgent matter. All members of the Parties Committee shall be given fourteen (14) days' notice of any Special General Meeting together with notice of the business to be discussed. All members of the Parties Committee shall be entitled to attend a Special General Meeting of the Parties Committee and to vote on the urgent matter.

3.10 Alterations to this Constitution

Any proposal to alter this Constitution shall be presented to all members of the Parties Committee at least fourteen (14) days prior to either the Annual General Meeting or a requested Special General Meeting of the Parties Committee at which such proposal shall be subject to a vote. A vote to alter this Constitution must be agreed by at least two-thirds ($\frac{2}{3}$) of those members present and voting at said meeting of which at least two-thirds ($\frac{2}{3}$) must be resident in the beneficial area of Tyttenhanger Green.

3.11 Dissolution

The Parties Committee may be wound up at any time if agreed by two-thirds ($\frac{2}{3}$) of those Parties Committee members present and voting at any Annual General Meeting or a requested Special General Meeting of the Parties Committee of which at least two-thirds ($\frac{2}{3}$) of the members must be resident in the beneficial area of Tyttenhanger Green. In the event of winding up, any assets remaining after all debts have been paid shall be donated to

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a recognised and lawfully constituted charitable cause with the preference of the Parties Committee being to donate such assets to the Charles Morris Hall Management Committee

This constitution was adopted at a General Meeting of the Parties Committee on

_____ [date]

Signed by:

- Facilitator:
- Secretary:
- Treasurer:
- Other Committee members:

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4 The link between the Charles Morris Hall Management Committee and the Parties Committee

ORIGINS OF THE MANAGEMENT COMMITTEE AND PARTIES COMMITTEE

The Lessees in the **Lease of Charles Morris** Hall dated 4 July 1975 (*1975 Lease*) are “the Parish Council of the Parish of Colney Heath” and Article 2 of the *1975 Lease* provides that “the lessees are the trustees of the Charles Morris Hall Tyttenhanger Green (hereinafter called “the Charity”) [**Charity**].

Article 1(2) of the Schedule to the *1975 Lease* provides that “The charity shall be administered ... by the committee of management hereinafter constituted (and hereinafter called the committee) [**Charles Morris Hall Management Committee**] who shall be the charity trustees of the charity within the meaning of section 46 of the Charities Act 1960”.

Article 3(3) of the Schedule to the *1975 Lease* provides that “Two representative members shall be appointed [to the Management Committee] by each of the following organisations ... Tyttenhanger Green Parties Committee” [**Parties Committee**].

THE CHARLES MORRIS HALL MANAGEMENT COMMITTEE AND PARTIES COMMITTEE HAVE SEPARATE FUNCTIONS

As a result of the foregoing the **Management Committee** manages the Hall on a day-to-day basis on behalf of the **Charity** and the **Parties Committee** is an integral part of the **Management Committee**.

However, to avoid any possible conflict of interest with the aims of the **Charity**, the **Management Committee** delegates to the **Parties Committee** the planning, organising, promotion, and running of occasional social and cultural events and activities at the Hall.

PARTIES COMMITTEE SURPLUS FUNDS

The Constitution of the **Parties Committee** provides that if the amount of funds raised by the **Parties Committee** in a calendar year is more than required for the working balance needs of the **Parties Committee** to carry out its aims in the subsequent calendar year, such funds shall be deemed surplus funds.

At each Annual General Meeting of the **Parties Committee** a decision shall be taken on the disbursement of surplus funds (if any) with the preference of the **Parties Committee** being to disburse such surplus funds to the **Management Committee**.

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5 Insurance provided by Management Committee for the Annual Bonfire Night and Fireworks Party

The **Charles Morris Hall Management Committee**, as a stakeholder for the Annual Bonfire Night and Fireworks Party in Tyttenhanger Green, arranges extended public liability insurance for the event from its insurers Zurich Insurance. This arrangement goes back several years and has been more than acceptable to all parties concerned.

The Annual Bonfire Night and Fireworks Party is included on the Insurance Policy Schedule of the insurance provided to the Charles Morris Hall Management Committee as part of the Charles Morris Hall's Management Committee's public liability cover and identified as a "***specifically declared event***". This information can be found on page 10 of 17 on a copy of the 2019 version of this document which has previously been sent to the Council. A further copy of this document is attached to the covering email of this document together with a copy of the submission for the 22 July 2021 for your convenience.

It should be noted the public liability cover is for five million pounds (£5,000,000), an amount recommended by Zurich Insurance and agreed by the Charles Morris Hall Management Committee. Furthermore, the Insurance Policy Schedule includes an Operative Endorsement which provides "***Extension of cover for injury caused to volunteers***".

This year, following the request from the Council, clarification from Zurich Insurance has been sort but until the insurance cover is requested – something that cannot proceed prior to confirmation from the Council that the event can proceed – Zurich Insurance will not be drawn on the matter of insurance cover.

The **Charles Morris Hall Management Committee** and the **Parties Committee** has never put on the Annual Bonfire and Fireworks Night without appropriate insurance cover and 2021 will be no different. Once obtained, details of the insurance cover will be forwarded to the Council prior to the event taking place.

Prepared by Steve PARISH

Member of the Management Committee continuously since 1995 and current Booking Officer

Member of the Parties Committee continuously since 1993 and current Treasurer.