

Lowestoft Shopmobility is a Registered Charity No. 1100208

CONSTITUTION OF LOWESTOFT SHOPMOBILITY

The name of the Organisation shall be: "Lowestoft Shopmobility"

1. The Registered Address of the Organisation is at:

15 Station Square
Lowestoft, Suffolk
NR32 1BA

2. Purpose

The Purpose of the Organisation is to promote the welfare and independence of persons with impaired mobility in the town of Lowestoft and in the Waveney District by:

- a) Promoting ease of access to local facilities through provision of direct services and through working with other groups and organisations to improve the local, built and attitudinal environment.
- b) Providing for hire or loan electric and manual wheelchairs and scooters to enable access to the shops, businesses and places of interest in Lowestoft and its environs.

3. Powers

In furtherance of the above purposes but not otherwise, the Management Committee may exercise the following powers:

- a) To seek to improve facilities for disabled people and to this end liaise with local authorities and other organisations concerned with disabled people.
- b) To collect and disseminate information on all matters affecting the said objects and exchange such information with other bodies having the same or similar objects.
- c) To raise funds by means of subscriptions, donations, etc., and any other means as approved by the Management Committee PROVIDED that the Organisation shall not undertake any permanent trading activities in raising funds as its primary purpose.
- d) To employ such staff as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for their payment.
- e) To appoint and constitute such advisory committees as the Management Committee may think fit.

- f) To do all such other lawful things as are necessary to the attainment of the objects of the Organisation.
- g) To affiliate to other organisations with similar charitable objects.
- h) To organise conferences, seminars, training courses, exhibitions and other events.
- i) To publish and distribute pamphlets, newsletters, books, recorded tapes (whether audio, visual or both) and other materials.
- j) To promote research and to publish the useful results of that research.
- k) To co-operate with other charities, voluntary bodies or statutory authorities and to exchange information with them.
- l) To buy, lease or otherwise acquire any property needed for the work of the Organisation and to maintain and equip it for use.
- m) Subject to any consents required by law to sell, license, hire or dispose of all or any part of the property of the Organisation.
- n) To invest the funds of the Organisation not required for immediate working purposes in such manner as the Management Committee shall think fit but having regard to their duty of care as charity trustees.

4. Equal Opportunities

In pursuance of the purposes and powers, to ensure that an equal opportunities policy is actively implemented.

5. Management

The Management of the Organisation shall be vested in a Committee of at least six and no more than nine members, to be appointed as follows:

- a) A Committee member may appoint a Deputy to attend a meeting on his behalf if he is unable to attend himself and the deputy may vote on any particular matter in accordance with the directions of the committee member.
- b) The Management Committee may invite any person to attend its meetings as an observer but without the power to vote.
- c) The Management Committee may co-opt persons having special knowledge or experience, PROVIDED THAT the number of co-opted members shall not exceed one fourth of the Management Committee, until the conclusion of the next Annual General Meeting.
- d) Every member shall at the Annual General Meeting have one vote.

- e) The proceedings of the Committee shall not be invalidated by any failure to elect or defect in the election, appointment, co-option or qualification of any Member.

6. Membership

- a) Membership shall be open to all people with a disability over eighteen years of age and to organisations which support the objects of the Organisation.
- b) A nominal fee may be payable in such sums as shall be fixed by the Committee.

The Management Committee have the right:

- a) to approve or reject applications for membership, and
- b) for good and sufficient reasons to terminate the membership of any individual provided that the individual concerned shall have the right to be heard by the said Management Committee before a final decision is made.

7. Honorary Officers

- a) At the Annual General Meeting the Organisation shall elect a Chairman, Vice Chairman, Treasurer and Secretary, and other such Honorary Officers as the Organisation shall from time to time decide.
- b) The Chairman shall hold office until the conclusion of the Annual General Meeting of the Organisation next after their election but shall be eligible for re-election.
- c) If vacancies occur among the Honorary Officers the Committee shall have the power to fill these vacancies from amongst its members. Any person appointed to fill such a casual vacancy shall hold office until the conclusion of the next Annual General Meeting of the Organisation and shall be eligible for election at that meeting.
- d) Election to the Committee shall be for three years. One third of the members of the Management Committee shall retire annually but shall be eligible for re-election, the members so to retire being those who have been longest in office since their last appointment, but not reckoning co-opted members. As between members who have been in office the same length of time, those due to retire shall be chosen by lot in the absence of agreement.

8. Determination of Membership of Management Committee

A member of the Management Committee shall cease to hold office if he or she;

- a) is disqualified from acting as a member of the Management Committee by virtue of Section 45 of the Charities Act 1992 (or any statutory re-enactment or modification of that provision).

- b) becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs.
- c) notifies to the Management Committee a wish to resign (but only if at least three members of the Management Committee will remain in office when the notice of resignation is to take effect).

9. Paid Officers

- a) The Committee may appoint or dismiss and fix the remuneration of such staff as may in its opinion be necessary. No paid member of the Organisation staff shall be a member of the Committee.
- b) The Committee may determine which, if any, persons employed by or seconded to the Organisation shall be invited, in a non-voting capacity, to attend meetings of the Organisation and the Committee.

10. Duties and Responsibilities

- a) The Chairman and the Committee as a whole shall be responsible for the administration of the Organisation and shall, in all things, act for and on behalf thereof.
- b) The Secretary shall record the names of the Officers and Committee members present at meetings and cause minutes to be kept of all the proceedings. The Secretary shall, on all occasions in the execution of duties in such capacity, act under the instruction of the Chairman and Committee.

11. Property

- i) Subject to the provisions of sub-clause ii) of this clause, the Management Committee shall cause the title to
 - A) all land held by or in trust for the Organisation which is not vested in the Official Custodian for Charities; and
 - B) all investments held by or on behalf of the Organisation

Be vested in a corporation entitled to act as a custodian trustee or in not less than three individuals appointed by them as holding trustees. Holding trustees may be removed by the Management Committee at their pleasure and shall act in accordance with the lawful directions of the Management Committee; the holding trustees shall not be liable for the acts and defaults of its members.

ii) If a corporation entitled to act as custodian trustee has not been appointed to hold the property of the Organisation, the Management Committee may permit any investments held by or in trust for the Organisation to be held in the name of a clearing bank, trust corporation or any stock-broking company, which is a member of the International Stock Exchange (or any subsidiary of any such stock-broking company) as nominee for the Management Committee, and may pay such a nominee reasonable and proper remuneration for acting as such.

12. Removal from Office

An Officer of the Organisation may be removed from his/her office by resolution of the Committee, provided that the Officer shall have the right to be heard before a decision is made. If any member of the Committee misses four consecutive meetings, without acceptable reason, he or she will forfeit their membership of the Committee.

13. Meetings

The Committee shall hold at least four ordinary meetings each year. At least seven days' notice shall be given of such meetings.

a) Any three members of the Committee may call a Special Meeting by giving fourteen days' clear notice in writing to the Secretary specifying the purpose for which the meeting is to be called.

b) Annual General Meetings

i) The Annual General Meeting of the Organisation shall be held on a date to be fixed by the Committee not later than fifteen months after the preceding Annual General Meeting.

ii) The Secretary shall cause a notice specifying the date, time and place of such meeting to be sent to members of the Organisation at least three weeks before the meeting.

iii) Any member of the Organisation wishing to move a resolution at an Annual General Meeting shall give notice thereof in writing to the Secretary not less than two weeks before the meeting is due to take place.

c) Extra-ordinary General Meetings

i) An Extra-ordinary General Meeting may be called at the request of not less than eight members of the Organisation made in writing to the Secretary. Such requests must be signed by each member subscribing thereto and shall cause the Committee to call an Extra-ordinary General Meeting.

ii) The conditions and notices required for an Extra-ordinary General Meeting shall be those applicable to Annual General Meetings as set out in Clause 13(b)(ii).

14. Quorum

a) No business shall be transacted at a meeting of the Committee unless a quorum of members are present – one third of the Committee members, or three members, whichever is the greater – this is to include two of the Executive Officers, one to act as Chairman.

b) No business shall be transacted at a General Meeting of any kind unless a quorum of members is present.

15. Chairman

The Chairman of the Organisation shall preside at General Meetings. In the event of the Chairman being absent, the Vice-Chairman shall preside. In the event of his absence also, a Chairman shall be appointed by the members from among the members of the Committee present at the meeting.

16. Finance

a) The financial year of the Organisation shall end on March 31st.

b) Income:

The income of the Organisation shall consist of proceeds from appeals to the public together with grants or gifts from the public, or voluntary or other organisations and by whatever other means is considered appropriate to ensure the continued operation of the Organisation. All deposits, donations or grants shall be handed to the Treasurer and deposited in the bank account in the name of the Organisation with a major clearing bank.

c) Use of Funds:

All funds of the Organisation shall be applied towards carrying out its objectives as set out in Clause 3 of this Constitution. Such funds and all other assets of the Organisation shall be held under joint responsibility of the Committee of the Organisation for their proper administration of these funds.

d) All Cheques drawn on the Organisation's bank account must be signed by at least two members of the Management Committee who have been authorised by the Management Committee from time to time, details of which have been communicated by mandate to the major clearing bank at which the Organisation's account is held.

e) The Committee shall cause proper accounts to be kept of all income and expenditure and shall prepare audited accounts and bring them before the Annual General Meeting or provide them as requested at any time under the provision of the Charities Act.

f) The Management Committee shall comply with their obligations under the Charities Act 1992 (or any statutory re-enactment or modification of that Act).

g) The Committee shall appoint independent examiners or auditors to carry out the work of preparing and auditing the accounts of the Organisation ready for use under the provision of Clause 17.

17. Annual Report

The Management Committee shall comply with their obligations under the Charities Act 1992 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an Annual Report and its transmission to the Commissioners.

18. Dissolution

In the event of the dissolution of the Organisation an Extra-ordinary General Meeting shall be called of which at least twenty-one days' notice shall be given to all members. The Organisation shall be deemed dissolved upon three-quarters of the voting members at the meeting voting in favour of it.

After the settling of all liabilities, any assets whatsoever shall not be paid or distributed among members of the Organisation but shall be given or transferred to some other charitable organisation having objectives similar to those of the Organisation as the Committee may determine, or failing that shall be applied for some other charitable purpose. A copy of the statement of accounts, or account and statement, for the final accounting period of the Organisation must be sent to the Commissioners.

19. Amendments to the Constitution

The Constitution may be amended by a two-thirds majority of the members present at an Annual or Special General Meeting, provided that fourteen days' notice of the proposed amendment has been sent to all members, and provided that nothing herein contained shall authorise any amendment which should have the effect of the Organisation ceasing to be a Registered Charity. No amendments shall be made to Clause 3 or 18 or this clause without the approval of the Charity Commissioners.

20. Notices

Any notice may be served by the Secretary on any member by delivering it personally or by sending it through the post in a pre-paid letter addressed to such member at their last known address in the United Kingdom and any letter so sent shall be deemed to have been received by the appropriate officer or such member within ten clear business days of posting.

21. Interpretation

The Interpretation Act 1989 applies for the interpretation of this Constitution as it applies for the interpretation of an Act of Parliament.

I hereby declare that this is a certified copy of the Constitution.

Signed ...  Date 20th July 2022

[This is a re-typing of the original Constitution dated October 13th 2003, and approved by the Charity Commissioners. This was followed by re-typing of amendments made at the Annual General Meeting held on July 20th 2022, and also agreed by the Charity Commission]

