



Mark Community Land Trust

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Directors Report

Whilst the Board accept the Minutes of the last AGM as a true record, they do feel it incumbent on them to comment on the content.

Firstly, we feel we must comment on the unconventional way in which three lots of Minutes were bundled together for approval, especially when Special general meeting minutes are not dealt with at AGM's. Furthermore, matters arising from the minutes were not allowed, effectively silencing any questions on issues such as why the Board reneged on its promise to allow members a second vote on the site.

Secondly, the Ballot Paper- count process.

The then Chair, Simon Emeray, stated that advice from the FCA was that due to Data Protection, we were unable to appoint an independent counter. This is totally untrue and spurious. All members are entitled to view the register of members.

It is believed that this advice was actually given to the Board by one of the Wessex Community Land Trust advisors used by the Board who continually gave inaccurate and flawed information. What is more worrying; is that the previous Board appeared to be incapable or unwilling to carry out their own due diligence in these matters. Indeed, despite me as a fellow Director making them aware of the fact that they were breaching the Cooperative and Community Benefit Societies Act 2014 in numerous areas, they just ignored it and challenged me to prove it. And I did.

Thirdly, we feel it is imperative to comment on the way the rules were unlawfully broken and changed in respect of who was able to vote for the resolution to withdraw the Planning Application at the last AGM.

Rule 31.1 of the MCLT Rules states that

All members have one vote regardless of how many shares they hold.

One of the potential 67 new members who wished to join and support the resolution was told by the then Secretary, "Well you can join but you can't vote". This is a clear breach of the rules as was the unilateral decision by the Board to say that only those registered as members as of 1st November could vote. There is nothing in the rules about this and any new rule or change to rules must be approved by a 75% majority of members and approved by the FCA. This did NOT happen.

Failure to do this is an Offence punishable in the Magistrates Court with a fine of up to £1000.

The Board believe that this gerrymandering with the vote was the one key issue (amongst a number of others) which has resulted in the situation we have now; a divided community and a development proceeding in a totally unsuitable location.

Had the 67 been allowed to vote the resolution would have passed and the project would have been stopped.

Fourthly, we have seen certain documentary evidence which leads us to believe that the previous Board had determined that should they lose the vote on the resolution they would pass on all the project paperwork to SWHS free of charge. We believe that, despite the Board stating that they were withdrawing from the project when they resigned, these papers could possibly have been passed over as the SWHS application was to all intents and purposes the same application. Indeed, unless permission was given for its use, then the SWHS application would appear to contain a large amount of MCLT copyright material.

Next I would like to touch on the issue of further land should it be required for more affordable homes. We understand that SWHS have an option agreement for another parcel of land at Northwick Rd. However, should common sense prevail, I am pleased to say that we also have owners potentially interested in providing land at two sites on the Causeway, one at Kingsway, and one in Yarrow Rd opposite the footpath by Whitegates.

Finances for MCLT continue to be problematic. Our current balance is standing at £141.79. Due to the need for economies we have decided not to renew our membership of the National CLT organisation. We will have to pay our registration fee to the FCA again later this year and with other ancillary expenses we forecast that we can only survive for another year. It is worth noting that by resigning and handing over the project to SWHS, the Board prevented the Society from obtaining a potential income of around £2200 per annum in ground rent which would have both ensured the Society's survival and enabled it to undertake further projects.

Finally, we wish to declare our disappointment at the perceived lack of support from your Parish Council for the current Board. There appears to be a certain amount of personal antipathy from certain members of the Council.

Originally, and rightly in our view, the PC voted against the first Planning application submitted by MCLT on the grounds of road safety concerns.

The second application from SWHS was exactly the same application, and yet, this time the PC voted in favour. One has to ask what had changed, apart from the MCLT Board of course.

Mark Johnson

Chairman