

**ORDER OF  
THE CHARITY COMMISSION FOR ENGLAND AND WALES**

Made under sections 80(2)(b) and 105(1) and (4) of the Charities Act 2011 for the purpose of  
appointing a Trustee and making other provisions

dated the

**31 October 2014**

for the charity known as

**OLD BARN YOUTH AND COMMUNITY ASSOCIATION (EAST FINCHLEY) (283258)**

at

East Finchley, London

*Chris Cassin*

**A member of staff of the Charity Commission authorised to act on behalf of the  
Charity Commission**

## ORDER

### 1. Definitions

In this Order:

“charity” means the above mentioned charity

“constitution” means the constitution dated 25 June 1981

“Trustee” means the organisation appointed to discharge the duties in this Order and named in the schedule

“Executive Committee” means those people elected in accordance with the constitution to be the charity trustees

“current managers” means those individuals who have identified themselves as members of the Executive Committee

### 2. Background to this Order

- (i) In the light of concerns raised by the London Borough of Barnet, Community Barnet, the local M.P. and local residents that this charity is not operating in accordance with its constitution the Commission has been in correspondence since February 2012 with the current managers.
- (ii) In correspondence and meetings the Commission has provided regulatory advice and guidance to the current managers, with a view to ensuring that the charity has an Executive Committee properly appointed in accordance with the terms of the constitution.
- (iii) The current managers have not followed the Commission’s regulatory advice and guidance.
- (iv) In correspondence the Commission has been seeking detailed information on the activities and finances of the charity, which has not been fully provided.
- (v) In these circumstances Orders dated 6 August 2014 and made pursuant to section 52 of the Charities Act 2011 were served on 8 August 2014 on the current managers requiring certain detailed information including information on membership of the charity and the conduct of General Meetings, to be provided by 21 August 2014.
- (vi) At the date of this Order no information has been provided further to the section 52 Orders noted above.
- (vii) The charity’s constitution requires that an Annual General Meeting is held each year between 1 April and 30 June. The constitution provides that the Executive Committee should be elected at the Annual General Meeting. The Commission has been provided with no evidence that in 2014 notice of an Annual General Meeting was given, or that such a meeting was held.
- (viii) The Commission has also been informed by the current managers that the charity has dissolved. This together with the lack of evidence that a 2014 Annual General Meeting has taken place and the failure to respond to the Commission’s section 52 Orders has led the Commission to conclude that this charity has no properly appointed trustees.
- (ix) The charity’s constitution sets out a clear procedure for dissolution. The Commission has reviewed the minutes of the meeting at which it has been suggested dissolution took place. The minutes do not record a resolution to

dissolve the charity or comply with the other requirements of the constitution and therefore the Commission has concluded that this charity has not dissolved.

### **3. Appointment of Trustee and other provisions**

- (i) Pursuant to section 80(2)(b) of the Charities Act 2011 the Commission, by its own motion, being satisfied that there are no validly appointed trustees, appoints the Trustee to be a charity trustee of the charity within the meaning of section 177 of the Charities Act 2011.
- (ii) By this Order the Commission, pursuant to section 105 (1) and (4) of the Charities Act 2011 and being satisfied that it is expedient in the interests of the Charity to carry into effect the objects of this Order, authorises the Trustee to amend the constitution of the charity so that it can operate and effectively administer the charity as a sole corporate trustee.

### **SCHEDULE**

Mobilise Public Ltd, a company registered in England and Wales (company number 05881660).