



## MEETING MINUTES

Meeting on Wednesday 18<sup>th</sup> February 2015, at 19:30  
at Alvanley Village Hall

### 1 Present:

Mrs A. Davies (Chair and Company Secretary), Vince Duff (Trustee), Colin Over (Trustee), Chris Newsham (Trustee), Denise Oldfield (Trustee), Iola Coleman Smith (Trustee), Julie Hudson (Trustee), Chris Olson (Secretary), Mo Burns (Trustee)

In addition 11 members were also present.

### 2 Apologies:

David Summers, Theresa Summers

### 3 Approval of minutes:

The minutes of 10<sup>th</sup> December 2014 were duly approved.

### 4 Motion of No Confidence in 4 Trustees:

Mrs Davies confirmed that the meeting had received due notice of the motion and that all Members were welcome to attend and had voting rights as set out in the constitution.

Mrs Davies made a statement (attached) on the history of abuse and harassment she had suffered at the hands of David Summers (Treasurer) since September 2014. She set out that the allegations of fraud had been investigated and found to be proven after receipt of copies of cheques from the Lloyds Bank that David Summers had issued without authority using a forged signature and some payments had been made without the required second signature. Mrs Davies explained how David and Theresa Summers had three times requested that all Trust funds should be removed from the Trust bank account and placed into David Summers' personal account. This was not disputed by David or Theresa Summers.

A number of Trustees repeatedly interpreted, shouted, swore and attempted to prevent the Chair from reading her statement. Colin Over and Vince Duff denied that any fraud had taken place.

Mr Paul Marsden commented in support of the Chair that the blatant fraud carried out by David Summers and supported by Theresa Summers was completely unacceptable. With two other Trustees receiving cheques from David Summers that were not authorised by the Trust, then Vince Duff and Colin Over should also be removed from office. Paul Marsden noted that his briefing on Trustee responsibilities at the previous meeting of 10<sup>th</sup> December 2014 had been ignored and he had suffered abuse by a Trustee following the meeting.

Colin Over then proceeded to stand up and take photographs of Mr Marsden.

The meeting continued to be disrupted by a number of Trustees and Mr Marsden moved that the motion be put to the vote. The motion of no confidence was carried by 9 votes to 8 with 2 abstentions, in removing four Trustees from office.

The meeting had declared that:-

- David Summers was permanently removed as Treasurer and his Membership and Trusteeship terminated.
- Mrs Terrie Summers was permanently removed as Member and her Trusteeship terminated.
- Mr Colin Over was permanently removed as Member and his Trusteeship terminated.
- Mr Vince Duff was permanently removed as Member and his Trusteeship and Directorship terminated.

## **5 Any Other Business:**

With the meeting then disrupted by a number of Trustees, the Chair closed the meeting at 20:45.

## **6 Date, time and place of next meeting:**

To be held at 24 Hale View Road Helsby at dates to be determined.

## **STATEMENT BY THE CHAIR, MRS AUDREY DAVIES**

“This is an objective account without speculation to understand the events, behaviour and actions of the past few months of some Trustees in the Friends of Harmer’s Wood Trust that has led to a motion of no confidence being tabled by Members in the Treasurer, Mr David Summers and three other Trustees.

“The Trust was initiated nearly ten years ago and a constitution was agreed when we first registered with the Charity Commission on 26<sup>th</sup> October 2005, amended by special resolution on 26<sup>th</sup> April 2006 and also on 22<sup>nd</sup> October 2008. The current constitution has not changed since 2008. The motion submitted is in accordance with the constitution and binding upon the Trustees, if passed.

**Wed 17<sup>th</sup> September 2014** David Summers started to shout when grants were being discussed. His wife, Terrie Summers told him to stop shouting.

On two following occasions (exact dates I can’t recall) David turned on me and said, “Just do not wind me up” in an aggressive and threatening tone.

David claimed that the Trust had to be dissolved and turned into a new Charitable Incorporated Organisation (CIO). He also claimed that the Trust’s bank account needed to be closed before the “government got its hands on the money” and transfer the money into his personal account and mine until we could open another account. Alarm bells registered in my mind and when he repeated this to Paul Marsden by telephone, Paul, who was a experienced Business Consultant at the time, and had originally advised us on the National Lottery application and setting up the charity in 2005, told him that he couldn’t think this was needed and in fact would damage the reputation of the Trust if money was transferred into personal accounts. Paul initially began to draft an amended constitution but after research into CIO status soon discovered that it was not compulsory and not required. However, David continued to insist that the Trust’s company status be dissolved and the registered charity be terminated.

**Fri 10<sup>th</sup> October 2014** David Summers telephoned me to complain that Paul Marsden had “let him down” because he hadn’t produced amendments to the constitution by the previous day and he wanted to post everything for the CIO status on Mon 13<sup>th</sup> October.

David did not seem to understand that any changes to the constitution have to be proposed with due notice to a meeting of the Trustees, discussed and duly voted upon before it can be forwarded to the Charity Commission. I asked David to attend a meeting at my home on Tuesday 14<sup>th</sup> October with Paul Marsden to discuss the situation so that Paul could explain the procedures to him.

David said that the Trust had to be a new company and I told him that we could not become both a new company and a CIO. He shouted down the phone at me, *"We are just at loggerheads"* and slammed down the phone. He continued to act without my knowledge or consent including claiming that he had re-registered the Trust because we had a demand for £300 fine for late return of the accounts due to previous problems. A firm of debt collectors from Glasgow acting on behalf of Companies House were demanding payment. To sort this mess out, I asked David to bring his chequebook with him on Tuesday 14<sup>th</sup>.

**Tue 14<sup>th</sup> October 2014** David and Terrie Summers and Paul Marsden attended a meeting at my home and Terrie said that the amendments could not be made but only because the CIO template on the Charity Commission was not yet ready. David raised again the point that he wanted to remove the money from the Trust's bank account and transfer it into a personal account until a new CIO bank account was arranged. Both Paul and I told him that this was not allowed and potentially could bring the Trust into disrepute. David was clearly in disagreement from his body language and not happy. However, he reluctantly seem to agree that CIO status may not be required and that the money should not be taken from the Trust's bank account. I asked him to make out a cheque for payment of the £300 since we needed to quickly resolve the issue of the fine.

As he and Terrie started to leave I told David that Matt (tree contractor) had seen that a large silver birch tree had lifted out of the ground from strong gales and was leaning dangerously and after checking with me had then felled the tree. David said angrily, *"What right do you have to have a tree felled? I don't know Matt and what right had he to feel the tree?"* Finally as he left David, said, *"I am not going to pay for the work to fell the tree."* I did point out that Matt was a tree surgeon and it was common sense to take the tree down before it collapsed on a member of the public. David was visibly angry as he left.

**Wed 15<sup>th</sup> October 2014** I discovered that David had incorrectly made out the cheque for the debt collecting company instead of Companies House. So David returned again with a new cheque. I was concerned to be alone with David given his manner and behaviour and the visit was very short.

That afternoon I received a phone call from a County Councillor that he was in receipt of an application from the Trust for £300 for tools and equipment but would I increase the application request for £900 as he wanted to help the good work of the Trust. He asked if there were any projects available at the wood and I immediately thought about the entrance to the main quarry which had a crumbling edge on one side and a sandstone drop on another. I was aware that visiting parties including people with learning disabilities and school children were at risk from walking down into the quarry and I believed a short stretch of fencing would be an important safety measure, as the Trust had a duty of care to protect visitors and especially vulnerable people. The Councillor explained there was an urgency to sort out final grants in the current Council budget.

Later that day I received a call from Sarah Dobbins at the County Council requesting formally that we take part in their Community and Business Scheme. She said, that the scheme was aimed at bringing local businesses and the community together on projects to improve the area of Helsby. I thought it was an excellent initiative and agreed to make some enquiries with businesses to see if they could assist us.

I called Paul and since he is now a senior Health and Safety Manager at a construction company, I explained that Sarah Dobbins was asking for a partnership between local business and the Trust to deliver the partnership. Paul agreed to raise the issue with the local construction site in Helsby to ask for safety equipment and clothing and check to see if any materials could be also given.

I therefore telephone David, expecting he would be delighted with having an offer of a grant from the Council to help but as soon as I mentioned the grant he started to raise his voice and shout at me saying *"You have no right to apply for more than £300"*. His anger was palpable and frightening and some of the words I couldn't understand because he was in such a rage.

When I told him that it probably wouldn't cost the Trust a penny as Paul was looking at getting gloves, safety boots and hard hats to comply with council regulations together with some raw materials he shouted, *"I'm not wearing any hard hat or protective clothing"*. I couldn't understand his irrational behaviour and said that there was no harm in completing the application and he then hung up on me.

That evening Vince Duff (Trustee) called me to ask what had happened as he had visited David that afternoon who was *"shaking with anger so much so that he had a great difficulty in making a cup of tea"*. Vince had eventually calmed him down and said to me that he had no objection to the grant application.

When you receive such verbal abuse and intimidation, health professionals and the police advise not to have further contact as you can't be certain how the individuals will react in the future. As a 78 year old woman, I was left frightened and in tears on more than one occasion by David's behaviour, which was unexpected and irrational.

When David then called and left a message demanding a meeting at my home at 10:00am on 3<sup>rd</sup> December otherwise he would resign as Treasurer I could not face him and be left feeling intimidated in my own home. David then arrived at my home and pushed a note through my letterbox repeating that he saying he would resign if the current situation continued. I accepted his resignation as I thought that given what he said it was clear our working relationship was over and I had no intention of ending the grant application.

**Wed 10<sup>th</sup> December 2014** Vince telephoned me and said he had been visited by David and Terrie Summers and David had said he didn't want "outsiders" involved with the wood. I advised Vince that David should not attend the meeting.

That evening we held our Trust meeting at my house and as prearranged Paul had been invited to give a presentation on Charity rules and responsibilities of being a Trustee. David did not attend the meeting.

Under Any Other Business on the agenda, Terrie Summers was visibly unhappy and regarding David's behaviour pointed at me and said *"Audrey, you are a liar"*. I was appalled at such behaviour in my house and it was deeply upsetting. I got up and walked out and in spite of some Trustees wanting to try and carry on the meeting, Paul told them that they

could not continue without the chair and asked them to leave. I was left in tears at this sort of behaviour and it resulted in dangerously high blood pressure as a direct result of the stress caused by David and Terrie Summers.

**December/January** The fence was delayed due to incorrect treatment of the wood and bad weather but Paul arranged for delivery of the safety clothing and the wood to my house. I then gave the subcontractor a cheque for £600 from the Council grant, in case they had upfront costs such as hiring any machinery to erect the posts in the sandstone. As planned the subcontractor collected the wood and subsequently carried out the work and the cheque was cashed. The fence did not cost the Trust any money and has made the entrance to the main quarry safer.

**Sat 17<sup>th</sup> January 2015** Whilst walking my dogs in Harmers Wood I was approached by a member of the public who asked if I was aware of a man, who identified himself that he was the Treasurer, had been heard verbally abusing another man who she thought may be a volunteer. She said, that she thought he was bringing the Trust into disrepute by his shouting. The member of the public has no connection with the Trust, does not know David but had made the unsolicited complaint about his behaviour.

It is clear to me that David and Terrie's behaviour is unacceptable and intolerable and I have been disappointed that other Trustees have failed to challenge this behaviour or offer me support. As Chair, I cannot allow this to continue and Trustees need to understand once and for all that the Trust exists to protect Harmer's Wood for the benefit of the general public and we must act above reproach."