

**Progress report on application for charitable status**

1. An application to register as a charity was submitted to the Charities Commission in May 2008.
2. The response from the Charities Commission was that the Consortium needed to be incorporated as a company with Companies House before it could register the organization.
3. The advice of our external consultants (Kingston Smith) was that, although it was possible for the Consortium to be an unincorporated charity, this would deprive trustees of the benefits of limited liability. Their view was that it would be easier to incorporate the Consortium as a company and then obtain charitable status.
4. Accordingly, the Charities Commission was asked for its observations on the Consortium's Memorandum and Articles of Association. Although the Charity Commission's policy "is not to look at draft governing documents", nevertheless the relevant official had a brief look at these and concluded that they were "fine" subject to the suggested amendments below (see item 8.2). As noted below, the Steering Group was happy with the proposed amendments which are being recommended to the members for approval.
5. Following changes to the Memorandum of Association, the Consortium will arrange for Kingston Smith to register the Consortium as a company. This is a relatively fast and inexpensive process.
6. Once registered as a company, the Officers will resubmit, with minor amendments (e.g. name of new Secretary and further details on the ways in which we will directly support M25 Directors in their work and personal development) our application for charitable status.
7. This process has taken longer than originally envisaged, but the Steering Group still believes that it will benefit the Consortium by providing us with a legal framework and giving us additional opportunities for fundraising.

Nick Bevan  
Chair. M25 Consortium  
December 2008

## Changes to the Memorandum of Association

### Background

The Consortium's Memorandum of Association was last revised in December 2007 and the changes approved at the Members' Meeting in January 2008.

When the application for charitable status was submitted to the Charities Commission in summer 2008, the Commission indicated, via email correspondence, that certain changes would be required to clause 3, the objects clause, and a revised form of wording was suggested. In particular it was noted that "powers" should not be included in the "objects" clause. It was also suggested that reference to the Regional Development Agencies could be removed.

Members of the Steering Group discussed the proposed changes (set out below) at the September 2008 meeting. It was agreed that the proposed simplification of clause 3 was acceptable and that the key objects of the Consortium were satisfactorily set out in clause 4. It was agreed that removal of the reference to RDAs was acceptable and that current RDA boundaries could be used as a guide for inclusion for new members without this being enshrined in the MoA. The Steering Group thus approved the proposed changes set out below.

M25 Consortium members are asked to approve the proposed changes to the Memorandum of Association which should support our application for charitable status without altering the meaning or aims of the document.

### Proposed changes to clauses 1-4 (as indicated by track changes)

1. The name of the organisation is the "M25 Consortium of Academic Libraries" (hereinafter called "the Consortium") or such other name as the Consortium may decide from time to time.

2. The Registered Office of the Consortium will be situated in London, England ~~(optional; required if we do register as a Limited Company).~~

3. The objects for which the Consortium is established are:

The advancement of education for the public benefit, in particular the support of learning and research by developing and improving access to library and information services across London, East and South East England

4. In furtherance of these objects but not otherwise it will:

**Deleted:** the region

**Deleted:** The Consortium will aim to achieve this by facilitating cooperation amongst its Members and by collaboration with relevant regional and national bodies. ¶

¶ The Consortium is a co-operative and inclusive organisation which recognises the diversity of missions amongst its constituent members and seeks to build on them in furtherance of its joint objectives.¶

¶ The geographical scope for membership of the Consortium can be defined as the areas covered by the London, East of England, and South East England Regional Development Agencies. ¶

(A) Facilitate access to London's diverse and complex range of library resources for learners and researchers, through the development and delivery of collaborative services.

(B) Encourage and enable mutual support of member libraries in improving services to their users

(C) Represent the Consortium's best interests and influence policy-making through collaboration with appropriate regional and national organisations; this will include taking the lead on relevant strategic issues.

(D) Ensure appropriate and effective governance and financial management arrangements are in place for the conduct of Consortium business

(E) Develop and implement a robust advocacy and marketing strategy, to raise the profile of the Consortium externally and to communicate effectively with Members

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