

Setting up a local group to look after your war memorial



War Memorials Trust

This helpsheet outlines War Memorials Trust's advice about how you might set up a local group to look after your war memorial. This advice is general and designed as a starting point. It is recommended you seek your own legal advice.

Please note that, because there are 100,000 war memorials in the UK and thus potentially 100,000 local groups looking after them, War Memorials Trust cannot, at this stage, link formally with each local group as we do not have the resources to manage the required administration. War Memorials Trust is not able to take responsibility for individual war memorials but local groups can join the Trust as regular members receiving our quarterly Bulletin to keep up-to-date with war memorial issues. Membership does not impact upon the group's ability to access advice or funding as anyone can make an enquiry and all grant applications must fall within the eligibility criteria.

What can a local group do?

War memorials were primarily erected by local communities. Often ownership was not considered. A local war memorial may have no one looking after it, or those responsible for it may have limited funds which means they cannot adequately cover either maintenance or repairs.

Local communities could set up a local group to take responsibility for the war memorial. A group could act as custodian, undertaking a regular maintenance programme and commissioning any repair or conservation works required. Alternatively, it could seek to establish ownership of the memorial, act on behalf of the owner, or represent the community, as a pressure group, in dealings with the owner.

How can I set up a group?

If you believe a local memorial lacks an owner or custodian then the first thing to do is to start asking questions. See if you can identify the owner or custodian. Talking to them about their role may answer your concerns.

If you are unsure of the owner then please see War Memorials Trust's 'Ownership of war memorials' and 'Researching the history of a war memorial' helpsheets for further information on identifying the owners. You may also wish to undertake a search if you do not know who owns the land. Details for the Land Registry organisations in the UK who hold details of land owners can be found at the end of this helpsheet.

If you cannot find an owner then decide how much you are prepared to do. Remember it may fall on you to do a great deal. Do you have the time or inclination to accept this responsibility?

If you decide to go ahead then you should let people know your concerns and your ideas. This

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Registered Charity Commission Number: 1062255

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might be through local media, veterans groups, the council, parish newsletter etc. Spread the word and see what the community want. Remember to include details of how people can contact you to offer information or help. Do not be surprised if this route reveals a lot of information previously impossible to find; you may even find out who the owner is and change your plans.

Gather together a committee and get organised. Details of how you might do this are discussed later in this document. Consider what your objectives are, do you have a clear name, how formal do you want to be, do you need a Chair, Secretary and Treasurer, will you require a bank account and a constitution?

Looking at your objectives, decide what you want to achieve. Do you want to take ownership of the memorial? Are you there to lobby the owner and monitor how they look after the memorial or are you working with them? Are you just including one memorial or several in your area? Do you even know where all the memorials in your area are?

Think about whether you need funds, how much and how you will raise money (this may impact upon the form your group takes). Do you want people to join you in a Friends group perhaps paying £5 a year, would they do this as individuals, would you have family or household contribution rates? Can you encourage local youth groups or schools to fundraise? Do you want to approach local larger funders to create a starting fund, or plan for an endowment? Will you accept legacy gifts? If you need money how will you let people know? Consider the legal implications outlined later in this document.

Manage your group effectively. Meet regularly and ensure you remain active. Recruit new members to your committee and involve a cross-section of the local community so that it remains relevant. You do not want your hard work to go to waste.

Let relevant organisations know about your existence so they know who to contact or direct people to with enquiries and concerns. War Memorials Trust, UK National Inventory of War Memorials (UKNIWM), local police and local schools are a good start.

What should I call a group?

There are no formal rules. It could be a 'Friends of ABC War Memorial(s)' or 'ABC War Memorial Fund'. Make it local, approachable and relevant. Avoid anything that might get confused with other groups.

What form should a group take?

A group could take a number of different forms. Your choice will depend on your location, the level of money involved, the administrative burden you can manage, the legal support you have and your expectations. Remember, it is recommended you seek your own legal advice as each group's circumstances are unique.

Informal Group (Unregistered)

A group of people agree to work together on something but without any legal agreement. They do not need to register with anyone and make their own decisions. Those involved have to sign any agreements as individuals thus any risk is to the individual.

If the group is going to raise funds, open bank accounts or apply for grants this is unlikely to be the best way forward. There are tax implications if an unincorporated group raise funds and these should always be checked with HM Revenue and Customs (HMRC). For further information

see the HMRC definition at www.hmrc.gov.uk/manuals/ctmanual/ctm41305.htm or call 0845 302 0203.

However, if the group wants to act as a pressure group or monitor memorial(s) on behalf of the custodian(s), without any financial implications, unincorporated association status may be appropriate.

In England and Wales - Charity (Unregistered)

If you are planning to raise funds then formalising your group as a charity is advisable. This is a recognised, and trusted, legal entity and creates a structure that will allow you to respond to changing circumstances and develop appropriately if your finances grow. You might operate as an unincorporated association of members, as a trust or as a company limited by guarantee.

Your organisation may be exempt from registering formally as a charity with the Charity Commission; for example, if income is less than £5,000 per annum or you are part of a larger group. In such cases you can operate as a charity but do not have to report to the Commission.

However, you should register as a charity with HMRC for tax purposes. This may enable you to benefit from tax reliefs or tax repayments as well as alerting HMRC to your existence should you need to contact them for advice. To do this HMRC will need information from you which will lead you to formalise your organisation as they will need to know who your Trustees are, see your governing document and identify your charitable purposes. For further information visit www.hmrc.gov.uk/charities/tax/recognition.htm or call 0845 302 0203.

You can refer to the Charity Commission website for advice on setting up a new charity even if you do not yet have to register at www.charity-commission.gov.uk or call them on 0845 300 0218. Their advice is very comprehensive and includes draft constitutions and links to a number of groups that can provide free advice and help to those setting up a charity which can be used alongside this helpsheet.

In England and Wales – Charity registered with the Charity Commission in England and Wales

If you believe you will have an income exceeding £5,000 per annum then you will need to register with the Charity Commission in England and Wales.

You can refer to the Charity Commission website for advice on setting up a new charity at www.charity-commission.gov.uk or call them on 0845 300 0218. Their advice is very comprehensive and includes draft constitutions and links to a number of groups that can provide advice and help to those setting up a charity which can be used alongside this helpsheet.

You must also register with HMRC to benefit from tax relief and tax repayments available to charities. For further information visit www.hmrc.gov.uk/charities/tax/recognition.htm or call 0845 302 0203.

In Scotland - Charity registered with the Office of the Scottish Charity Regulator

If you are planning to raise funds then formalising your group as a charity is advisable. This is a recognised, and trusted, legal entity and creates a structure that will allow you to respond to changing circumstances and develop appropriately if your finances grow.

Any charity in Scotland must register with the Office of the Scottish Charity Regulator (OSCR). All must complete an Annual Return but only those with income over £25,000 per annum have to complete a Supplementary Monitoring Return form. The OSCR provide comprehensive advice about setting up a charity at www.oscr.org.uk which can be used alongside this helpsheet or

call them on 01382 220446.

Registering with the OSCR will ensure you are recognised by HMRC for tax purposes. This may enable you to benefit from tax reliefs or tax repayments as well as alerting HMRC to your existence should you need to contact them for advice. To do this HMRC will need information from you which will lead you to formalise your organisation as they will need to know who your Trustees are, see your governing document and identify your charitable purposes. For further information visit www.hmrc.gov.uk/charities/tax/recognition.htm or call 0845 302 0203.

The Scottish Council for Voluntary Organisations (www.scvo.org.uk or 0131 556 3882) or professional advisors can provide advice as to whether registering with OSCR is appropriate for you.

In Northern Ireland – Charity

The Charities Act (Northern Ireland) 2008 means that a Charity Commission in Northern Ireland is being developed. Further information can be found at www.dsdni.gov.uk/ccni.htm or call 028 9051 5490. You should contact them to discuss requirements for creating a charity.

Until the Act, charities were not registered, except with HMRC for tax purposes, which organisations can continue to do. This may enable you to benefit from tax reliefs or tax repayments as well as alerting HMRC to your existence should you need to contact them for advice. To do this HMRC will need information from you which will lead you to formalise your organisation as they will need to know who your Trustees are, see your governing document and see your charitable purposes. For further information visit www.hmrc.gov.uk/charities/tax/recognition.htm or call 0845 302 0203.

What constitution should a group have?

A group should have a clear, written constitution available for anyone interested to see. The form it takes may vary depending on the type of organisation.

A draft version can be seen in appendix 1 of this document. This would be of most value to small voluntary groups who expect to receive an income of less than £5,000 a year. This draft should be read in conjunction with advice on constitutions from the Charity Commission and your legal advisors.

The key things to include are: name, aim/purpose/objectives, structure, how you are governed and how you would wind down.

Sources of information and help

There are a range of organisations that may be able to help you during the process of setting up a group. Below are a selection.

Business Link

T: 0845 600 9 006

W: www.businesslink.gov.uk

Regional support centres are available with details from Business link

Their website provides comprehensive advice on setting up a social enterprise. It clearly goes through the options available to groups in greater detail. Go to www.businesslink.gov.uk and search for social enterprise selecting the 'Set up a social enterprise' link.

Charity Commission for England and Wales

Charity Commission Direct

PO Box 1227

Liverpool

L69 3UG

T: 0845 300 0218

W: www.charity-commission.gov.uk

Comprehensive advice on charitable requirements including registering a new charity

Charity Commission in Northern Ireland

4th Floor

24-26 Arthur Street

Belfast

BT1 4GF

Northern Ireland

T: 028 9051 5490

E: admin@charitycommissionni.org.uk

W: www.dsdni.gov.uk/ccni.htm

Comprehensive tax advice on charitable requirements including registering a new charity

HM Revenue and Customs

HM Revenue and Customs Charities

St Johns House

Merton Road

Liverpool

L75 1BB

T: 0845 302 0203

E: charities@hmrc.gov.uk

W: www.hmrc.gov.uk/charities/tax/index.htm

Comprehensive advice for charities and not-for-profit organisations

Land and Property Services (LPS) formerly Land Registers Northern Ireland

Lincoln Building,

27-45, Great Victoria Street

Belfast

BT2 7SL

T: 028 9025 1515

W: www.lrni.gov.uk

Land Registry (England and Wales)

32 Lincoln's Inn Fields

London

WC2A 3PH

T: 0844 892 1111

E: customersupport@landregistry.gsi.gov.uk

W: www.landregistry.gov.uk

Legal advice

Obtaining legal advice can be expensive and you may have to bear initial costs. However, it is vital to get good advice. Before paying for advice you should contact local legal advisors to see if any will undertake this work for free (pro bono) or at a discount. It is a community project which they might be willing to support as part of their local community involvement. You could also contact Bar Pro Bono Unit, a charity that helps find free legal support.

Bar Pro Bono Unit
289-293 High Holborn
London,
WC1V 7HZ
T: 020 7611 9500
W: www.barprobono.org.uk

Office of the Scottish Charity Regulator (OSCR)

2nd Floor
Quadrant House
9 Riverside Drive
Dundee
DD1 4NY

T: 01382 220446
E: info@oscr.org.uk
W: www.oscr.org.uk

Comprehensive advice on charitable requirements including registering a new charity

Registers of Scotland

Erskine House
68 Queen Street
Edinburgh
EH2 4NF

T: 845 607 0161
E: customer.services@ros.gov.uk
W: www.ros.gov.uk

Appendix 1: Draft constitution

This draft highlights some of the issues you might want to include in your constitution. It is not definitive and should only be used for guidance. You should seek your own legal advice.

Date:

Friends of ABC war memorial constitution

This constitution is adopted on ___ day of _____ 20??.

By _____

1. Name

The organisation shall be known as Friends of ABC War Memorial

2. Definitions

In this constitution the following expressions shall have the following meaning respectively that is to say:

- 2.1 'the organisation' means the Friends of ABC war memorial established by this constitution
- 2.2 'the Committee' means the original committee and any subsequent committee members
- 2.3 'the ABC war memorial fund' means any monies held by the Friends of ABC war memorial

3. Objectives

The objectives of Friends of ABC war memorial are:

- 3.1 Preservation of ABC war memorial for the community through regular maintenance checks, repairs and conservation works as required.
- 3.2 Promotion of ABC war memorial within the community to encourage everyone in the

community to respect the memorial and understand what it represents.

- 3.3 Work with national organisations to ensure ABC war memorial is recorded and any works undertaken upon it are in line with best practice.
- 3.4 Work with local organisations to ensure the memorial is a central part of Remembrance activities in the community.

4. How we met our objectives

- 4.1 Make appeals for and accept funds to be applied solely for the benefit of ABC war memorial .
- 4.2 Manage the ABC war memorial fund.
- 4.3 Undertake regular, at least once a year, maintenance checks and monitor the condition of ABC war memorial .
- 4.4 Undertake repairs, preventative conservation or conservation work on ABC war memorial as required, in line with best conservation practice.
- 4.5 Promote ABC war memorial through publications, documents or any form of media to encourage the local community to take an interest.
- 4.6 Record ABC war memorial with UK National Inventory of War Memorials and ensure they are updated on any developments.
- 4.7 Liaise with War Memorials Trust, and other heritage organisations or representatives, to ensure any works to ABC war memorial are in line with best practice and do not cause damage to the memorial.
- 4.8 Liaise with local groups with an interest in the memorial including, but not exclusive to, churches, Royal British Legion, veterans organisations, youth groups and schools.

5. How we are governed

- 5.1 The Committee manages the organisation.
- 5.2 The Committee has a Chair, Secretary and Treasurer and is composed of no more than five people and no less than three people.
- 5.3 The Committee meets a minimum of every six months in September and April but may meet more regularly if required.
- 5.4 New members of the Committee are elected at the AGM.
- 5.5 Members of the Committee serve for a term of four years, they can serve an unlimited number of terms.
- 5.6 Committee members can be removed if they fail to attend at least one meeting in a twelve month period. They may stand for re-election.
- 5.7 Changes to this document require the agreement of a majority of the Committee.

6. How the ABC war memorial fund is managed

- 6.1 The Committee has set up a bank account with two signatories
- 6.2 The Committee must agree, by majority, any expenditure proposed

7. Winding up

- 7.1 If at some time in the future the organisation becomes impractical or impossible to continue then the Committee, after discharging any outstanding debts, may apply the remaining ABC war memorial fund to an organisation undertaking similar work

Signed by

All members of the initial Committee that agree the constitution should sign

Please note that this helpsheet is intended to offer informal advice and is a distillation of experience. The information contained in this helpsheet is not exhaustive and other sources of information are available.