

CONSTITUTION OF BOLTON COUNCIL of MOSQUES

PART 1

1. NAME

The name of the body shall be Bolton Council of Mosques, hereafter called (BCoM)

2. ADDRESS

The registered address of the BCoM shall be 1st Floor, 1 Vicarage Street, Bolton, BL3 5LE

3. OBJECTS

The objects of the BCoM shall be primarily for the benefit of the residents of Bolton borough and the neighbourhood thereof:

- 1) The advancement of the Islamic religion, particularly but not exclusively by encouraging the establishing and maintenance of Mosque's and pursuing the improved delivery of their services to the public.
- 2) The promotion of racial and religious harmony between Muslims and non-Muslims in order to foster mutual understanding and toleration.
- 3) The provision or assistance in the provision of facilities in the interests of social welfare for recreation or other leisure time occupation of individuals who have a need of such facilities by reason of their youth, age infirmity or disability, financial hardship or social circumstances with the object of improving their conditions of life
- 4) The establishing of an Islamic community organisation and to maintain and manage the same, (whether alone, or in co-operation with any local authority or other persons or body) in enhancement of the above objects.
- 5) The promotion of such other charitable purposes particular for the benefit of the Muslim Community as the trustees think fit.

4. APPLICATION OF THE INCOME AND PROPERTY

- 1) The income and property of the charity shall be applied solely towards the promotion of the objects
- 2) A trustee may pay out of, or reimburse from, the property of the Charity reasonable expenses properly incurred by him or her when acting on behalf of the Charity.
- 3) None of the income or property of the charity may be paid or transferred directly or indirectly by way of dividend bonus or otherwise way of profit to any member of the Charity. This does not prevent:
 - a. a member who is not also a trustee from receiving reasonable and proper remuneration for any goods or services supplied to the Charity.
 - b. a trustee from:
 - I. buying goods or services from the Charity upon the same terms as other members or members of the public.
 - II. receiving a benefit from the Charity in the capacity of a beneficiary of the Charity, provided that the Trustee comply with the provision of sub clause (6) of this clause, or as a member of the Charity and upon the same terms as other members
 - c. the purchase of indemnity insurance for Trustees against any liability that by virtue of any rule of law would otherwise attach to a trustee or other officer in respect of any

negligence, default breach of duty or breach of trust of which he or she may be guilty in relation to the Charity but excluding:

I. fines.

II. costs of unsuccessfully defending criminal prosecutions for offences arising out of

the fraud, dishonesty, or willful or reckless misconduct of the Trustee or other officer

III. liabilities to the Charity that result from conduct that the Trustee or other officer knew or ought to have known was not in the best interests of the Charity or in respect of which the person concerned did not care whether that conduct was in the best interest of the Charity or not.

4) No trustee may be paid or receive any other benefit for being a trustee.

5) A trustee may:

a. sell goods, services or interest in land to Charity

b. be employed by or receive remuneration from the Charity

c. receive any other financial benefit from the Charity

if:

d. he or she is not prevented from doing so by sub-clause (4) of this clause, and

e. benefit is permitted is permitted by sub-clause (3) of this clause, or

f. the benefit is authorised by the Trustees in accordance with conditions in sub-clause (6) of this clause

6) a. If it is proposed that a Trustee should receive a benefit from the Charity that is not already permitted under sub-clause (3) of this clause, he or she must:

I declare his or her interest in the proposal.

II be absent from that part of any meeting at which the proposal is discussed and take no part in any discussion.

III not to be counted in determining whether the meeting is quorate.

IV not to vote on the proposal.

b. In cases covered by sub-clause (5) of this clause, those Trustees who do not stand to receive the proposed benefit must be satisfied that it is in the interest of the Charity to contract with or employ that Trustee rather than with someone who is not Trustee and they must record the reason for their decision in the minutes. In reaching that decision the Trustees must balance the advantage of contracting with or employing a Trustee against the disadvantage of doing so (especially the loss of the Trustee's services as a result of dealing with the Trustee's conflict of interest).

c. The Trustees may only authorise a transaction falling within paragraphs 5(a) - (c) of this clause if the trustee body comprises a majority of Trustees who have not received any such benefit.

d. If the Trustees fail to follow this procedure, the resolution to confer a benefit upon the Trustee will be void and the Trustee must repay to the Charity the value of the benefit received by the Trustee from the Charity.

7) A trustee must absent himself or herself from any discussions of the Trustees in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the Charity and any personal interest (including but not limited to any financial interest) and take no part in voting upon the matter.

8) In this Clause 4, "Trustee" shall include any person, firm or company connected with the Trustee.

5. DISSOLUTION

- 1) If the members resolve to dissolve the Charity, the Trustees will remain in office as charity trustees and be responsible for winding up the affairs of the Charity in accordance with this clause.
- 2) The Trustees must collect in all the assets of the charity and must pay or make provision for all the liabilities of the Charity.
- 3) The Trustees must apply any remaining property or money:
 - a. directly for the Objects.
 - b. by transfer to any charity or charities whose purposes are the same as or similar to the Charity.
 - c. in such other manner as the Charity Commissioners for England and Wales (the Commission) may approve in writing in advance.
- 4) The members may pass a resolution before or at the same time as the resolution to dissolve the Charity specifying the manner in which the Trustees are to apply the remaining property or assets of the Charity and the Trustees must comply with the resolution if it is consistent with paragraph (a) - (c) inclusive in sub-clause (3) above.
- 5) In no circumstances shall the net assets of the Charity be paid to or distributed among the members of the Charity (except to a member that is itself a charity)
- 6) The Trustees must notify the Commission promptly that the charity has been dissolved. If the Trustees are obliged to send the charity's accounts to the Commission for the accounting period which ended before its dissolution, they must send to the Commission the charity's final accounts.

6. AMENDMENTS

- 1) Any provision contained in Part 1 of this constitution may be amended provided that:
 - a. No amendment may be made that would have the effect of making the Charity cease to be a Charity at law
 - b. No amendment may be made to alter the Objects if the change would not be within the reasonable contemplation of the members of or the donors to the Charity.
 - c. No amendment may be made to clause 4 without the prior written consent of the Commission.
 - d. any resolution to amend a provision of Part1 of this constitution is passed by not less than two thirds of the members present and voting at a general meeting.
- 2) Any provision contained in Part 2 of this constitution may be amended, provided that any such amendment is made by resolution passed by a simple majority of the members present and voting at a general meeting.
- 3) A copy of any resolution amending this constitution must be sent to the Commission within twenty one days of it being passed.

PART 2

7. MEMBERSHIP

- 1) Membership is open to any Mosque registered with the statutory authority in the Bolton Borough who is approved by the Trustees.
- 2)
 - a. The Trustees may refuse an application for membership if, acting reasonably and properly, they consider it to be in the best interests of the Charity to refuse the

application.

- b. The Trustees must inform the applicant in writing of the reasons for refusal within twenty-one days of the decision.
 - c. The Trustees must consider any written representations the applicant may make about the decision. The Trustees' decision following any written representations must be notified to the applicant in writing but shall be final.
- 3) Membership is not transferable to any other organization.
 - 4) The Trustees must keep a register of names and addresses of the members which must be made available to any member upon request.

8. TERMINATION OF MEMBERSHIP

- 1) Membership is terminated if the Mosque ceases to exist.
- 2) The member Mosque resigns by written notice to the Charity unless, after resignation, there would be less than two members.
- 3) The member Mosque is removed from membership by a resolution of the Trustees that it is in the best interest of the Charity that the member Mosque's membership is terminated. A resolution to remove a member Mosque from membership may only be passed if:
 - a. the member Mosque has been given at least twenty-one days' notice in writing of the meeting of the Trustees at which the resolution will be proposed and the reasons why it is to be proposed.
 - b. the member Mosque or, at the option of the member Mosque, the member Mosque's representative (who need not be a member of the Charity) has been allowed to make representations to the meeting.

9. STRUCTURE

- 1) The BCoM shall be comprise of:
 - a. The secretary and two members nominated by the committee from each mosque in Bolton to form the management committee. SEE. EXCLUSIONS
 - b. One, with a maximum of two members, as joint representatives, from each mosque shall be appointed to the executive committee.
 - c. Councilors and M. P's shall be ineligible from any office bearer position including the executive committee.
- 2) The executive committee shall be appointed biannually as per 9.1.
- 3) The BCoM executive committee may appoint a full time paid official depending on funding available.

10. GENERAL POLICY

- 1) The executive committee shall only raise and promote issues to the statutory authority bodies with a mandate from the management committee and all such issues will have been "minuted" at the management committee meeting as a record.
- 2) The executive committee shall have the power to Exclude any member from the participating in the management committee as under exclusion's 20.1- 20.5.

11. FINANCE

- 1) If the need arises, the management committee members shall raise money by means of general and special Lillah donations from their membership on an individual Mosque basis and obtain grants from other sources and any other means.
- 2) The funds of the BCoM shall be deposited in a current account in a nationally recognised bank.
- 3) Two of the four named members of the executive committee shall be joint signatories for the banking purpose i.e., Chairman, Secretary, treasurer and joint treasurer.
- 4) Financial year shall be from 1st of April to 31st of March.

12. MEETING OF THE BCoM

- 1) The Management committee shall meet at least once a month with the executive committee and to meet immediately after or within 72 hours depending on the importance of the issues raised.
- 2) The Secretary shall call an extra ordinary general meeting of the BCoM within 21 days, if a written request of two-third members of the Management Committee is received for any constructive purpose to add, amend or delete this constitution within the Governance of legal requirements with the consent of the majority in the extra ordinary general meeting held for the special purpose.
- 3) Two thirds of the mosques must be represented at any BCoM Management Committee to form a quorum to conduct each meeting. Any meeting postponed once due to a lack of quorum shall immediately be reconvened and fresh meeting shall deal with all the business on the agenda of the postponed meeting.
- 4) An AGM shall be conducted according to the agenda. Suggestion for amendment in the constitution can be noted in an AGM but an extra ordinary general meeting shall be held for amendments.

13. MANAGEMENT COMMITTEE

- 1) Each Mosque in Bolton shall be represented by the secretary and two nominated committee members to serve on the Management Committee and shall remain until they serve in their own respective committee. If they are de-selected by their own membership at their respective mosque's AGM, then the newly appointed members shall be seconded onto the BCoM Management Committee with prior notification to the BCoM secretary.
- 2) It will be duty of the secretary of each mosque in the BCoM Management Committee to notify the secretary of BCoM of any forthcoming AGM to anticipate any changes.
- 3) Any mosque member may be seconded onto any of the BCoM sub committees with a majority approval of the management committee.

14. EXECUTIVE COMMITTEE

- 1) One or joint members nominated from the Management Committee representing each mosque can be appointed to the Executive Committee.
- 2) The Executive Committee shall meet within seven days to appoint the office

bearers, the Chairman, Secretary, Vice Chairman, Assistant Secretary, Treasurer and Joint Treasurer.

3) The Secretary and Chairman can only serve for two two-year term's subject to being re-elected at the bi-annual general meeting. The maximum term will be for four years.

15. DUTIES AND POWER OF THE MANAGEMENT COMMITTEE

- 1) It shall be the duty of the Management Committee to safeguard the interest of its members and to carryout its objects and its general policy.
- 2) The Management Committee may discharge from the committee any member thereof who in the opinion of the committee is irresponsible in his behaviour and duties either towards the BCoM or the Muslims in the community or to mankind in general, or if he has failed to be re-elected by his own membership to the committee of the mosque he represents.
- 3) The Management Committee shall be responsible for all the outstanding issues it undertakes.
- 4) The Management Committee shall mandate the Executive Committee and/or Appointed Officer to follow up and give authority to negotiate and come to agreement on any proposals on behalf of BCoM.

16. EXECUTIVE COMMITTEE

- 1) It shall be the duty of the Executive Committee and/or Appointed Officer to take forward proposals agreed by the Management Committee with the appropriate body or representative of the statutory authority.
- 2) It shall be given power to negotiate, agree or reject on behalf of the BCoM any issues raised by either party.
- 3) Only members of the Executive Committee and/or Appointed Officer given the authority and recorded in the minutes shall be classified as representative of the BCoM to negotiate and discuss any issues with the statutory authority bodies.

17. THE DUTIES OF THE CHAIRMAN SHALL BE

- 1) To protect this constitution at all times.
- 2) To chair/preside at the meetings of the Management and Executive Committee and to confirm its decisions.
- 3) To reconcile differences and to establish peace and harmony.
- 4) To call meetings in emergencies.

18. DUTIES OF THE SECRETARY

- 1) To call the meeting of the Management and Executive Committee and AGM.
- 2) To keep the members informed about the decisions of the Management and Executive Committee and to forward the extract of the minutes of the meeting to all the members.
- 3) To organise meetings with the statutory authority bodies and communicate when necessary with Executive Powers to make decisions on behalf of the mosque's members [SEE EXECUTIVE COMMITTEE 16].
- 4) To be the contact and spokesperson for the BCoM.

- 5) To liaise consistently and on a regular basis with the Chairman.
- 6) To organise fund raising and co-ordinate any activities the BCoM may promote.
- 7) To take responsibility of any financial or material assistance given by the statutory authority bodies or any donor.

19. THE DUTIES OF THE TREASURER SHALL BE

- 1) To collect or arrange the collection of monthly contribution and donations from members and also keep an up-to-date correct record of the income and expense of the Society.
- 2) To retain £500 cash in hand for administrative purposes, this can vary depending on the circumstances and with the full consent of all committee members.
- 3) To submit prepared Accounts to the Executive Committee within 60 days after the end of the Financial Year and after approval, submit the Accounts to the Accountants for an Examination or Audit as permitted by the Charities Acts.
- 4) To present the finalised account to the members at the AGM.

20. EXCLUSIONS

- 1) Any member of the Muslim Community or Member of the BCoM Mosques involved in activities to damage the reputation and the Integrity of the BCoM SHALL NOT BE ELIGIBLE to participate in any capacity with the BCoM for a MINIMUM OF TWO YEARS and subject to Section 20.5 Appeal at the end of his two years.
- 2) The BCoM Mosques shall avoid seconding such members onto the BCoM Committee after notification has been received by the Secretary of the Mosques concerned.
- 3) Two-thirds majority of Mosques present at Management Committee Meetings will be required, to exclude any of the above mentioned members (20.1).
- 4) The activities mentioned (20.1) does not include constructive dialogue with BCoM OR MEMBER MOSQUES COMMITTEES.

Activities included for exclusion are:

- a. Critical comments in local press or by means of leaflets, posters, etc.
- b. Letters written to Statutory Authority Bodies criticising the BCoM for personal or other reasons.
- c. Bringing the name of the BCoM into disrepute.
- d. Any other activities the BCoM Executive Committee may deem to be destructive not mentioned can be include in its decision and minute at any Management meeting.

5) APPEAL

During the suspension and after completing a minimum of two years, at every Biannual General Meeting the member concerned can appeal through his Mosque to the Management Committee for reinstatement subject to a written apology acknowledging his guilt or error of judgement. The Secretary must be given Twenty One Days notice to include Reinstatement as an Agenda item. A two-thirds majority will be required in a secret ballot vote for the member to be reinstated. Every Member mosque shall be entitled to One Vote.